

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

15 MAY 2025

Planning Application 2024/93458

Item 10 Page 9

Erection of residential development for 62 dwellings including grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping (resubmission)

land at Cliff Hill, Denby Dale, Huddersfield, HD8

Representations

The 158 representations summarised at paragraph 8.4 of the committee report included a representation from the Upper Dearne Valley Environmental Trust (UDVET), and a representation from Cllr Hannah McKerchar, who commented as follows:

The reasons given for previously turning down the application for developing this site in the way proposed have not been resolved in this application: The ground works, removal of coal, and remediation associated with the proposed development would result in an unacceptable number of vehicle movements and unacceptable environmental impacts. In addition, due to unknown conditions beneath the site, there is a lack of information that prevents it being fully ascertained what the environmental impacts of the aforementioned works would be. Furthermore, it has not been demonstrated that the site is suitable for residential development.

The data regarding movement of vehicles is an underestimate, once you consider the movement of waste material, in addition to coal, off site, and materials back on. Cumberworth Lane is not suitable for such a high level of HGV movements. There are also other developments nearby (including a quarry at Bromley Farm recently given permission) which will be adding to the number of large HGVs on local roads - where is the cumulative impact assessment?

There is also no mention of noise pollution mitigation, when the heavy plant being used on site will produce noise levels in the hazardous to extremely hazardous range. The extraction process for the coal on site is still based on all sorts of assumptions and estimations, changes in which in reality (almost certainly revised upwards) would significantly increase the detrimental effects on the area. The method of disposal of the coal is also not specified, and though it says the applicant does not intend to dispose of it for commercial purposes that does not prevent another legal entity taking on that task.

The comparison of this site with small development at Springhead Gardens is not valid - the two areas are not geographically similar, the risks are not equivalent, and even on that site there were significant breaches of conditions and unmitigated noise and dust caused by practices by the developer.

Paragraph 11c of the NPPF states that there is a presumption in favour of 'sustainable development' - this site cannot be considered sustainable, in that its development requires the extraction of a large volume of coal, in contradiction to Kirklees environmental policies and planning priorities, and it is not suitable for residential development.

Coal extraction

Further to paragraphs 11.13 and 11.14 of the committee report (regarding coal extraction and the enforceability of the submitted Unilateral Undertaking), the applicant has noted that the extraction of coal from the application site for commercial purposes would need a separate licence from the Coal Authority (now the Mining Remediation Authority), and that extracting coal without a licence is a criminal offence. The applicant has further stated that the licensing process includes consultation which the council would be made aware of, and this would give the council prior warning of an intention to extract. Upon learning of this intention, the council would be able to raise concerns with the Mining Remediation Authority regarding a breach of the Unilateral Undertaking, and/or would have recourse to enforce the prohibition on the burning and selling of coal by applying to the courts for an injunction. A subsequent breach of such an injunction would constitute contempt of court, and criminal sanctions would apply. Penalties can include imprisonment and fines. The applicant has added that, if the council was to take injunctive action, it is likely that the owner would be ordered by the court to pay the council's costs in respect of the proceedings.

The applicant has also stated that material removed from the site is likely to be inert, and would not be sellable (as coal) or burnable in any case.

Finally, officers note that – on 14/11/2024 – the Government announced that it will legislate to ban the issuing of new coal mining licences. This is to be implemented via an amendment to the Coal Industry Act 1994, when Parliamentary time allows.

Planning Application 2023/91564

Item 11 Page 79

Erection of 30 residential dwellings, access, landscaping and associated works (full application)

Land off Barnsley Road, Denby Dale, Huddersfield, HD8

Public Representations

Three further representations have been received, taking the total representations received to 164, from the same 37 objectors.

Having reviewed submitted representations, some of the matters raised have already been raised and addressed previously within the committee report and therefore these elements of the representations have not been duplicated below.

The following is a summary of the new matters made within the further representations:

- Concerns over the information contained within the submitted Transport Statement.

Officer note: Noted. The Council's Highways Officers have assessed the report and raise no objections subject to conditions and a S106 agreement.

- Concerns over the location of the proposed pedestrian island, as it will block existing accesses.

Officer note: Noted. However, the proposed island is to be located between accesses and has not been deemed to be inappropriate by the Council's Highway Development Management and Highway Safety team.

- The Engineering works that abuts the junction; often has HGV's along with Container Vehicles loading and Loading, these are not quick operations and have extended loading times.

Officer note: Noted.

- The public foot paths are located to the west of the proposed access with the proposed crossing point being 157 metres away from the public footpath and 105 Metres from the proposed new entrance.

Officer note: Noted. The pedestrian island has been located in this position for several reasons including to avoid impacting on existing accesses to residential properties to the south of Barnsley Road, to discourage overtaking, to help with visibility from the proposed access point to the development, and also to improve general pedestrian links in the area, all in the interests of highway safety.

- There is no continuous footpath from the crossing point to the public footpath so pedestrians would be directed into disobeying the highway code and walking in the highway with their backs against the traffic.

Officer note: Noted. Whilst there is no continuous footpath to the south of Barnsley Road, there is a continuous footpath to the north which would provide suitable access to the public right of way.

