
Report of the Head of Development Management**STRATEGIC PLANNING COMMITTEE****Date: 05-Jan-2017**

Subject: Planning Application 2016/93268 Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas Former quarry, Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth

APPLICANT

Messrs Morris and
Thwaites

DATE VALID

03-Oct-2016

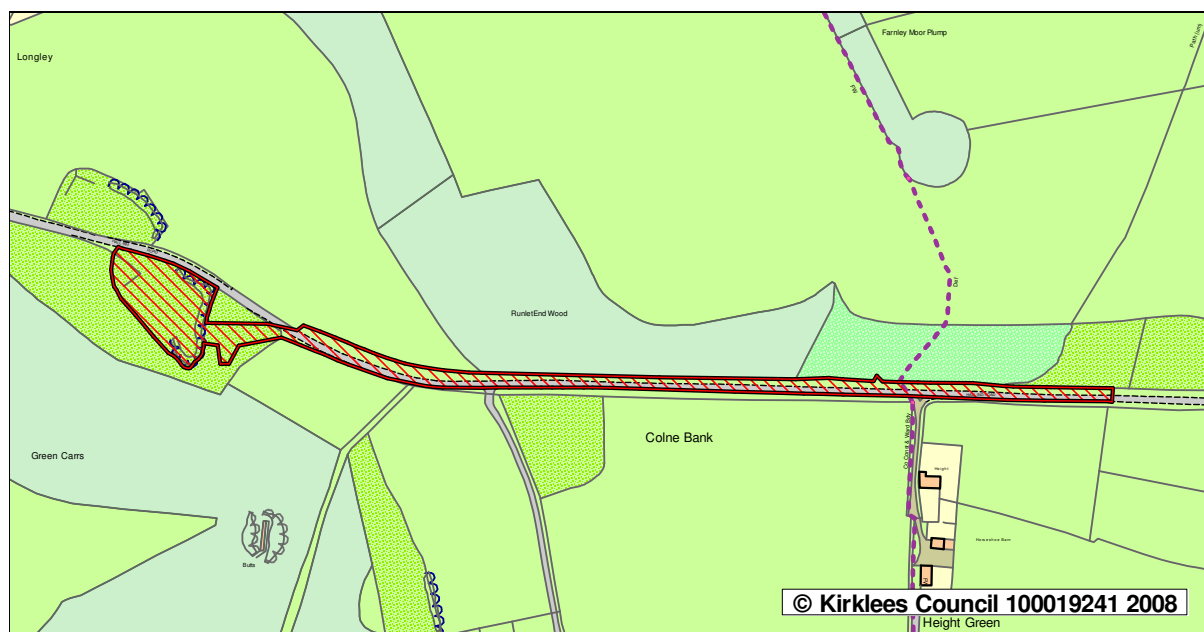
TARGET DATE

02-Jan-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected:

Home Valley North

☐ Yes

Ward members notified

RECOMMENDATION:

DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement with the applicant which stipulates HGV routing to and from the site and, subject to there being no substantive changes to alter this recommendation, to issue the decision notice

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the proposal involves non-residential development of a site that exceeds 0.5ha in area.
- 1.2 This application seeks to allow the infilling of old quarry workings off Hall Ing Road at Brockholes and represents the resubmission of an application which was approved on 18 December 2013. Whilst the operations involved would have a short term impact on the character of the landscape of the area, it is considered that the openness of the Green Belt would be maintained. Furthermore it is considered that any adverse impact on the amenity of the area and highway safety can be adequately dealt with by imposition of planning conditions and planning obligations.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a former sandstone quarry occupying an area of around 3,000m² and is located approximately 1.5 kilometres northwest of Thurstonland village and 2 kilometres east of the centre of Honley. The immediate surrounding area is rural in character with only a few isolated residential properties, the closest being off Brockholes Road approximately 250 metres north of the site.
- 2.2 The site is located within an area which has been designated as Green Belt in the Council's adopted Unitary Development Plan. The quarry void and associated spoil heaps are clearly evident but the site has naturally regenerated over time and is vegetated with immature trees and general scrub which helps to soften the impact of the historic excavations. Generally the surrounding land falls to the west and although the site is situated on a hillside it is well screened by existing mature woodland to the south and by Runlet End Wood to the north.
- 2.3 Access to the site can currently be gained directly from Hall Ing Road via field accesses to the west and east of the quarry void. The surrounding highway infrastructure consists of narrow lanes which are particularly difficult to negotiate to the west of the site.

