



GERALDEVE

Hearing Statement  
Kirklees Council Local Plan  
Examination in Public – Stage 1

On behalf of: Empire Knight Group Limited

7 September 2017

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## 1 Introduction

- 1.1 Gerald Eve LLP (Gerald Eve) is instructed by its client, Empire Knight Group Limited (“the Landowner”), to prepare representations as part of the Stage 1 hearings for the Examination in Public of Kirklees Borough Council’s (“the Council”) Publication Draft Local Plan (PDLP).
- 1.2 These representations are submitted in respect of the Landowner’s site located to the north of Blackmoorfoot Road in Crosland Hill, Huddersfield. The site is identified in the PDLP by site reference MX1930, herein referred to as “the Site”. The PDLP identifies the Site as being suitable for a mixed use development with the capacity to deliver 441 dwellings and 44,258 m<sup>2</sup> of employment floorspace.

### Background

- 1.3 This Statement follows previous representations submitted by Bilfinger GVA on behalf of the Landowner, in the earlier stages of the Local Plan preparation process, using Representor ID 942493.
- 1.4 Since those representations were submitted, the Landowner instructed Gerald Eve to advise in respect of planning and development matters both in terms of the emerging policy position as well as preparing a planning application for the Site in the near future.
- 1.5 As part of this, a series of discussions and meetings have been held with the Council to discuss the Site’s deliverability and particularly the likely achievable mix of land uses. From the outset of these discussions, and in line with the earlier representations submitted by Bilfinger GVA, Gerald Eve set out that the employment element of the draft allocation was unlikely to be deliverable for the reasons of market demand and financial viability.
- 1.6 A range of technical work is currently being progressed in order to demonstrate this position robustly and with adequately detailed financial and market evidence; however, this evidence is not yet ready to publish and is expected to support the site-specific sessions at Stage 4 of the Examination programme. For completeness, the work that has been undertaken to date includes:
- Site specific employment market appraisal and initial assessment of financial viability in respect of employment accommodation – **ongoing**
  - Geo-Environmental Study (Phase 1 and 2) – **complete**

- Initial masterplanning assessment of constraints and development options – **ongoing**
- Ecological Assessment (Phase 1 and 2 surveys) – **ongoing**
- Initial Transport Appraisal – **complete**
- Drainage Assessment – **ongoing**
- Initial review of utilities/service connections – **ongoing**

1.7 The key findings of the work to date include:

- There is little demand for employment land in this location with very low historic take up rates and negative feedback from local agents and relevant developers regarding the site's location and attractiveness for employment uses.
- There are significant abnormal costs associated with redeveloping the site including demolition and asbestos management, remediation, cut and fill work, drainage strategy and access arrangements.
- Taking into consideration the abnormal / site preparation costs, resulting land values for employment land uses would neither incentivise a willing landowner to sell nor would the resulting property values enable a willing developer to achieve a competitive return in accordance with paragraph 173 of the National Planning Policy Framework.
- Initial investigations suggested the site could accommodate in the region of 700 homes; however, the technical work to date demonstrates further constraints are likely to reduce the deliverable capacity to around 600 residential dwellings (potentially higher).

1.8 The ongoing technical work is also intended to support the preparation of an outline planning application that is due to be submitted to the Council towards the end of 2017 or early 2018. The application is likely to be for an entirely residential development, possibly with provision of extra care accommodation, and is expected to further support the Site's allocation as a housing site (in terms of being available, achievable and deliverable).

1.9 Gerald Eve submitted a request to the Council on 15 August 2017 to provide the Landowner with a Screening Opinion in respect of whether redevelopment of the site for up to 700 residential units would require Environmental Impact Assessment. The Council has indicated that it aims to respond in mid/late September.

