



Paul Butler Associates

Planning, Development & Heritage Consultants

Abode Manchester 2 Ltd

Crown House, Southgate, Huddersfield,
HD1 1SW

**Response to S106 Contributions
Suggested**

06 April 2023

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1. Introduction

Purpose of this Statement

- 1.1 This assessment has been prepared by Paul Butler Associates on behalf of Abode Manchester 2 Ltd to support an application on the site of Crown House, Southgate, Huddersfield (hereafter referred to as the site, or the application site).
- 1.2 The application seeks full planning permission for the change of use of Crown House to provide student only living accommodation (suis generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop of the building.
- 1.3 No extensions are proposed to the existing building which has been underused for many years and is presently vacant. In addition to the change of use of the building the scheme also includes enhancements to the external envelope of the building, including the addition of a roof garden for use by the student residents.

Requirement for this note

- 1.4 After submission of the planning application the Council have requested a two part S106 contribution:

Part 1: £283,173 - Section 106 agreement to contribute to the provision/improvement of Public Open Space the table below included within an email dated 13/03/2023:

A. POS REQUIREMENTS SUMMARY	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£68,822.27	£10,323.34	£79,145.61	2886.84
Children & Young People	£0.00	£0.00	£0.00	0.00
Parks & Recreation	£95,620.51	£14,343.08	£109,963.58	3849.12
Natural & Semi-Natural Green Space	£81,793.80	£12,269.07	£94,062.87	9622.80
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£0.00	£0.00	£0.00	0.00
TOTAL	£246,236.57	£36,935.49	£283,172.06	16358.76
Shortfall/POS Requirement from developer:	£246,236.57			
Admin at 15%	£36,935.49			
Shortfall/POS Requirement from developer (rounded):	£283,173			

Part 2: £40,000 - Section 106 agreement to contribute to realtime information (RTI) units at bus stops 16743, 16744, 15438 and 15437. This contribution was sought by a letter from West Yorkshire Combined Authority to Planning Services at Kirklees Council, dated 16th March 2023.

1.5 Our assessment raises concerns with regard to the sums sought and it is suggested that reductions are necessary in order to comply with the requirement that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Contributions must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2. The Site and Surroundings

Site Description

- 2.1 The site is located at Crown House, off Southgate, Huddersfield and it is approximately 0.18 hectares in size. The site is bounded by Southgate to the west and Old Leeds Road to the south. Land to the north and east of the site is presently vacant and enclosed by hoardings and is understood to be the cleared site of the former Huddersfield Leisure Centre which is to be redeveloped by the University of Huddersfield as new Health Innovation Campus.
- 2.2 Crown House is a vacant 10 storey podium office building abutting Southgate which forms part of the Huddersfield ring road. The building presents a 10 storey frontage to Southgate and an 11 storey frontage to the rear where it abuts the cleared site of the former sports centre. Crown House has a concrete frame construction with the elevations constructed in facing brick with large horizontally proportioned areas of aluminium framed glazing. The building has a lower ground floor car parking area. Access to the basement is via a yard accessed by Old Leeds Road.
- 2.3 Crown House is well placed with regard to providing access to the town centre and to the University of Huddersfield Campus which lies a short distance to the south. To the west the building has level access for students across Southgate via a signalised pedestrian crossing into the town centre where commercial and retail uses predominate. The site is located within 5 minutes walk of a wide array of shops, services and amenities to meet the day-to-day requirements of the student residents including cafes, pubs, takeaways, hairdressers, post-office, supermarkets etc.
- 2.4 The site is considered to be located in a sustainable location and suitable for student occupation without the need to own a car being well served by public transport provision as described in the Transport Statement submitted in support of the application.

3. Planning Policy Context

Introduction

- 3.1 This section examines the planning policies which appear to be relevant to the two S106 requests received: Open Space and Bus Stop Realtime signs. The complete planning policy context for the application is assessed in the Planning Statement which was submitted in support of the development.

