

Kirklees Local Plan Examination Hearing Statement

Our ref 50579/JG/AJk
Date January 2018

Subject **Matter 34 Hearing Statement on behalf of Persimmon Homes West Yorkshire – Site H2089 and rejected site H476**

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Persimmon Homes West Yorkshire (“Persimmon”) and responds to the questions set by the Inspector in relation to site H2089 (Dewsbury Riverside site) within Matter 34. In the context that additional sites will be required to meet objectively assessed housing needs, it also **promotes rejected site H476**.
- 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. 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 Persimmon (Lichfields representor ID: 969464, Persimmon representor ID: 975291).

Persimmon in Kirklees

- 1.4 Persimmon has control of the following proposed allocations and is committed to delivering residential development at these sites at the earliest opportunity in accordance with the emerging Plan:
- Housing allocations H102 and H660 at Netherton;
 - Housing allocation H502 at Skelmanthorpe; and,
 - Part of mixed-use site MX1911 in Lindley
- 1.5 Persimmon also has control of Urban Green Space designation UGS2151 at Rumble Road in Dewsbury (also referred to as rejected site H357) where planning permission has recently been granted for 149 dwellings. This site is in close proximity to H2089 which is the subject of this Statement. Persimmon also has control of the following rejected housing allocations:
- H575 in Kirkburton;
 - H231 in Gomersal; and,
 - **H476 in Mirfield**
- 1.6 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 three strategic allocations (H1747, H2089 and MX1905), as well as other sites which have been demonstrated to be undeliverable as proposed, Persimmon would welcome the opportunity to bring the above

rejected sites into the Plan in order to help meet identified housing needs. A suite of technical information is available for each of Persimmon's sites which show that they are suitable and deliverable for residential development.

- 1.7 Although sites H575 and H231 are within a different sub-area to site H2089 (Kirklees Rural and Batley & Spenningsdale respectively), their inclusion in the Plan would have no significant change on the overall Spatial Development Strategy or policy PLP 3.

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

H2089 – land south of Ravensthorpe Road / Lees Hall Road, Dewsbury (2,310 dwellings within the Plan period, 1,690 dwellings beyond the Plan period)

Question (a) – The Access Statement Technical Note (SS14) identifies a need for four access points into the site. What is the estimated dwelling capacity that could be served from each of these points? How is this capacity reflected in the phasing plan and housing trajectory? Has necessary third party land been secured?

- 2.1 No comment.

Question (b) – The Technical Note and Delivery Framework identify the need for strategic highway intervention at about the 2000th dwelling, with one solution being the provision of a new bridge and strategic highway through the site.

- i **How would the new strategic road link into the scheme, and has a potential route been incorporated into the masterplanning work?**
- ii **How would the strategic road link be funded, and what effect would it have on the viability of the development scheme?**
- iii **Are other potential options being investigated?**

- 2.2 The submitted site specific evidence (SS14) provides no robust assessment or confidence that the 'strategic highway intervention' which will be necessary to deliver the number of homes stated in the latter part of the Plan Period can be provided.

- 2.3 The Delivery Framework refers to the provision of a bridge from the A644 at Low Mill Lane, crossing the River Calder and railway, then running through the site and onwards to Dewsbury town centre via Forge Lane and Savile Road.

- 2.4 The Land Use Masterplan within the Delivery Framework does not make any allowance for this strategic link road, and in fact shows an area of proposed 'community woodland' at the point where the road would enter the site from the west after crossing the River Calder and trans-Pennine railway. From this point, the route through the proposed masterplan is impeded by areas of residential development, a primary school and the local centre. The masterplan should therefore be revised to show this strategic route, and the site capacity also revised on the basis of a reduced developable area. It may be necessary to identify additional housing sites to make up for this shortfall, such as:

- H575 in Kirkburton;

- H231 in Gomersal; and,
- **H476 in Mirfield** – within in the same sub-area as H2089

