

# Kirklees Local Plan Examination Hearing Statement

**Our ref** 50511/JG/CD  
**Date** January 2018

**Subject Matter 30 Hearing Statement on behalf of KeyLand Developments Ltd – Sites H351 & H1747**

## 1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of KeyLand Developments Ltd (“KeyLand”) and responds to the questions set by the Inspector in relation to sites H351 and H1747 (Bradley Park site) within Matter 30.
- 1.2 We have previously made representations to the Local Plan consultation, including at Stage 1 of the examination, regarding this site and in particular regarding the likely shortfall of housing which will occur as a result of the unrealistic lead-in times and phasing/delivery rates which have been applied in the draft Plan in regard to this site. These concerns remain, and are elaborated upon within this Statement.
- 1.3 This Hearing Statement should be read in conjunction with our representations submitted during the Local Plan Consultation (2016) on behalf of KeyLand (Lichfields representor ID: 969464).

### KeyLand Developments

- 1.4 Prior to responding to a number of the questions specifically posed by the Inspector, we consider that it is important to set further detail about KeyLand.
- 1.5 Keyland is part of the wider Kelda Group and a sister company of Yorkshire Water. In addition to regenerating former Yorkshire Water sites, KeyLand also works with other landowners to unlock the potential of sites to contribute towards the land supply and delivery much needed new housing.
- 1.6 This is the case in Kirklees. In addition to acting on a number of former Yorkshire Water site, KeyLand are promoting land presently identified as Green Belt at Windy Bank Lane, Hightown, within the Batley and Spen part of the District. Although not presently allocated this site (Ref. H596) could accommodate approximately 160 dwellings.
- 1.7 Given the need for additional sites to be identified in the Plan to address the full objectively assessed need for housing and make up for the shortfall in delivery from the Bradley Park site as discussed in this statement, the other very large allocations (H2089 and MX1905), as well as other sites which have been demonstrated to be undeliverable as proposed, KeyLand would welcome the opportunity to bring this site into the Plan, in order to help meet identified housing needs. Detailed assessments have supported our submissions to earlier drafts of the Local Plan and pre-application discussions with the Council are ongoing and this has demonstrated no technical constraints to the delivery of housing on this site.

- 1.8 Although the rejected Windy Bank Lane site (Batley and Spen) is within a different sub-area to Bradley Park (Huddersfield) its inclusion as a housing allocation in the plan to address an element of the identified shortfall in delivery (as discussed below) would have no material change on the overall Spatial Development Strategy or Policy PLP3.
- 1.9 It is in this context that our responses to the Inspectors questions are made.

**2.0 *Issue – Are the proposed Green Belt release housing allocations in the Huddersfield Sub-Area justified, effective, developable/deliverable and in line with national policy?***

**H351 – land north of Bradley Road, Bradley (381 dwellings)**

**H1747 – land north of Bradley Road, Bradley (1,577 dwellings)**

**Question (a) – What is the relationship between sites H351 and H1747? Should they be combined in a single text box/policy and a joint Masterplan required?**

- 2.1 Site H351 is in private ownership whereas site H1747 is owned by Kirklees Council. However, it is clear from the site specific information which has been provided as part of the Local Plan evidence base (documents under SS2) that the future development of the two sites is intrinsically linked, and the allocation wording within Part 2 of the Plan states that each allocation should be considered alongside the other as part of a wider masterplan.
- 2.2 The ‘development concepts’ shown in the Stage 2 Report - Preferred Urban Design Strategy Approach (SS2) indicate a primary access road running west to east through both allocations, and it is this access road which is relied upon to provide the bus link in later phases of the sites’ development.
- 2.3 Due to the close relationship between the two allocations, it is considered that they should be combined in a single text box/policy within Part 2 of the Plan. Furthermore, the lead-in times and delivery rates of the allocations should be calculated on the basis of this being one strategic site with a capacity of 1,958 dwellings, as shown by the site promoter in the submitted evidence. Lichfields’ research on lead-in times, as submitted and discussed at Stage 1 of the hearings, shows that the average planning approval period for a site of this size (i.e. the amount of time taken from first outline application validation to delivery of first dwelling) is 6.5 years. No application has yet been submitted on either allocation.

