



Planning Application History and Process

Planning Appeal

St Luke's, East Bierley

Submission History

We set out below a brief history of the applications.

1. Pre Application

Submitted by the landowner Chris Briggs and formal council response issued.

The response was positive confirming the principal of development of the land, highlighted required road improvements, indicated design improvements and confirmed the need to prove the historic land use.

The land owner approached us and agreed terms for us to purchase this site along with a further plot – subject to planning consent being granted.

In March 2020 the architects met with Kate Mansell, Development Management Master planner and Highways Officer to review the pre-app response. The meeting was positive and set the framework for the full application then under development.

2. Full Application 1 - Erection of 6 dwellings 2020/90996

Submitted: 27th March 2020, Acknowledged 07th April 2020 – Target date 22 May 2020

Planning Officer: Louise Bearcroft.

Application Withdrawn: 16th December 2020

The process was significantly hampered by the effects of Covid-19.

Significant progress was made during deliberation on design, but issues relating to land ownership and common land remained problems which the council seemed reluctant to assist in pro-actively clarifying.

- It was not possible to clarify why the Land Registry Ownership plan of the Marsh was different to the Land Ownership plan on the Kirklees system.
- Officers were unable to clarify why the school extension had a Common Land Plan that is different to the above
- Officers were unable to clarify why and how the council were able to remove the school site from the Common Land and not address the Covenants which are held at Land Registry requiring the land to be kept open for the use of the public
- Officers were unable to clarify why there was no mention of “Common Land” in all the documentation supporting the school extension
- Officers were unable to clarify how road widening works to Bierley Marsh had been permitted including the installation of bollards and whether the current road was now outside common land or within it.

Following protracted and lengthy discussions with Planning Officer, Conservation Officer and Highways Officers it was agreed to withdraw the proposal in order to amend the build elements of the scheme to reduce impact upon the listed Memorial by reducing the property at the rear to a



single dwelling/bungalow (single storey) and to reduce the dwellings at the front to 2 storey along with an evolution of the architecture to reflect a contemporary cottage approach, more sympathetic to the village perception. Land ownership issues could also then be addressed under the new application.

3. Full Application 2 - Erection of 5 dwellings 2020/94345

Submitted: 21st December 2020, Acknowledged 14th January 2021 – Target date 15 February 2021 - a clearly overly ambitious and not achievable date

Planning Officer: Josh Kwok – later replaced by Lyle Robinson.

The process was significantly hampered by the effects of Covid-19, changes to officer and the general processes within Kirklees council.

Application refused at committee

Planning Officer Josh Kwok's departure was only known about following the receipt of an "out of office" response confirming he no longer worked for the council and advising to contact a Jennifer Booth, a person who's contact details and role were not clarified.

A new Officer Lyle Robinson was then introduced to the scheme, but due to workload and a lack of history, the process became significantly delayed and communication very limited.

Obtaining information and feedback from Kirklees internal consultees was particularly difficult with Highways and Conservation & Design officers responding either a few days before the committee meeting or not at all.

The following were significant issues addressed by the new application as identified to Lyle Robinson, the replacement planning officer.

Design

The character of each part of Kirklees is defined by the distinctive local landscape and townscape (buildings, open spaces and trees) and the presence of historic buildings. The village of East Bierley is no exception to this. The character of the village defines it as a place to live, work and visit. The buildings and linkages together with its open spaces are important contributors to this character.

It is therefore important that development within the village should protect and enhance the qualities which contribute to the character of the place. The proposed development of this small parcel of land can be achieved whilst retaining the characteristics that make East Bierley attractive and distinctive. The quality of the proposed development will contribute to the achievement of sustainable development and will make a positive contribution towards the economic social and environmental objectives of the Local Plan.

The protection and enhancement of the neighbouring heritage assets is assured by this development as recognised by both the War Memorial Trust and Conservation Officer. If the site is left derelict and fallow, it will be to the detriment of both the character of the village and the heritage assets.

The architecture proposed is of high quality.

Good Design has been at the heart of the proposals in accordance with Local Plan Policy LP24. The form, scale, layout and details of the development respects and enhances the character of the townscape, heritage assets and landscape. It provides a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The design promotes high levels of sustainability with locally sourced and reclaimed materials for



walling and roofing, electric charging points, insulation standards exceeding the building regulations, waste recycling storage and adaptable to occupiers of a varied age range etc.

The current proposal we believe addresses all issues previously raised and we hope is now acceptable. To date we have not received any formal feedback and advice on design, conservation or highways issues.

Small Green Space Designation

Through our perseverance and the submission of substantiative evidence, we have eventually convinced council officers of the errors in the Local Plan Allocation of this site. Our evidence has established the nature, designation and reasoning for the protection of this site under Policy 61 was in error. This error has added additional complexity and cost to our application, together with allowing local residents who oppose the proposal to use this as a reason for its refusal.

Common Land

Through quite considerable research and analysis our professional team have eventually managed to secure from council officers, drawings identifying the extent of the Common Land. We had repeatedly requested clarification of this and highlighted confusing Kirklees Council documents relating to the school extension, which contradicted other plans illustrating ownership. Following receipt of the common land boundary clarification, we have submitted revised proposals which now do not encroach into common land and as such believe have eliminated this as an issue.

WE have not received a response to this information.

Housing Need

There is need and demand for new homes in all parts of Kirklees with East Bierley identified within the Local Plan as requiring 60 new homes. If identified housing needs are to be met, houses of all sizes are needed together with an increasing number of bungalows. The proposal for the diversified range of new housing at East Bierley whilst small in number, has a significant contribution to both the housing need within the village and also to the future vitality of the village as an attractive place to live.

The Local Plan objectives, vision and strategy is clear that “Delivering Growth and Sustainable Development” can be delivered by utilising suitable greenfield sites within settlements, unless essential for urban green space/local green space. The plan supports retaining, where justified, important open spaces within urban areas where these meet identified local needs for local green space purposes.

As identified above, the site does not provide “essential” green space and its retention as derelict, fallow open space, inaccessible to the public, is not justified as meeting local need. The site provides no substantial community benefit that can outweigh the minimal harm resulting from its loss as a pocket of private, derelict open and underutilized land.