

**Hearing Statement – Matter 4**

# **Kirklees Local Plan**

On behalf of Miller Homes

August 2017



## I. Introduction

- I.1. This is a Hearing Statement prepared by Spawforths on behalf of Miller Homes in respect of:
- Matter 4: Housing Land Supply and Delivery
- I.2. Miller Homes has significant land interests in the area and has made representations to earlier stages of the Local Plan process.
- I.3. The Inspector's Issues and Questions are included in **bold** for ease of reference. The following responses should be read in conjunction with Miller Homes' comments upon the submission version of the Kirklees Local Plan, dated December 2016.
- I.4. Miller Homes has also expressed a desire to attend and participate in Matter 4 of the Examination in Public.

## 2. Matter 4 – Housing Land Supply and Delivery

**Issue – Is the identified overall housing requirement in the Plan (31,140 dwellings) justified, deliverable and consistent with national policy?**

**a) What are the Council’s reasons for seeking to deliver full OAHN in Kirklees? Is the approach justified, and in line with paragraph 14 in the NPPF? Has the Council considered whether an uplift should be made in market housing to provide additional affordable housing?**

2.1. Miller Homes has no specific comment in relation to this issue.

**b) Should the overall housing requirement of 31,140 dwellings in the Plan be expressed as a minimum rather than an approximate figure? Should the requirement be included in a policy?**

2.2. Miller Homes considers that the overall housing requirement should be expressed as a minimum and be included in a policy. The Spatial Development Strategy infers that the housing requirement is a “minimum” figure by stating “about (but not less than) 31,140 new dwellings”. The clarification that this is a minimum figure would remove any uncertainty in the housing requirement. This approach would be consistent with the Framework, in particular paragraph 47 which stipulates that local authorities should boost the supply of housing and meeting the requirement in full.

**c) Housing completions and commitments data in Table 5 of the Plan has been updated in the Housing Supply Topic Paper (July 2017) for 2015/16. What is the effect on the windfall allowance and demolition allowance in the Council's supply calculations? What are the implications for overall housing delivery and the Council's five year housing land supply? Will a five year supply be provided on adoption and maintained over the Plan period? Does the Plan allow sufficient flexibility to respond to changing circumstances?**

2.3. Table 8 in the Housing Supply Topic Paper (EX30) appears to show a five year housing land supply upon adoption of the Local Plan. However, a significant element of the supply position is emerging allocations which do not have planning permission (13,135 dwellings) and three years windfall allowance (1,350 dwellings). Only 2,152 dwellings have planning permission which is only 15 per cent of the requirement. Miller Homes has not undertaken detailed analysis of the sites that the Council has included in Table 8. Nevertheless, in terms of their sites at Dewsbury Riverside (H2089) and Ryecroft Lane, Scholes (H297) both sites are progressing on target as anticipated. The first two phases at Dewsbury Riverside, which accord with the Unitary Development Plan, have outline planning permission with Reserved Matters due to be submitted shortly, whilst a full planning application at Scholes, which is Provisional Open Land in the UDP, was approved by Planning Committee on 31 August 2017, subject to Section 106 Agreement.

**d) Can the Council confirm the contribution the different sources of housing supply are likely to make each year over the Plan period? (e.g. the figures which have informed the housing trajectory graph in the Plan)? Should this information be included in the Plan alongside the graph?**

2.4. Miller Homes has no specific comment in relation to this issue.

**e) Is the Council's approach to calculating five year land supply robust and in line with national policy and guidance? Should the Plan include reference to the Council's assumptions and parameters and the five year supply position?**

2.5. Table 8 in the Housing Supply Topic Paper (EX30) appears to show a five year housing land supply upon adoption of the Local Plan. However, a significant element of the supply position is emerging allocations which do not have planning permission (13,135 dwellings) and three years windfall allowance (1,350 dwellings). Only 2,152 dwellings have planning permission which is only 15 per cent of the requirement. Miller Homes has not undertaken detailed analysis of the sites that the Council has included in Table 8. Nevertheless, in terms of their sites at Dewsbury Riverside (H2089) and Ryecroft Lane, Scholes (H297) both sites are progressing on target as anticipated. The first two phases at Dewsbury Riverside have outline planning permission with Reserved Matters due to be submitted shortly, whilst a full planning application at Scholes was approved by Planning Committee on 31 August 2017, subject to Section 106 Agreement.

