

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

GROWTH AND REGENERATION SCRUTINY PANEL

Monday 20th November 2023

Present:

Councillor Zarina Amin
Councillor Tyler Hawkins
Councillor Harry McCarthy
Councillor John Taylor

In attendance:

Councillor Graham Turner, Cabinet Member for Growth and Regeneration
Edward Highfield, Service Director Skills
David Shepherd, Strategic Director
Andrea Lane, Team Leader, Planning Policy and Strategy
Johanna Scrutton, Planning Policy and Strategy Group Leader
Mathias Franklin, Head of Planning and Development (via Teams)

Observers:

Councillor Shabir Pandor, (Lead Member with effect from 21.11.23)
Councillor Elizabeth Smaje, Chair of Overview and Scrutiny Management Committee

Apologies:

Councillor Susan Lee-Richards
Jonathan Milner (Co-Optee)
Chris Friend (Co-Optee)

1 Membership of the Panel

Cllr Zarina Amin was appointed Chair for the meeting.

Apologies were received from Cllr Susan Lee-Richards, Jonathan Milner and Chris Friend.

2 Minutes of the Previous Meeting

That minutes of the Panel meeting held on 10th October 2023 be submitted to the next meeting of the Panel.

3 Declaration of Interests

Cllr Harry McCarthy declared an "other" interest as the relative of a business owner in Huddersfield Town Centre.

Growth and Regeneration Scrutiny Panel - 20 November 2023

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

A deputation had been received within the required timescale however this was withdrawn prior to the meeting.

6 Public Question Time

Public questions received within the required timescale were not within the remit of the Growth and Regeneration Scrutiny Panel and were referred to the appropriate panel.

7 Interim Housing Position Statement for Boosting Supply

Councillor Graham Turner, Cabinet Member for Finance and Regeneration, introduced the item, advising the Panel that the report being presented, outlines the aim to boost housing supply, in light of the fact that there is no longer a five year housing land supply, which needs to be addressed. He explained that the presenting officers will go through this in more detail and there will be an opportunity for the Panel to ask questions and make comment regarding the content of the report.

Andrea Lane, Team Leader, Planning Policy and Strategy, informed the Panel that the Kirklees Local Plan requirement is to build 1,730 new homes each year. Since the local plan was adopted in 2019, Kirklees has successfully maintained a rolling supply of housing land against this requirement. However, the 2023 annual update of the five-year housing land supply positions, demonstrates 3.96 years supply of housing land.

The Panel was informed that when an authority does not have a five-year land supply, this triggers a presumption in favour of sustainable development. This means that when planning applications for housing are being determined, they should be considered in the context of presumption in favour of sustainable development, known as 'Tilted Balance'.

The presumption in favour of development is triggered, unless the policies that protect areas or assets are of a particular importance, such as the green belt, or listed buildings provides a clear reason for refusal, or the adverse impacts of the development significantly outweigh the benefits.

The Panel was informed that as a response to this trigger, officers have prepared an Interim Housing Position Statement to provide clarity to agents, developers and the public, regarding how the Tilted Balance will be applied to planning applications for housing, in light of the lack of a five-year housing land supply.

The statement sets out three principles that will be used in the decision making when determining planning applications:

First principle - sets out what the presumption in favour of development means, what the policy is, and that is taken from national planning policy guidance which has to be applied when there is a lack of five-

Growth and Regeneration Scrutiny Panel - 20 November 2023

year land supply. This does not mean it will overrule general planning considerations

Second principle - relates to safeguarded landsites as these sites are currently protected in the local plan from development but are intended to be assessed for future development in the next local plan. These sites were not allocated for housing in the local plan because they would have some specific site constraints, such as highway issues. Assumption in favour of sustainable development will be applied to these sites where these constraints can be overcome

Third principle - relates to the quality of design, high quality design to ensure developments continue to achieve well-designed high-quality homes and quality places

The summary also includes a summary of wider council actions that are already being undertaken to boost supply and deliver new homes, such as work with Housing Growth and the Homes and Neighbourhoods team.