- 2.5 No detail is provided on how the strategic road link would be funded, and what effect would it have on the viability of the development scheme. This raises serious concerns about the whether the allocation will be ever be delivered in full.
- 2.6 Although within a different local authority, the ‘North Northallerton’ strategic housing allocation in Hambleton District Council is a good recent example of the significant viability and timescale implications generated by the delivery of a bridge across a railway. Persimmon has an interest in the North Northallerton site, which requires the delivery of a bridge over the Northallerton – Yarm line (a much quieter stretch of railway than in Dewsbury which is mainly used for freight).
- 2.7 At North Northallerton, negotiations with Network Rail began in October 2014 and an agreement was signed in March 2017, with the bridge expected to be ‘dropped in’ by December 2018. The overall cost for the bridge is around £13m. Hambleton District Council successfully applied for a Local Enterprise Partnership (LEP) contribution of £6m to help fund the bridge – without this contribution the scheme would not have gone ahead. Although a higher value market area, because of the significant technical constraints and upfront infrastructure costs including the bridge, the District Valuer gave an extremely low land value for the North Northallerton site (£175,000 per **Gross** acre).
- 2.8 At the Dewsbury Riverside site, no evidence of an estimated cost for the bridge has been provided or of how it will be funded. Given that the Dewsbury Riverside bridge is envisaged to be a much larger piece of infrastructure than in Northallerton, crossing a busy passenger line and waterways, and given that it is in a much lower value market area, it is considered that sufficient justification has not been provided that the allocation is deliverable as proposed. Indeed, if 2,000 units is a trigger to further works being required (and a more detailed assessment may find it to be less than this), there is a risk that no more than 2,000 (or a lower trigger if further assessment revises this) will be delivered, so as to avoid the costs associated with delivering this major piece of infrastructure to allow the balance of the site to come forward. At the very least, it may delay the delivery of the additional units.
- 2.9 To account for the differing value of the market area in south Dewsbury, it is recommended that the Viability Appraisal for the scheme be run based on a land value of less than £175,000 per Gross acre.

Question (c) - At what stage would improvements to Ravensthorpe station be required? What would these improvements involve and how would they be delivered/funded?

- 2.10 No comment.

Question (d) – Should the proposal clearly specify the number/location of access points required and highways/transport infrastructure requirements?

- 2.11 No comment.

Question (e) - Does the Plan provide sufficient detail on other infrastructure requirements, including education, open space, allotments and provision of a Local Centre? Should the Plan specify the amount of land required for the provision of such facilities, along with details of timing/phasing? How and at what stage will provision be made for early years/childcare and secondary education facilities? What size/form of Local Centre was factored into the Viability Assessment?

- 2.12 The Plan lists social infrastructure requirements for the site in the 'Other site specific considerations' section in Part 2 of the Plan. The Delivery Framework (SS14) recognises the need for a local centre to be provided as part of the development; however this is not listed in the Plan and should be added.
- 2.13 The Delivery Framework document lists at page 54 a selection of uses which could be incorporated into the local centre, including a 'well-being hub' with GPs, pharmacy and opticians, a day nursery and soft play, a gym, community cafe, a faith centre, small retail facilities and some housing to animate the centre at night. However, the adjacent land schedule on page 54 of the same document only allows for 1.5 hectares of land to accommodate all of these uses, which is considered to be too low. Further comments on site capacity are provided in response to Question (i) below.
- 2.14 In response to the final part of Question (e), it is not clear from the submitted documents what size/form of Local Centre was factored into the Viability Assessment, and this adds further ambiguity and further reduces the robustness of the proposed development.

Question (f) – Should the proposal provide clearer detail on mitigation required in association with biodiversity, including the retention of existing habitats? Has ecological and arboricultural survey work been completed?

- 2.15 No comment.

Question (g) – Why does the Masterplan show residential development in southern sections of the site which are identified in the Landscape Framework Plan as 'areas of development stand-off' which are important for visual reasons?

