

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>Subject: 2022/91822 OBJECTION CLAYTON FIELDS</p> <p>Application no. 2022/91822</p> <p>The above application seeks to remove financial obligations (£362,308 total) that formed the backbone of the justification to grant outline planning permission.</p> <p>Given the 'nominal' fee (Inspectors words) that the developer paid for the site, and the significantly increased land value vs build costs, it would seem highly unlikely that at a minimum, full contributions cannot be made inclusive of normal profit margins.</p> <p>The developer states that they have provided a Viability Statement. It is hoped that this is far more detailed than the Statement that is publically available. I.e. a full Viability Statement to be independently assessed by the DVS.</p> <p>In terms of the Supporting Statement submitted by the applicant, using the same numbering:</p> <ol style="list-style-type: none">1. The justification appears to centre around the developers lack of urgency in terms of developing out the site in accordance with the approved plans. It would be argued that this would not amount to robust justification.2. See no. 1.3. There have been challenges made against various applications in relation to the site. The challenges made through the Planning Inspectorate each have their own mechanism for claiming costs against the Local Authority. In terms of the Judicial Review challenge, this again has its own system of claiming costs against the unsuccessful party. It is not clear, therefore, why these would amount to 'abnormal' costs. At the very least, this would amount to duplication. <p>Affordable Housing</p> <p>It should be noted that the Affordable Housing contribution as considered by the</p>	

It should be noted that the Affordable Housing contribution as considered by the Inspector when determining the Outline Planning Permission did not fully meet the 30% contribution ordinarily required at the time of determination.

The scheme was considered 'on balance', given the other benefits that bringing forward housing on this site would provide. It should also be acknowledged that the Inspector took into account the fact that Kirklees Council was not able to demonstrate a 5-year housing land supply at this time, so the 'tilted balance' was in play.

Changes to Local Planning Policy Position

It should also be acknowledged that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The current statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Under the recently adopted Local Plan, to accord with Local Plan Policy LP11 and the Kirklees Affordable Housing Policy, 20% of the dwellings/units of the final scheme will be sought for affordable housing with a tenure split of 54% Social or Affordable Rent to 46% Intermediate housing. The policy assumes on site provision. However, exceptionally, where the LPA considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable.

In this case, an off-site contribution figure has already been agreed historically.

Any revision of the off-site contribution should be fully justified in accordance with the current Local Plan and supporting documents.

Kirklees Interim Affordable Housing Policy – January 2020

Data from SHMA (October 2016) shows a clear need for affordable homes in Huddersfield North.

It is recognised that financial viability is inherently linked to the ability to satisfy planning policy and to deliver regeneration objectives and economic development. It is also recognised that this is an allocated housing site (Site HS30) within both the Local Plan and the superseded UDP.

As Kirklees can now demonstrate a 5-year housing land supply, there seems no reason as to why a policy compliant scheme cannot be delivered to support the most effective use of land for Kirklees's allocated housing sites, including contribution for affordable housing if it is not possible to provide this affordable housing on site.

Education Provision

As outlined within the S106 agreement secured on the Outline permission an education contribution is required due to the number of units being proposed.

The contribution is determined in accordance with the Council's policy and guidance

note on providing for education needs generated by new housing. The financial contribution is calculated with reference to number of units proposed, unit sizes and projected pupil numbers, in accordance with Policy LP49 – Educational and health care needs.

The Education Department considered that a contribution was required in terms of the capacity of nearby schools. It seems unlikely that this capacity issue has now been fully resolved.

Sustainable Transport

Progressing to sustainable travel, the site is within the urban environment with nearby amenities. The site is adjacent to a bus links into Huddersfield Town Centre. Huddersfield in turn has public transport links to the wider region.

West Yorkshire Metro previously calculated a figure of £19,505 to be put towards metro cards to promote bus usage. This is to promote alternative, low emission, methods of travel.

Within their '2025 Kirklees Transport Vision' Kirklees Council has set an ambitious 20-year Transport Vision to allow sustainable transport systems to flourish. It would be difficult to see how this would be achieved without significant investment from development sites as the future occupiers become service users.

If there is an extant permission in place, it is respectfully requested that the most efficient use of land is made, with a policy compliant, viable, and sustainable development scheme.

It is requested, therefore, that application no. 2022/91822, which seeks to modify the previously agreed Section 106 obligation relating to previous permission 2014/93014 for outline application for residential development comprising of 41 dwellings plus associated works (Conservation Area) is refused.