3.0 PROPOSAL:

- 3.1 The applicant proposes to infill the quarry, which it is estimated represents approximately 12,000m³ of void space, using inert excavation waste and clean demolition rubble. This will be delivered to the quarry via a 50m long purpose built haul road which would be constructed to the east of the void and join the highway from an existing field access. This access would be surfaced with broken brick and rubble and would include a turning head to allow HGV's to turn within the site enabling them to exit the site in a forward direction.
- 3.2 The applicant proposes to use heavy goods vehicles which would visit the site up to eight times per day between the hours of 08:00 and 17:00 Monday to Friday and 08:00 and 12:00 on Saturday. The applicant intends to construct passing places and improve existing over run areas adjacent to Hall Ing Road to the east of the site to allow traffic meeting along the highway to pass.
- 3.3 Levels would be raised in 250mm layers up to those of surrounding ground levels and would create a gently sloping site towards the north west. The applicant proposes to top soil the site and seed with local grass species in order that the land can be returned to an agricultural use.

4.0 RELEVANT PLANNING HISTORY

2005/62/94541/W0 - Landfill of former quarry site (withdrawn)

2006/62/90415/W0 - Landfill of former quarry site (refused 5 May 2006)

2007/62/91816/W0 - Landfill of former quarry site and formation of 2 No. passing bays (refused 21 July 2007)

2008/62/91269/W0 - Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas (approved 6 April 2009)

2012/62/91042/W0 - Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas (approved 18 December 2013).

- 4.1 Two planning applications to infill this old quarry were previously refused on highway safety grounds. However, two subsequent applications which included additional highway improvements addressing the concerns previously raised by the Council's Highways Service were approved. This proposal represents a renewal of the two previous planning permissions and proposes to complete the development as previously approved

5.0 HISTORY OF NEGOTIATIONS

N/A

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy

NPPF Section 9. Protecting Green Belt land

NPPF Section 11. Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by the posting of 3 site notices in the vicinity of the site, the mailing of 2 neighbourhood notification letters and an advertisement in the local press. This resulted in the submission of 1 letter of representation being received. The issues raised can be summarised as follows:

- The proposal would lead to nuisance associated with noise and dust
- The proposal could lead to the site and adjacent land being polluted
- The local ecology would be detrimentally affected
- The increase in HGV traffic would be detrimental to highway safety

Due to the location of this development both Kirkburton and Holme Valley Parish Councils were consulted regarding this proposal. Holme Valley Parish made the following comments:

“Support the application subject to Highways Officer recommendations; Hall Ing Road is narrow, so vehicle movements and hours of operation must be limited to between 9.30am and 2.30pm, Monday to Friday only, to avoid school traffic and any detrimental impact on pupil safety”

Kirkburton Parish did not comment.

Cllr Charles Greaves indicated he had no objections subject to the previous highways arrangements being maintained (or improved) and that the proposal does not interfere with the Honley Show weekend.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways - No objections subject to planning conditions requiring that:

- No development to commence until a detailed scheme relating to the creation of new passing places has been submitted and approved
- The areas to be used for vehicles are surfaced sealed and drained
- There are no more than 16 HGV movements (8 in 8 out) per day

8.2 Non-statutory:

KC Environmental Services - No objections subject to the issue of potential noise nuisance being fully considered via a noise assessment and planning conditions requiring that:

- A scheme is submitted and approved that indicates the measures to be employed to suppress dust emissions arising from operations at the site.
- Hours of operation are limited to Monday-Friday between 0800-17.00 and Saturdays between 0800-12.00 with No activities to take place on Sundays or Bank Holidays.

