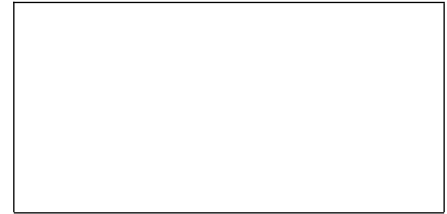


**Calderdale MBC**

**Wards Affected      ALL**

**Cabinet                      15 January 2024**



## **Review of Discretionary and Locally Set Planning Related Fees**

### **Report of Director of Regeneration and Strategy**

#### **1. Purpose of Report**

- 1.1 This report sets out an updated approach to fees that are set locally for discretionary planning related services that are provided to customers. The report covers:
  - a) Increased fees for pre-application planning advice to developers and agents;
  - b) Introduction of fees for pre-application planning advice on proposals affecting Listed Buildings;
  - c) Introduction of fees for a proposed enhanced Listed Building Consent Service;
  - d) Introduction of fees to recover our costs providing informal advice on the implementation of Biodiversity Net Gain;
  - e) Increase fees for the Council's Postal Addressing Service.
- 1.2 Effective pre-application advice supports the Council's priorities to reduce inequality; deliver strong and thriving towns and places; and respond to the climate emergency – for example through the delivery of affordable and sustainable new homes.
- 1.3 The quality of Calderdale's built heritage and natural environment make important contributions to its distinctiveness and quality as a place to live, work and visit. Improving our conservation of built heritage and implementing Biodiversity Net Gain are therefore important objectives.
- 1.4 In order to secure the effective delivery of the Planning Service, it requires to be on a sustainable financial footing. The proposals set out in this report should therefore be seen in the context of the wider programme of improvements to Planning related processes at Calderdale, following budget investment in 2022/23 and 2023/24.
- 1.5 The new and revised fees set out in the report below are exclusive of VAT where it is applicable.

## **2. Need for a decision**

- 2.1 The introduction of new fees or increases to existing fees above the rate of inflation require a recommendation from Cabinet to Full Council.

## **3. Recommendation**

- 3.1 Cabinet recommends to Full Council that:

- 3.1.1 The Council implements the fees set out in Appendix 1 of this report from 1 March 2024.
- 3.1.2 That delegated authority be given to the Corporate Lead - Planning to make any minor corrections to the text in Appendix 1 before it is published.

## 4. Background

### Pre-application Planning Advice Service

- 4.1 Planning application fees are set nationally through regulations and are reviewed periodically. The most recent national planning fee increase came into force on 6 December 2023<sup>1</sup>. The provision of a pre-application planning advice service is good practice; however, it is a discretionary service and therefore there are no nationally set fees for the provision of this service. The Council can choose whether to provide a pre-application planning advice service and should it do so, it has the power to charge for its provision under Section 93 of the Local Government Act 2003 ("2003 Act").
- 4.2 Councils may set such charges as it thinks fit but the charges made under the power to charge at section 93 of the 2003 Act are limited to cost recovery. The Council must therefore set the charges at a level that does not generate a surplus.
- 4.3 Where a service is being charged for, it is obviously important that the Council delivers appropriate levels of timeliness and quality. We have therefore focussed our resources on major development pre-application advice, where the impact is greatest and the number of cases more manageable, compared to minor developments.
- 4.4 'Major development' is defined as:
- Creation of 10 or more new dwellings or residential development sites of 0.5 hectares or more.
  - Creation of 1,000 square metres or more of new floor space.
  - Site area of 1 hectare or more.
  - Applications for the winning and working of minerals and associated landfill operations.
- 4.3 The above categories of development will include the majority of our Calderdale Local Plan housing and employment allocations, and as such their delivery is closely aligned to the Council's priorities and objectives.
- 4.4 The Council currently charges a fixed rate of £1,325.00 (inclusive of VAT) for a written response identifying the key issues and advising if permission is likely to be granted and up to two meetings (if more time is needed, then a bespoke fee can be agreed). Officers have considered the pre-application advice services offered by other Councils in Yorkshire and noted that a) our fees are generally lower; and b) other Councils generally apply a sliding scale dependent on the size of the development. Some examples are set out below:
- Sheffield - £2,200 to £3,850
  - York - £1,769 to £5,491
  - Leeds - £2,640 to £18,000

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<sup>1</sup> the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023

