

**Democratic Services**

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15 March 2017  
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**To: All Members of the Council**

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Council: Thursday, 23rd March, 2017**

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

**10. PLANNING APPLICATION FEES - THE GOVERNMENT'S OFFER**

Yours sincerely

Jo Morrison  
for Chief Executive

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Council</b>	
MEETING DATE:	<b>23<sup>rd</sup> March 2017</b>	
TITLE:	<b>Planning application fees: the Government's offer</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 Adjustment to Planning Service Budget		
Appendix 2 Current and Proposed Planning Application Fees		

## **1 THE ISSUE**

1.1 The Government in its '*Fixing our broken housing market*' White Paper published (7<sup>th</sup> February 2017) sets out that the Government will increase nationally set planning fees. Local Authorities can therefore increase fees by 20% from July 2017. The Government's offer does not allow for any discretion in the level of increase and the Council would have to apply the full 20% or retain the current fee schedule. This is on the basis that they commit to invest the additional fee income in their planning department. This paper seeks approval to accept the 20% increase in planning application fees.

## **2 RECOMMENDATION**

The Council is asked to;

2.1 Accept the increase in planning application fees by 20% from July 2017 by committing to investing this further income within the planning department.

2.2 Agree the adjustment to the planning service budget as outlined in Appendix 1.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 There will be no resource implications for the Council as a result of accepting the 20% increase in planning application fees. The fee increase is offered on a permanent basis.

- 3.2 If the anticipated level of planning fees are not achieved the costs incurred would fall on the wider Directorate Budget. This can be managed through normal forecast of demand.

#### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The proposal will be binding on all applications made within the District and is based upon The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the Local Government Act 1972. The Government has undertaken an assessment of the impact of the 20% increase in fees and has considered this to be a desirable offer to make to all Councils. There are not considered to be any equalities, human rights or other equalities reasons for not accepting the increase in planning fees.

#### **5 THE REPORT**

- 5.1 The Government set out in the White Paper '*Fixing our broken housing market*' (paragraph 2.3) that '*developers consistently tell us that the lack of capacity and capability in planning departments is restricting their ability to get on site and build. Alongside funding, local authorities also report difficulties in recruiting and retaining planners and others with specialist skills. To boost local authority capacity and capability to deliver*', paragraph 2.15 of the paper explained that '*the Government will increase nationally set planning fees. Local authorities have therefore been enabled to increase fees by 20% from July 2017 if they commit to invest the additional fee income in their planning department*'. The existing and proposed planning application fees are included in Appendix 2.

- 5.2 A letter from Department for Communities and Local Government dated 21<sup>st</sup> February 2017, relating to the fee increase advises that '*it is intended that the additional revenue should be retained by planning departments and that the existing baselines and income assumptions will not be adjusted down as a result during this Parliament. This is an opportunity for all authorities to make improvements to their resourcing, leading to better services, improved performance, and greater capacity to deliver growth*'.

- 5.3 For the Council to benefit from the higher planning application fees, the section 151 officer has provided a commitment and submitted information of the 2017/18 budget that demonstrates the additional fee income being spent on planning services. This is as shown in Appendix 1 but has been made on a without prejudice basis pending the decision of the Council.

#### **6 PLANNING APPLICATION FEES**

- 6.1 The revenue from planning application fees contributes towards the cost to the local authority of handling applications and the fee is not refundable unless the application is invalid. Planning application fees have not been increased since 2012.

6.2 In the same timeframe application numbers in B&NES have increased by 5% from 2,585 to 2,716 per annum. Over 600 of these applications relate to listed buildings and it is not possible to charge a fee for listed building applications. As such, the income generated from planning application fees in B&NES in 2016 was £1,220,000 and the cost of providing the service was around £1,745,000.

6.3 The table below shows that average caseloads per officer within B&NES exceed other neighbouring authorities and similar types of historic cities.

Planning Authority	Total Applications Received 14/15 (govt returns)	FTE Planning Officers (incl vacancies)	Annual Average Caseload
Worcester City	639	6	107
South Cambridgeshire	1892	13	146
<b>Bath and NE Somerset</b>	<b>2559</b>	<b>17</b>	<b>151</b>
Bristol City	3315	29.3	113
Exeter	1042	11.5	90
Mendip	1422	11.5	125
North Somerset	2058	16	129
South Gloucestershire	2053	21.6	97

## 7 FUTURE DEVELOPMENT PRESSURES

7.1 The Council's Core Strategy makes provision for around 13,000 dwellings including affordable housing, 10,300 jobs focusing new housing and jobs in Bath, Keynsham and the Somer Valley, which now has Enterprise Zone status, to be delivered by 2029. Modern office space is required in Bath, with sufficient space also required in Keynsham. Development needs to be accommodated in the rural areas in locations where there is a good range of local facilities and access to public transport. The Council will require suitable resources to ensure that this happens and to defend against planning applications that do not comply with adopted policy.

