
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 21-Dec-2017

Subject: Planning Application 2017/91676 Formation of new access from existing stone yard to adjacent storage area including excavation/engineering works Haggwood Quarry, Woodhead Road, Holmfirth, HD9 6PW

APPLICANT

Allan Pogson, Abacus
Stone Sales Ltd

DATE VALID

23-May-2017

TARGET DATE

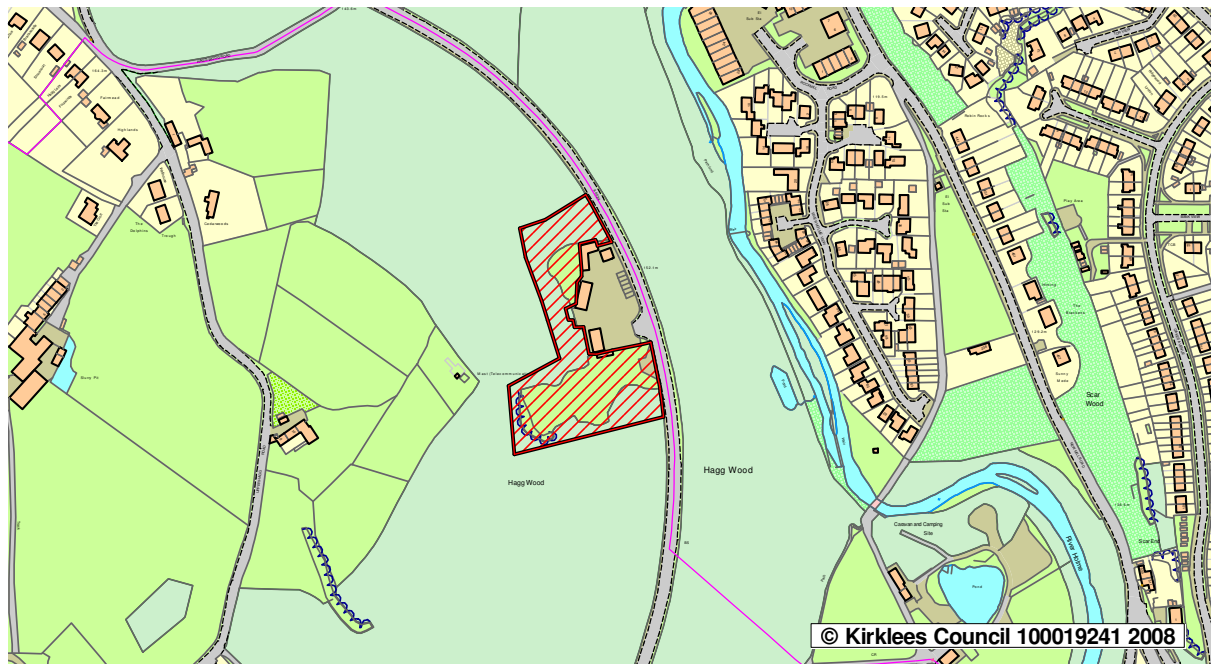
18-Jul-2017

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: Holme Valley South.

Yes Ward members notified

RECOMMENDATION:

DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement from the applicant which limits the area that can be used to store and work stone within the site's northern quarry void.

In the circumstances where the Section 106 agreement has not been submitted within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether planning 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

1.0 INTRODUCTION:

This application is brought to the sub-committee for determination as the application site area exceeds 0.5 ha and the proposal relates to non – residential development.

2.0 SITE AND SURROUNDINGS:

The application site is located approximately 0.25km to the west of the centre of Brockholes, 1.7 kilometres south of Honley village and is situated on the edge of a large area of woodland known as Hagg Wood. The application site occupies an area of approximately 9920m² and forms part of what was principally an historic quarry void. The site comprises two main areas one to the south, which is currently used for the storage and dressing of stone and includes a number of buildings and associated plant. The other area which lies to the north is, at present unused although benefiting from planning permission for stone storage and dressing. These areas are linked by a strip of land which runs behind another stone processing operation which occupies the remainder of the quarry void. It is this strip of land which would be engineered/excavated to facilitate the proposed development. The immediate wider area surrounding the site has a rural wooded character with isolated residential properties to west and a concentration of residential properties to the east at Brockholes.

2.1 The site is located within a wider area designated as a site of scientific interest (SSI) in the Unitary Development Plan and is identified as a Local Wildlife Site in the Emerging local plan, is included within an area of ancient

woodland, is immediately adjacent to a scheduled ancient monument (1018555) and is located within the Green Belt.

