

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

28 MARCH 2024

Planning Application 2022/91816

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Alterations to convert existing properties at Carrs Close to create 6 apartments and erection of block of 12 apartments with associated infrastructure, access, and landscaping works

Land at, Occupation Lane and Carrs Close, Staincliffe, Dewsbury, WF13 4BJ

Planning Obligations

This update should be read in addition to the officer's report in the main agenda.

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following:

- (i) necessary to make the development acceptable in planning terms,
- (ii) directly related to the development and
- (iii) fairly and reasonably related in scale and kind to the development.

In accordance with local policies and based on the number of units in the proposal (18 with a net gain of 15 dwellings) the local authority is required to provide the following contributions:

- A) Affordable Housing 20% of units (4 units socially rented units),
- B) Public Open Space (off-site): £36,234
- C) Net Gain (to secure 10% net gain) £36,340
- D) Management and Maintenance (POS, Drainage and any ecological features)

It is acknowledged by officers that the details provided to support the application indicate that the proposal would provide 100% affordable housing contributions. Officers are unable to have this written into a section 106 agreement and instead 20% (4 units) are to be agreed via a section 106 agreement with the remaining 80% being secured via a suitable worded condition.

LP63 of the Kirklees Local Plan refers to Public Open Space, as there is no provision on site and the site lies well within the acceptable guidelines for proximity to existing provision (including Staincliffe Park), an off-site lump sum contribution towards existing provision would be required. The Section 106 would secure £36,234.00 towards existing facilities in the vicinity of the development, including, but not limited to, Staincliffe Park.

In addition to public open space, a 10% Biodiversity Net Gain is required in order for the proposal in line with the [Kirklees Biodiversity Net Gain Technical Advice Note](#) and in accordance with LP30 of the Kirklees local plan. The application has been reviewed by KC Ecology who states that 1.58 habitat units will need to be provided via off site compensation. As a result, for the development to achieve a 10% net gain, a financial contribution of (based on £20,000 per habitat unit (figure taken from 2019 DEFRA Impact Assessment) + 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note), £36,340 will be required, which will need to be secured through a Section 106 agreement. Any on site units to be provided will be secured via conditions.

Finally, details of management and maintenance of the public open space, drainage and ecological features are also to be secured via a section 106.

The aforementioned information has been provided to the agent/applicant and the details have been agreed to this in principle, although the wording and detailed terms that would go into the S106 agreement are to be worked up.
