

Development Control Committee – 2nd April 2013

Report of the Director of the Urban Environment

Planning Services Fees – 2013/2014

Purpose of Report

1. To consider the proposals within the report with regard to the setting of the Council's Building Regulation Fee Scales to take effect from 12th April 2013 and non statutory Development Control Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with Council Policy.

Building Control

2. Building Control exists to ensure the health and safety of users of buildings, to promote energy efficiency and to ensure reasonable access for all, and it is the duty of local authorities to enforce the regulations through determining applications and site inspections.
3. Since 1985 legislation has been in place to enable the service to be provided by the private sector in competition with local authorities. Local authority fee scales, therefore, need to be competitive with those of the private sector.
4. *In October 2010, following The Building (Local Authority Charges) Regulations 2010, Dudley MBC Building Control introduced fees by fixing charges at a level that ensures income fully recovers the costs associated with the relevant Building Control functions.*
5. Under the 2010 Regulations, Local Authorities are required to set their charges by relating the "hourly rate" of their Building Control staff to the average time spent carrying out the chargeable functions associated with a building project. This allows for standard charges to be applied for various categories of works or for bespoke quotations to be provided to clients on larger, more complex projects.
6. Following reviews of the existing fee scheme it is proposed to increase the fees in line with Council Policy of 2% to cover inflationary pressures. The 2% is an approximate figure as the actual fee will need to be rounded up or down to the nearest pound. This increase is considered to be the maximum amount necessary in order to retain a competitive fee structure. It should be noted that this is the first increase since the current fee scheme was introduced on 1 October 2010.

7. The existing fee levels are shown in Appendix A. A revised fee scale has been prepared and will be published, in accordance with The Building (Local Authority Charges) Regulations 2010, at least seven days before the implementation date.

Planning Obligations

8. The use of planning obligations to secure financial developer contributions towards the delivery of local infrastructure is a key and well-established element of the planning system, and is required on certain planning applications depending on the scale and nature of development.
9. There is a need to index link planning obligations as a failure to do so would result over time in insufficient contributions being secured and the use of inflationary indices for planning obligations is an established principle which is set out in the Planning Obligations SPD (approved in September 2011) and is supported by the Department of Community and Local Government (DCLG) publication entitled '*Planning Obligations: Practice Guidance*' (2006).
10. The index used is Consumer Price Index (CPI), and the current rate is 2.7%¹ (The rate was 3.6% in 2012/13) The 2013/14 financial year costings are set out in the amended SPD Appendix 1, which is included as Appendix B to this report.

Development Control Non Statutory Fees

11. Development Control carry out a small number of non statutory functions including providing copies of decision notices and supply of scale plans to members of the public whilst non essential it is generally considered that they add value to the planning service by enhancing the statutory function provided.
12. When setting fees for the non statutory services the increase is reflective of the supporting administration and technical costs. See Appendix C for non statutory development control fees.
13. During 2005 a case was presented to the Information Commission regarding excessive charging for copies of planning information known as the Markinson ruling. The outcome determined that Local Authorities may not exceed the cost of providing the information (costs include paper, photocopy charge and postage) and it should not include the cost of staff time. The ruling suggested Public Authorities should generally adopt a 10p per sheet for the cost of photocopying. This ruling does not affect the right to exceed this charge for information supplied on a commercial basis.
14. It is not proposed to add any inflationary increase to these nominal charges.

Finance

15. The proposal is considered to accord to the provisions of the Building (Local Authority Charges) Regulations 2010, and has been designed to maximise income to the Council and meet increased budget income targets, without, as required, generating excess surplus.

16. The underlying requirement of the new Regulations is that the fees charged are appropriate for the works undertaken in exercising chargeable Building Control functions. It is always difficult to accurately predict the building control income as this is subject to building activity and the overall economic situation. The current economic climate makes this prediction even more uncertain. However, the new regulations should ensure that “taking one financial year with another, the income derived by the Authority from performing chargeable functions and providing chargeable advice as nearly as possible equates to the costs incurred by the authority in performing chargeable functions and providing chargeable advice”
17. The Regulations require that an annual review of the charges is undertaken to ensure that this overriding objective is met.
18. The Development Control fees included within this report are non-statutory and any charge is to cover administrative and technical costs of providing the service only.
19. All monies received are receipted and banked in line with Council policy, as a result of the Markinson ruling it remains uneconomical to collect, receipt and bank fees for small amounts received from members of the public.