## 8 EFFECT ON PLANNING APPLICATION FEES

8.1 The Table at Appendix 2 sets out current planning application fees and in red the proposed new fee. 39% of our planning applications relate to Householder applications which relate to alterations and extensions to a single dwelling house.

8.2 As such the largest group of our customers would experience a relatively modest £34 increase in an application fee. The average overall costs of a household extension can range from £25,000 to £30,000 and as such the proposed fee increase is represents a small proportion of overall costs.

8.3 Major developers would face a higher increase with the fee for a major housing scheme for a maximum of 50 dwelling increasing from £250,000

to £300,000. Again that is a small proportion of the overall project cost for a major housing scheme. The cost to an applicant of delays in the planning application process will typically far exceed the dis-benefit of an increase in fees. This is a key factor in the development industry's desire for fees to increase to allow planning departments to better resource the planning application process.

- 8.4 The increased fee income will be spent within the planning department to deliver improved levels of service to assist with delivering the Core Strategy growth across the District in accordance with agreed timescales for the determination of planning applications. The additional income will in particular be spent in creating at least 2 x Senior level Planner/conservation posts, 1 x Technical support officer, staffing in the Planning and Environment Team, any remainder will be spent on technical improvements to the way in which the service is delivered.

## **9 RATIONALE**

- 9.1 Bristol City Council and South Gloucestershire Council have decided to accept the increase in fees. There are 326 Local Planning Authorities in England and the Department for Communities and Local Government have confirmed that so far all but 43 have already accepted the offer
- 9.2 The rationale for accepting the increase in fee charge is that this will allow the planning department to deliver heightened levels of performance and customer service in particular in relation to pre application advice and when dealing with planning applications. Workloads per officer would drop meaning that they would have more time available to assist applicants and third parties through the planning process.
- 9.3 The need to maintain the required delivery rate for development within the District is critical to maintain control over the locations where development is agreed.
- 9.4 This would respond to concerns raised in the Government's consultation by supporting the planning department in B&NES to help provide badly needed homes and jobs in the most sustainable locations set out in our adopted policies.

## **10 OTHER OPTIONS CONSIDERED**

- 10.1 The other option would be to retain the current fee schedule with the result that service levels could not be enhanced as envisaged. The Council is also thereafter likely to be charging a reduced planning application fee compared to other neighbouring authorities.
- 10.2 The White Paper proposes a further increase of 20% (on top of the current 20%) on application fees for authorities who are delivering the homes their communities need. There will be a consultation on the details of this in due course. The Council will need to demonstrate improved performance in order to be able to consider a further increase in the future if it were considered appropriate at that time.

## 11 CONSULTATION

11.1 The Council's s 151 Officer, Head of Legal and Democratic Services together with the Cabinet Member for Homes and Planning have been consulted. The Government is not suggesting that any formal consultation exercise should be undertaken and the Government's timescale for responding precludes this.

## 12 RISK MANAGEMENT

12.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Mark Reynolds (01225) 477079</i> <i>Lisa Bartlett (01225) 477550</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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**Simon Gallagher**  
**Director of Planning**  
**Department for Communities and Local Government**  
Third Floor, Fry Building  
2 Marsham Street  
London, SW1P 4DF

Date: 13<sup>th</sup> March 2017

**Annex B: Template letter for s151 officers to sign**

Dear Simon Gallagher,

In reply to your letter of 21<sup>st</sup> February 2017 I am writing to certify that Bath and North East Somerset Council will be asked to consider the proposed 20% increase in planning application fees, at its next meeting of Full Council on 23<sup>rd</sup> March 2017.

If accepting:

I confirm that the amount raised through these higher fees will be spent on planning functions, if approved by the Council.

I can also confirm that the full legal name for this authority to be used in regulations is Bath and North East Somerset Council

.....  
I submit the following information, as requested.