- All the Utility services are not included on the drawing.

Officer note: Noted. However, the location of all utility services is not required to be included on drawings at planning stage. This would be dealt with at a later date outside of the planning process.

- The submission of the Transport Statement is a late document which affects highways and should have been included within the original submission. Kirklees Highways Officers have not been consulted on this new document.

Officer note: Noted. The Council's Highways Officers have been consulted on the Transport Statement and provided formal comments on the 10/04/2025 confirming that they have no objections subject to conditions and S106 contributions.

Public Speakers – Additional Information

An email providing additional information was received from Mr. Tim Jones on 13/05/2025. The information submitted is to support comments raised by public speakers at Strategic Committee on the 15/05/2025 and includes:

A] Jeremy Is representing Techwill ltd and is techwill architect, we are looking for assurances on our current application.

Response: It is presumed that the applicant is referring to application 2025/90261 at York House, 198, Barnsley Road, which is currently pending determination. The application seeks Reserved Matters permission (pursuant to outline 2022/91024) for demolition of the existing building and erection of three dwellings.

Each application must be assessed on its own merits. Without prejudice to the ongoing assessment of 2025/90261, officers are satisfied that the proposed development would not prejudice the assessment or delivery of 2025/90261. Notably, the considerations of 2025/90261 are appearance, landscaping, layout, and scale, with the principle of development and access arrangements already established via the approved outline 2022/91024.

B] the jones tool ltd needs to know that the current housing application will have no effect on the jones tool ltd ability to function as a high precision engineers we grind components tolerances of 0.005mm of a mm [less that the thickness of one of the hairs on your head] We export over 60 per cent of its goods to highly respected companies in the USA , BRAZIL CANADA INDIA and many many other countries and employees highly skilled precision engineering jobs .

The last development on Barnsley Road “the willows” was smaller and further way but was disruptive to us. When the ground compactor machinery was operating, we had to stop production until it was finished [vibration]. this application is much nearer and appears to have more groundwork. we would like the planning committee to impose some operating restrictions and or liaise with the jones tool co ltd so that jones tool co ltd is not affected.

We do not wish to have to move, and the area lose jobs.

The jones tool co cannot afford power outages we require at least a constant supply 75kva of 3 phase power which we currently have, but each power outage potentially scraps expensive components. we need re assurances on this from either council or developer

Lastly, we have a constant in and out of large trucks daily most have to back in to the works entrance , this generally means the truck driver has to cross to the other side of the carriage way to back in , any bollards and other such items may stop this process. , if we purchase large machinery extremely large trucks arrive with little turning circle, if we cannot get machinery into our premises this will restrict jones tool Its ability to be competitive and potential effect on jobs,

Response: The above concerns are noted. A condition is to be imposed, should planning permission be granted, which requires the submission of a Construction Environmental Management Plan prior to works commencing on site. This document shall provide details in relation to noise & vibration, dust suppression, artificial lighting and details on how the site is to operate during construction works in regard to construction traffic, times of use of the access, traffic management etc. In terms of access, the access from Barnsley Road into the application site is to be by a simple priority junction and is not considered to significantly change the way in which the road currently operates for existing users to the south of the site. Therefore, access should remain as is for Jones Tool Ltd.

C] the current proposed access appeared to have been looked at from only one view that of the proposed entrance and making that work to the detriment of all else, it does not seem to take into account the view from 196 Barnsley Road [south side] looking towards Denby dale viaducts. Also, very importantly what are "very special circumstance" for building in the green belt that are included in the site application. The latest site plan notes a 2.5m retraining wall in the field adjacent to accommodate site lines, is this very special circumstances???

Nearly all the trees on the south side of Barnsley Road from Inkerman swimming pool onwards are to be removed, we have a very restricted view looking west. and if turning east have to quickly drive out at speed to avoid accidents, this will now immediately bring us into conflict with proposed entrance of vehicles turning in and out the entrance. and also, the works entrance, you could have potential 6 cars all trying to get onto or on the road at any one time.

The entrance and proposal appears to restrict road side parking outside 200, please advise where they are to park. this also affects 195 197 199 and 202 Barnsley Road.

Lastly the current proposed roadside development either side of the proposed entrance appears to be higher than the current set of houses alongside Barnsley Road surely these have to keep at the same height and appear to dwarf over bungalows 200 and 202.

The entrance issue could be resolved by moving it 20/30 metres up the road the east to the boundary of the proposed site.

Response: As outlined within paragraphs 10.16-10.21 of the committee report, the works proposed are considered to be small in size and would be viewed in the context of the existing footpath which runs along Barnsley Road. The impact on openness of the Green Belt would be negligible and whilst there will be a minimal degree of movement on this amended footway, this is not expected to result in a material intensification of activity within the Green Belt. The works are deemed to be appropriate development within the Green Belt by virtue of Paragraph 154 h) of the NPPF, as the works are engineering operations that would neither harm the openness of the Green Belt, nor contradict the purpose of including land within it.