- 4.5 Calderdale's fees for this service were introduced a number of years ago and have not been adjusted to account for inflation. Furthermore, costs and customer expectations have risen in recent years – the case officer will generally be an experienced Principal Planning Officer, with input also being provided by senior colleagues (Corporate Lead, Development Manager and Team Leaders) and specialist staff (e.g., Conservation officers). Increasingly we also need to secure the services of an urban designer to advise on housing layouts for example (this service is currently procured externally). Complex cases may require more meetings and multiple iterations of design advice.
- 4.6 Considering inflation, benchmarking and our understanding of costs and expectations, it is considered that a reasonable charging regime for the provision of pre-application planning advice for proposals defined as major development should comprise of the following:

**Small-scale Major development:**

Dwellings: 10-199 / 0.5 - 4ha

Other uses: 1,000 – 9,999m<sup>2</sup> / 1 - 2ha (Outline 0.5 – 4ha)

Written response and 2 meetings = £2,200

**Large-scale Major development:**

Dwellings: 200+ / more than 4ha

Offices/industry/retail: 10,000+m<sup>2</sup> / more than 4ha

Other uses: 10,000+m<sup>2</sup> / more than 2ha

Written response and 3 meetings = £3,850

**Strategic developments:**

Of Calderdale wide significance and/or especially complex issues

Planning Performance Agreement (PPA) recommended

Price on application

- 4.7 Biodiversity Net Gain and heritage advice would be charged separately as set out in the sections below.

Pre-application advice on proposals affecting Listed Buildings and Introduction of an enhanced Listed Building Consent Service

- 4.8 Under the nationally set planning fees, applications for Listed Building Consent are free. Furthermore, the Council does not currently charge for providing informal (discretionary) advice on works to Listed Buildings. The Council currently employs 3 FTE Conservation Officers, and as such, it is legitimate to consider mechanisms to meet at least part of the Council's costs.
- 4.9 Firstly, it is considered that the Council should introduce fees for pre-application advice (i.e., site visit/meeting and written advice) on proposals affecting Listed Buildings. In relation to the above, Leeds charges £216.00 for advice on a domestic<sup>2</sup> Listed Building and £360.00 for a non-domestic Listed Building; Sheffield charge £165.00 for simple Listed Building advice and £330.00 for complex; and

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<sup>2</sup> I.e., houses and flats

South Lakeland charge £144.00 for advice on heritage cases. None of these Councils' charges account for the fact that advice on grade 2\* and grade 1 Listed Buildings is inherently more complex and time consuming than advice on grade 2 Listed Buildings (for example liaison with Historic England is very likely to be involved, along with more detailed site inspections).

- 4.10 Secondly, there is scope to introduce an enhanced Listed Building Consent Service through the existing power to enter into Planning Performance Agreements (PPAs) (the Council recently trialled this approach very successfully for the complex Listed Building Consent application to refurbish the Halifax Bank headquarters in the Town Centre – technical issues were resolved efficiently, and the application was determined within an agreed timespan). The enhanced Listed Building Consent Service would cover the pre-application advice (as above); and case management of the subsequent application by a Conservation Officer who can directly provide specialist advice (this differs to established practice where the application is handled by a Planning Officer who consults with a Conservation Officer).

- 4.11 The following fees are proposed to reflect the above:

**Pre-Application Advice only:**

Domestic grade 2 Listed Building - £250  
Domestic grade 2\* and grade 1 Listed Building - £300  
Commercial grade 2 Listed Building - £350  
Commercial grade 2\* and grade 1 Listed Building - £450

**The Enhanced Listed Building Consent Service:**

Domestic grade 2 Listed Building - £350  
Domestic grade 2\* and grade 1 Listed Building - £400  
Commercial grade 2 Listed Building - £450  
Commercial grade 2\* and grade 1 Listed Building - £550  
Highly complex – price on application

Informal advice on Biodiversity Net Gain (BNG)

- 4.12 From January 2024, BNG will become mandatory through the Development Management system – in essence qualifying applications will be required to demonstrate a 10% net gain in biodiversity. There are various mechanisms for delivery of BNG; however, whilst this report is not the place to rehearse the issues, it is expected that BNG implementation will become an increasingly complex and time consuming task for the Planning Service. The Council will incur additional costs as a result of BNG through the considerable staff time (more than 1 FTE employee) and also the need to implement the necessary IT systems and processes.
- 4.13 It is expected that there will be considerable call on Council staff members to provide informal advice to applicants and agents. It is therefore proposed to introduce a charging system to cover discretionary advice (i.e., advice outside the formal process of considering a planning application). The following fees are proposed for informal written advice (following site visit/meeting as required):

