Development Proposals off Lingards Road, Slaithwaite by SB Homes
Application number: 2020/62/93954/W

Personal Objection by a resident of Lingards Road HD7 5HY June 2022

We are not opposed to the principle of housing development on this site: That argument was lost six years ago. However, we are strongly opposed to the form and design of this current development proposal, which will have an unacceptable adverse impact on the landscape and on existing properties bordering the site.

These revised plans (submitted in June 2022) are the third and, by a significant margin, the worst iteration of proposals for housing development on the site off Lingards Road. They will do significant harm to the landscape, the character of the whole neighbourhood, the green belt, the setting of listed buildings, and massively degrade the amenity of everyone currently living adjacent to or near the site. A committee of local residents has set out detailed objections in a separate document and do not need to be repeated here. However, they can be summarised as:-

The building design, layout and housing density conflict sharply with the rural fringe, Pennine hillside, location and will have an unacceptable adverse impact on the landscape and existing properties bordering the site.

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The root causes of most of the specific problems are

- **Inappropriate high housing density (for this specific site)**
- **Inappropriate three-storey form of most of the proposed buildings.**
- **Design conflict with the "rural fringe" character of the local area**

We acknowledge that the site has numerous topographical and practical constraints. As a result it will be costly to develop. It is so problematic that, in our view, it should never have been granted outline planning permission in 2016 or included in the Local Plan. Nevertheless, we have to accept that it was and we readily acknowledge that Commercial viability is now likely to be the most important factor in the mind of the developer. We are therefore sorry to say that the current plans present themselves as ones where commercial viability may have been given far too much weight in the developer's thinking and too little weight appears to have been given to good planning practice and the impact of the development on the landscape and the surrounding local area.

Examples, of where commercial viability (aka commercial profit) appears to have been given excessive weight and taken precedence over good planning practice, are:–

- Number of dwellings increased from 34 in the Local Plan to 42 (In the relevant part of Local Plan site HS125)
- Overall design based mostly on "obtrusive" three-storey dwellings, rather than two-storey dwellings
- A focus on providing almost all the detached and semi-detached properties with excellent amenity, including balconies, picture windows and superb views, but with some disregard for existing residents, the local area, the green belt and wider landscape.
- Dwellings severely encroaching on the Green Belt boundary at the Western edge of the site.
- Nine highly "obtrusive" dwellings, with direct driveway access onto Lingards Road
- Disregard for road design, safety, drainage and engineering impacts of the new dwellings on Lingards Road
- Design, building forms and site layout not in keeping with the local area. Excessive impact on local residents.
- Design and Access Statement severely undervalues the negative impacts on the landscape
- Design and Access Statement severely undervalues the negative impacts on existing residents and properties

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In our view, Commercial viability should not be allowed to outweigh and over-ride the amenity of existing residents & the character of the local area; or the significant landscape, green belt, heritage, highway & drainage issues; or good planning practice and design standards, set out in the NPPF, Planning Guidance Notes and the Local Plan.

NPPF and Government Guidance on Commercial Viability

Viability of a development is a material planning consideration within the revised NPPF. It places a much stronger emphasis on viability and calls for balance between sustainable development, which benefits the local community, and realistic returns for landowners and developers, so that development is commercially viable.

Government Guidance on Viability at https://www.gov.uk/guidance/viability (document updated September 2019) is quite clear that "***The role for viability assessment is primarily at the (Local) plan making stage"***. Quite rightly, this site was assessed for viability as part of the Local Plan preparation, based on assumptions of 34 dwellings (for the portion of the site now subject to planning application), two storey dwellings (not three-storey) and a properly designed single point of vehicle access to the development, adjacent to number 45 Lingards Road (not one "T" junction and five double driveways). The site was deemed commercially viable and included in the Local Plan on that specific basis of design. As all other relevant factors were known at the time and the site already had outline planning permission, we see no reason why the developer should now be allowed to "sweat the land asset" to increase profits beyond the acceptable level of commercial viability determined in the Local Plan.

It is important to note that the NPPF is also clear that "***in all cases, land or site value should reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge"***. In common parlance this means that developers must still meet all legitimate planning requirements and take all development constraints into account when deciding what price to pay for a particular site. We must assume SB Homes did this when they purchased the site, from the original developer in 2019. They therefore cannot now claim that the site is not viable, if the Council are not prepared to relax requirements P, Q, R, S, T, U, V, X, Y and Z. Developers are not permitted to overpay for their development site and then use viability arguments to reduce their planning commitments.

Note: Profitability & viability arguments often relate to cash contributions that developers are asked to make towards provision of off-site services, such as schools, open spaces and highways. However, they can also relate to other aspects of the development, such as housing density, affordable housing provision and design.

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Previous Guidance from the Planning Committee regarding viability

In July 2015 the current developer, SB Homes, asked Kirklees Council Planning Committee to waive Section 106 commitments on a site off Howgate Road in Slaithwaite. For the help and guidance of planners and Councillors dealing with this new development, a verbatim copy of the Huddersfield Examiner report from that Committee meeting in July 2015 is set out below (and available online): -

Colne Valley developer SB Homes told: If you can't afford it, don't buy it

Joanne Douglas 10:30, 29 JUL 2015

Another developer cites 'viability' issues as Clrs unhappy at axing financial contributions for planning consent

A councillor has told developers: Don't buy land if you can't afford to develop it.

It comes after a Colne Valley developer sought to axe all financial and planning contributions from housing consent granted by **Kirklees Council** because the development wouldn't turn enough profit if he had to pay up.
Marsden-based SB Homes were given planning permission for 28 houses, seven flats and a maisonette on land off Howgate Road in **Slaithwaite** in 2011.
Negotiations have been taking place between the developer and Kirklees planners, who were asked to secure what is known as Section 106 (S106) contributions – a series of financial and planning contributions paid by the developer in order to secure planning permission to build.

Kirklees officers calculated that SB Homes would have to pay £84,016 towards local education, make five of the houses affordable and pay £88,700 for off-site public open space.

But SB Homes has said that is unviable and they don't expect to meet the industry-benchmark of 20% gross development value profit, even without zero S106 contribution. As such, they asked Huddersfield's Planning Committee to axe all the contributions, which councillors reluctantly agreed to do.

Clr Donna Bellamy, Colne Valley Conservative, said she knew the site and queried if the landowner had received rent from a private firm which has been storing building materials there. Kirklees officers couldn't tell her.

Clr Bellamy added: “He’s a local builder, he lives in the locality so he knows the area really well. “Can I suggest in future when he’s buying pieces of land that he does make sure they are viable when he does purchase them?”

Clr **Ken Sims**, Holme Valley South Conservative, said developers were treating the committee as “clowns” and that developers had to stop “offering everything to get planning consent then withdrawing it”.
Clr **Jean Calvert**, Ashbrow Labour, was equally unhappy, adding: “I am disappointed about this” as she voted against axing the financial contributions.
Clr Carole Pattison, Greenhead Labour, added: “It’s awful that we haven’t been able to secure, after four years of negotiations, that 106 agreement.