3.0 PROPOSAL

- 3.1 The applicant has submitted a planning application which seeks permission to carry out engineering operations to form an access roadway from the operational southern quarry void to the northern void which has planning permission to be used for stone dressing and storage but has not been used. This would involve the excavation of land to the west of the current void down to a maximum depth of approximately 5m and at its widest approximately 10m beyond the toe of the historic quarry face. This would allow the construction of a roadway with an average carriageway width of approximately 4.5m. This would be sufficient to allow heavy vehicles to move between the two voids.

4.0 RELEVANT PLANNING HISTORY

75/6107 – Erection of site cabin for WYMCC (Approved 23 January 1976)

80/2401 – Storage compound for gas cylinders – (Approved 12.5.80)

96/90931 – Outline application for workshop and improved access (Refused 17 July 1996)

97/92231 – erection of PRU (gas control) building by Transco (Approved 8 January 1998)

2001/90843 - Use of former salt stocking yard for storage and dressing of building stone, erection of portal framed building, widening of access including resurfacing of entrance and erection of 2.4m-high palisade gate (within a site of special scientific interest and ancient monument). Approved 16 April 2003

2007/93104 - Use of existing stone yard for waste facility including site offices, hardstanding and landscaping works – Withdrawn

2017/90201- Variation of conditions 2 (Materials) 4 (Opening Hours) 8 (Retailing) 12 (Trees) 13 (Vehicular Access) and 17 (Storage Height) on previous application 2001/90843 for use of former salt stocking yard for storage and dressing of building stone, erection of portal framed building, widening of access including resurfacing of entrance and erection of 2.4m-high palisade gate. (Approved 26 June 2017 with regard to conditions 2, 4 and 14 only)

4.2 Enforcement History

- 4.3 The site was first investigated in 2001 following reports of activity on the former Council salt stocking yard. During these investigations it was found the owner was preparing the ground for storage and dressing of stone. This investigation led to the submission of the 2001 planning application ref: 2001/90843 and subsequent approval on the 16 April 2003.

- 4.4 Site was investigated again by officers in 2004 following further works carried out pursuant to the 2003 planning permission. The site had been further prepared for the storage and dressing of stone, including completion of the

access gates/walling and a degree of surfacing over the site. Officers investigating at the time were satisfied that the site was operating as a stone yard as described and approved.

- 4.5 The site operated thereafter without objection being received by the local planning authority until January 2016. The local authority received reports of the erection of a fence through the adjacent woodland, formation of “ramps” to gain access onto the upper level of the former quarry and encroachment into areas outside of the original planning permission. Further concern was raised regarding works within a site of an ancient scheduled monument within the woodland.
- 4.6 Initial visits to the site in January 2016 confirmed a number of trees had been removed in the adjacent woodland. These were protected trees and legal proceedings were pursued with respect to this matter.
- 4.7 These site visits also confirmed the site was largely operating within the terms of the 2003 planning permission. No evidence was obtained of any recent encroachments into any areas outside the 2003 permission and the “ramp” was not considered to amount to an operation requiring planning permission. It was noted there had been a small encroachment to the left of the access that was being used for storage. However, from aerial photographs held by the authority it was clear this area had been used for a significant number of years without major concern for the local authority. Historic England attending the visit did not raise any significant concern over works within the vicinity of the ancient scheduled monument. Notwithstanding this, the owner was advised of planning requirements should any works be carried out. The complainant was notified that no recent breaches of planning control had been identified in January 2016.
- 4.8 The local planning authority received further reports in February 2016 alleging an intensification of the site including lack of turning facilities for vehicles and removal of material to expand into the rear (northern area) of the site. Officers concluded that the area currently unused of the rear northern area of the stone yard benefitted from the 2003 planning permission and that based upon information obtained operations were not in breach of the 2003 planning permission.
- 4.9 Further reports in April 2016 from a second complainant alleged disturbance was being experienced through dust and noise pollution. It was also alleged operations were being carried out over the weekend. If substantiated this weekend activity would be in breach of condition 4 attached to the 2003 planning permission. However, it was noted that two adjoining stone yards operating independently both had conditions restricting weekend operations. Further evidence would have to be obtained to establish whether one or both stone yards were in breach of respective planning conditions.
- 4.10 Subsequent information obtained and received between the period of May and December 2016 demonstrated some weekend working was taking place on both stone yards. However, little evidence of substantial prolonged nuisance or harm caused could be verified. Under these circumstances and in accordance with National Planning Policy Guidance, the local planning authority would normally seek to resolve such matters through the submission of an application as opposed to the taking of formal action. An application revising the 2003 conditions was submitted and partially approved on the 26

June 2017. This allowed an extension of working hours to include Saturday morning operations between 8am and 1pm.

