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DENSITY AND
HOUSING MIX
STATEMENT
VI - Nov 25

ERECTION OF NEW HOUSING KINGSLEY
AVENUE HUDDERSFIELD – 2023/91907

Job 2779

PREPARED BY ACUMEN DESIGNERS & ARCHITECTS LTD
Headrow House, Old Leeds Road, Huddersfield HD1 1SG Tel: 01484 546000

acumen
designers & architects

Kingsley Avenue - Planning Application – 2023/91907

Density and Housing Mix Justification Statement

Housing Delivery in Kirklees

1. Kirklees Council is currently unable to demonstrate a five-year supply (5YHLS) of deliverable housing sites and delivery of housing has fallen below the 75% Housing Delivery Target (HDT) requirement. As such the starting point for all housing applications is NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

1. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
2. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

3. As a reminder Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.
4. Thus, the presumption in favour of sustainable development is activated in consideration of this application.
5. In addition, an important consideration moving forward is paragraph 73 of the NPPF. This clearly states the following:

Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly.

6. This paragraph sets out several measures that LPAs should encourage. One of these, part d, is pertinent here and states:

‘...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.’

7. Whilst density and housing mix are part of the consideration of this application, the lack of 5YHLS and promotion of a windfall site is of greater significance here and should receive the greatest weight in the determination of this application.

Contribution to Housing Need in Kirklees

8. The Council’s most recent Strategic Housing Market Assessment (SHMA, 2016) identifies a need for all types of dwellings including 3- and 4-bedroom family dwellings proposed in this application. In the absence of more recent published evidence, the 2016 SHMA remains a relevant consideration.
9. In this context, this proposal offers a modest but valuable contribution to housing need in a district at a time when there is a shortfall in general supply.

Density

10. Of relevance here is Principle 4 of the Housebuilders Design Guide SPD adopted in June 2021. This states:

'Net development density is expected to achieve at least 35 dwellings per hectare, though higher densities are supported in areas in or adjacent to town centres which are well served by public transport and to secure more sustainable forms of development. Densities lower than 35 are only permitted in line with Local Plan Policy LP7. The location of the site is important in terms of the requirement for car parking provision, on-site open space provision and the type of housing required in the locality.'

11. Policy LP7 of the adopted local plan which deals with efficient and effective use of land and buildings it states:

'To ensure the best use of land and buildings, proposals:

- a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value.*
- b. should encourage the reuse or adaptation of vacant or underused properties.*
- c. should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value.*
- d. will allow access to adjoining undeveloped land so it may subsequently be developed.*

Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

- a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.*
- b. higher densities will be sought in principal town centres and in areas close to public transport interchanges*
- c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.*
- d. more detailed density requirements may be set out in area actions plans, neighborhood plans, supplementary planning documents and development briefs, where appropriate.'*

12. Paragraph 6.40 is also helpful context. This states:

'...site constraints such as gradients may create difficulties achieving the relevant density on sites. Lower densities may also be appropriate within a site where this is needed to ensure that flood risk sequential approach to layout can be achieved.'

Issues Affecting Density on the Application Site

13. The overall application site measures 0.58 hectares. The site is characterized by several site constraints which limit the ability to increase density further. These are set out below.

Justification 1 Site Gradients

14. The severe gradients and sloping nature of the site to the north down to the playground and to the west onto Church Street with a sharp railway cutting to the east mean that development needs to be concentrated into a smaller section of the site than would be expected. Indeed, to deliver this we have calculated that retaining walls would be

required across the site totaling 304m in length and 592m² in area. These also add to the abnormal costs of developing the site.

15. In addition, the gradients also constrain the amount of rear garden being provided. Reprofiting of the land and a retaining wall are being provided to ensure gardens are usable.

Justification 2 - Proximity of the Railway Embankment

16. The railway line to the east and its embankment does constrain development, particularly the developable area on the site and is a further factor to consider.

Justification 3 - Tree Coverage

17. The site has a large tree presence which, if to be retained alongside the development, means the site needs to be carefully arranged. This inevitably will lead to a lower density.

