

About the application

Application number: 2022/54/91822/w	
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>With reference to Application: 2022/91822 – Modify previously agreed S106 obligations made by Prospect Estates on the outline permission for 41 dwellings and associated works (2014/93014). I write to object to this application. Basically, beyond the technical language, the developers are saying that they incurred some expenses. The expenses are beyond what they thought they would have. Therefore they are asking the council to take these into account, and also modify a number of things to which they agreed, presumably to increase their profits and cover such expenses. To put it more bluntly, it seems like business people took a risk and it didn't work out as profitably as they hoped, so therefore the public purse should let them off. Not only that, they don't offer the public purse any share of profits should the land get successfully developed. In their supporting document (supporting statement, Roger Lee Planning Ltd) the developers and landowners list a number of items: 1. Fixed and frozen interest on costs loaned by Prospect Estates to Padico (267) Ltd. 2. Annual Management Costs. 3. Consultants and legal fees. I shall address each item in turn. 1. Interest on costs. I note that the interest fees from the loan by Prospect Estates to Padico (267) Limited stand at £68.49 per day. This is at a time of historically low interest rates. This costing should be investigated, and paperwork and thorough accounting receipts should be provided by both landowner and developer. This might also be referred to the appropriate authorities if the evidence were found wanting. 2. Annual management fees. They claim that 'management' has taken place on this land costing £1K per month. Neither I nor anyone else in the last 3-4 years has seen any 'management' of this land. I am really curious as to what shape this management was. To my untutored eyes it looks like a field that has been left, after the trees were cut down, and earth moved to make it as barren as possible. Considering this is supposedly £1K of management every month, there might be more evidence of it. I cannot see any evidence of it myself. Consultants and legal fees. Rather like the captain of a trawler being surprised that they have to buy nets and fuel for their ship, the owners and developers seem surprised that they have had to go through the ordinary route of planning. Developers should know that planning can take time. Planning consent is not also a given. We have laws that everyone has to obey. This is part of life. There are two overarching issues in all this: 1. It is really difficult to see this as anything other than bare-faced cheek. Expenses in the normal course of business have been faced</p>	

than bare-faced creek. Expenses in the normal course of business have been faced, and now the council is being asked to credit against such expenses and modify agreements accordingly. This seems outrageous. I have a lawn that I maintain, front and back. I spend some time maintaining it. Should I get some credit on my council tax for maintaining it? If I have a shop and buy a load of old junk and cannot sell it, should I get credit towards my business rates? This is what the application seems to be saying. Again I have to stress: there is no offer on the behalf of the landowners or developers to share any profits with the council. 2. The second part raises more serious questions. Even if we were to accept that, for some odd reason, the council was somehow responsible for this private 'management' of private land, and the expenses of private loans between developers and landowners, there is the question of the billing for credit for services and the evidence of such services being provided. Since the clearing of the land, myself and my neighbours see no evidence of 'management' of any sort. I feel the developers and landowners need to show evidence of such 'management'. If it be shown that the developers or landowners, whether Prospect Estates or Padico (267) were not doing the 'management' that their documents state they are doing, while applying to the council for monetary credit for such management in this document, is that not both wrong, but also perhaps outside the bounds of legality? The 'management' of the land alone is itemised at a total of £83K – a not insignificant sum, for which they are seeking credit. I wonder if this is now outside the expertise of the council, so I would propose all papers and financial documents are shared with the Serious Fraud Office or West Yorkshire Police to determine, in expert eyes, if wrongdoing has taken place, and if so if there is a serious case to pursue. In conclusion, I find this a deeply disturbing application for these reasons and not one that I think the council should have any truck with. The council should reject this application out of hand and perhaps pass the paperwork on to the appropriate authorities, given there seem some urgent questions about the financial case made by Developers and Landowner. The council might also review planning permission on the land per se, given this situation. As a council-tax payer, I would be very upset if private risk were met out of the public purse, as eventually it comes out of my council tax payments. Therefore, if such credit or modification as credit was given in any way, I would investigate how to take this further with the Local Government and Social Care Ombudsman.