**Question (b) - Is the allocation of site H1747 consistent with paragraph 74 in the National Planning Policy Framework (NPPF) in relation to the potential loss of open space, sports and recreational buildings and land? What does the evidence show regarding the need for pay and play golf facilities in the local area?**

- 2.4 The Council’s own evidence shows that Bradley Golf Course is unique in Kirklees in that it is the only golf facility within the district which offers ‘pay and play’ as well as longer term memberships. Indeed, paragraph 2.19 of the ‘Bradley Park Masterplan Delivery Statement’ (SS2, March 2016) states that:

*‘Fewer people are seeking to play golf in a membership golf club environment (‘nomadic’ golfers) and there are pressures and needs for golf clubs to provide more flexible membership/playing products, attract new players and appeal more to families, women and young people.’*

- 2.5 This type of flexible playing arrangement is exactly the type of provision offered at Bradley Golf Course, and it would be lost completely in the District if the site was developed.
- 2.6 There are three separate tests set out as bullet points within paragraph 74 of the NPPF, and in Table 1 below we have briefly considered whether the proposal at Bradley Golf Course meets any of these tests.

Table 1 NPPF para 74 tests, Bradley Golf Course

<b>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</b>	<b>Bradley Golf Course proposal</b>
1) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or	The Council's own evidence shows that the facility is unique in Kirklees, and there is demand for flexible playing options like those provided at Bradley Golf Club – <b>requirement not met</b>
2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or	The masterplan provided within SS2 shows no alternative golf provision – <b>requirement not met</b>
3) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss	Whilst the Phase 2 Masterplan Delivery Statement for the site (SS2) indicates some alternative recreational provision in the form of open space and a cricket field, there is no certainty over what this will constitute in any final scheme or whether there is a demand for such facilities as is the case with the Golf Club. Such provision (if delivered) cannot be considered to outweigh such loss. – <b>requirement not met</b>

- 2.7 It is therefore considered that the proposal is clearly contrary to the requirements of NPPF paragraph 74.

**Question (c) - What are the key access and transport infrastructure requirements/costs associated with the proposed scheme? Are there any delivery issues or phasing implications? To what degree is development of later phases dependent on a connection to a new Bradley link road and/or access to new junction 24a of the M62?**

- 2.8 The evidence submitted within the documents at SS2 provides conflicting and unclear conclusions on the amount of development which can be achieved prior to substantial off-site highways work being undertaken.
- 2.9 Paragraph 2.5.4 of the Initial Strategic Masterplan report to Cabinet (16<sup>th</sup> September 2016) indicates that up to 600 dwellings can be delivered at the site with some upgrade works to local junctions and limited improvements to the existing highway network. Beyond this, delivery of the whole of the proposed allocation would be linked to the implementation of 'more substantial improvements to the wider highway network'.
- 2.10 The Transport and Access Appraisal indicates that up to 750 dwellings could be delivered at the site by upgrading access points and junctions into the site; however the appraisal notes that this would lead to an unacceptable impact on the A62/Bradley Road junction. Implementation of the Cooper Bridge scheme would provide some relief at the A62/Bradley Road junction and *could* allow the 750 dwellings scenario to be acceptable. This is however concluded to be dependent on

the actual capacity relief at the A62/Bradley Road junction, which is as yet untested. The Cooper Bridge scheme is yet to commence and its completion is still a number of years away.

- 2.11 Notwithstanding the current ambiguity in the capacity of the highway network around Cooper Bridge and the A62/Bradley Road junction, what is clear is that the Bradley Park site will not be delivered in full without these works. Further evidence is therefore necessary, including more detailed highways modelling work, to understand the actual capacity of key junctions, and how this will restrict the delivery of dwellings at the site and over what time. As outlined above in our response to Question (a), sites H1474 and H351 are linked and this modelling work should therefore calculate the cumulative impact of both of these allocations being delivered at the same time. This lack of clarity regarding the highways implications of the development supports our view that the delivery rates assumed by the Council within the early stages of the plan period are unrealistic.