## Purpose of Representations

- 1.10 These representations aim to briefly set out the Landowner's updated position in respect of the site-specific work being carried out (as above) which is likely to result in the site coming forward in a different way to how the submitted PDLP intends.
- 1.11 Whilst detailed comments and a review of the supporting evidence regarding the Site will form part of the Stage 4 hearings, for which Gerald Eve intends to be present to aid discussions, the Landowner's proposed change to the draft allocation for MX1930 has implications for strategic matters which are to be covered within Stage 1. Whilst these implications are not considered to be major or in any way harmful to the soundness of the PDLP overall, it is considered necessary to raise them at this stage in the process in order to aid further discussions at Stage 4.
- 1.12 This Statement therefore provides a strategic overview of how the proposed site-specific modifications may affect the strategic objectives of the submitted PDLP in respect of **Matter 4: Housing Land Supply and Delivery** and **Matter 6: Employment Needs and Delivery**.

## 2 Strategic Commentary

- 2.1 The Inspector's Matters, Issues and Questions (MIQs) were issued on 10 July 2017. Whilst this Statement provides more general commentary that is considered to fit Matters 4 and 6, the Landowner does not wish to make specific comments in response to the detailed questions raised.
- 2.2 These representations follow an initial phase of technical and financial investigation in respect of the Site, which has been carried out in communication with the Council to ascertain whether the Site is ultimately deliverable as drafted (i.e. a split of 441 homes and circa 44,000 sq m of employment floorspace). The Landowner has signed a Statement of Common Ground with the Council to the effect that the feasibility and financial viability of any employment accommodation on the Site is unlikely and that a residential scheme is almost certainly the only way forward for redeveloping the Site.
- 2.3 The implications of this approach are set out below.

### **Matter 4: Housing Land Supply and Delivery**

- 2.4 Foremost, the Landowner is supportive of the need to boost the supply of housing throughout the Plan period.
- 2.5 In respect of MIQ 4b, the Landowner considers that the Council's overall requirement should be expressed as a minimum in order to boost the supply of housing as effectively as possible. This approach would be consistent with the National Planning Policy Framework (NPPF) in terms of satisfying the objectives of paragraph 47 but would also remove any potential for debate as to whether the target has / has not been satisfied towards the end of the Plan period (e.g. using an approximate figure may result in various interpretations or +/- scenarios that the Council and applicants may rely on when justifying proposals or defending planning decisions).
- 2.6 The Council's identified supply of housing land to be allocated (i.e. equivalent to 21,919 dwellings) is considered to be relatively close to the net target requirement to deliver 21,324 homes with a surplus of land equivalent to only 595 homes. Should some of the allocated land be more constrained than expected, it is considered that there is limited scope for the non-delivery of land before an adverse effect to the overall net requirement may occur.
- 2.7 With the above in mind, the Landowner recognises the Council's proposed windfall allowance, based in-part on the successful historic windfalls rates achieved within Kirklees

as part of years of regeneration. Whilst the windfall rate would compensate for modest shortfalls in delivery of the allocated housing land supply, consideration should be given to a scenario where the windfall rate may not be achievable in some years (e.g. due to changing economic conditions).

- 2.8 Whilst it may be appropriate to identify further land for housing development as part of a Local Plan review later in the Plan period (subject to monitoring), the Landowner considers that additional allocated supply at this early stage would assist the Council in establishing a reliable supply of housing land with greater flexibility should other sites not deliver the allocated number of dwellings as expected.
- 2.9 Whilst the Council has allocated land and relied on windfall allowance to result in a supply of housing land approximately 26% greater than the requirement, it is considered that further allocations could further boost this supply and provide a more robust delivery mechanism, potentially relying less on windfall sites coming forward.
- 2.10 As identified above, it is highly unlikely that employment land would be deliverable on the Site for reasons of financial viability and market demand. However, our initial findings show that a development of circa 600 dwellings could be achieved (taking account of development constraints such as surface water drainage management for example). Given the potential capacity of the Site, a change of allocation to entirely housing would make a further contribution of 159 dwellings (i.e. 441 dwellings as allocated plus 159, totalling 600 dwellings) towards the Council's allocated housing supply, in turn boosting the overall supply of allocated housing land to 21,484 homes (excluding windfall allowance).
- 2.11 The Council's proposal for densities of 35 dwellings per net developable hectare is supported on sites where local circumstances permit, although lower densities may be necessary in some instances and the policy should allow flexibility accordingly. The inclusion of "where appropriate" within Policy PLP7 is considered appropriate to address instances where lower density is required, such as for larger family homes, semi-rural and rural locations and where larger sites may generate value through applying varying densities within a masterplan.
- 2.12 The Council and the Landowner have agreed, in a Statement of Common Ground, that the Site could start to deliver homes within 5 years as well as noting the likelihood that this is likely to be residential-led if not entirely residential site. The potential delivery of homes on site is set out in Table 1 below (based on the draft allocation of 441 dwellings):

Year	16/ 17	17/ 18	18/ 19	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24	24/ 25	25/ 26	26/ 27	27/ 28
Annual	0	0	0	0	0	0	44	80	80	80	80	77
Cumulative	0	0	0	0	0	0	44	124	204	284	364	441

**Table 1: Estimated delivery of homes at Site MX1930**

- 2.13 Overall, the Council's approach to identifying sites to deliver the housing requirement is supported, and it is considered that the inclusion of the Site as a housing allocation instead of a mixed-use allocation would further strengthen the Council's housing supply position.
- 2.14 The site is able to contribute towards additional housing capacity, would provide greater flexibility within the identified supply and would be more effective as a housing allocation than as a mixed use allocation.
- 2.15 With the above in mind, a main modification is proposed to the Council's supply of allocated housing, which is set out within Section 3 of this Statement.

#### **Matter 6: Employment Needs and Delivery**

- 2.16 The Council has set ambitious economic growth objectives for the Plan period, which will be achieved in part through allocating 84% more land for employment use than the net requirement. The Landowner is supportive of this approach but has some concern relating to the market demand in respect of the Site's location and provides some commentary relating to the proposed loss of the employment element of the draft allocation.
- 2.17 It is noted that the Council has identified a net requirement for 91ha of employment land and has allocated 167ha in order to satisfy and hopefully exceed this target. Much of the Council's employment land supply comes from smaller sites; however, the Council aims to deliver larger and prime strategic sites across the borough, thus justifying the over-allocation of employment land (i.e. increased opportunity and flexibility).
- 2.18 The Site is currently proposed to deliver 44,258 m<sup>2</sup> of employment floorspace, which equates to approximately 10-12ha of land when factoring in parking, access, services and landscaping. However, as noted above, there is a more fundamental concern over the market demand for south Huddersfield and the financial viability of delivering employment accommodation on the Site, with initial findings indicating that there is a greater demand in the east and north parts of the borough and prohibitive costs that would render employment development unviable both for the Landowner and a willing developer.



- 2.19 The draft mixed use allocation of the Site limits the type of employment that would be suitable. Given that the site is envisioned to be shared between residential development and employment use, heavy manufacturing for example would be inappropriate and would not complement the residential element.
- 2.20 The surrounding road network also impacts the type of employment use that would deliverable on the site. Existing road infrastructure and the distance from the trunk and strategic road network is a limiting factor as it would not be able to support a high number of HGV's, reducing any potential for logistics uses. This has an impact on the desirability and ultimately the value of the site as good transport links are essential for employment sites. This is a commonly made point throughout the Council's employment evidence including the Employment Technical Paper (para. 7.2).
- 2.21 The area surrounding the Site is largely made up of local businesses with very few national occupiers. This provides an indication of the type of employment uses which currently exist and may be attracted to the area. Given that the Council's proposed oversupply of allocated employment land aims primarily to deliver larger scale prime strategic sites, and in light of the surrounding pattern of uses and lack of connectivity, it is highly unlikely that a strategic employment use could be delivered on the Site.
- 2.22 As well as market demand concerns, there are also concerns over the achievability and deliverability of the Site. Historically, there has been a take up rate of 1ha per annum for the last 8 years, demonstrating weak demand in this part of the borough.
- 2.23 It is important to consider how the proposed main modification to change the Site's draft mixed-use allocation to a housing allocation would affect the Council's projected employment land supply. The loss of approximately 10-12ha of employment land from the identified supply of 167ha (currently drafted as "165 ha" at 6.1 of the PDLP) is considered to result in a negligible impact to the PDLP's strategic objectives as there would still be sufficient land available to meet the Council's employment land requirement.
- 2.24 If the Site provided residential development only, there would still be capacity on other mixed-use sites to help deliver a balance of employment uses within residential areas. A review of the Council's online planning register encouragingly shows that several of the other draft mixed-use allocations are already in the process towards delivering employment and residential development demonstrating that they are more appropriate in terms of location and/or site-specific opportunities.