KC Environment Unit – No objection subject to planning conditions which require that:

A method statement is submitted and approved

A detailed restoration scheme which included biodiversity enhancements is submitted and approved

Environment Agency - No objections subject the applicant being advised of the requirement to obtain an Environmental Permit prior to any waste being deposited at the site.

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Environmental Issues
- Highway issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site falls within a wider area which is designated as Green Belt in the adopted Unitary Development Plan. Section 9 of the National Planning Policy Framework indicates that there is a presumption against inappropriate development in such areas unless there are very special circumstances to allow it. Consequently, in this instance, the key issues are whether the proposed development is inappropriate and if so whether there are very special circumstances which outweigh the presumption against inappropriate development.
- 10.3 The use of land for the importation of inert material would in itself be inappropriate development within the Green Belt.

- 10.4 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.5 The Local Planning Authority should give substantial weight to any resultant harm to the Green Belt from the development proposed. Inappropriate development is by definition harmful to the Green Belt and very special circumstances will not exist unless the potential harm, by reason of that inappropriateness and any other harm to the Green Belt is clearly outweighed by other considerations.
- 10.6 In order to form a judgement about the harm caused, it is best to consider firstly whether harm is caused to any of the purposes of including land in the Green Belt as set out in paragraph 80 of NPPF. These are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.7 It is considered that the development proposed would not be of harm to the purposes of including land within Green Belt.
- 10.8 In addition to the harm by definition due to inappropriateness, there would also inevitably be some harm to the openness of the Green Belt because of the nature and extent of development proposed. These aspects constitute the negative impacts of the development proposed in Green Belt terms.
- 10.9 Whilst acknowledging the potential harm to the Green Belt, paragraph 81 of the NPPF indicates that in identified Green Belts local planning authorities should also plan positively to enhance the beneficial use of the Green Belt, including:
- looking for opportunities to provide access;
 - to provide opportunities for outdoor sport and recreation;
 - to retain and enhance landscapes; or
 - to improve damaged and derelict land
- 10.10 In terms of very special circumstances, it is considered that the development proposed would contribute positively to the use of the Green Belt in that it would allow the reclamation of a derelict quarry site and provide additional agricultural land which would help retain and enhance the character of the existing landscape.
- 10.11 Whilst it is accepted that this does not in itself overcome the harm to the Green Belt, it is considered that this should be afforded some weight.

10.12 The remodelling and re profiling of the site using imported inert material would involve engineering operations which would ultimately see the site returned to an agricultural use. Para. 90 of the NPPF states that:

“Certain other forms of development are also not inappropriate in Green Belt Provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”

10.13 Such other forms of development include engineering operations. This proposal would lead to what is considered to be an acceptable final landform which would return the site to agricultural use and whilst the engineering works would have some limited impact upon the openness of the Green Belt, it is considered that this would be temporary and the openness of the Green Belt would be preserved following site restoration and that the development would not conflict with the purposes of including land within it.

10.14 It is therefore considered that the engineering operations proposed would not be inappropriate within the Green Belt.

10.15 Appendix A of the National Planning Policy Framework contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used specifically to restore derelict mineral workings in order to create land which can be put to an agricultural use rather than simply being disposed of. It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance.

10.17 It is therefore considered that the principle of this development is acceptable providing it does not conflict with the criteria stipulated in Unitary Development Plan Policy WD5.

UDP policy WD5 states:

proposals for disposal of waste to landfill will be considered having regard to:

- i provision for the prevention of noise nuisance or injury to visual amenity;
- ii the mode of transport utilised to serve the site;
- iii provision for vehicle routing and access arrangements;
- iv conservation interests;

- v arrangements for phased restoration and aftercare schemes appropriate to agricultural, forestry or amenity after-use linked to a permitted period of operation;
- vi measures included in the scheme to eliminate environmental hazards from leachate and gas emissions;
- vii arrangements for the protection of natural resources such as ground water, rivers or other water bodies;
- viii the extent and duration of any past or current landfill activity in the area; and
- ix the need for landfill capacity for the relevant waste types at the location proposed.