2.6. However, Miller Homes do query Figure 1 of the Housing Supply Topic Paper which shows housing completions rising to nearly 4,000 in 2019/20 and increasing to around 5,000 in 2020/21 before reducing to around 3,500 in 2021/22 and decreasing year on year over the remaining local plan period and with a significant proportion comprising windfall sites. **This perhaps needs to be reviewed.**

**f) What are the main risks and potential barriers to the delivery of the housing requirement in Kirklees over the Plan period?**

2.7. Miller Homes questions whether the identification of a 2.79 per cent buffer is sufficient. The principle of a buffer is supported by the Local Plan Expert Group report. The report recommends a 20 per cent buffer of reserve sites be provided to ensure that the plan can maintain a five year supply and respond flexibly and rapidly to change. There will be sites that will lapse or take longer to come forward and deliver homes. Many local plans

currently include a 10 per cent buffer and Miller Homes suggests that a higher buffer be considered.

**g) Is the application of a 10% lapse rate to outstanding planning permissions justified and supported by the evidence? Should a lapse rate also be applied to allocations?**

2.8. Miller Homes considers that the incorporation of a 10 per cent lapse rate to outstanding planning permissions is appropriate.

**h) Is the windfall rate of 450 dwellings per annum justified and supported by local evidence?**

- **To what degree is this figure based on large windfall sites (0.4 hectares or more), and what are the reasons for the inclusion of this element? Is the information on large potential housing sites in the SHLAA and other evidence sources sufficiently comprehensive? Does the Plan allocate all known large potential housing sites within existing built-up areas?**
- **Does the use of a large windfall rate create issues of double counting with outstanding permissions on large sites and allocations within urban areas in the period 2020-2031?**
- **Is the application of the windfall rate from 2020/21 justified and reasonable?**
- **To what degree have historical windfall rates been influenced by the availability of housing allocations and other site-specific opportunities in the area?**

2.9. Miller Homes accepts that windfall sites form part of the housing land supply. The Framework states a windfall allowance can be included within the Local Plan (para 48), however this must be based upon robust and compelling evidence that such sites have come forward in the past and will continue to come forward. That evidence must therefore be published to justify such an approach.

- 2.10. The Housing Technical Paper (April 2017) (SD23) and Housing Supply Topic Paper (EX30) provides insufficient evidence on the derivation and analysis of windfalls to justify a level of windfalls equivalent to 26 per cent of the annual requirement. This is a significant level of housing provision to come from unknown sources. This is amplified in the housing trajectory Figure 7 in paragraph 8.22 of the Plan which shows the Council under achieving against the requirement in the latter years of the Plan and windfalls making up a significant proportion of the annual delivery, up towards 50 per cent of anticipated completions
- 2.11. **The approach towards the figure of 450 dwellings per annum is not justified within the Technical Paper.** The Framework explains in para 48 that if windfalls are to be relied upon that an assessment be undertaken of whether windfalls will continue to provide a reliable source of supply in the future. This element of the assessment is currently absent from the 2016 Housing Technical Paper and 2014 SHLAA. In determining future windfall supply it is important to consider the likelihood of continued delivery from different elements of the supply, such as small sites, changes of use and permitted development. This assessment should be made in the context of a new plan with new allocations and the more comprehensive assessment included within the SHLAA.
- 2.12. Miller Homes consider that delivery from windfalls will reduce in future years compared to past trends due to the effect of having an up to date plan with allocations and a more rigorous and up to date Strategic Housing Land Availability Assessment (SHLAA). In particular, Miller Homes considers that large sites will be included in the SHLAA and/or allocated for development. The proportion of large site windfalls will therefore diminish.
- 2.13. Furthermore, Miller Homes considers the Council appear to not be allocating sufficient housing sites to meet its objectively assessed housing need. To deliver the ambitions of the Plan and economic growth and to provide certainty on delivery sites accommodating the full housing requirement should be identified in the Plan period. Miller Homes accepts within such an approach there will be a certain level of windfall development, but not as high as being currently suggested in the Plan. Without a full and encompassing approach there is danger that the economic growth and regeneration ambitions of the Council and City Region Authorities will be missed.

**i) How many empty homes have been brought back into use in the borough in recent years? Does the Council have a projected figure or target for future supply from this source?**

2.14. Miller Homes has no specific comment in relation to this issue. Miller Homes notes that the Council state in paragraph 2.17 of the Housing Supply Topic Paper (EX30) that due to the lack of evidence on empty homes an allowance is not included at this stage.