Law

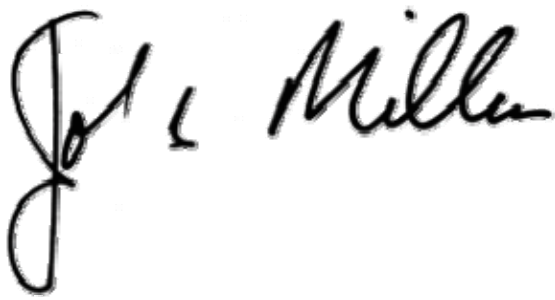
20. Charges are made under the Building (Local Authority Charges) Regulations 2010, the controlling legislation being the Building Act 1984.

Equality Impact

21. This report complies fully with the Council’s Policy on equal opportunities.
22. The Building (Local Authority Charges) Regulation 2010 specifically exempt from the requirement to charge a fee in connection with work solely for the purpose of securing greater health, safety, welfare or convenience of people with disabilities where the works are in connection with their permanent residence or to an existing building to which members of the public are admitted.

Recommendation

23. It is recommended that Committee: -
 - a. Endorse the inflationary increase of 2% of the existing Building Control Fee Schedule outlined in Appendix A.
 - b. Note the continued use of Consumer Price Index in Planning Obligations costings as outlined in Appendix B, and in accordance with the adopted SPD “Planning Obligations”.
 - c. Endorse the retention of the existing fee schedule for Development Control Non Statutory Fee Charges as outlined in Appendix C.



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Director of Urban Environment

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List of Background Papers

The Building (Local Authority Charges) Regulations 2010:
<http://www.legislation.gov.uk/uksi/2010/404/contents/made>

Current Dudley MBC Building Control Charges:
<http://www.dudley.gov.uk/resident/planning/building-control/making-an-application/>

CIPFA Local Authority Building Control Accounting Guidance

Appendix A

Guidance Notes for the Submission of a Building Regulation Application

STANDARD CHARGES

These fees shall come into force on 12 April 2013.

These standard charges have been set by Dudley Metropolitan Borough Council on the basis that the building work does not consist of, or include, innovative or high risk construction techniques and the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is to be carried out by a person or company who is competent to carry out the design work and building work that they are undertaking. If they are not, the work may incur supplementary charges.

The fees assume that any electrical works undertaken are done so by a suitably qualified person or organisation accredited with a relevant 'Competent Persons Scheme'. If not then an additional fee will be payable.

"Building Notice"

Means a notice given in accordance with regulation 12(2)(a) and 13 of the Building Regulations 2010.

"floor area of a building or extension" is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

"relevant person" means:

- in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- in relation to a regularisation charge, the owner of the building; and
- in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of "chargeable advice".

Principle of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- A building notice charge**, payable when the building notice is given to the authority.
- A reversion charge**, payable for building work in relation to a building:-
 - Which has been substantially completed before plans are first deposited with the Authority in accordance

with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or

- In respect of which plans for further building work have been deposited with the Authority in accordance with Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.

- A regularisation charge**, payable at the time of the application to the Authority in accordance with Regulation 18 of the Building Regulations.

The above charges are payable by the relevant person (see above for definition).

Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicants and an authority are agreeable, an inspection charge can be fully or partly paid in advance with the plans charge.

Exemption from charges

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely:-

- For the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it; or
- For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The total estimated cost is an estimate, accepted by the local authority, of such reasonable amount as would be charged by a person in business for carrying out the proposed work but does not include V.A.T. and professional fees paid to an Architect, Quantity Surveyor or any other person. Where the fee is based on total estimated cost of the work a reasonable estimate will be required, which must be deposited with the application.

Plans submitted to the Council must be accompanied by the correct plan fee. Plans should be deposited either by post or at Development Services, Building Control, 3 St James's Road, Dudley DY1 1HZ. Applications may also be submitted on line by going to www.dudley.gov.uk

Prior to the deposit of a Building Notice you are advised to check with the Authority that the proposal is not influenced by the presence of a public sewer.

Tel: 01384 814443

These notes are for guidance only and do not substitute for Statutory Instrument 2010 No. 404 the Building (Local Authority Charges) Regulations 2010 and the full Scheme for the Recovery of Building Regulation Charges and Associated Matters adopted by Dudley Metropolitan Borough Council, which is available on our website.

