

About the application

Application number: 2022/91822	
What is the application for?:	Modify Section 106 obligation relating to previous permission 2014/93014 for out
Address of the site or building:	Land at Edgerton Road, Huddersfield, HD3 3AA
Postcode:	LS21 1AQ

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	Yes
<p>Planning application 2022/91822</p> <p>I object to the application to modify previously agreed S106 obligations made by Prospect Estates on the outline permission for 41 dwellings and associated works (2014/93014).</p> <p>A S106 agreement is a fundamental part of a planning application and any application to modify and sidestep part or all of the obligation should result in a simple refusal. Any attempt to change this obligation should result in the planning authority withdrawing the planning application and a requirement for the applicant to re-submit.</p> <p>The original planning application in 2014 was refused as</p> <ul style="list-style-type: none">• The applicant failed to demonstrate sufficient information to enable the implications of the proposed development to be properly judged having regard to the impact on wildlife habitat and biodiversity• The proposal failed to provide affordable housing provision in accordance with the National Planning Framework.• The proposal failed to provide for education needs generated by the development contrary to the National Planning Framework <p>It was approved in June 2015 following the agreement by the applicant to pay an amount of £362,308 (towards all Section 106 contributions, including education and housing), which the Council's consultant considered affordable by the development, and following the addition of conditions attached to the application some of which partially addressed wildlife habitat and biodiversity. The housing contribution offered was less than the required recognised percentage amount but accepted by officers as a reasonable settlement and there were nominal contributions for education and public transport. Therefore, it is totally unacceptable for the developer to try and reduce or avoid altogether this S106 amount.</p> <p>The appeal in Sep 2015 upheld the granting of outline permission and also included a significant list of conditions, reflecting largely those in the council's June report.</p> <p>The legal and other costs incurred by any applicant are part and parcel of the development process and the justifications to modify the agreement in the supporting statement are frankly unbelievable, the council and hence local residents should not be responsible for the developer's financial failings.</p> <p>In the applicant's supporting statement, the cited fees is a smoke and mirrors</p>	

in the applicant's supporting statement, the cited loan is a smoke and mirrors accounting mechanism between a web of companies including Paddico, Prospect Estates and JMT limited (who is recorded in Companies house as having a charge over Clayton Fields) which are all in the overall control of the same directors. Paddico is in fact registered as a dormant company. Therefore, no allowance should be made for the so called interest payments.

The claim that Prospect Estates have managed the site for 83 months at cost of £1000 per month is absurd. Other than some initial destructive work on the site to fell trees and bulldoze parts of the land, after the Supreme Court ruling, there has been no management of the site and no evidence is submitted to support £1,000 per month. The area was a well managed community green space, with paths and wild areas and planted by the community with fruit bushes and shrubs and protective areas created for the rare species. As a village green, it was well used for community events. Today the footpaths are used regularly by residents, school and nursery. The developer bought the land for a nominal sum speculatively and chose to spend monies fighting the Village Green status and historic footpaths. Therefore, to claim the expense of legal costs and £15,000 to process a few invoices is not relevant. Furthermore, the developer has made no mention in their supporting statement of the huge increase in land and property values over the last 7 years which they will profit from.

One of the conditions of the outline planning application was that application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of the permission. The developer has dragged their feet and did not make any application re the reserved matters until 2017 and thereafter follows a litany of 10 applications to attempt to discharge conditions. Some have been refused and others have a partial decision by the council. The number of applications reflects the developer's poor submissions which were supported by incorrect or insufficient information due to lack of diligence on behalf of the applicant. There are several applications to discharge the same conditions, as the developer did not fulfil requirements the first time, often representing the same incomplete evidence. I would suggest council officers have had to spend much time dealing with these numerous applications, and therefore for the developer to claim costs from the granting of the initial outline planning application until this latest one in May is quite astounding. I urge the Council to refuse this application.