Justification 4 - Access Road

18. There is the need to form access into the site from Kingsley Avenue. The road access and parking facilities take up 1/3rd or 34% of the gross site area. Whilst car parking and highways should be efficiently designed to ensure they do not take up a high proportion of land, in this case no development can be activated without this amount of land take as the access point can only realistically be taken from one point, once again leaving the developable area constrained.

19. These points are supported by the pre-application advice supplied by the Council in 2022. This acknowledges the following:

'As the application site measures 0.94 ha it is deemed that the site could potentially be capable of providing 34 dwellings based on the above figures. However, given the nature of the site, proposed site access, railway line, mature planting and the proximity of the site to a children's play area/recreation ground it is considered reasonable that the number of dwellings proposed here would have a lower density than that required within LP7.'

20. The density being achieved to date is therefore less than the preferred 35 dwellings per hectares due to these constraints but is, in our opinion, justified. These factors indicate that it is necessary to reduce density in this case.

Housing Mix and Affordable Housing Policy LP11

21. The relevant part of Policy LP11 of the Local Plan states that:

'All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. This includes consideration of provision for those with specialist needs. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.'

22. This policy is reiterated in the Affordable Housing and Housing Mix SPD adopted in March 2023. This document also sets out the preferred mix of dwellings. This is below for South Huddersfield. In addition, there is opportunity to justify departure from this mix. The justification is set out below from paragraph 24.

Bed Spaces	Mix Range
1 & 2 bed	30-60%
3 Bed	25-45%
4+ bed	15-35%

Justification 1 – The Compatibility of the Development with its Surroundings.

23. The proposal currently favours 3/4 bed properties including study areas. Whilst this does not reflect the target mix set out above these larger family properties add a greater variety into the current housing stock within the immediate residential area.

24. Whilst there are some semi-detached three-bedroom properties nearby – typically on Kingsley Avenue - the area is dominated by smaller 2 bed terraced housing with small rear yards. Typically, streets very close to the application site display this type of property as follows:

- to the north between Blackmoorfoot Road and Lightcliffe Road,
- to the east starting around Moorbottom Road, and
- to the west around May Street, Church Avenue and Church Street.

25. Given the predominance of smaller properties in the area it is felt that the introduction of these larger family orientated properties adds to the wider housing mix and should be seen as a positive aspect rather than undermining the thrust of policy.

Justification 2 – Need to Maximise Sales Values

26. The section above detailing density sets out clearly the reasons why the site density has to be reduced. It also highlights some of the site constraints and likely abnormal costs associated with the development – particularly the retaining walls and access into the site. The latter also includes demolition of an existing property.

27. To achieve this, it is important to maximise sales value. The proposed 3/4-bedroom properties are the best way to achieve this.

Justification 3 – Under Delivery of Housing Across the District

28. Kirklees Council is currently unable to demonstrate a five-year supply (5YHLS) of deliverable housing sites and delivery of housing has fallen below the 75% Housing Delivery Target (HDT) requirement. The starting point for all housing applications is NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development.

29. Whilst the mix requirements are embedded into policy the complexion of housing delivery has changed significantly since the local plan and SPD adoption. In essence there is still a demand for these types of property across the area, and this should weigh strongly in the application's favour particularly as it is reinforced by the need in the locality.

Justification 4 – Developable Area below 0.4-hectare Threshold

30. This site is not straightforward given all the constraints outlined above. In reality the developable area – i.e. the available land to deliver new dwellings, parking and gardens is 0.39 hectares. This falls below the threshold where policy LP11 should apply. We believe this is a very material consideration on such a difficult site and should be considered ahead of the above factors being taken into consideration.

Overall Conclusion

31. The above sections set out why adherence to density and housing mix policies cannot, in this case, be adhered to. In any event this application should be determined in line with NPPF paragraph 11 as the Council cannot demonstrate a 5YHLS. This in turn triggers a presumption in favour of sustainable development.
32. In this case the policies are out-of-date therefore permission should not rely on strict adherence to these policies particularly as there are no policies that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed.
33. Finally, there are considerable benefits in permitted this application not least the much-needed housing supply but also the fact that this is a windfall site which the Local Plan relies upon to deliver homes in the district and is also supported by NPPF where great weight is given to their development.