- 2.16 The Landscape Framework Plan produced by TPM Landscape (Page 47, Delivery Framework Document, SS14) clearly shows an area of development 'stand-off' to the steep slopes and highest ground across the southern portion of the site, to provide a positive interface with adjacent farmland and to reduce visual impacts upon the valley ridge line. Furthermore, the first bullet point on page 48 of the same document states that a strong landscape buffer along the southern boundary of the site should be created.
- 2.17 The Land Use Plan on page 53 of that document pays scant regard to these findings, and proposes residential development in identified 'stand-off' area, potentially leading to an unacceptable impact on the adjacent Green Belt landscape. If the Land Use Plan was revised to accord with the findings of the Landscape Framework Plan, it is likely that the overall capacity of the site would be reduced.

Question (h) – Have constraints relating to air quality, noise, 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?

2.18 No comment.

Question (i) – Is the indicative site capacity justified, having regard to landscape, environmental and other constraints and the provision of necessary infrastructure? How many dwellings are likely to be accommodated on land that is currently not within the Green Belt, both within the Plan period and over the whole development period? How many hectares will be required for development up to 2031 (2,310 houses)?

2.19 Based on the evidence within SS14, it is considered that the total site capacity of 4,000 dwellings stated in the Plan is wholly unjustified.

2.20 The Land Schedule and Density Range Possibilities tables on page 54 of the Delivery Framework document show that to achieve a capacity of 4,000 units, a residential density of 41 dwellings per hectare (dph) is necessary. The median residential density achieved across Kirklees between 2006 and 2015 is 35dph (Table 8, Housing Technical Paper, SD23), and this has led the Council to use 35dph as a basis for calculating the capacity of proposed allocations, minus any significant development constraints (para 5.16, SD23). No justification is shown in the documents within SS14 as to why an average residential density of 41dph is considered to be appropriate at Dewsbury Riverside, and, when this is applied across the residential areas of the site (97 hectares), it equates to an inflation of approximately 600 dwellings compared to a density of 35dph.

2.21 As well as a particularly high average residential density, the proposed masterplan for the site shows residential development within areas which are identified in the landscape appraisal as to be reserved for a landscape buffer at the south of the site (see response to Question (g)). It also shows residential and educational development parcels within areas which are identified as containing high voltage power lines, a HSE blast zone, and land with a gradient greater than 1 in 7. These constraints will reduce and in some cases completely prevent residential development.

2.22 It is therefore clear that, notwithstanding concerns regarding viability and lead-in times/delivery rates, the site will not achieve the total indicative capacity stated within the Plan. To counter this, it is recommended that the Plan allocates additional smaller to medium sized housing sites which are deliverable in the shorter term and can make up for this shortfall. The below rejected housing allocations are within Persimmon's control and are suitable and deliverable within the early stages of the plan period:

- H575 in Kirkburton;
- H231 in Gomersal; and,
- **H476 in Mirfield** – within in the same sub-area as H2089

Question (j) – The housing trajectory indicates that 710 dwellings will come forward within five years, with the first units delivered in 2018/19. Are the estimated delivery timescales reasonable and justified?

2.23 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.

- 2.24 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 more than 2,000 units, the average planning approval period (i.e. the amount of time taken from first outline application validation to delivery of first dwelling) is almost 7 years.
- 2.25 Part of Site H2089 already has outline planning permission for a total of 240 dwellings. Our research shows that the planning approval period for sites of this size is usually 4 years. The outline planning applications were submitted in December 2016. For consistency with our assessment of Site H1747 in our Matter 30 Hearing Statement, and to provide a best case estimate, we have calculated the delivery of the balance of site H2089 based on a planning approval period of 6.5 years.
- 2.26 The Start to Finish research shows that the average build rate for sites of more than 2,000 units is around 160 dwellings per annum (dpa). For sites of 100 – 499 units (i.e. the UDP allocation), the average build rate is 60dpa. It is however important to recognise that these average figures are taken from sites predominantly within higher value market areas than south Dewsbury, and therefore represent a best case scenario in respect of this site.
- 2.27 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 1 below. For the purpose of this exercise and consistency with our assessment of Site H1747 we have assumed an application will be submitted on the balance of the site in late August 2018