- 4.11 Following the approval of this application, a number of complaints were received alleging operations were commencing at 7am on Saturday morning. A Breach of Condition Notice was issued on the 9 August 2017 and required the operators to comply with the hours of operation condition by the 6 October 2017. As a result of the Notice being issued the operators have confirmed compliance with the planning condition relating to hours of work. However, in light of further allegations of Saturday afternoon operations the matter continues to be monitored.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following discussions with the applicant and their agent and relevant consultees, site investigations were carried out to assess the extent of excavations necessary beyond the existing quarry face and their impact on the adjacent woodland. This resulted in amended plans being received which indicated a reduction in excavations along the western boundary of the site.

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). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage of the process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

EP4 – Noise generating development

B1 – Employment needs of the district

BE1 – Design principles

BE2 – Quality of design

NE3 – Development affecting Sites of Scientific Interest

NE5 – Development involving land identified as a wildlife corridor on the proposals map

NE9 – Retention of mature trees

BE9 – Development affecting archaeological sites

T10 – highway safety

6.3 National Planning Guidance:

Section 1 – Building a strong, competitive economy

Section 9 – Protecting Green Belt Land

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

Whilst the majority of the site has not been allocated for any specific purpose in the emerging local plan, areas on the periphery of the site fall within a wider area identified as a local wildlife site (LWS57). Furthermore a small area on the western boundary of the site falls within an archaeological site, which is a scheduled ancient monument.

Policies:

PLP24 – Design

PLP52 – Protection and improvement of environmental quality

PLP3 – Location of new development

PLP21 – Highway Safety and Access

PLP35 – Historic environment

PLP30 – Biodiversity and geodiversity

PLP33 - Trees

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site and the mailing of 6 neighbourhood notification letters. This resulted in the receipt of 7 letters of objection which raised a number of concerns which can be summarised as follows:

- The development would represent inappropriate development within the Green Belt as the works do not preserve the openness of the Green belt and conflict with the purposes of including land in the Green Belt.
- The proposal would result in the loss of existing mature trees and wildlife habitat
- The proposal would cause damage to a scheduled ancient monument

- The transport off site of stone removed during the proposed works would have an adverse impact on the local highway network
- The proposal would lead to an intensification of the use of the site which would increase problems associated with dust, noise and highway safety
- Access to the current unused northern area of the site can be gained without creating this new access.
- No details have been provided regarding the construction specifications of the road or the proposed safety barriers

7.2 However, it should be noted that this application was made as a result of officers advising the applicant that these proposals could not be included within previous planning application 2017/90201 to vary/delete existing planning conditions. Consequently it is considered that it is appropriate to remind members that 82 representations were previously received with regard to the proposals to vary/delete existing planning conditions and the issues raised that are relevant to this application can be summarised as follows:

- The loss of trees associated with this development would have a detrimental impact on the area.
- The enjoyment of users of the wood would be adversely affected by this proposal
- The proposal would have a detrimental impact on local ecology
- Existing planning conditions have not been satisfactorily enforced
- The proposal would see an encroachment of current activities into ancient woodland and a site of scientific interest and should not therefore be allowed
- The proposal would have a detrimental impact on a scheduled ancient monument.
- Hagg Wood is a public amenity and the rights of way within the wood would be adversely affected
- Protected trees have already been illegally felled by the applicant.
- Local beavers and cubs groups use the wood for recreational activities which would be adversely affected by this proposal
- Allowing activities above the level of the existing quarry would result in problems associated with noise and dust travelling further
- The proposal is contrary to local planning policy as the site is located within the Green Belt, protected woodland and close to archaeological remains.

- The development would involve the loss of part of ancient woodland which would be contrary to national planning policy guidance.
- The current use of the site is contrary to Green Belt policy
- Activities at the site result in the generation of dust which and the problems associated with dust in the vicinity will be exacerbated by this proposal.
- Allowing this proposal would result in increased noise nuisance

7.3 Home Valley Parish Council was consulted on this proposal and responded as follows:

“Cllr J G Cropper declared a disclosable pecuniary interest and left the meeting during this item.

Object to the application on the grounds that this is a site of ancient woodland and archaeological nature. As this is a site of special interest, Historic England advice on safeguarding the site and the adjacent Scheduled Monument must be borne in mind.”