	2016/17	2017/18 - Proposed
Estimated expenditure on development management	£1,745,000	£1,943,000
Estimated income generated from planning application fees	£1,220,000	£1,320,000
Estimated additional income generated from higher planning fees	N/A	£198,000 (9 months July to March) £264,000 full year

Yours sincerely



**Tim Richens**  
**S151 Officer**

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# A Guide to the Fees for Planning Applications in England

These fees apply from 31 January 2017 onwards.

Figures in red relate to a 20% increase

This document is based upon '[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#)'

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

<b>All Outline Applications</b>		
£385 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£385 per 0.1 hectare <b>£462</b>
£9,527 + £115 for each 0.1 in excess of 2.5 hectares to a maximum of £125,000	More than 2.5 hectares	£9,527 + £115 per 0.1 hectare <b>£11,432.40</b>
<b>Householder Applications</b>		
Alterations/extensions to a <b>single dwellinghouse</b> , including works within boundary	Single dwellinghouse	£172 <b>£206.40</b>
<b>Full Applications (and First Submissions of Reserved Matters)</b>		
Alterations/extensions to <b>two or more dwellinghouses</b> , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£339 <b>£406.80</b>
<b>New dwellinghouses</b> (up to and including 50)	New dwellinghouses (not more than 50)	£385 per dwellinghouse <b>£462</b>
<b>New dwellinghouses</b> (for <i>more</i> than 50) £19,049 + £115 per additional dwellinghouse in excess of 50 up to a maximum fee of £250,000	New dwellinghouses (more than 50)	£19,049 + £115 per additional dwellinghouse <b>£22,858.80</b>

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<b>Full Applications</b> (and First Submissions of Reserved Matters) continued.		
<b>Erection of buildings</b> (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£195 <b>£234</b>
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£385 <b>£462</b>
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£385 for each 75sq m or part thereof <b>£462</b>
Gross floor space to be created by the development	More than 3,750 sq m	£19,049 + £115 for each additional 75 sq m <b>£22,858.80</b> in excess of 3750 sq m to a maximum of £250,000 <b>£300,000</b>
<b>The erection of buildings</b> (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£80 <b>£96</b>
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£385 <b>£462</b>
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£385 for first 540 sq m + £385 for each 75 sq m (or part thereof) in excess of 540 sq m <b>£462</b>
Gross floor space to be created by the development	More than 4,215 sq m	£19,049 + £115 for each 75 sq m (or part thereof) <b>£22,858.80</b> in excess of 4,215 sq m up to a maximum of £250,000

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<b>Full Applications</b> (and First Submissions of Reserved Matters) continued.		
<b>Erection of glasshouses</b> (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£80 <b>£96</b>
Gross floor space to be created by the development	More than 465 sq m	£2,150 <b>£2,580</b>
<b>Erection/alterations/replacement of plant and machinery</b>		
Site area	Not more than 5 hectares	£385 for each 0.1 hectare (or part thereof) <b>£462</b>
Site area	More than 5 hectares	£19,049 + additional £115 for each 0.1 hectare (or part thereof) <b>£22,858.80</b> in excess of 5 hectares to a maximum of £250,000 <b>£300,000</b>
<b>Applications other than Building Works</b>		
<b>Car parks, service roads or other accesses</b>	For existing uses	£195 <b>£234</b>
<b>Waste</b> (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof) <b>£234</b>
Site area	More than 15 hectares	£29,112 + £115 for each 0.1 hectare (or part thereof) <b>£34,934.40</b> in excess of 15 hectares up to a maximum of £65,000
<b>Operations connected with exploratory drilling for oil or natural gas</b>		
Site area	Not more than 7.5 hectares	£423 for each 0.1 hectare (or part thereof) <b>£507.60</b>
Site area	More than 7.5 hectares	£31,725 + additional £126 for each 0.1 hectare (or part thereof) <b>£38,070</b> in excess of 7.5 hectares up to a maximum of £250,000

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<b>Operations (other than exploratory drilling) for the winning and working of oil or natural gas</b>		
Site area	Not more than 15 hectares	£214 for each 0.1 hectare (or part thereof) <b>£256.80</b>
Site area	More than 15 hectares	£32,100 + additional £126 for each 0.1 <b>£38,520</b> in excess of 15 hectare up to a maximum of £65,000
<b>Other operations (winning and working of minerals) excluding oil and natural gas</b>		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof) <b>£234</b>
Site area	More than 15 hectares	£29,112 + additional £115 for each 0.1 <b>£34,934.40</b> in excess of 15 hectare up to a maximum of £65,000
<b>Other operations (not coming within any of the above categories)</b>		
Site area	Any site area	£195 for each 0.1 hectare (or part thereof) <b>£234</b> up to a maximum of £1,690 <b>£2028</b>
<b>Lawful Development Certificate</b>		
Existing use or operation		Same as Full
Existing use or operation - lawful not to comply with any condition or limitation		£195 <b>£234</b>
Proposed use or operation		Half the normal planning fee.