Residential Amenity

- 10.18 This proposal would be a fairly low key operation involving relatively few vehicle movements per day (max. 8). At a constant rate of infill the landfill operation would take approximately 6 months to complete. However, due to the eb and flow of supply, 12 months is a more realistic period. A mechanical excavator would be used at the quarry to grade the tipped waste as and when sufficient quantities were available on site. It is therefore likely that activity at the site would be intermittent and, as the nearest residential property is to the north west approximately 200m from the site, it is unlikely that noise and dust generated by operations at the site would cause an unacceptable nuisance.
- 10.19 However, in order the fully consider the potential impact arising from noise and dust associate with this proposal, it is proposed to require the submission of a noise report and dust suppression scheme to assess the likely impact on the surrounding residential properties and the need for any mitigation. It is also proposed to restrict hours of operation to minimise any adverse impact. Officers consider that such measures could be adequately dealt with by appropriately worded planning condition and as a consequence it is considered that this proposal would not conflict with UDP policies WD5 (i) or EP6.

Environmental issues

- 10.20 The site has remained disused and neglected for a significant period and has therefore naturally regenerated. This site therefore has the potential to provide habitat for a variety of animal and plant species. An ecological assessment and bat survey were carried out to determine the presence/absence of protected species or species/habitats of biodiversity importance within the application site. These reports concluded that:
- The site contains no national or regional important habitats but the quarry area contains a mosaic of habitats which have some local value.

- The vast majority of the site is poor semi improved neutral grassland which is of limited ecological value
- The site appears to be used for foraging by local badger and bat populations
- No red listed bird species were recorded at the site
- Whilst the rock face has features which could accommodate bats, no bats were found roosting within the rock face
- Bats were observed foraging on site but were not observed to enter or emerge from the rock face

It is considered that any detrimental impact on local biodiversity caused by this development can be satisfactorily compensated for and the sensitive restoration of the site provides an opportunity to enhance biodiversity.

- 10.21 This proposal would involve the use of inert excavation and demolition waste to restore the old quarry void and so is unlikely to lead to the contamination of land in the vicinity of the site or the production of leachate which could enter surrounding surface and ground water sources.
- 10.22 The regulation of day to day operations at such sites is dealt with via an Environmental Permit which is issued by the Environment Agency prior to any waste disposal operations taking place. The Environment Agency has been consulted and has no objections subject to the applicant obtaining the necessary Environmental Permit.
- 10.23 It is therefore considered that this proposal would not conflict with UDP policy WD5 (iv), (vi) and (vii) or Section 11 of the NPPF with regard to the development's potential effect on the local Environment.

Highway issues

- 10.24 The highway infrastructure surrounding the site is poor particularly approaching the site from the west via Gynn Lane and Brockholes Lane. However, the applicant has indicated that he intends to access the site from the east and proposes to carry out highway improvement works east of the site on Hall Ing Road which would involve the creation of new passing places and the upgrading of existing lay-bys.
- 10.25 The applicant has provided Transport statement in support of their application. This assessed the likely impact that would be caused by the development on the surrounding highway network. It concluded that the limited number of vehicles visiting the site on a daily basis would have little noticeable impact on daily traffic fluctuations and that the highway improvements proposed by the applicant would minimise the potential for vehicular conflicts along Hall Ing Road.

- 10.26 The two previous planning permissions were the subject of a section 106 agreements which restricted the route of heavy vehicles visiting the site. These agreements required that all heavy vehicles approach the site from the east via Storthes Hall Lane, Farnley Road, Greenside Road, Marsh Hall Lane and Hall Ing Road. It is therefore proposed that any subsequent planning permission should be subject to such an agreement.
- 10.27 Whilst it is accepted that the highway infrastructure in the area is poor, cognisance has been given to the proposed method of accessing the site, the length of time required to complete the development, the relatively low number of vehicular movements and the proposed improvements to Hall Ing Road. As a result Officers consider this proposal is acceptable on highway safety grounds. Consequently it is considered that the proposal does not conflict with UDP policies T10, WD5 (ii)

Representations

- 10.28 As previously indicated 1 letter of objection has been received in relation to this proposal. The concerns raised and responses can be summarised as follows:

The proposal would lead to nuisance associated with noise and dust

Response: These matters have been considered within the “Residential Amenity” section of the report.