7.4 Whilst not commenting on this application directly, local members did raise concerns about the previous Section 73 application (2017/90201) to vary conditions on the original planning permission. That application did originally include the works proposed in this application before they were excluded by officers and the comments made by members were made in that context. It is therefore considered appropriate to provide a copy of those comments for members to note:

Cllr Nigel Patrick (Holme Valley South ward member) indicated in an e-mail dated 1 February 2017 that he considered that “ given ongoing problems on this site this application should go to planning committee together with a site visit.” Cllr Patrick in a further e-mail communication provided the following reasons to support his request:

- *Impact on Ancient Monument*
- *Impact on Protected Trees*
- *Impact on Ancient/ Semi Natural Woodland*
- *Impact on amenity of neighbouring properties*
- *Impact on Protected Species*
- *Road Safety*
- *Ongoing enforcement issues at site*

Cllr C Greaves (Home Valley North member which is the adjacent ward) also requested that this application be brought to committee for determination in an e-mail dated 14 February 2017 and indicated the following:

“...The reasons for referral are that development has occurred outside of existing permissions and this application has been submitted as a response to enforcement action - and that in my view the decision to ease planning restrictions should be determined by committee.

I have particular concerns around any easing of the restriction against retail activity, early operating times on a Saturday, any works at all on a Sunday, stacking of material (3m still seems appropriate) and any removal of trees or further incursion into the rock face/woodland - all of which are against current permissions and which appear to be taking place."

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K C Highways DM – No objections

Historic England – No objection. However, Historic England has requested that an informative be added advising the applicant that a Scheduled Ancient Monument consent would be required prior to development commencing and that Historic England should be contacted with regard to this matter.

8.2 Non-statutory:

K C Environmental Health – No objection subject to planning to:

- Restrict hours of operation to 0700 and 1800 Monday to Friday and 0800 to 1300 Saturdays and no activities to take place on Sundays or Bank Holidays
- The submission and approval of a dust suppression scheme prior to development commencing

K C Ecology Unit – No objection subject to planning conditions to require:

- The submission and approval of a protocol for dealing with any invasive weeds found.
- Compensatory woodland planting as indicated in the arboricultural impact assessment.
- That tree and vegetation removal is carried out outside the bird nesting season.
- The submission and approval of an artificial lighting scheme.
- Re-survey of a disused badger set prior to development commencing.
- The submission and approval of ecological enhancement works.

K C Trees Officer – No objections subject to the area used for stone storage and dressing being restricted to that shown in the amended arboricultural method statement and the inclusion of planning conditions which require:

- Works to the affected trees being carried out in accordance with the supporting arboricultural method statement
- Details of any additional tree works which have not been previously identified prior to the works being carried out

- The production of evidence to show that arboricultural works have been carried out in accordance with the approved scheme
- Compensatory tree planting works is carried out within 12 months development commencing

Forestry Commission – Standard advice provided which stresses that this proposal must be considered in accordance with para. 118 of the NPPF. Bullet point 5 of para. 118 states:

“...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;...”

West Yorks Archaeology – No response

9.0 MAIN ISSUES

- Principle of development
- Local amenity issues
- Ecological issues
- Heritage issues
- Highway issues
- Representations

10.0 APPRAISAL

10.1 Principle of development

10.2 Section 1 of the National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

“.....local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century.”

This site is an established business which provides employment and contributes to the local economy. It is considered that this proposal would maximise the potential of this site and therefore accords with the aims of the NPPF with regard to supporting sustainable economic growth.

10.3 The application site falls within a wider area identified as Green Belt in the adopted Unitary Development Plan. Paragraph 87 of the NPPF confirms that inappropriate development within Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. It is considered that the principle of using this site in connection with stone storage and working

within the Green Belt was established at the time the original planning permission was granted in 2003.

- 10.4 The construction of the proposed access roadway is considered to constitute engineering operations which Paragraph 90 of the NPPF states are not inappropriate development within the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. It is therefore considered that key issues to consider in the assessment of this application are whether this proposal is appropriate development and if not whether there are any very special circumstances which clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness or by any other harm.
- 10.5 The NPPF indicates 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. Paragraph 80 of the NPPF indicates that Green Belts serve 5 purposes:
1. To check the unrestricted sprawl of large built up areas;
 2. To prevent neighbouring towns from merging into one another;
 3. To assist in safeguarding the countryside from encroachment;
 4. To preserve the setting and special character of historic towns; and
 5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.6 The proposed access roadway falls within the footprint of the previously granted planning permission to change the use of the site to allow stone storage and working albeit within an area which was specifically precluded from such activities by planning condition. The area of development associated with the engineering operations measures approximately 320m² and represents a strip of land to the rear of and adjacent to existing industrial buildings. The roadway would be accessed from the existing quarry void and would therefore be below the level of the surrounding woodland to the west of the site. As a consequence, the physical works involved and its subsequent use would be screened to a significant degree.
- 10.7 The working and storage of stone within the application site already has the benefit of planning permission and it is therefore considered that this development would not represent an intensification of that use but would simply act to facilitate the permitted use.
- 10.8 The proposed roadway is associated with an existing brownfield site and there would be a relatively minor impact on visual amenity and the character of the wider landscape. Officers therefore consider that this proposal would preserve the openness of this part of the Green belt and would not conflict with the purposes of including land within the Green Belt and comply with the provisions of paragraph 89 of the NPPF. The development is therefore considered to represent appropriate development within the Green Belt and would therefore accord with policy guidance contained within the Section 9 of the NPPF.
- 10.9 Due to the stage the emerging Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the emerging plan must therefore be considered. The emerging local plan