**Question (d) – Has the necessary third party land been secured for access and drainage solutions?**

- 2.12 No comment.

**Question (e) - Does the Plan clearly specify the number of access points required and transport infrastructure requirements?**

- 2.13 No comment.

**Question (f) – Does the Plan provide sufficient detail on other infrastructure requirements, including education, open space, sports and recreation facilities, and the provision of a local centre? Should the Plan specify the amount of land required for the provision of these facilities, along with details of timing/phasing? How will provision be made for early years/childcare and secondary education facilities?**

- 2.14 The Plan makes reference to the requirement for a new primary school and Early Years and Childcare provision, as well as, potentially, community gardens and allotments, but no detail is given to the scale of these requirements or the amount of land which needs to be safeguarded.

- 2.15 The Phase 2 Masterplan Delivery Statement (SS2) which has been prepared on behalf of the Council as a promoter gives some indication of the amount land which these facilities may require, and this is replicated below:

- 3 form entry primary school – up to 2.86 hectares – see para 5.7 of Phase 2 Masterplan Delivery Statement
- Open space – 9.3 hectare Central Park plus 19.4ha open space as shown on ‘Development Phasing Parcels Plan’ in Preferred Urban Design Strategy Approach report
- Cricket field – 3.7 hectares as shown on ‘Development Phasing Parcels Plan’ in Preferred Urban Design Strategy Approach report
- Local foodstore – unspecified

- 2.16 The Plan shows that the net developable area of allocations H351 and H1747 combined is 62.84ha (5.5ha is removed from the gross site areas to account for the ‘ponds and buffer area to the north of the site’). A calculation of the remaining site area available for housing is shown below (Table 1) using the areas for infrastructure provision taken from the Phase 2 Masterplan Delivery Statement.

- 2.17 Whilst it is acknowledged that the open space and central park likely exceed the open space requirements for the site, this is what is shown in the submitted ‘Preferred Urban Design Strategy Approach’. We have provided reasonable estimation for the space required for the convenience foodstore.

Table 2 Composition of land uses at Bradley Park site

Use	Hectares
Total site area	<b>68.3</b>
3 form entry primary school	-2.86
Open Space including Central Park	-28.7
Cricket Pitches	-3.7
Local Foodstore	-1
Land remaining for housing	32.04
Resultant residential density	61 dph

Source: Phase 2 Masterplan Delivery Statement and in Preferred Urban Design Strategy Approach report (SS2)

- 2.18 Whilst it may not be necessary for the Plan to specify the amount of land required for the provision of these facilities, the site capacity stated within the Plan must be accurate and based on the amount of land lost to social infrastructure provision.
- 2.19 The evidence within SS2 indicates that in order to achieve the level of housing proposed (1,958 units), as well as the provision of open space and wider facilities set out in that document, a density of 61 dwellings per hectare (dph) would be required.
- 2.20 The Housing Technical Paper (SD23) indicates that the median density achieved in Kirklees between 2006 – 2015 is 35dph. 61dph is therefore clearly unrealistic and therefore the residential capacity of the site has been overestimated, based on the submitted masterplan, and additional sites will be required to make up this shortfall. The only way the level of housing proposed could be achieved would be to considerably reduce these areas of open space and wider community facilities.

**Question (g) – Have constraints relating to heritage, biodiversity, air quality, noise, odour, contamination and land stability been satisfactorily investigated and addressed? Are related mitigation measures and requirements clearly expressed in the Plan? How have these constraints and measures impacted on the viability of the scheme?**

- 2.21 No comment.

**Question (h) – Is the indicative site capacity justified, having regard to environmental and other constraints and the provision of necessary infrastructure?**

- 2.22 Our response to Question (f) above demonstrates that the indicative site capacity is unjustified, and there is no certainty that the housing capacity estimated in the Plan can be achieved.
- 2.23 Taking account of the proposed land identified for open space, recreation and community infrastructure, a resultant residential density of 61 dwellings per hectare on the balance of the

site is wholly unrealistic and out of character with the local area, and it is likely that the site will not deliver a combined yield of 1,958 dwellings, meaning additional sites will be required.