Open Space

Kirklees Local Plan Strategy and Policies (adopted February 2019)

- 3.2 The Council's principal adopted policy concerning open space is 'Policy LP63 New Open Space' whereby it states:

'The council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all.

New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.

In determining the required open space provision, the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council's district wide open space standards. The provision of playing pitches will also be considered. This analysis will help determine the need for new on-site or off-site provision, enhancement of existing provision and/or a financial contribution.

In areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development. Where this is not viable the expansion or improvement of existing open space provision in the area will be sought and the co-location of open space, sport and recreation facilities will be encouraged. Open space provided on-site should be designed to complement existing facilities in the area and to allow for informal children's play through good quality landscape design.

In areas where existing provision is sufficient to meet local needs, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. New provision should complement existing facilities in the vicinity and enhance the natural landscape and environment.

The council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open spaces to encourage local communities to take an active role in looking after public open spaces near where they live'.

3.3 The justification to this policy advises:

'Para 19.55 The provision of high quality open spaces, such as parks, recreation grounds, amenity green space, public and private playing fields, play areas for children and young people, nature areas, woodlands, allotments and opportunities for local food growing, is important to ensure that the appropriate amount and type of facilities are available in the right places to enable sport and recreational needs to be met as locally as possible and to contribute to the health and well-being of communities.

Para 19.56 National policy requires that planning policies be based on robust and up-to-date assessments of the needs for open space and opportunities for new provision. In accordance with this requirement, the council has undertaken an updated Open Space Study to assess the supply and demand for open spaces across

Kirklees. This includes an audit of the quantity, quality and accessibility of existing open spaces in the district and sets local open space standards against which to assess the adequacy of the existing supply. The findings of the council's Playing Pitch Strategy also provide detailed assessment of the current and projected supply of and demand for playing pitches and a technical analysis of pitch quality and usage levels. The findings of these assessments provide the evidence of where playing pitch provision needs further consideration. An Open Space Demand Assessment has also been carried out to identify the views and expectations of local residents, communities and key stakeholders about the provision of open spaces.

Para 19.57 The overall provision of open space in Kirklees is generally good but the distribution of sites is not evenly spread throughout the district with some areas having gaps and significant shortfalls in the quantity, quality and accessibility of some types of open space. Significant shortfalls in playing pitch provision have also been identified for pitch sports across Kirklees, particularly for football and cricket.

Para 19.58 New or improved open spaces will be required to meet increased demand from population growth and new housing development and to help address existing open space deficiencies. The council will therefore seek additional provision through development proposals.

Para 19.59 In determining the nature of open space required, the council will consider the needs arising from the proposed development based on the use and type of housing proposed. Different types of housing proposals will generate different open space needs, for example, family housing will be expected to make provision for children and young people. Whereas, for single bedroom dwellings, sheltered housing and student accommodation the provision of amenity greenspace is likely to be more appropriate.

Para 19.60 The required new open space will also be determined by taking into account the adequacy of existing provision as identified in the Open Space Study

and assessed against the local standards for open space provision. In areas identified as having sufficient open space provision, new public open space should be provided on-site for amenity purposes and to achieve a well-designed scheme. In areas identified as being deficient in open space provision, the expansion or improvement of existing provision in the area will be sought where appropriate to accommodate the needs of the development. The co-location of open space, sport and recreation facilities will be encouraged so that a range of different types of facilities can be located next to each other’.

The justification refers to the following evidence base:

Kirklees Joint Health & Well-being Strategy (2014-2020)

Everybody Active - Kirklees Physical Activity & Sports Strategy (2015-2020)

Kirklees Open Space Study (2015)

Kirklees Open Space Demand Assessment (2015)

Kirklees Playing Pitch Strategy (2015)

Kirklees Built Leisure and Sports Facilities Strategic Framework (2015)

- 3.4 It is noted that Table 12 below ‘District wide open space provision standards’ (Kirklees Local Plan Strategy and Policies) calculates the amount of each of the six types of open space provision for which contributions will be sought on the basis of the average Kirklees households being 2.43 persons. For example the amount of ‘Parks and Recreation Grounds’ new POS per dwelling (assumed occupancy 2.43 persons) will be 19.44 sqm. The Open space SPD of 2021, discussed in the section below, then attributes a cost of provision for each of the POS types, in the case of ‘Parks and Recreation Grounds’ quoting a contribution of £555 per dwelling.