In respect of parking to the front of properties 195, 197, 199, 200 and 202, no Traffic Regulation Orders are proposed in respect of this part of Barnsley Road and therefore on-site parking will still be available in these locations.

The height of Plots 1 & 3 which front Barnsley Road are somewhat dictated by the raised land levels to provide an access which is to an adoptable standard, and suitable gradient. Whilst it is noted that these plots do sit higher than adjacent properties on Barnsley Road, they are not considered to be overbearing or significantly impact on the residential or visual amenity of the area.

Comments on the relocation of the access are noted however, bringing the access further east would encroach further towards ancient woodland Tanner Wood, of which we would wish to avoid. This may also then require additional land within the Green Belt to be utilised to provide suitable visibility splays.

D in the wider Kirklees housing application, the initial housing allocation set out by Kirklees included jones tool ssas land. under this current housing allocation/ planning application this will lead to sterilization of this land if the development is approved, therefore as it been fully considered by the officers in there recommendations, see attachments Thereafter the application landlocks the land we have tried to talk to the developer but not without much success, we have also seeked advice on these matters.

Response: Whilst this is a civil matter that would need to be dealt with outside of the planning process, pedestrian access is provided and shown on the submitted Site Layout Plan to the rear of Plot 17.

Image 1:

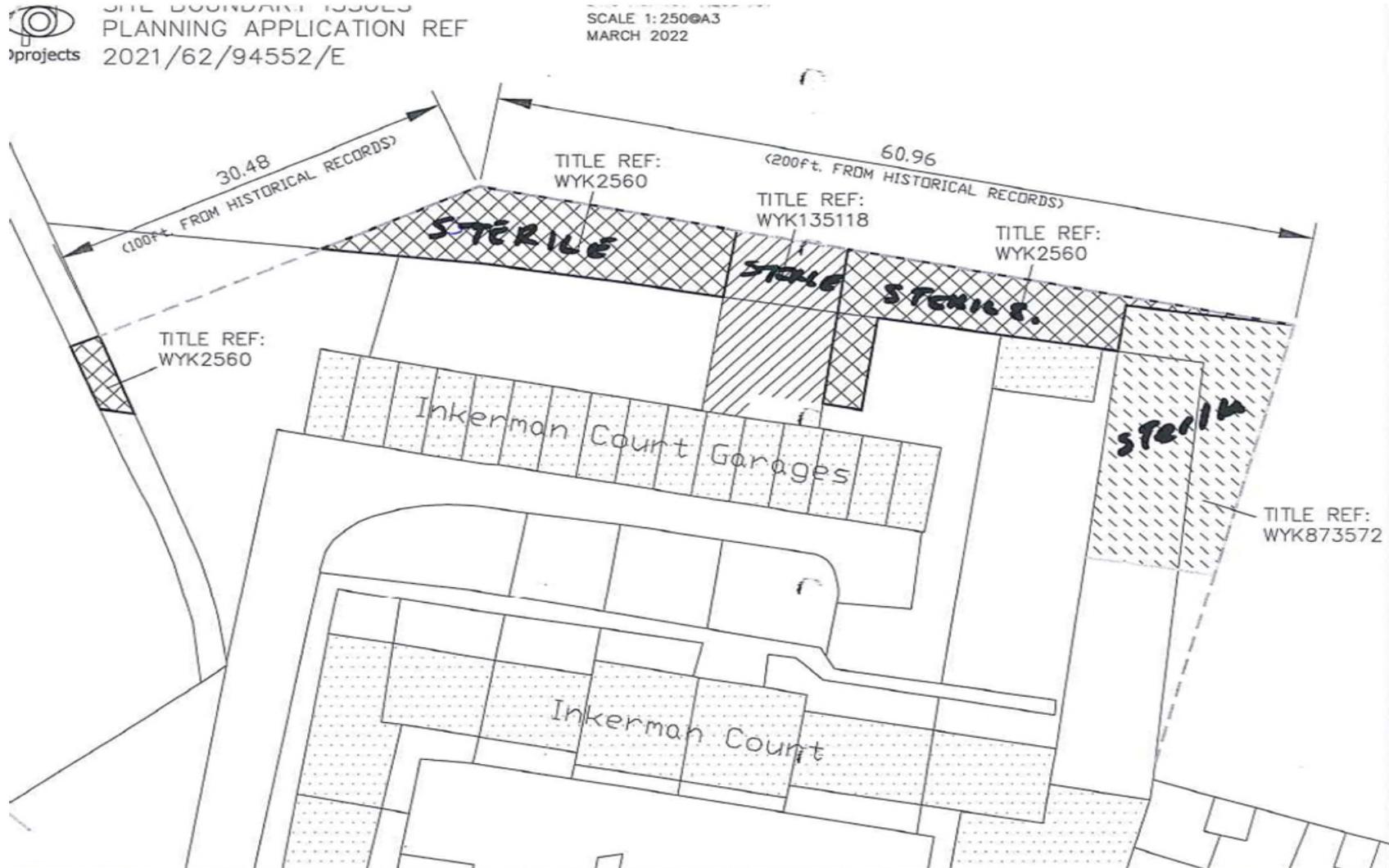


Image 3:

