KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/62/93458/E**
Site Address:	land at, Cliff Hill, Denby Dale, Huddersfield, HD8
Description:	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)
Recommending Officer:	Victor Grayson

DECISION – Full Planning Permission – Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 03/07/2025

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 26/06/2025

Application Number: 2024/93458

Officer Recommendation: Approve subject to conditions and a Section 106 agreement.

Committee Decision: Refuse planning permission.

Notes:

At the Strategic Planning Committee meeting held on 26/06/2025, Members noted the draft Section 106 wording set out a paragraph 1.4 of the most recent committee report. Concern was expressed that the provisions within that wording were not sufficiently robust and therefore would not guarantee that the intended outcome (of controlling what would happen to coal removed from the application site) would be achieved. Particular concern was raised regarding the reference to “commercial purposes”, the exclusion of non-commercial transactions from the provisions, and the resulting risk of third parties burning coal removed from the site.

Other concerns were also raised during Members’ discussions, including in relation to vehicle movements, impacts upon residents, sustainability and pollution.

Members moved to refuse permission for the same reason the previous application (ref: 2023/92191) was refused. That previous reason for refusal was read out and shown on screen, and the Members moving and seconding the refusal confirmed that this was the reason for refusal they wished to move.

Three Members voted for refusal of the application, and two Members voted against refusal.

Reason for Refusal:

1) 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 proposed development is therefore contrary to Policies LP24, LP36, LP52 and LP53 of the Kirklees Local Plan and chapters 8, 15 and 17 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Location Plan	57116-BBA-09-Z00-DR-A-0202	P03	08/01/2025
Proposed Site Plan	57116-BBA-09-Z00-DR-A-0201	P17	08/01/2025
Proposed POS Areas	57116-BBA-09-Z00-DR-A-0006	P05	08/01/2025
Proposed Levels	57116-BBA-09-Z00-DR-A-0203	P07	08/01/2025
Proposed Materials Plan	57116-BBA-09-Z00-DR-A-0204	P05	08/01/2025
Proposed Boundary Treatments	57116-BBA-09-Z00-DR-A-0205	P05	08/01/2025
Proposed Separation Plan	57116-BBA-09-Z00-DR-A-0207	P04	08/01/2025
Proposed EV Plan	57116-BBA-09-Z00-DR-A-0208	P06	08/01/2025
Proposed Bin Collection Plan	57116-BBA-09-Z00-DR-A-0209	P07	08/01/2025
Proposed Retaining Wall Plan	57116-BBA-09-Z00-DR-A-0210	P06	08/01/2025
Proposed Block Identification Plan	57116-BBA-09-Z00-DR-A-0211	P06	08/01/2025
Proposed Pedestrian Routes Plan	57116-BBA-09-Z00-DR-A-0212	P04	08/01/2025
Proposed Affordable Housing Plan	57116-BBA-09-Z00-DR-A-0213	P02	08/01/2025
Proposed Plot Sections	57116-BBA-02-ZZZ-DR-A-0240	P03	08/01/2025
Proposed Plot Sections	57116-BBA-02-ZZZ-DR-A-0241	P02	08/01/2025
Proposed Separation Sections	57116-BBA-02-ZZZ-DR-A-0255	P01	23/01/2025
Site Sections	57116-BBA-02-ZZZ-DR-A-0262	P02	08/01/2025
POS Section	00000-BBA-02-X00-DR-A-0261	P01	08/01/2025
Proposed Street Scenes	57116-BBA-02-ZZZ-DR-A-0250	P02	08/01/2025
Culvert and Ditch Sections	57116-BBA-09-ZZZ-DR-A-0260	P01	08/01/2025
Proposed Drainage Layout	10-5610 500	E	07/01/2025
Excavation Overlay	57116-BBA-09-Z00-DR-A-0500	P01	08/01/2025
Proposed Phase Plan	57116-BBA-09-Z00-DR-A-0299	P01	08/01/2025

Block Type AAA	57116-BBA-03-AAAZZ-DR-A-0237	P02	08/01/2025
Block Type BA	57116-BBA-03-BAZZ-DR-A-0211	P03	08/01/2025
Block Type BAA	57116-BBA-03-BAAZZ-DR-A-0212	P03	08/01/2025
Block Type CC	57116-BBA-03-CCZZ-DR-A-0213	P03	08/01/2025
Block Type DD	57116-BBA-03-DDZZ-DR-A-0214	P03	08/01/2025
Block Type DDK	57116-BBA-03-DDKZZ-DR-A-0239	P01	08/01/2025
Block Type DKK	57116-BBA-03-KDZZ-DR-A-0248	P02	08/01/2025
Block Type K3	57116-BBA-03-K3ZZ-DR-A-0242	P02	08/01/2025
Block Type K4	57116-BBA-03-K4ZZ-DR-A-0243	P02	08/01/2025
Block Type KAA	57116-BBA-03-KAAZZ-DR-A-0240	P02	08/01/2025
Block Type KD	57116-BBA-03-KDZZ-DR-A-0244	P02	08/01/2025
Block Type KK	57116-BBA-03-KKZZ-DR-A-0241	P02	08/01/2025
Block Type KKD	57116-BBA-03-KKDZZ-DR-A-0249	P01	08/01/2025
Block Type LL	57116-BBA-03-LLZZ-DR-A-0245	P01	08/01/2025
Block Type MM	57116-BBA-03-MMZZ-DR-A-0246	P01	08/01/2025
Block Type NNN	57116-BBA-03-NNNZZ-DR-A-0247	P02	08/01/2025
Type A	57116-BBA-02-AZZ-DR-A-0201	P04	08/01/2025
Type B	57116-BBA-02-BZZ-DR-A-0202	P05	08/01/2025
Type C	57116-BBA-02-CZZ-DR-A-0203	P06	08/01/2025
Type D	57116-BBA-02-DZZ-DR-A-0204	P07	08/01/2025
Type D 01	57116-BBA-02-D01ZZ-DR-A-0236	P02	08/01/2025
Type H	57116-BBA-02-HZZ-DR-A-0208	P07	08/01/2025
Type K	57116-BBA-02-KZZ-DR-A-0232	P03	08/01/2025
Type L	57116-BBA-02-LZZ-DR-A-0233	P02	08/01/2025
Type M	57116-BBA-02-MZZ-DR-	P02	08/01/2025