- 2.25 The proposed allocation of a significantly higher amount of employment land than what is required ensures that there will still be a sufficient amount of land safeguarded and able to deliver to meet the Council's requirement should some sites under-deliver their employment capacity.
- 2.26 The surplus of employment allocations is justified by the ambition for larger prime industrial sites coming forward in highly accessible and sustainable locations. As previously stated, the Site is not suitably located to be able to deliver this type of employment development due to the proximity to residential development (both existing and future) as well as the inadequate road infrastructure and poor connectivity to the strategic road network. The difference for the existing Fireworks operation is that its location is almost entirely dictated by the spatial requirements required to satisfy the operator's Control of Major Accident Hazards (COMAH) license – a typical storage and distribution business would not find the Site to be an attractive location.
- 2.27 It has been agreed with the Council in a Statement of Common Ground that the Site is less likely to come forward for employment use and work is being progressed to fully support this assertion, which will be presented as part of the Stage 4 Examination session in respect of site-specific matters.
- 2.28 While the Landowner supports the Council's ambition for economic growth, the surplus of allocated employment land should only be viewed as an opportunity to deliver additional employment land over and above the net 91 ha requirement, rather than a separate target.
- 2.29 To summarise the commentary on this matter, the Landowner supports the Council's ambitious vision to deliver 91 ha of employment land to boost economic growth and the number of jobs in the borough. The main modifications suggested at Section 3 would not harm the Council's net target requirement but would facilitate the more realistic delivery of housing on the Site.

### 3 Suggested Main Modifications

- 3.1 The Landowner suggests the following main modifications:
- 3.2 The Council's identified supply of allocated housing land should be amended to account for the additional 159 dwellings proposed on the Site, over and above the 441 dwellings currently proposed. The total net amount of land to be allocated for housing should therefore be amended to **22,483**.
- 3.3 The Landowner supports the addition of the overall housing requirement being reflected within a policy to state "**a minimum of 31,140 homes**".
- 3.4 The Council's identified supply of allocated employment land should be amended to account for the removal of employment land from the draft mixed-use allocation. Whilst it has been estimated that this equates to approximately 10-12 ha of land, it is accepted that the Council may have used a different development density calculation. As such, it is proposed that **10-12 ha of land be removed from the Council's identified supply of allocated employment land**, or other amount to be confirmed by the Council during the hearing sessions.
- 3.5 It is understood that site specific matters including proposed modifications to the allocation itself will be discussed during Stage 4 of the Examination; however, for completeness, it is the Landowner's position that the draft mixed-use allocation (reference MX1930) should be modified as follows:
- **Main modification to change the mixed use allocation to a housing allocation**
  - **Remove reference to delivery of any employment (Use Class B) land**
  - **Amend the total housing target for the allocation to 600 dwellings.**
- 3.6 It is considered that the above modifications will contribute to the preparation of a sound Local Plan. Importantly, it will further contribute to a deliverable supply of housing land without harming the Council's supply of deliverable employment land; moreover, without the proposed modifications, the employment element of the draft mixed-use allocation is not considered to be deliverable and would not support the tests of soundness as set out within NPPF (paragraph 182).
- 3.7 Detailed evidence will be presented to the Inspector as part of the Stage 4 hearing sessions to affirm the proposed modifications.