SCHEDULE 1

CHARGES FOR THE ERECTION OF OR THE CONVERSION TO, NEW DWELLINGS OR FLATS WHOSE INDIVIDUAL FLOOR AREA IS LESS THAN 300M²

Number of Dwellings	PLAN CHARGE			INSPECTION CHARGE			BUILDING NOTICE		
	Plan Fee	VAT	Total	Inspection Fee	VAT	Total	Building Notice	VAT	Total
1	160.83	32.17	193.00	343.75	68.75	412.50	605.00	121.00	726.00
2	160.83	32.17	193.00	516.67	103.33	620.00	812.00	162.40	974.40
3	160.83	32.17	193.00	756.67	151.33	908.00	1100.83	220.17	1321.00
4	192.50	38.50	231.00	963.33	192.67	1156.00	1387.50	277.50	1665.00
5	192.50	38.50	231.00	1135.83	227.17	1363.00	1593.33	318.67	1912.00
6	209.17	41.83	251.00	1316.67	263.33	1580.00	1830.83	366.17	2197.00
7	209.17	41.83	251.00	1480.00	296.00	1776.00	2026.67	405.33	2432.00
8	251.67	50.33	302.00	1618.33	323.67	1942.00	2243.33	448.67	2692.00
9	251.67	50.33	302.00	1825.00	365.00	2190.00	2491.67	498.33	2990.00
10	251.67	50.33	302.00	1996.67	399.33	2396.00	2697.50	539.50	3237.00
11	251.67	50.33	302.00	2170.00	434.00	2604.00	2948.33	589.67	3538.00
12	251.67	50.33	302.00	2340.83	468.17	2809.00	3110.83	622.17	3733.00
13	297.92	59.58	357.50	2478.33	495.67	2974.00	3331.67	666.33	3998.00
14	297.92	59.58	357.50	2581.67	516.33	3098.00	3455.00	691.00	4146.00
15	297.92	59.38	357.50	2685.83	537.17	3223.00	3580.00	716.00	4296.00
16	297.92	59.58	357.50	2788.33	557.67	3346.00	3700.00	740.00	4440.00
17	321.25	64.25	385.50	2856.67	571.33	3428.00	3813.33	762.67	4576.00
18	321.25	64.25	385.50	2960.00	592.00	3552.00	3937.50	787.50	4725.00
19	321.25	65.25	385.50	3098.33	619.67	3718.00	4102.50	820.50	4923.00
20	343.75	68.75	412.50	3166.67	633.33	3800.00	4211.67	842.33	5054.00

For applications in excess of 20 dwellings or flats, an individual fee will be calculated.

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SCHEDULE 2

CHARGES FOR CERTAIN WORKS IN CONNECTION WITH OR TO AN EXISTING DWELLING

TYPE OF WORK	PLAN FEE			INSPECTION FEE			BUILDING NOTICE			REGULARISATION
	Net Fee	VAT	Total	Net Fee	Vat	Total	Net Fee	VAT	Total	
i) Erection or extension of a non exempt car-port or detached garage up to 40 m ²	91.67	18.33	110.00	68.33	13.67	82.00	183.33	36.67	220.00	238.00
ii) Erection or extension of a car port or detached garage between 40-60 m ²	91.67	18.33	110.00	91.67	18.33	110.00	229.17	45.83	275.00	285.00
(iii) Erection of an attached garage less than 40 m ²	91.67	18.33	110.00	91.67	18.33	110.00	217.50	43.50	261.00	285.00
iv) A domestic extension the floor area of which does not exceed 10 m ²	125.42	25.08	150.50	151.67	30.33	182.00	320.83	64.17	385.00	399.00
v) A domestic extension the floor area of which exceeds 10 m ² and does not exceed 40 m ²	160.83	32.17	193.00	240.83	48.17	289.00	413.33	82.67	496.00	527.00
vi) A domestic extension the floor area of which exceeds 40 m ² but does not exceed 100 m ²	170.00	34.00	204.00	310.00	62.00	372.00	505.00	101.00	606.00	643.00
vii) Loft conversion of up to 2 rooms in a roof space up to a maximum floor area of 50 m ²	183.33	36.67	220.00	229.17	45.83	275.00	431.67	86.33	518.00	537.00
viii) Conversion of a garage serving a dwelling to a habitable use	91.67	18.33	110.00	137.50	27.50	165.00	252.50	50.50	303.00	321.00
ix) Window replacement, space heating and hot water systems not installed under a self-certification scheme	45.83	9.17	55.00	60.83	12.17	73.00	114.17	22.83	137.00	135.00
x) Other works in connection with an existing dwelling, up to a value of £2,000	114.17	22.83	137.00	68.75	13.75	82.50	206.67	41.33	248.00	310.00
£2,001 to £5,000	114.17	22.83	137.00	103.33	20.67	124.00	252.50	50.50	303.00	413.00
£5,001 to £25,000	137.50	27.50	165.00	183.33	36.67	220.00	413.33	82.67	496.00	482.00
£25,001 to £50,000	137.50	27.50	165.00	229.17	45.83	275.00	481.67	96.33	578.00	574.00
£50,001 to £75,000	160.83	32.17	193.00	330.00	66.00	396.00	550.00	110.00	660.00	665.00
£75,001 to £100,000	183.33	36.67	220.00	440.83	88.17	529.00	688.33	137.67	826.00	826.00