Type of Open Space	Minimum standard for the amount of new open space			Quality Standard	Minimum Accessibility Standard	
	Type of Standard	Amount per 1,000 population (hectares)	Amount per dwelling (sq m)*	Site Assessment Rating	Type of Standard	Minimum walk time or distance for residents in towns or villages
Parks & Recreation Grounds	National/Local	0.8	19.44	High	Local	15 minutes/ 720 metres 30 minutes travel time of a major park
Natural/ Semi- Natural Greenspace	Local	2.0	48.6	High	National/Local	15 minutes/ 720 metres
Amenity Greenspace	National	0.6	14.58	High	National/Local	10 minutes/ 480 metres
Allotments	National/Local	0.5 per 1,000 households	5	High	Local	15 minutes/ 720 metres
Children's Equipped/ Designated Play Areas	National	0.25	6.1	N/A	Local	15 minutes/ 720 metres
Young People Provision	National	0.3	7.3	N/A	Local	2km

* Based on average Kirklees household of 2.43 people

Table 12 District wide open space provision standards

Kirklees Council Open Space Supplementary Planning Document (SPD)

- 3.5 This SPD was adopted in June 2021, and sets out the approach the council will take in determining the nature, amount and location of new open space provision that will normally be required and how this should be provided.
- 3.6 The Council SPD confirms that student accommodation is exempt from three categories of Open Space contribution: ‘Allotments and community food growing’, ‘Children & young people’ and ‘Outdoor sports facilities’. Contributions towards ‘Parks and recreation grounds’, ‘Natural and semi-natural greenspace’ and ‘Amenity Greenspace’ will be considered for student housing proposals, confirmed by Table 1 below.

Development	Parks & Recreation Grounds	Natural & Semi-natural Greenspace	Amenity Greenspace	Allotments(50 or more dwellings)	Children & Young People	Outdoor Sports Facilities
Market Housing	Yes	Yes	Yes	Yes	Yes	Yes
Affordable Housing	Yes	Yes	Yes	Yes	Yes	Yes
Housing for Older People	Yes	Yes	Yes	Yes	No	No
Student Housing	Yes	Yes	Yes	No	No	No

Table 1 Housing development and open space required

3.7 The SPD gives a ‘£’ cost for how each off-site financial contribution for each POS types will be calculated. The table below (SPD Table 5) extracted from the SPD shows the contribution will ‘be based on the size of the development and calculated in accordance with the costs per dwelling’. It has been noted above that Table 12 ‘District wide open space provision standards’ (Kirklees Local Plan Strategy and Policies) calculates provision of public open space on the basis of that the average Kirklees household size is 2.43 persons. It follows that the costs of provision per dwelling set out by the SPD assume an occupancy of 2.43 persons. The costs in the table below underpin the S106 calculation made by the Council for funding towards ‘Parks and recreation grounds’, ‘Natural and semi-natural greenspace’ and ‘Amenity Greenspace’ .

Type of Open Space	Open Space Standards sq.m per dwelling	Trigger	Cost of provision per dwelling (including admin @ 15%) ⁽³⁾
Parks & recreation grounds	19.44	11+ dwellings	£555
Natural & semi-natural greenspace	48.6	11+ dwellings	£475
Amenity greenspace	14.58	11+ dwellings	£400
Allotments & community food growing	5	50+ dwellings	£50
Children & young people	13.4	11+ dwellings	See Table 6
Outdoor sports facilities	N/A	11+ dwellings	£355

Table 5 Costs (per dwelling) to provide new or improved open space

SPD Table 5: Costs (per dwelling) to provide new or improved open - (page 26, Open Space SPD)

- 3.8 Paragraph 98 of the NPPF states that: *'Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from these assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'*. The Council SPD is based on assessments prepared in 2015 and revised in November 2016, the Open Space reporting being 6 years 4 months old. This is considered compliant with national policy.