The Panel was informed that in terms of the next steps, the position statement will go to Cabinet on the 21st December, to seek approval for it to be used to help determine planning applications.

In response to the information presented the Panel asked a number of questions and made comments including some of the following:

- What guidance will be given to planning officers to follow, in order to determine which safeguarded land can actually be used, and help them to understand how the planning application is going to be looked at?

Responding to the question regarding what guidance will be given to officers, Mathias Franklin, Head of Planning and Development advised the Panel that, if developers are going to speculate on safeguarded sites at this time, they should use the pre-application service to gain technical support from council officers such as Highways, Planning and Design and allied services.

Mr Franklin explained that the Tilted Balance is a significant material planning consideration, which will not outweigh highway safety, however as a principle matter, in order to boost supply, there is a need to find suitable sites that can add housing to the total number of planning permissions. As a broader principle, the issue is not planning permission that is at stake, it is the amount of buildout of those permissions that is causing the lack of a five-year supply.

In terms of guidance to officers, each officer will be allocated a case and they will have the usual checks and balance, through the Group Leader for the Development Management Service, they will have the Head of Planning and Development input for consistency and overview and there will be member input in the pre-application

Growth and Regeneration Scrutiny Panel - 20 November 2023

process. As with any planning application, there will be consultation, site notices and letters, and the views of the public will also be taken into consideration.

Where Tilted Balance comes in, is could this site be developed, and if it can in principle be developed, is there the right level of plans, the right level of quality, and is it a safe and attractive development and if those factors align, it is likely that it will result in a positive recommendation to a planning committee. That is the process map officers would apply, and in this process the aim is to be more pragmatic in dealing with proposals on safeguarded land.

The Panel made further comments and asked questions as follows:

- The council has significant plans to develop some of the land that it owns, what statement is being brought forward to try and speed up the development and buildout, as it is a land that the council owns and therefore has more influence over?
- Are there additional incentives that could be given to some of the developers on those sites to encourage them to build faster, and increase buildout?
- It may be useful at a future meeting to have a specific item which outlines the individual council sites and how they are progressing
- In the report that will present this item to Cabinet, will it just be the statement, or will it be expanded to include other areas for example, what the council is going to be doing?
- How is this linked with the council's requirement to have a certain number of affordable housing each year as the report being considered today does not address affordable housing need?
- In the presentation it was mentioned that these sites have been looked at and constraints can be overcome, have they been assessed in terms of highway safety, environmental health and land stability, and has that work already been undertaken?

RESOLVED

That the officers and the Cabinet Member be thanked for providing an Interim Housing Position Statement for Boosting Supply.

8 Update on Our Cultural Heart, part of the Huddersfield Blueprint

Councillor Graham Turner introduced the item, advising that this is an update on progress with the Cultural Heart, and the information will be presented with the aid of a few slides to show progress to date.

Edward Highfield, Service Director, Skills and Regeneration, reminded the Panel that a commitment was made to update the Panel between each of the gateways to provide a retrospective look at what has been achieved and to look forward in terms of what is ahead.

Growth and Regeneration Scrutiny Panel - 20 November 2023

Referring to the slides, the Panel was informed that the gateways that the council has adopted are tied to the RIBA stages of development. Gateway three was where the concept design was confirmed, looking at spatial co-ordination, that is the headline master planning of the moving towards gateway four, which is the technical design where all the detail is finalised.

In June 2023, gateway three was brought before Cabinet, and this was seeking approval to sign off the spatial co-ordination and move towards the technical design, which locked in the principle of phasing, rather than undertaking the whole Cultural Heart project in one go. It was decided to take a phased approach which introduces significant benefits in terms of flexibility and being able to respond to market opportunities and secure external funding.

The gateway three report in June, locked in the principle of phasing and it confirmed phase one. It sought delegated authority to make contractual arrangements with the delivery team, the most noticeable was to appoint BAM construction Ltd for phase one and get them working. This was not unconditional and there was no commitment to construction at that stage.