**j) Are the estimated delivery and phasing rates from site allocations in Appendix 3 of the Plan robustly based and justified? In particular:**

- **Are the standard lead-in times and build out rates (as set out in Tables 9 and 10 in the Council's Housing Technical Paper) justified by local evidence? [in responding the Council is requested to pick up on points raised by representors to the Publication Draft Local Plan, including the research undertaken by Nathaniel Lichfield (submission on behalf of KeyLand Developments Ltd)]**
- **Have the standard lead-in times been applied to all sizes of schemes?**
- **Is the standard net density of 35 dwellings per hectare (dph) justified by local evidence? Why has this approach been adopted?**

2.15. Miller Homes is encouraged by the Housing Delivery and Phasing Tables set out in Appendix 3 of the Plan and updated in Appendix 4 of the Housing Supply Topic Paper (EX30) but is concerned that there is no justification for the tables and these appear out of context with the Local Plan. There is no preceding text, explanation or justification to the table or link to a Local Plan Policy. The only reference in the draft Plan is towards a housing trajectory in paragraph 8.21 and 8.22 but no explanation as to how this was derived or whether it was devised from Appendix 3. Miller Homes would **object** if this table were to be used to phase or manage the release of sites. Miller Homes suggest that some explanatory text to



explain that the table is “indicative only” and “will not be used for Development Management purposes”.

### **Dewsbury Riverside (H2089)**

- 2.16. Miller Homes has prepared a Delivery Framework for Dewsbury Riverside, which has been submitted to the Examination Library (SS14.1) attached to this submission and explains the principles and evidence that underpins the scheme. Miller Homes has experience of the project management and implementation of major developments throughout the UK. Inevitably these schemes require long term commitment from landowners and developers and the management of infrastructure costs in relation to both on-site and off-site (mitigation) requirements.
- 2.17. Miller Homes has accumulated expertise in the delivery of major schemes, most notably in West Yorkshire at Wakefield East/City Fields and associated delivery of the Wakefield Eastern Relief Road.
- 2.18. Dewsbury Riverside builds on previous regeneration initiatives and masterplans for the area. The delivery of 4,000 new homes will create significant economic benefits which will be the catalyst for transformational change.
- 2.19. Dewsbury Riverside is an important part of the strategic interventions within the North Kirklees Growth Zone. The potential of a new housing offer through Dewsbury Riverside will help to reshape the area, meet existing and new demand and provide the homes for the future to meet growing demand and aspirations. The site has major benefits sitting in a prime strategic location at the heart of the Leeds City Region. It is located equidistant from the M62 and M1 Motorways with an entrance corridor along the A644 and A638. Furthermore, the site is located directly on the Leeds to Manchester and Huddersfield railway line with Ravensthorpe Station on the site boundary. The site is therefore ideally located to appeal to all sectors of the housing market. It has a wide sales catchment for housing development and access to key employment markets for residents.
- 2.20. The site is **available** with Miller Homes and Kirklees Council controlling the site. The site is **suitable** with the proposed development being situated in a highly sustainable location, with significant regeneration, environmental and recreational benefits. The site is **achievable** as it has been assessed and there are no major constraints to development of the site. The Delivery Framework (SS14.1) has therefore shown that the site is available,

suitable and achievable and therefore viable and deliverable in accordance with the Framework and PPG.

2.21. The site is being delivered with the two first phase applications for 120 new homes each (240 in total) being approved by the Council on 12 April 2017. Both schemes are able to come forward immediately and deliver an early first phase of housing, which will start to open up the site and enable the housing-led regeneration.

2.22. Dewsbury Riverside can generate significant new benefits through:

- Enabling the regeneration and urban renaissance of Dewsbury and Ravensthorpe.
- Assisting in the provision of new strategic highways infrastructure.
- Creating significant new job opportunities and inject in the region of £400m GVA into the local economy.
- Creating the critical mass to assist in enhancing Ravensthorpe Station and surrounding area.
- Creating a high quality housing environment.
- Accommodating a range of housing types and tenure, including custom build, increasing choice and mix in the area and improving affordability.
- Delivering a new local centre which will integrate with the existing communities.
- Delivering landscape and environmental enhancement, including a Green Infrastructure strategy.
- Creating a robust and defensible urban edge and new Green Belt boundary.

2.23. The Masterplan shows that the proposed scheme will radically change perceptions of the area through its green gateway and new neighbourhood and community facilities which will tie into the existing community.