**Question (i) - The housing trajectory indicates that 360 dwellings will come forward within five years, with the first units delivered in 2019/20. At the Stage 1 hearings the Council confirmed that a development partner(s) has yet to be appointed and a planning application is not anticipated until Summer 2018. Are the estimated delivery timescales reasonable and justified? Why do the trajectory timescales differ from the 15 year phasing approach established in the Bradley Park Phase II Masterplan Delivery Statement (page 23) (September 2016) (SS2)?**

- 2.24 As set out in our representations to the Stage 1 hearings, it is considered that the delivery timescales for this site are wholly unreasonable and unjustified.
- 2.25 Our response to this question draws on evidence from a recent research piece undertaken by Lichfields entitled 'Start to Finish'. This research was referred to by the Inspector in the MIQs at Stage 1 (Matter 4), was discussed in the corresponding hearing sessions, and was included at Annex 1 of our Matter 4 Hearing Statement. It shows that, for sites of 1,500 – 1,999 units, the average planning approval period (i.e. the amount of time taken from first outline application validation to delivery of first dwelling) is 6.5 years. The site specific information within the Local Plan evidence base shows that sites H1747 and H351 are to be delivered concurrently with one joint masterplan. The combined capacity of these allocations (1,958 units) puts it at that top of the 1,500 – 1,999 range in our research, and therefore the 6.5 year planning approval period is considered to be a conservative estimate.
- 2.26 The Start to Finish research shows that the average build rate for sites in the 1,500 – 1,999 unit range is around 135 dwellings per annum (dpa). A comparison of the lead-in time and build rate assumed by the Plan and that based on our extensive research is shown in Table 3 below. For the purpose of this exercise we have assumed an application will be submitted in late August 2018, based on the Council's estimation of submission of a planning application by 'Summer 2018'. It should however be recognised that this timescale is highly ambitious and questionable, as in order to achieve a planning application being submitted by August, we would expect detailed preparation and survey work to have already commenced, bearing in mind the scale and complexity of the development proposal and the likely need for Environmental Impact Assessment. Indeed we are not aware of a formal EIA screening or scoping request having been made.
- 2.27 At present, it is understood that the Council has not entered into any agreement with a development partner to deliver the development at the Bradley Park site. The Housing Trajectory within document EX30.2 also shows that there has been no developer interest shown in the site during the Call for Sites process.

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Table 3 Comparison of lead-in times, Sites H1747 and H351

	Year of first delivery	Total Plan Period delivery
Housing Trajectory *	2019/20	1,958
Lichfields Evidence	2025/26	810
Shortfall		<b>1,148</b>

\* Taken from EX30.2

- 2.28 A shortfall of over 1,000 dwellings from this one site within the plan period is a significant deficit, equating to around 5% of the District's entire housing land requirement. When this is added to the shortfall from the strategic allocations at Dewsbury Riverside (H2089) and Chidswell (MX1905) (as discussed further in separate statements), we calculate that there will be an **under-delivery in the region of 3,045 homes across the plan period** (14% of total housing land requirement) from these three sites alone.
- 2.29 To make up for this shortfall, additional housing sites will need to be identified. Although the rejected Windy Bank Lane site (Ref. H596) (Batley and Spen) is within a different sub-area to Bradley Park (Huddersfield) its inclusion as a housing allocation in the plan to address an element of the identified shortfall in delivery (as discussed below) would have no material change on the overall Spatial Development Strategy or Policy PLP3.
- 2.30 KeyLand has control of this site, and has extensive technical evidence which demonstrates its suitability for residential development. This evidence has been provided to the Council as part of previous stages of the Local Plan consultation process and its suitability is discussed further as part of KeyLand's statement in respect of Matter 37 (Batley and Spen sites).
- Question (j) - What effect would the proposed boundary changes and allocations have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Huddersfield and Brighouse be affected? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?**
- 2.31 No comment.