### **Informal written advice on BNG for:**

Minor developments (less than 10 dwellings; less than 1000 sqm new floor space; less than 0.5 hectare)	- £350
Small-scale major development (as defined at paragraph 4.6 above)	- £450
Large-scale major development (as defined at paragraph 4.6 above)	- £500
Strategic development (as defined at paragraph 4.6 above)	– price on application

### **Postal addressing**

4.14 The Council's Postal Addressing Service creates new street names and numbers properties when new developments are built. The service can also change the number and name of a property or street. It is only the Council's Postal Addressing Service that follows national standards and guidance to create or change a new address. No other organisation can provide this service. This is important as the general public, emergency services, utility companies and other delivery services need a unique address that is easy to understand and find. Although street naming and numbering of new roads, houses and buildings is a statutory function, the Council is empowered to charge for the administrative functions associated with it and the other discretionary services provided as part of the service under section 93 of the 2003 Act.

4.15 The Council's current charges are set out below:

<b>Service</b>	<b>Fee</b>
New street name	£150 per street
Numbering/naming of new (including conversions) residential and commercial units	£100 + £25 per plot/unit
Re-naming or re-numbering an existing address	£100 + £25 per plot/unit
Change of a street name where it is occupied	£200 + £25 per plot/unit on street
Retrospective addressing for new developments (ie where an unofficial address has been used or where a revision is required after we have notified organisations of the official address)	£150 + £25 per plot/unit £200 per street
Plot to Postal (i.e., matching plot numbers from the planning or building control plans to the new official addresses)	£50
Provision of official address confirmation for customer	£25 per address

<b>Service</b>	<b>Fee</b>
Request to investigate any address anomaly (Complex)	£50 per address
Correction to Council's record	Free

- 4.16 Over the last 5 full financial years income from Postal Addressing has averaged approximately £28,000. Officers are concerned that this level of income does not enable the Council to recover its full costs. Accounting for inflation and also the need to deliver an efficient and customer focussed service that meets its own costs, it is considered that the charges should be increased to those set out below:

<b>Service</b>	<b>Fee</b>
New street name	£200 per street
Numbering/naming of new (including conversions) residential and commercial units	£150 + £40 per plot/unit
Re-naming or re-numbering an existing address	£150 + £40 per plot/unit
Change of a street name where it is occupied	£250 + £40 per plot/unit on street
Retrospective addressing for new developments (i.e., where an unofficial address has been used or where a revision is required after we have notified organisations of the official address)	£200 + £40 per plot/unit £250 per street
Plot to Postal (i.e., matching plot numbers from the planning or building control plans to the new official addresses)	£70
Provision of official address confirmation for customer	£40 per address
Request to investigate any address anomaly (Complex)	£100 per address
Correction to Council's record	£30 per address

## **5. Consultation**

- 5.1 Officers have not carried out formal consultation on these proposals; however, anecdotal feedback from professional customers is that they value the additional services that can be provided through a properly resourced service and that they perceive early advice from the Council as a good investment.

## **6. Options considered**

6.1 The following options are considered:

6.1.1 Option 1 – Introduce the approach to discretionary fees outlined above.

6.1.2 Option 2 – Do not change the Council's existing fees.

6.2 The first option represents the best use of resources and supports the delivery of an efficient and effective service, which does in turn support the Council's priorities. It is therefore recommended to Cabinet.

## **7. Financial implications**

7.1 The service is required to review existing discretionary fees and consider charges for new fees to allow the Council to continue to deliver a good quality service, whilst managing the budget pressures that would otherwise exist.

7.2 The proposed charges for the existing and new fees detailed in Section 4 of the report would allow the Planning Service to deliver the required level of service at the relevant cost.

## **8. Legal Implications**

8.1 Discretionary Services are those services that a Council has the power but not a duty to provide. The Council has the power to charge for discretionary services under Section 93 of the Local Government Act 2003. A Council may charge where the person who receives the service has agreed to its provision. The Council may set such charges as it thinks fit and may charge only certain people for a service or charge different people different amounts, but it must ensure that, taking one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. It is considered that the charges proposed will not exceed the cost of providing the services.

8.2 There are no further legal issues than those dealt with elsewhere in this report.

## **9. Human Resources and Organisation Development Implications**

9.1 In order to provide value for money for customers paying for services, and to encourage uptake of those services, it is important to continue investing in the capacity and capability of staff.