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<b>Prior Approval</b>	
Agricultural and Forestry buildings & operations or demolition of buildings	£80 <b>£96</b>
Telecommunications Code Systems Operators	£385 <b>£462</b>
Proposed Change of Use to State Funded School or Registered Nursery	£80 <b>£96</b>
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£80 <b>£96</b>
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£80 <b>£96</b>
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£80 <b>£96</b>
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£80 <b>£96</b>
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£172 <b>£206.40</b>
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are no Associated Building Operations	£80 <b>£96</b>
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£172 <b>£206.40</b>
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£80 <b>£96</b>
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£80 <b>£96</b>
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£172 <b>£206.40</b>

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<b>Prior Approval</b> continued...		
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafes (Class A3)		£80 <b>£96</b>
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafes (Class A3), and Associated Building Operations		£172 <b>£206.40</b>
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)		£80 <b>£96</b>
<b>Reserved Matters</b>		
Application for approval of reserved matters following outline approval		Full fee due or if full fee already paid then £385 due <b>£462</b>
<b>Approval/Variation/discharge of condition</b>		
Application for removal or variation of a condition following grant of planning permission		£195 <b>£234</b>
Request for confirmation that one or more planning conditions have been complied with		£28 per request for Householder <b>£33.60</b> otherwise £97 per request

**Change of Use** of a building to use as one or more separate dwellinghouses, or other cases

Number of dwellinghouses	Not more than 50 dwellinghouses	£385 for each <b>£462</b>
Number of dwellinghouses	More than 50 dwellinghouses	£19,049 + £115 for each <b>£22,858.80</b> in excess of 50 up to a maximum of £250,000 <b>£300,000</b>
<b>Other Changes of Use</b> of a building or land		£385 <b>£462</b>

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<b>Advertising</b>		
Relating to the business on the premises		£110 <b>£132</b>
Advance signs which are not situated on or visible from the site, directing the public to a business		£110 <b>£132</b>
Other advertisements		£385 <b>£462</b>

<b>Application for a Non-material Amendment Following a Grant of Planning Permission</b>	
Applications in respect of householder developments	£28 <b>£33.60</b>
Applications in respect of other developments	£195 <b>£234</b>

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<b>CONCESSIONS</b>
<b>EXEMPTIONS FROM PAYMENT</b>
For alterations, extensions, etc. to a dwellinghouse for the benefit of a registered disabled person
An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted
Listed Building Consent
Planning permission for relevant demolition in a Conservation Area
Works to Trees covered by a Tree Preservation Order or in a Conservation Area Hedgerow Removal
If the application is the first revision of an application for development of the same character or description on the same site by the same applicant within 12 months of making an earlier application which was withdrawn, or refused and an appeal dismissed, or where an appeal was made on the grounds of non-determination of the application.
If the proposal relates to works that require planning permission only by virtue of an Article 4 Direction of the Town & Country Planning (General Permitted Development) Order 1995. I.e. where the application is required only because of a direction or planning condition removing permitted development rights.
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation
If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question
If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class E of the Town and Country Planning (General Permitted Development) Order 1995
If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area
If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
Prior Approval for a Proposed Larger Home Extension
Continued on next page...
<b>CONCESSIONS</b> continued...

## **EXEMPTIONS FROM PAYMENTS** continued...

Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop \_\_\_\_\_  
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use \_\_\_\_\_  
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt \_\_\_\_\_

## **CONCESSIONS**

### **REDUCTIONS TO PAYMENTS**

If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £385 \_\_\_\_\_

If the application is being made on behalf of a parish or community council then the fee is 50% \_\_\_\_\_

If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50% \_\_\_\_\_

In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £385 \_\_\_\_\_

If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50% \_\_\_\_\_

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others \_\_\_\_\_

Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.

If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.

The fee should go to the authority that contains the larger part of the application site.

## **ENDS**

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