The aim in appointing BAM was to work initially on the Pre-contract Service Agreement (PCSA), to progress to gateway four. By getting the contractor on board early, it enabled the contractor to pick up the detailed design to get to the stage to go back to Cabinet with gateway four, in terms of the final scheme, providing more certainty around cost and seeking approval to proceed or not to proceed from gateway four onwards.

The June report talked about combining the museum and the gallery rather than having a separate museum and a separate gallery, being mindful of cost and value for money at all stages. The gateway three report confirmed the principal of a combined museum and gallery and that frees up a future development on the Green Street plot, that was previously going to be the gallery. In June 2023, Cabinet gave approval to proceed as outlined.

The Panel was shown a diagram of the Cultural Heart redline boundary and advised that the diagram shows the library, food hall, public realm and the event square and this will be phase one, which is the subject of the gateway four report which will shortly be going to Cabinet.

In summary, the Panel was informed of the following:

Phase one

- New library
- Food hall
- Events Square

Design and build Contract

- Pre-contract Service Agreement (PCSA) awarded to BAM Construction Ltd
- Principle activities to agree

Growth and Regeneration Scrutiny Panel - 20 November 2023

- RIBA 3 to RIBA 4 Design
- Contract sum negotiation
- Award of construction contract

Timeline subject to gateway four

- Two stage procurement of design and build contractor

<u>Task</u>	<u>Complete</u>
Gateway three BAM (appointed under PCSA contract)	May 2024
Start on site	Q1/Q2 2024
Phase one complete	Q4 2025

The Panel was informed that it is now close to having a final contract sum, although there are still some elements of value engineering to ensure value for money in the scheme, which is currently being worked through with members and BAM. The intention is to get to a point to positively recommend to Cabinet that there is an amount that won't be exceeded through the construction contract negotiations, and to ask members to proceed with the awarding of the contract within that envelope.

Subject to gateway approval at Cabinet in December, the aim would be for an early start on site, would be early to mid-2024, with the completion of phase one at the back end of 2025.

The Panel was informed that the gateway three report, was for the whole masterplan and there is planning consent for the whole of the masterplan, that was approved at Strategic Planning Committee in March. That report took the decision to go for a combined museum and gallery, and since then work is being undertaken on the feasibility, working with key services regarding what the service offer is going to be.

The Queen Street plot which has been freed up by creating the combined museum and gallery, is one of the best development sites in Huddersfield. The council is currently in discussions with Greenhead College who have expressed an interest in developing the site for a further education facility. Alternative potential third party uses for the plot, includes a hotel. The Queensgate Market is now vacant and the last remaining units on Princess Alexandra Walk will be vacated by January 2024.

In response to the information presented, the Panel asked a number of questions and made comments including some of the following:

- During the presentation it was mentioned about other services bringing forward their budget requirements in reference to museums and galleries, is it

Growth and Regeneration Scrutiny Panel - 20 November 2023

possible to expand on whether other services will be able to bring forward plans in their budgets or are those discussions still on going?

- With reference to the £5.6m underspend referred to in point 1.2 of the appended report, which states “the capital development budget that did not progress as originally envisaged”, is it possible to have further detail on this?
- Who does the Town Centre Operational Board consist of?
- The report makes reference to the establishment of ‘Our Cultural Heart’ fund, for cash contributions which will help strengthen community and voluntary sector partners who are delivering place-based working throughout Kirklees, has this already been established or is there a timetable for when it will be established? Is it possible to have further detail on this at a future meeting on how communities and third sector can access the fund?
- It is likely that the Queen Street plot whatever it ends up being, will require some car parking, whether it is used for a hotel, or residential, people will require somewhere to park their car. It is not clear where that would be, and the access to that site is difficult because there is only one way to get to it. At certain times in the evening public transport is limited and therefore people coming to evening events will be required to use their own vehicles. This is a concern and needs to be properly thought through, because it is a brilliant plot, but how do people get to it and then where do they park?

RESOLVED

That the officers and Cabinet Member be thanked for providing an update on the Cultural Heart, part of the Huddersfield Blueprint.

9 Work Programme and Forward Plan

RESOLVED

That the work programme and forward plan be noted.