Table 1 Lead-in times comparison, Site H2089

	Year of first delivery	Total Plan Period delivery
Housing Trajectory*	2018/19	2,310 ¹
Lichfields Evidence	UDP allocation – 2020/21	1,200 ²
	Remainder of site – 2025/26	
Shortfall		1,110

*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 Bradley Golf Course (H1747/H351) and Chidswell (MX1905), 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).
- 2.29 To make up for this shortfall, additional housing sites which are capable of being delivered in the plan period will need to be identified. It is considered that sites within the Huddersfield sub-area and wider District could be allocated without harm to the Council’s spatial development strategy, including but not limited to:
- H575 in Kirkburton;

¹ As provided in EX30.2 Housing Trajectory

² Assuming 4 year period from submission of outline to 1st dwelling and build rate of 60dpa on UDP allocation, 6.5 year period from submission of outline to 1st dwelling and build rate of 160dpa on balance of site

- H231 in Gomersal; and,
- **H476 in Mirfield** – within the same sub-area as H2089

2.30 Persimmon has control of the above sites, and has extensive technical evidence which demonstrates their suitability for residential development. This evidence has been provided to the Council as part of previous stages of the Local Plan consultation process and, in the absence of a rejected or ‘omission sites’ session, can be made available at the Inspector’s or Council’s request.

Question (k) - What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Dewsbury and Thornhill be affected? Are there exceptional circumstances that justify altering the Green Belt? Is there evidence to demonstrate that the section of the site likely to come forward beyond 2031 would be justified and needed to meet housing requirements in the longer term?

2.31 No comment.

3.0 Site H476 – Leeds Road, Mirfield

3.1 As the site at Leeds Road, Mirfield (H476) falls within the same sub-area as H2089, we have included a short summary letter for that site at **Annex 1** of this Statement, which sets out the credentials of the site, and which demonstrates its suitability for housing development.

3.2 In summary, Site H476 is capable of the site could delivering up to 230 new homes within the first five years of the plan period. The site does not perform any of the Green Belt purposes as defined by the NPPF. The Council’s own assessment of the site has concluded that it serves no strategic role in preventing the merging of settlements, and that it could be developed as a suitable extension to the settlement which would have no impact on openness.

3.3 An independent highways assessment commissioned by Persimmon found that the local highway network could easily accommodate a development in the region of 200 dwellings, and a proposed access arrangement has been produced for a right turn lane into the site from Leeds Road.

3.4 The Rejected Site Options report raises the possibility of noise, air quality and contaminated land constraints. The site is not located within an Air Quality Management Area (AQMA) and given the current use of the site, it is unlikely to be affected by contamination. There are no particularly excessive noise sources in the area, and the proposed allocation of other sites for housing in close proximity to this site is evidence that site H476 should not be ruled out on these grounds.

3.5 In the absence of any other technical impediments, and the clear need to allocate additional sites, site H476 at Leeds Road, Mirfield should be allocated for housing development.



Annex 1: Site H476 Summary Letter

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Date 19 December 2016
Our ref 50579/05/JG/AJk/12974280v3
Your ref

Dear Sir / Madam

Publication Draft Local Plan Consultation - Site H476: Leeds Road, Mirfield

This letter has been prepared by Nathaniel Lichfield & Partners ("NLP") on behalf of our client Persimmon Homes West Yorkshire ("Persimmon") and comprises a formal representation to Kirklees Council's consultation on the Publication Draft Local Plan (PDLP).

This representation specifically relates to site H476 (Land to the south of Leeds Road, Mirfield) which has been rejected as a housing allocation in the PDLP. Persimmon contests the rejection of the site for housing, and considers that it is a suitable and sustainable location for residential development, which is vital for meeting the District's full objectively assessed housing needs (OAHN).

This representation should be read alongside our 'main' representation on the PDLP, which concludes that the PDLP is **unsound** as it will not meet the full OAHN for the District – principally due to errors in the calculation of the housing requirement in the Strategic Housing Market Assessment (SHMA), and also an overestimation of site yields and grossly optimistic lead-in times on large allocations. As a result, and in order to make the plan sound, further suitable housing sites will need to be identified to increase the prospects of meeting the OAHN in full. Site H476 represents such a site.

