

**Consultation Response from KC,  
 Policy**
**2020/94345 Land at, St Luke's, Bierley Marsh, East Bierley, BD4 6PL**
**Erection of 5 dwellings**
**Date Responded: 22/03/21    Responding Officer: AL    Responding Ref:**
**Kirklees Local Plan**

The application site is identified as a small open space to be protected/considered under Local Plan policy LP61 (Urban Green Space) on the Kirklees Local Plan Strategy and Policies document at Appendix 4. The size threshold for allocation as urban green space in the Local Plan is 0.4 hectares. The application site is 0.14 hectares in size and was identified as a small open space to be considered/protected under policy LP61 based on evidence from the Kirklees Open Space Study 2015 (Revised 2016) as set out below.

The proposed development of 5 dwellings should therefore be considered against policy LP61 which protects small valuable green spaces from development unless specific exceptions can be met. These exceptions include where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreation facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location; or
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

Criteria (b) and (c) are not relevant in this case. In terms of criteria (a) the Kirklees Open Space Study assessment did not identify the site as surplus to requirements based on its classification as allotment provision.

**The Kirklees Open Space Study (KOSS) 2015 (Revised 2016)**

The application site was included in the Kirklees Open Space Study 2015 (revised 2016) (KOSS) on the basis that it appeared to be used for growing purposes as an allotment site. As part of the study, an open space assessment of the site was carried out and the site was assessed as having low value as open space and medium quality.

In assessing whether sites are potentially surplus to requirements as part of the KOSS, sites scoring a low rating on the open space site assessment were considered further taking into account the level of open space provision within the ward and specific site considerations. In this case, the further analysis of the application site identified a quantity deficiency in allotments in the Birstall and Birkenshaw ward at 0.22 hectares per 1,000 households compared to the Local Plan quantity standard for allotments of 0.5 hectares per 1,000 households.

The recommendation in the KOSS was the site should be retained as open space due to the deficiency of allotment provision in the Birstall and Birkenshaw ward.

### **Other Considerations**

The applicant indicates the site has been incorrectly identified as allotments and the site has not been in use for allotment purposes but instead used for commercial growing purposes in connection with a nursery business.

Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will therefore need to be given to any evidence regarding the previous and existing use of the site and whether or not this has been in relation to use as allotments as an open space function. Regard should be had to whether or not the site accords with the definition of open space as set out in the National Planning Policy Framework. Not having had the benefit of a site visit, it is important this is determined in relation to public value in terms of its importance for sport and recreation purposes, visual amenity or for wildlife.

### **Density**

Should the proposed development be considered acceptable in principle, careful consideration will need to be given to design and local context. The development density of the proposal is approximately 35 dwelling per hectare. Criterion (a) of Local Plan Policy LP7 states that: “developments should achieve a net density of at least 35 dwellings per hectare, where appropriate” and in criterion (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”. The design and density of the proposals should have regard to the site’s location on the edge of East Bierley conservation area, the setting of the Grade II listed War Memorial and the character of the site surroundings which is made up of a range of different housing densities.

### **Summary**

The application site was identified as a small open space in the Local Plan on the basis of its appeared use for allotment purposes and recommended for retention as allotments in the Kirklees Open Space Study due to existing deficiencies in the quantity of allotment provision in the ward.

Consideration will need to be given to whether the circumstances that the site does not, and has not, performed an open space function as allotments constitutes a material consideration in this instance which outweighs the development plan.