Transport

Kirklees Local Plan Strategy and Policies (adopted February 2019)

Policy LP20 'Sustainable travel'

- 3.9 This Policy advises that new development will be located:

'To ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking.

The council will support demand management measures which discourage single occupancy car travel within new development and encourage the use of low emission vehicles to improve areas with low levels of air quality. Proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working.

Travel plans will normally be required for all major planning applications in accordance with current guidance and should set targets and monitoring arrangements to ensure sustainable travel patterns are maintained. Travel plans should include agreed and defined

outcomes related to a package of specified measures to be implemented including an approach to lower carbon emissions where applicable.

Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals will be required to facilitate the needs of the following user hierarchy: a) pedestrians; b) cyclists; c) public transport and d) private vehicles’.

4. Assessment Against Planning Policy Context

Introduction

- 4.1 This section provides an assessment of the S106 requests received against the relevant planning policy context.

Open Space Request

- 4.2 Email correspondence dated 13/03/2023 14:54 from Nick Hirst shows the following table where developer contributions are calculated.

Total Dwelling no	198			
Is POS being provided by developer?	No	This box (A) only when no POS provided		
A. POS REQUIREMENTS SUMMARY				
	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£68,822.27	£10,323.34	£79,145.61	2886.84
Children & Young People	£0.00	£0.00	£0.00	0.00
Parks & Recreation	£95,620.51	£14,343.08	£109,963.58	3849.12
Natural & Semi-Natural Green Space	£81,793.80	£12,269.07	£94,062.87	9622.80
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£0.00	£0.00	£0.00	0.00
TOTAL	£246,236.57	£36,935.49	£283,172.06	16358.76
Shortfall/POS Requirement from developer:		£246,236.57		
Admin at 15%		£36,935.49		
Shortfall/POS Requirement from developer (rounded):		£283,173		

Proposed developer contribution for the site calculated by Kirklees Council

Basis of Calculation

4.3 The Council contribution suggested appears to be broadly calculated as follows:

Type of POS	POS Standard per 2.43 person dwelling	Cost per 2.43 person dwelling	Cost of provision per 2.43 person dwelling	Total sum sought
Amenity Green space	14.58 sq. m requirement for 2.43 persons	£400	£400 x 198 = £79,200	£79,200
Parks and Recreation	19.44 sq.m requirement for 2.43 persons	£555	£555 x 198 = £109,890	£109,890
Natural and semi-natural	48.6 sq.m requirement for 2.43 persons	£475	£475 x 198= £94,050	£94,050
Total				£283,140

4.4 Policy LP63 New Open Space states ‘the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council’s district wide open space standards.’

4.5 The accommodation proposed is for single student occupancy. One student will rent a studio which gives a total population of 198 people residing in the accommodation. The S106 request received is costed on the assumption each studio has 2.43 person occupancy. The request for a S106 contribution of £283,172 towards POS is not considered to be proportionate to a development of single person accommodation.

4.6 Adjusting the present S106 contribution to acknowledge the units are single person occupancy would give a proportionate POS request of £116,531. It is noted that the Council adjusting off-site contributions in response to scheme characteristics is an established part of calculating contributions, for example para 8.4 of the SPD advises that ‘As smaller dwellings are less likely to be occupied by families, the occupancy levels of the proposed dwellings will also be taken into account in calculating the off-site financial

contribution for provision for children and young people. A discount will therefore be applied for flats and apartments (25% for two-bedroom flats and 50% for one-bedroom flats) and a discount may apply for specialist residential provision for single occupancy (up to 75%).

Quantity of Provision in Dalton Ward

- 4.7 The open space standards in the SPD are derived from the Kirklees Open Space Study 2016 (KOSS) and include quantity standards which set out the amounts (per 1,000 population) for each type of open space in each ward. Applying the standards to the existing provision and population in each ward identifies those areas deficient in provision and those areas where current provision exceeds the standards (see Appendix 1, SPD).
- 4.8 Policy LP63 New Open Space states ‘the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council’s district wide open space standards’.

Quantity Standard	Parks & Recreation Grounds (ha per 1,000 population)	Natural & Semi-natural Greenspace (ha per 1,000 population)	Allotments (ha per 1,000 households)	Amenity Greenspace (ha per 1,000 population)
Benchmark standard (district)	0.8	2.0	0.5	0.3
Existing standard	0.98	5.47	0.35	0.28

Open Space SPD, Appendix 1.: Open Space Provision in Dalton ward (site’s location) with threshold (green is meeting the threshold and red is a deficit)

- 4.9 The KOSS 2016 shows there are existing surpluses of parks/recreation grounds and natural/semi-natural greenspace in Dalton and the conversion of Crown House to accommodate 198 students would not take Dalton Ward below the benchmark district standard and new provision for these POS types is not therefore required.

4.10 Deficiencies in the amount of amenity greenspace and allotment provision in Dalton ward do exist when compared against the benchmark district quantity standards in Appendix 1 of the SPD. Whilst allotment provision is not relevant to student accommodation, a \$106 contribution to amenity greenspace is considered to be appropriate. We would expect the applicant to be requested to contribute £32,593 for Amenity Greenspace based on a calculation of 1 person per household.

Type of POS	POS Standard per 2.43 person dwelling	Cost per 2.43 person dwelling	Proportionate Cost of per 1 person dwelling	Total sum applicable
<i>Amenity Green space</i>	<i>14.58 sq.m requirement for 2.43 persons</i>	<i>£400</i>	<i>£164.60 x 198= £32,593</i>	<i>£32,593</i>
<i>Parks and Recreation</i>	<i>Surplus</i>	<i>N/a</i>	<i>N/a</i>	<i>N/a</i>
<i>Natural and semi-natural</i>	<i>Surplus</i>	<i>N/a</i>	<i>N/a</i>	<i>N/a</i>
Total				£32,593

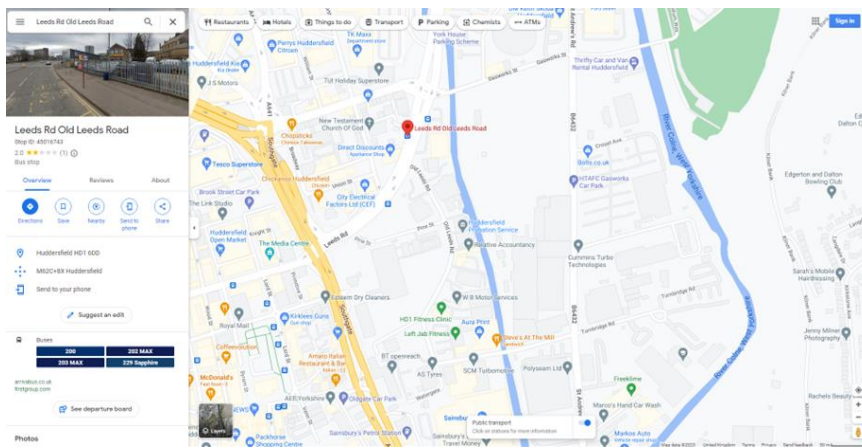
4.11 The site is located a 12-minute walk away from Greenhead Park (Parks & Recreation Grounds category) which is therefore accessible from Crown House. Greenhead Park enjoys 'Green Flag status' which shows the park has a high value rating and is not in need of improvement. As a result, quality, quantity, and accessibility standards are classed as 'met' and a financial contribution is deemed unnecessary.

Realtime Information Request

- 4.12 The £40,000 Section 106 request is for a contribution to install real time information (RTI) units at bus stops 16743, 16744, 15438 and 15437. This sum was sought by a letter from West Yorkshire Combined Authority to Planning Services at Kirklees Council dated 16th March. It has been confirmed subsequently that the cost of installation is £10,000 at each stop.
- 4.13 The Transport Statement and Planning Statement submitted in support of the application demonstrate the building is ideally located for sustainable student living. Walking and cycling will be the predominant means of travel to and from the building due to the exceptional positioning of the building close to the existing and proposed University Campus and town centre.
- 4.14 The request for S106 monies to install Realtime Information Signs is acknowledged although is challenged on the basis existing timetabling information and Realtime information is already readily available and the installations proposed are not necessary to make the development acceptable in planning terms. We note the following:
- Published timetables and Realtime information is already readily available at: <https://connect.wyca.vix-its.com/> by mobile devices which students typically possess whilst attending University and by which they will receive information from the Crown House building management company.
 - The existence of this purpose made web resource can easily be highlighted in the building travel plan, signage within the building and there is no need to duplicate the method by which Realtime information can be accessed.
 - The provision of Realtime signage is deemed wholly unnecessary to make the development work or be acceptable.
 - The suggested Realtime Information Signs will have no other impact than to increase development costs and consequently rentals, impacting negatively on the least well off students.
- 4.15 On the basis of the above we would recommend that the request for Realtime signage is reduced to zero.

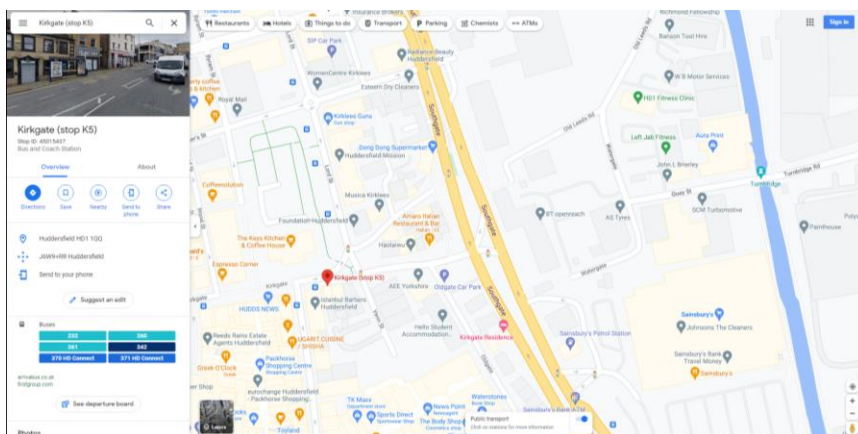
4.16 Furthermore the following observations are also made with regard to the bus stops for which real-time information contributions are sought:

4.17 Stop 16743 Leeds Road Stop – The University of Huddersfield agreed to a S106 to make £23,000 available to upgrade this shelter including real-time signage. No further contributions can be warranted.



Above: Stop 16743 Leeds Road Stop.

4.18 Stops 15437 and 15438 Kirkgate are located adjoining each other on Kirkgate and a combined realtime board would be readily visible to customers using either stop.



Kirkgate Stops: 15437 and 15438:

5. Conclusion

- 5.1 This assessment has been prepared by Paul Butler Associates on behalf of Abode Manchester 2 Ltd.
- 5.2 It is acknowledged that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. However, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 5.3 For the above reasons noted above the request made by the Landscape Officer is regarded as being not reasonably related to the development proposed as also is the request made by the West Yorkshire Combined Authority.
- 5.4 The statement has assessed the S106 contributions sought for the scheme and found that a significant reduction in S106 request is justified. We would suggest £32,593 as an appropriate POS contribution.