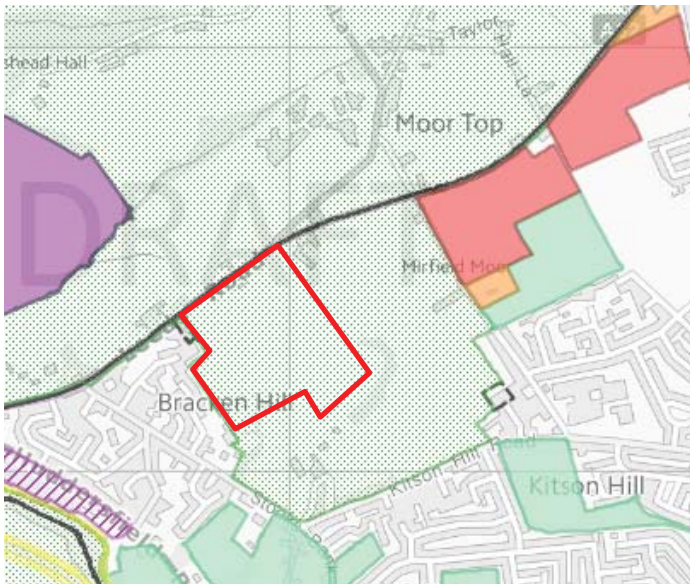
The Site

The site is located on the northern edge of Mirfield, and extends to an area of approximately 7.7 hectares (gross). A site location plan is provided at Figure 1.

Mirfield is a relatively large settlement which provides a good level of service provision for residents, as noted on page 27 of the PDLP Strategies and Policies document. A wide range of facilities including schools and shops lie within the 2km of the site and the site is well connected via a comprehensive and continuous footway network to key services. The site has excellent

access to public transport links, with bus stops bordering the site on Leeds Road and providing services to Leeds and Huddersfield.

Figure 1 Site Location Plan (site edged red)



Source: PDLP Policies Map

An indicative masterplan has been produced to illustrate how the site could be developed to provide up to 230 new homes as part of a sustainable residential scheme. The masterplan is enclosed with this representation (**Appendix 1**).

The Rejected Site Options report (November 2016) sets out officer's reasons for rejecting the site in the PDLP. The sections below respond to these findings, drawing on a Landscape and Visual Review of the site by Pegasus Group which was submitted as part of our representations to the previous Draft Local Plan in February 2016, and which is enclosed again with this representation (**Appendix 2**).

Green Belt and Green Belt Edge

The site receives a 'red' score in the Green Belt category, with the Rejected Site Options report stating:

'This is a large site that extends up the slope to the east where development would be increasingly prominent, although there is development immediately to the east of the option that is in the green belt. The extent and location of the option relative to the green belt area of Mirfield Moor would leave land to the south somewhat isolated and vulnerable to development pressure.'

However, the Council's assessment of the Green Belt adjacent to this site suggests that opportunities exist to develop within the part of the Green Belt, noting, *inter alia*:

'It is contained on three sides by existing residential development and to the fourth by Leeds Road. It serves no strategic role in terms of preventing the merger of settlements and represents an area of urban fringe where there are a number of properties in the green belt close to the settlement edge. The fragmented land use, field patterns and tracts of trees present numerous opportunities for settlement extension without significantly impacting on openness.'



(NLP Emphasis)

The Green Belt Review undertaken by Pegasus Group found that:

- The Green Belt in this location is of lower importance in checking unrestricted sprawl;
- The site forms part of the urban fringe and does not perform a key role as open countryside, and;
- The site plays no role in preserving the setting and special character of historic towns, or assisting in urban regeneration.

The Pegasus review also concluded that the site would be an appropriate extension to Mirfield and would have minimal impact on the purposes of including land in the Green Belt. In particular, it found that the land does not form a key role as open countryside, and that Leeds Road would provide a strong new defensible Green Belt boundary to the north.

The findings of the Pegasus review therefore seem to concur with officer's assessment of the site, in that this particular part of the Green Belt serves no strategic role in preventing the merging of settlements, and that the site should be considered as an urban fringe site which could be developed as a suitable extension to the settlement which would have no impact on openness. It is considered that the land does not meet any of the purposes of Green Belt land as defined by paragraph 80 of the National Planning Policy Framework.

As is partly shown on the Site Location Plan at Figure 1, the PDLP proposes to allocate a number of housing, employment and mixed use sites in close proximity to site H476. This further weakens the role of the Green Belt to the south of Leeds Road, and, given the amount of existing built development along Leeds Road and to the west of Slipper Lane, it is logical to allocate site H476 to meet the shortfall of housing land identified in our separate representations in respect of the overall housing requirement and supply.

Other Matters

Transport

The Rejected Site Options report finds that visibility splays are required and a right turn lane may need to be provided to access the site from Leeds Road. Fore Consulting undertook an assessment of the likely highways impacts of a development in the region of 200 dwellings at the site (**Appendix 3**). This found that the development of the site would not have a significant impact on the local highway network, and a proposed access arrangement has been produced for a right turn lane into the site from Leeds Road.

Education

The Council's assessment gives the site an 'amber' score for Education, despite concluding that there is no immediate need for Primary or Secondary school places within the area.

There are four schools within a 1km radius of the site (Hollybank School, Battyeford Primary School, The Mirfield Free Grammar and Sixth Form, and Old Bank Junior, Infant and Nursery School), and the site is therefore well located to enable children to walk or cycle to school from the site. We also note that the site currently falls within the priority admissions area for Battyeford Primary School and The Mirfield Free Grammar and Sixth Form.



If these schools are deemed to be oversubscribed at the time the site is brought forward for development, it is likely that capacity issues can be addressed by a suitable contribution being made via a planning obligation to overcome any shortfalls in capacity at local schools, or a payment made as part of the Community Infrastructure Levy (CIL) if has been adopted at that time. The fact that other sites have been allocated in the nearby area and the catchment of these schools clearly indicates that school capacity is not an insurmountable issue preventing new housing coming forward.

Noise, Air Quality and Contaminated Land

The Rejected Site Options report raises the possibility of noise, air quality and contaminated land constraints.

The site is not located within an Air Quality Management Area (AQMA) and given the current use of the site, it is unlikely to be affected by contamination. There are no particularly excessive noise sources in the area, and the proposed allocation of other sites for housing in close proximity to this site is evidence that site H476 should not be ruled out on these grounds. All of these matters would be assessed in full detail at the application stage and mitigation measures identified if necessary.

Summary

NLP's wider representations on behalf of Persimmon demonstrate that additional housing sites need to be identified to ensure that the objectively assessed housing need is met in full, and for the plan to be considered sound. Site H476 is capable of accommodating over 200 dwellings to help meet this shortfall. As has been demonstrated in this representation, the site does not perform any of the Green Belt purposes as defined by the National Planning Policy Framework. The Council's own assessment of the site has concluded that it serves no strategic role in preventing the merging of settlements, and that it could be developed as a suitable extension to the settlement which would have no impact on openness. In the absence of any other technical impediments, and the clear need to allocate additional sites, Persimmon urges the Council to allocate site H476 for housing development.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jackson'.

Adam Jackson
Senior Planner

Copy Persimmon Homes West Yorkshire

Enclosed Indicative Masterplan
 Landscape and Visual Review
 Highways Technical Note



Nathaniel Lichfield
& Partners

Planning. Design. Economics.

Appendix 1 – Indicative Site Masterplan



PRIMARY ROUTE

POTENTIAL VEHICLE ACCESS

PEDESTRIAN CONNECTIVITY

CHARACTER AREAS

INDICATIVE DWELLINGS



LEEDS ROAD | MIRFIELD

INDICATIVE MASTERPLAN | October 2014 | 1:1250@A1

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