- 2.24. Miller Homes and their development partners are keen to deliver this significant opportunity which has substantial economic, social and environmental benefits for the local people and sub-region
- 2.25. The scale of the site and the multiple potential access points provide an opportunity to maximise the delivery rates within the site, with potential for the development to be delivered simultaneously on different locations. The Phasing Plan shows the different phases and areas of the site, which in effect given the scale of the site are different outlets. The Plan shows a logical and structured programme of phasing which is based on the coordinated implementation of the earthworks and delivery of infrastructure and relocation of the gas main and pylons.
- 2.26. Furthermore, on the basis that part of the site is allocated in the current UDP for housing and another part as Provisional Open Land which benefit from a recently granted Outline Planning Permission it is considered reasonable for the development to commence in 2018 from two outlets, in advance of the Local Plan adoption, and for this to ramp up on adoption of the Local Plan.
- 2.27. Upon adoption of the Local Plan a modest housing scheme will be able to come forward immediately at Sands Lane with its own access arrangements. Furthermore, in relation to highways the Forge Lane access is not needed until around 1,500 units, nevertheless it is anticipated that this access along with the Local Centre will be delivered much sooner in the short term around 2018/19. The delivery of the Forge Lane access will allow for later phases to be brought forward earlier as the infrastructure will be in place at the heart of the site. The Local Centre is a key gateway into the site and has the ability to ‘market make’ and is likely to include a GP surgery, local shops and community facility along with older person accommodation.
- 2.28. The delivery of the site is further amplified through key delivery partners with the Registered Provider Yorkshire Housing progressing the first phase from Lees Hall Road and looking to take an interest in the wider site as a mix of market and affordable housing (a letter of support is attached at Appendix I). There is also interest in the site from the Private Rented Sector and in developing the Local Centre along with the older person accommodation. Further opportunities also exist within the scheme for custom build properties.

2.29. Each phase therefore has the potential to address different markets and distinct value bands. The delivery rates for Dewsbury Riverside are based on detailed knowledge and technical information of how the site will progress. Based on what is currently known about the site and the proposed scheme, and the assumptions above, we anticipate that the scheme could deliver 2,310 homes in the local plan period and in the region of 1,690 homes beyond the plan period.

**East of Ryecroft Lane, Scholes (H297)**

2.30. Miller Homes considers it reasonable that the site at Ryecroft Lane, Scholes can come forward and be fully delivered by 2021, as shown in Appendix 4 of the Housing Supply Topic Paper (EX30). The site is identified as Provisional Open Land in the Unitary Development Plan and is effectively safeguarded for long term development. A full planning application has been submitted for 39 dwellings, was approved by Planning Committee on 31 August 2017, subject to Section 106 Agreement. Therefore the site will commence on site in 2018.

**k) Does the Plan provide sufficient clarity regarding the total number of dwellings which are proposed for allocation? Should the figure be included in a policy?**

2.31. Miller Homes has no specific comment in relation to this issue.

**l) Has sufficient flexibility been provided in the housing trajectory? Should an additional buffer be applied to ensure that the overall housing requirement is met and exceeded?**

2.32. Miller Homes questions whether the identification of a 2.79 per cent buffer is sufficient. The principle of a buffer is supported by the Local Plan Expert Group report. The report recommends a 20 per cent buffer of reserve sites be provided to ensure that the plan can maintain a five year supply and respond flexibly and rapidly to change. There will be sites that will lapse or take longer to come forward and deliver homes. Many local plans currently include a 10 per cent buffer and Miller Homes suggests that a higher buffer be considered.

## Proposed Change

2.33. To overcome the objection and address soundness matters, the following changes are proposed:

- Review and publish all evidence on windfall analysis
- Include a higher buffer to provide additional flexibility in the Plan, in accordance with guidance
- Include explanatory text to explain that the table in Appendix 3 is “indicative only” and “will not be used for Development Management purposes”.

## Appendix I: Yorkshire Housing Letter

Andrew Rose  
Spawforths  
Business Court  
Thorpe Rd  
East Ardsley  
Leeds  
WF3 2AB



6<sup>th</sup> September 2017

Dear Andrew,

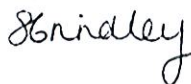
Yorkshire Housing fully support the identification of Dewsbury Riverside.

Yorkshire Housing is working closely with Miller Homes, who are promoting Dewsbury Riverside. The scheme forms part of the North Kirklees Growth Zone, which is a major strategic programme that is strongly supported by the Leeds City Region and Local Enterprise Partnership.

Yorkshire Housing is progressing with the first phase of housing, which currently has outline planning permission for 120 homes off Lees Hall Road. Yorkshire Housing is preparing Reserved Matters for submission in December 2017 with an aim to being on site in 2018 delivering the first phase of Dewsbury Riverside.

Yorkshire Housing is in close dialogue with Miller Homes in taking a wider interest in Dewsbury Riverside and delivering housing on future phases of the scheme.

Your sincerely,



Sian Grindley  
Senior Land and Planning Manager  
Yorkshire Housing.



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