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SCHEDULE 3

NON-DOMESTIC APPLICATIONS

VALUE OF WORKS	PLAN FEE	VAT	INSPECTION FEE	VAT	TOTAL FEE INC. VAT	REGULARISATION FEE
0 to £5,000	174.17	34.83	0	0	209.00	284.00
£5,001 to £25,000	127.50	25.50	216.67	43.33	413.00	479.00
£25,001 to £50,000	275.00	55.00	275.00	55.00	660.00	805.00
£50,001 to £75,000	275.00	55.00	418.33	83.67	832.00	943.00
£75,001 to £100,000	297.50	59.50	550.83	110.17	1018.00	1203.00

NOTE:

FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.

SCHEDULE 4

PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

No Fee

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration noted on Building Regulation File

No Fee

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

Fee £ 44.00 + VAT

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File
No additional fees required and completion certificate to be issued in normal manner.

With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.

5. Relevant electrical works carried out by a non qualified person.
Applications are to be made using a Building Notice with a full description of the works given.

Registration of application £ 44.00 +VAT

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied.

On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

APPENDIX A

Definition of Competent Person

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and is able to test the work and issue a design, installation and test certificate under the provisions of BS7671.

APPENDIX B

Minor Works

Total	£123.00 + VAT
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Electrical Installation Certification (1-4 Circuits)

Total	£197.00 + VAT
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Electrical Installing Certificate (5-10 Circuits)

Total	£265.00 + VAT
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Electrical Installation Certificate (11-16 Circuits)

Total	£352.00 + VAT
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Director: John Millar

Appendix 1 - Current Costings and Planning Obligations*

Type of Obligation	Current Costings applicable to planning applications submitted between 3rd April 2013 and 31 st March 2014
Affordable Housing	25% on-site obligation
Education	Calculated on a site by site basis: £11,737 per primary school place, £17,685 per secondary school place and £19,180 per Post 16
Libraries	Residential: £122.02 per flat and £219.44 per house Non-Residential: £0.65 per sq. m A1, £0.69 per sq. m B1
Economic and Community Development	Non-financial obligation
Highway Infrastructure Works	Calculated on a site by site basis – usually non-financial
Transport Infrastructure Improvements	£67.99 per additional traffic-based trip
Air Quality Improvements	£34.48 per additional traffic-based trip
Site Specific Measures	Calculated on a site by site basis –usually non-financial
Nature Conservation Enhancements	£0.55 X (Total area of development in sq. m – area of existing semi-natural vegetation remaining in site in sq. m following development)
Nature Conservation Other	Calculated on a site by site basis usually non-financial
Open Space, Sport and Recreation	£1,198.30 per flat and £2,155.23 per house
Environmental Protection	Calculated on a site by site basis
Historic Environment	Calculated on a site by site basis
Public Art	1% of Design and Development Costs - usually a non-financial obligation
Public Realm	£564.03 per dwelling and £10.91 per sq. m for non-residential developments

* Current Costings Table to be updated annually on 1st April in line with CPI, subject to Council approval.

Appendix C

Non Statutory Fees and Charges Review 13/14 Development Control

Fee Description	Cost 13/14
Pro Map scale plans	£12.25
Photocopy/printing of decision notice documentation for business customers	£18.15 inclusive of vat
Printing of Site History – business customers	£18.15 inclusive of vat
Microfiche information – business customers	£1.60 per sheet
General photocopy/printing of documentation for business customers	£0.65 per A4 Sheet £1.30 per A3 Sheet AO drawings price upon request
Photocopy/printing of documentation to members of the public	No charge under £10 AO drawings price upon request
Printing of site history – members of the public	No Charge under £10
Microfiche information – members of the public	No Charge under £10
Copy of Tree Preservation Order	£29.05 inclusive of vat