

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

4 OCTOBER 2018

Planning Application 2012/93803

Item 12 – Page 31

Discharge of conditions on previous planning permission no. 2011/90359 for extension to time limit to previous app 2007/94743 for demolition of existing buildings and erection of 62 dwellings with garages and associated infrastructure

Syke Ings Mills, 16, Off Ossett lane, Providence Street, Earlsheaton, Dewsbury

Further information has been received from Connect Housing Association in support of the proposal.

"It is highly regrettable that we find ourselves in conflict with the planning committee and Kirklees Council on this scheme. We are a reputable housing provider, who has bought these units at Open Market Value (as confirmed by an RICS surveyor). We received reassurances from the councils officers and took these in good faith, if we had been aware of the potential for likely conflict with planning committee we would not have acquired these units on this scheme.

I would like to highlight that Connect have acquired another two units on this site and made them available for shared ownership. These 2 additional units are counted as affordable homes and as such we are now offering a total of 7 affordable units on this scheme, this is 3 more than originally envisaged as part of the S106 and thus greatly enhancing the community benefit providing a mix of homes for affordable rent and affordable home ownership.

In addition to the investment we have made to acquire units at Inspire, in the period 2016-2019 we are also contractually committed to acquire or develop a further 103 affordable units in Kirklees Local Authority to significantly improve the provision of affordable homes to residents.

I hope this provides reassurance to the committee that we are an ethical registered provider with a strong commitment to the Kirklees area.

Connect are keen to work with Kirklees Council to honour the intentions of the S106 agreement however there are several practical issues that we would prefer are clarified through a variation agreement:

- Our interpretation is that the S106 obligation is worded as such that it is not binding on a mortgagee in possession or on any subsequent purchasers of the affordable units.*

- *Our interpretation of the S106 is such that the discount for occupiers purchasing the property only applies to the first letting or alternatively is time limited to 24 months. The planning committee discussions reinforce our interpretation on this as they referred to the S106 agreement being time limited*

I confirm that Connect are prepared to match the discount specified in the S106 should sitting tenants wish to purchase their home outright. For the avoidance of doubt this discount can be administered in conjunction with Kirklees planning department so there is full transparency over our offer to residents.

In summary our current offer is that homes will be managed by Connect Housing Association, let at affordable rents, and we will match the discount specified in the S106 if any of the sitting tenants wish to purchase.

Clarifying terms through a variation agreement is preferable as the existing agreement is unclear, an unclear S106 which remains against our title in perpetuity may affect our ability to borrow full market value against these homes. Connect are only able to continue to acquire new affordable homes by borrowing against our existing stock at full market value; a variation agreement as indicated above will enable us to reinvest in delivery of new homes.

The intention of the existing S106 agreement, and comments from the committee appear to be to encourage affordable home ownership by offering a discount for potential occupiers. I hope the above offer satisfies this in full."

The recommendation of officers is still to support the deed of variation (as set out on page 32 of the main agenda). However, in reference to paragraph 7.2 of the officer report (on page 38 of the main agenda), should the Sub-Committee remain of the opinion to refuse the request, officers suggest the following reason which reflects their previous comments:

"The application to vary the section 106 agreement would result in the loss of a type of affordable housing required by the resolution of the Planning (Heavy Woollen) Area on 4th July 2013, in which it was agreed that the developer would construct four apartments for sub-market rent with an intention that there would be a bespoke arrangement based on a "rent to buy" model. The developer by disposing of the dwellings at open market value to the applicant, has not complied with the arrangements in the agreement. Granting the application would relieve the developer of its obligations under the agreement and transfer liability to the public purse, by the way of a loss of the subsidy which the developer would otherwise have provided."

Demolition of existing building and erection of Place of Worship/Faith Centre

Al Hikmah Centre, 28, Track Road, Batley, WF17 7AA

Kirklees Highways DM – The submitted travel plan and additional information has been reviewed. This is still not considered to justify the levels of use and likely attendance at peak time, the available parking at peak times, and the dates and times that the travel survey data was undertaken.

As such there is insufficient information to undertake an adequate assessment of the scheme in respect to highway safety and efficiency. Therefore refusal is recommended on highway safety grounds, in addition to those set out on page 40 of the main agenda.

Additional reason for refusal:-

5. Insufficient information has been submitted to enable a satisfactory assessment of the traffic implications of this scheme. Without such information, it has not been demonstrated that the proposal would have an acceptable impact on highway safety. As such, the proposal is contrary to Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

Outline application for demolition of existing buildings and structures and erection of residential development

Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE

The applicant has confirmed via email dated 3 October 2018 that they will pay contribution's in relation to Public Open Space and Education Improvements in accordance with the development plan policies. The recommendation of officers is amended as follows:-

RECOMMENDATION: DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- 1. Public Open Space provision (£100,000);**
- 2. Provision towards Education Improvements (£68,260)**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Erection of two storey and single storey rear extension and single storey front extension

6, Churchbank Way, Thornhill Lees, Dewsbury, WF12 9DA

10.0 APPRAISAL

Residential Amenity

In regard to paragraph 10.10 of the officer report, which sets out an assessment in relation to the *impact on 57 Ashfield*, it is acknowledged that there are tall hedges located along the boundary with this neighbouring property to the rear. However, the coverage is sporadic and these hedges could be removed at any point. The retention of the tall hedge could not be sufficiently controlled by condition. As such and to clarify, the boundary treatment on site is not, in the view of officers, sufficient to mitigate the impact on the residential amenity of the neighbouring occupants at no. 57 Ashfield.

Erection of 10 semi-detached houses

Land at, Warwick Road, Batley, WF17 6AR

Request for deferral

Following further examination and procurement of advice by Officers in Economic Resilience concerns are raised regarding the viability of the scheme put forward. The applicant's own appraisal concludes a significant deficit without policy compliant contributions being met. In view of this and changes to the NPPF regarding the efficient use of land, Officers have raised concerns with the applicant's agent in relation to the proposed scheme.

In view of this, the agent has requested that the application be deferred to allow a meeting to take place between Officers and the applicant's representatives to look in detail at the housing density and viability of the scheme.

UPDATED OFFICER RECOMMENDATION

It is recommended that the **application be deferred** to allow the applicant to engage further with Officers.