The proposal could lead to the site and adjacent land being polluted

Response: These matters have been considered within the “Environmental issues” section of the report.

The local ecology would be detrimentally affected

Response: These matters have been considered within the “Environmental issues” section of the report.

The increase in HGV traffic would be detrimental to highway safety

Response: These matters have been considered within the “Highways issues” section of the report.

11.0 CONCLUSION

- 11.1 Whilst the use of land for the importation of inert material would in itself be inappropriate development within the Green Belt, it is considered that the very special circumstances would outweigh any potential harm to the Green Belt.
- 11.2 The engineering works to remodel and re profile the site using imported inert material would result in an acceptable final landform which would return the site to an agricultural use and whilst the engineering works would have some limited impact upon the openness of the Green Belt, it is considered that the openness of the Green Belt would still be preserved and that the development would not conflict with the purposes of including land within it. It is therefore

considered that the engineering operations proposed would not be inappropriate within the Green Belt.

- 11.3 This proposal would involve the import of a relatively modest quantity of inert waste over a maximum period of 1 years resulting in 16 vehicle movements (8 in 8 out). Whilst this proposal would have a short term impact on the amenity of the area, it is considered that the proposed mitigation measures would satisfactorily limit the adverse effects associated with this development.
- 11.4 Furthermore the subsequent restoration of the site would tie in well with the wider surrounding landscape and would provide an opportunity to enhance local biodiversity through strategic planting and habitat creation. It is therefore considered that the long term benefits associated with allowing development would outweigh the limited detrimental effects likely to be experienced during the course of the backfilling and land forming operations. Furthermore it is considered that this proposal would not have a significant detrimental impact on the amenity of the area or highway safety and would comply with both local and national policy guidance.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard 3 years to implement permission
2. 12 month time limit to complete the development from date of commencement
3. Standard condition requiring development to accord with approved plans
4. Access restricted that shown on approved plans
5. No landfill to commence until sight lines across the site frontage have been formed
6. Submission of detailed scheme relating to creation and upgrading of passing places on highway approaching the site
7. Implementation of approved scheme relating to creation and upgrading of passing places prior to development commencing
8. Gates at the site entrance to be set back
9. Areas to be used by vehicles on site to be satisfactorily surfaced
10. Requirement to clean vehicles prior to entering the public highway
11. Restriction on HGV movements (8 in 8 out per day)

12. Adequate provision on site for the storage of any oils/fuels etc. for plant and equipment
13. Requirement that only inert waste is used in the development
14. Preclusion of crushing and screening of waste on site
15. Requirement to strip existing soils prior to deposit of waste
16. Requirement to provide a detailed restoration scheme within 3 months of commencement
17. Requirement to adequately prepare/cultivate the final surface prior to restoration
18. LPA to be given opportunity to inspect final surface once prepared
19. Requirement to use a minimum depth of topsoil across the site
20. Requirement to remove haul road and restore the land
21. Restriction on hours of operation to 09:00 to 15:00 hours Monday to Friday only
22. Requirement to submit a scheme which indicates how noise emissions from the site will be minimised
23. Requirement to submit a scheme which indicates how dust emissions from the site will be minimised
24. requirement to submit details of the design of any gate, wall or fence used on site
25. No storage of waste skips or containers on the site
26. Requirement to provide a method statement with regard to environmental protection and enhancement proposals
27. No burning of any materials on site
28. Requirement to avoid bird nesting season during landfilling operation or to ensure no nests will be detrimentally affected
29. Requirement to provide details of a temporary protective fence adjacent to the active tipping area.
30. Requirement to replace any planting, seeding or trees which dies during a 5 year period after site restoration has been completed

Background Papers:

Application and history files .

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93268>

Certificate of Ownership – Notice served on Kirklees Council on 22 September 2016 with regard to that part of the site falling within the public highway.