	A-0234		
Type N	57116-BBA-02-NZZ-DR-A-0235	P02	08/01/2025
Type P	57116-BBA-02-PZZ-DR-A-0249	P01	08/01/2025
Single Garage	57116-BBA-02-ZXX-DR-A-0230	P02	08/01/2025
Plot 1 Garage	57116-BBA-02-ZXX-DR-A-0231	P02	08/01/2025
Proposed Access Arrangement	2111502	I	08/01/2025
Long Section	2111503	G	08/01/2025
Swept Path Analysis	2111504	F	08/01/2025
Swept Path Analysis	2111505	G	08/01/2025
Swept Path Analysis	2111506	G	08/01/2025
25m Forward Visibility	2111507	G	08/01/2025
Swept Path Analysis	2111508	D	08/01/2025
Swept Path Analysis	2111509	D	08/01/2025
Swept Path Analysis	2111510	C	08/01/2025
Swept Path Analysis	2111511	C	08/01/2025
Swept Path Analysis	2111512	A	08/01/2025
Swept Path Analysis	2111513	B	08/01/2025
Covering letter regarding resubmission	PB Planning, 19/12/2024		13/01/2025
Statement of Case	PB Planning, January 2025		18/03/2025
Planning Statement	DPP, ref: R003/4394LE, August 2023		07/01/2025
Design and Access Statement	Urban Developments / BBA, July 2023		08/01/2025
Climate Change Statement			07/01/2025
Transport Assessment	VIA, ref: 21115, 18/07/2023	2	08/01/2025
Technical Note: Highways	VIA, May 2022		08/01/2025
Framework Travel Plan	VIA, ref: 21115, 18/07/2023	2	08/01/2025
Stage 1 Road Safety Audit	Optima, ref: 22071, 13/03/2024	March 2024 (Rev 1)	07/01/2025
Construction Traffic Route Plan	VIA, Figure 1		07/01/2025
Flood Risk Assessment and Drainage Strategy	Ward Cole, ref: 10/5610, 11/07/2023	E	07/01/2025
Archaeological Desk	OSA, ref: OSA22DT08,		07/01/2025

Based Assessment	May 2022		
Initial Ecological Review	Smeeden Foreman, ref: SF3282, 26/05/2022		07/01/2025
Ecological Impact Assessment	Smeeden Foreman, ref: SF 3282, December 2022		07/01/2025
Biodiversity Net Gain Assessment	Smeeden Foreman, ref: SF3282, January 2023		07/01/2025
Statutory Biodiversity Metric (completed calculation spreadsheet)	Smeeden Foreman, 06/03/2025		18/03/2025
Biodiversity Net Gain Assessment	Smeeden Foreman, ref: SF21704, 12/03/2025		18/03/2025
Phase 1 Desk Top Study Report and Coal Mining Risk Assessment	ARC Environmental, ref: 21-719, 09/09/2021		08/01/2025
Coal Risk Assessment	RGS, ref: C2206/21/E/3554, January 2022		07/01/2025
Phase 2 Geo-Environmental Report	RGS, ref: C2206/22/E/3401, 25/05/2022		07/01/2025
GeoRisk+ report	Groundsure, ref: SF-8329067, 15/11/2021		23/01/2025
Ground Stabilisation Remedial Strategy	GRM, ref: P10350, July 2023		07/01/2025
Planning Response to Proposed Development at Cliff Hill, Cumberworth Lane, Denby Dale	GRM, ref: GRM/P10350/LR.01, 31/05/2024		07/01/2025
Gas Monitoring	RGS, ref: C2206/21/E/3228, 15/07/2022		07/01/2025
Review of Documents Relating to Ground Investigation and Remediation	RSK Geosciences, ref: Denby/L03/jh, 15/11/2024		13/01/2025
Section 106 text regarding coal			17/06/2025
Air Quality Assessment	Air Quality Consultants, ref: J10/13073A/10/1/F3, 13/07/2023		07/01/2025
Dust Management Plan	Air Quality Consultants, ref: J10/13073C/10/1/F1, 16/02/2024		17/01/2025
Noise Assessment	Noise Consultants, ref:		07/01/2025

	13073B-20-R02-01, 27/06/2023		
Noise Assessment (remedial works)	Noise Consultants, ref: 13073C-20-R01-01, 16/02/2024		07/01/2025
Arboricultural Survey Report	Smeeden Foreman, ref: 3282, 18/10/2023	B	08/01/2025
Arboricultural Impact Assessment	Smeeden Foreman, ref: AIA01, 12/10/2023		08/01/2025
Tree Protection Plan and Method Statement	Smeeden Foreman, ref: TPP01, 12/10/2023	A	07/01/2025
Statement of Community Involvement	DPP, ref: 4394LE.R004.A, August 2023		07/01/2025
Utilities Report	Landmark Information, ref: 287546166_1, 03/12/2021		07/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Local Planning Authority provided opportunities for concerns regarding coal to be addressed.

Report Dated: 01/07/2025