

Address: 28 Cleveland Road Huddersfield HD1 4PW

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?	No

I urge the council to reject this application. It is entirely without merit. The council is fully justified in requiring the landowner and their agent to pay the full S106 costs agreed in 2015 when outline planning permission was granted. Local residents expect councillors and council officers to uphold the interests of the local community. This is surely the primary duty of both councillors and officers.

The applicant claims 'additional expenses' arising since 2015 and totaling £420,467.15. I am deeply sceptical about the figures presented. The applicant says that the expenses are comprised of three elements as follows:

1. Daily interest payments of £68.49 over 2435 days on a loan of £25,000 made by Prospect Estates Ltd. to the landowner Paddico (267) Ltd. With interest payments, the overall loan amount claimed is £173,622.15. I would point out that Prospect Estates and Paddico are essentially one and the same, registered at the same address and comprising much the same people. The stated interest payment of £68.49 per day is equivalent to an interest rate of 100% per year on a sum of £25,000. Why would anyone loan themselves money? And why at such an extortionate rate? One must assume it is because they expect to find a gullible third-party to meet the costs? The council should not be that gullible third-party.

2. Annual management costs for Clayton Fields of £1000 per month over 83 months totaling £83,000. It is hard to imagine what this entails. It would be interesting to know. Is it admiring the trees? Watching the grass grow? Observing the spread of Japanese Knotweed? At the very least the council should insist that the applicant provides an itemised list detailing the tasks undertaken each month in managing Clayton Fields. There was some activity in recent years when an ugly security fence was erected around the perimeter of Clayton Fields. It was subsequently removed although some parts of the fence were simply left on-site to collapse. Whilst in place, the fence restricted access to the claimed public rights of way, subsequently recognised by the council as official rights of way. The fencing should never have been erected. The costs associated with it cannot now be met by the council and the local community.

3. Consultant and legal fees in dealing with objections and judicial reviews resulting in costs of £148,895. Anyone familiar with Clayton Fields knows that for a very long time there have been disputes about the status of the area as a development site and also about public rights of way. It is reasonable to assume that a competent and professional business would be informed and aware of these ongoing issues. As such, it would realise that anyone wanting to develop the site must expect to incur costs in dealing with these matters as they progress through the planning process. It would make allowance for the costs in their business plan. Not to do so would be hopelessly naïve. It is unjustified to expect that the legal and consultant costs arising from dealing with objections should now be offset and paid by the public.

One final point. The applicant says it was agreed in 2015 that S106 contributions of £362,308 would be made in connection with the Clayton Fields development. If we apply the annual RPI to this figure for each year since 2015 then that sum increases to £446,728.18. I suggest it would be reasonable and fair for the council to apply this increase.