

## About the application

Application number: 2024/62/93458/E	
What is the application for?:	Erection of residential development for 62 dwellings including grouting remedial
Address of the site or building:	land at, Cliff Hill, Denby Dale, Huddersfield, HD8
Postcode:	YO1 0LT

## User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	Yes
<p>We OBJECT to this planning application for the following reasons:</p> <ol style="list-style-type: none"><li>1. It is well-established that previous planning decisions are a material consideration. This application has been refused twice before by two separate planning committees and there have been no fundamental change to this proposal. The first application (2022/91911) was recommended for refusal by the LPA and was indeed refused on a number of grounds by the planning committee. Specifically on the issue of coal extraction, there is no material change to the application at all compared to the first application. It was on that basis that the first committee hearing of the second application (2023/92191) was deferred due to a lack of information about the coal extraction plans. When the committee was reconvened, very little new information had been provided and the application was again refused on the same ground as the first application in regard to the coal extraction. There has been no fundamental change to the plans in this new application.</li><li>2. The committee which heard the second application may well have raised further grounds for refusal, however during the second hearing of the second application, the planning officer directed the planning committee that it may only consider grounds of refusal based on the reason for the deferral (i.e. coal extraction). I believe this to be incorrect as when the application had gone back before the committee it went as a full application. That statement seemingly was misleading and denied the committee an opportunity to consider all other reasons for refusal such as those set out in the grounds of refusal to the first application.</li><li>3. The Applicant makes much of the Springhead Gardens development to the south of the site as being a precedent for approval of this site. The Springhead Gardens development did not involve the extraction of any coal, neither was it bordered closely by existing properties at the time it was developed and so is irrelevant.</li><li>4. Proposed housing. Given the topography of the site, plots 43-47 either back or face on to Springhead Gardens and are positioned too close to the boundary with the adjacent houses and land. The proposals acknowledge that at least one of these plots</li></ol>	

adjacent houses and land. The proposals acknowledge that at least one of these plots does not achieve the required separation distance with the neighbouring property. The design is for three-storey houses which will stand at a much higher topographical level than Springhead Gardens. These plots will be overbearing on existing properties to an unreasonable level, causing significant loss of privacy. The LPA's report to the committee in the second application states that the required separation distance is 21 metres. In fact, this is the typical minimum distance required in the Housebuilders Design Guide for two-storey houses. The application is for three-storey houses standing at a much higher topographical position and the distance should be greater. Planning application 2022/91911 was refused on this ground and the new plans do not address the issue.

5. Coal Extraction and Environment. The plans include a Ground Stabilisation Remediation Strategy which recommends the extraction of coal from the site to stabilize the ground to be fit for development. There is insufficient detail on this proposal, however it would effectively be an open cast mining operation. The site is bordered by various residential properties, a spring, and a public footpath. There is known wildlife, including bats, and a tree which is subject to a TPO on the site. Coal mining has a significant physical and environmental impact as it releases methane gases into the atmosphere leading to a significant reduction in air quality. There is no sufficient risk assessment in place which sets out how the risks to the environment will be managed whilst the extraction operation is carried out. The location of the spring, which runs down the left-hand side of the site from the public footpath to Leak Hall Road, means that any excavation works carry a risk of water contamination to the area and surrounding properties. There is no sufficient risk assessment.

The National Planning Policy Framework (NPPF) requires that the planning regime should prevent new development from contributing to, or being an unacceptable risk of, unacceptable levels of soil, air, water or noise pollution or land instability. Clearly these are all risks of open seam coal mining, which are unacceptable in the location proposed due to the village location and close proximity to neighbouring properties. If the land cannot be developed without resorting to coal extraction and the risks to the environment associated with it, then surely the land not fit for development. In the Local Plan there is a presumption against developments identified as being at risk of instability or where there is evidence of contamination.

There is no detail about how the access point for the heavy machinery and wagons which will be required to extract and remove the coal from the site, will be made safe. The access point for the proposed site development is problematic in any event and is certainly not fit for large vehicles as it joins Cumberworth Lane at its narrowest point where visibility is low and traffic is high. it is a significant safety risk.

The coal extraction plan has had no Environmental Impact Assessment as required by Town and Country Planning; there have been no risk assessments done in relation to the impact on neighbouring properties either.

All of the above points are clear overwhelming reasons why this planning application should be rejected