## **10. Environment, Health and Economic Implications**

10.1 The proposals set out in this report support the delivery of the Calderdale Local Plan, which will in turn have a significant impact on the environment of Calderdale and the health and economic wellbeing of our communities.

## **11. Equality and Diversity**

11.1 The proposals in this report support the delivery of the Calderdale Local Plan, which does in turn support equality and diversity – for example through the



provision of affordable and accessible homes, and multi-modal transport improvements. The Calderdale Local Plan was subject to Equality Impact Assessment when it was at its draft stage.

## **12. Summary and Recommendations**

12.1 This report sets out new and revised fees for various discretionary Planning related services. If implemented, they will enable the Council to recover its costs providing efficient and effective services to its customers, in ways that support the Council's priorities and objectives.

12.2 The recommendation to Cabinet is as follows:

Cabinet recommends to Full Council that:

12.2.1 the Council implements the fees set out in Appendix 1 of this report from 1 March 2024.

12.2.2 That delegated authority be given to the Corporate Lead, Planning to make any minor corrections to the text in Appendix 1 before it is published.

**For further information on this report, contact:**

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**Appendices:**

**Appendix 1 – Schedule of Fees**

**Documents used in the preparation of this report are:**

1. Calderdale Local Plan, adopted 22 March 2023

**The documents are available for inspection at:**

**The Town Hall Halifax and online at [www.calderdale.gov.uk](http://www.calderdale.gov.uk).**

**Appendix 1 – Schedule of Fees**

Fee category	Existing fee	New fee
<b>Pre-application planning advice on major development – written response and meetings</b>		
<b>Small-scale Major development:</b> Dwellings: 10-199 / 0.5 - 4ha Other uses: 1,000 – 9,999m <sup>2</sup> / 1 - 2ha (Outline 0.5 – 4ha)	£1,325	Written response and 2 meetings = £2,200
<b>Large-scale Major development:</b> Dwellings: 200+ / more than 4ha Offices/industry/retail: 10,000+m <sup>2</sup> / more than 4ha Other uses: 10,000+m <sup>2</sup> / more than 2ha	£1,325	Written response and 3 meetings = £3,850
<b>Strategic developments:</b> Of Calderdale wide significance and/or especially complex issues	£1,325	Planning Performance Agreement (PPA) recommended Price on application
<b>Listed Buildings –Pre-application advice only – written response and site visit/meeting</b>		
Domestic <sup>3</sup> grade 2 Listed	N/a	£250
Domestic grade 2* and grade 1	N/a	£300
Commercial grade 2 Listed	N/a	£350
Commercial grade 2* and grade 1	N/a	£450
<b>Listed Buildings - The Enhanced Listed Building Consent Service – pre-application advice (written response and site visit/meeting) and enhanced service for processing of applications</b>		
Domestic grade 2 Listed	N/a	£350
Domestic grade 2* and grade 1	N/a	£400
Commercial grade 2 Listed	N/a	£450
Commercial grade 2* and grade 1	N/a	£550
Highly complex	N/a	Price on application
<b>Informal advice on Biodiversity Net Gain– written response and site visit/meeting</b>		
Minor developments (less than 10 houses; less than 1000 sqm new floor space; less than 0.5 hectare)	N/a	£350
Small-scale major development (defined as above)	N/a	£450
Large-scale major development (defined as above)	N/a	£500
Strategic development (defined above)	N/a	Price on application
<b>Postal Addressing</b>		
New street name	£150 per street	£200 per street
Numbering/naming of new (including conversions) residential and commercial units	£100 + £25 per plot/unit	£150 + £40 per plot/unit
Re-naming or re-numbering an existing address	£100 + £25 per plot/unit	£150 + £40 per plot/unit
Change of a street name where it is occupied	£200 + £25 per plot/unit on street	£250 + £40 per plot/unit on street
Retrospective addressing for new developments (i.e., where an unofficial address has been used or where a revision is	£150 + £25 per plot/unit £200 per street	£200 + £40 per plot/unit £250 per street

<sup>3</sup> Domestic means houses and flats

required after we have notified organisations of the official address)		
Plot to Postal (i.e., matching plot numbers from the planning or building control plans to the new official addresses)	£50	£70
Provision of official address confirmation for customer	£25 per address	£40 per address
Request to investigate any address anomaly (Complex)	£50 per address	£100 per address
Correction to Council's record	N/a	£30 per address
All of the above fees exclusive of VAT where applicable		