identifies peripheral areas on the edge of the site as falling within a wider area designated as a Local Wildlife Site (previously an SSI in the UDP) and within part of an area containing a registered ancient monument. Officers consider that due to the limited nature of development involved in this instance, the aims of the local plan would not be prejudiced by this proposal.

10.10 Officers therefore consider that this proposal is acceptable in principle subject to there being no conflict with other local and national planning policy guidance.

10.11 Local Amenity Issues

10.12 The nearest residential properties to the proposed roadway are located approximately 160m to the east off River Holme View and 210m to the west off Upper Hagg Road. The residential properties to the east are at a lower level (approx. 40m) and are screened by dense woodland. The residential properties to the west are at a higher level (approx. 10m) and again screened by dense woodland. As a consequence direct views of the site cannot be gained from these properties.

10.13 The nearest public right of way (PROW) is located approximately 350m to the south of the site. Users of this PROW would not be able to gain direct views of the proposed roadway and it is therefore considered that the enjoyment of pedestrians using this route would not be adversely affected.

10.14 Noise would be generated by vehicle movements and as a result of stone being loaded and unloaded onto and from vehicles. However, this type of activity already takes place on the operational areas of the site. It is therefore considered that noise levels would not exceed those already associated with existing permitted operations and as a consequence this proposal would not result in a significant additional adverse impact being experienced by the nearest sensitive receptors with regard to potential noise nuisance.

10.15 The area which would be excavated to create the roadway is partially screened from Woodhead road by existing buildings and vegetation and would be set below the level of the woodland to the west of the site. Consequently only limited views of the roadway would be obtained. Vehicles using the roadway could be viewed at certain points along its route but such views would be fleeting and, bearing in mind current activity on adjacent land, would not appear as unusual in this particular setting. Officers therefore consider that this development would have only a limited impact on the visual amenity of this area and would not represent a significant degradation of the visual quality in this part of the district.

10.16 Due to the nature of operations on adjacent land this proposal could result in additional dust generation in dry conditions. However, officers consider that measures can be implemented to mitigate any associated impact.

10.17 It is therefore considered that this proposal would accord with UDP policies BE1, BE2, EP4, KPDLP policies PLP24, PLP52 and section 11 of the NPPF with regard to its impact on local amenity.

10.18 Ecological Issues

10.19 The site is located within a wider area designated as a Local Wildlife Site and was formerly allocated as a Site of Scientific Interest (SSI) in the UDP. It is therefore essential to ensure that any development does not detrimentally impact on local ecology and biodiversity associated with this area.

10.20 The applicant has provided an ecological assessment which has considered the potential ecological impacts associated with this proposal. The assessment established baseline ecological conditions and considers the likely effects of this proposal, suggested mitigation measures and ecological enhancements and its conclusions of this assessment is summarised as follows:

Ecological Receptor	Importance	Mitigation, Compensation and Enhancements	Anticipated Residual Impact
Bats	County	None of the trees to be removed have potential for roosting bats. The erection of five woodcrete bat boxes will therefore increase the potential bat roosting resource. 350 native whips to be planted around the margins of the quarry will provide increased bat foraging habitat; the access track itself will have a vertical upper edge, and will remain unlit, creating new 'edge habitat' of value to foraging bats.	Positive (Minor)
Nesting Birds	Local	If any tree or shrub removal needs to take place within the main bird breeding season (which for most species extends between March and August inclusive) an inspection shall take place first, by a suitable qualified ecologist, and any nests (if present) shall be protected, along with a suitable buffer zone, until the nesting attempt is complete. 350 native whips to be planted around the margins of the quarry will provide new nesting opportunities, as well as berries for a wide range of bird species (and other wildlife). The provision of five nest boxes will provide enhanced nesting opportunities for great tit and pied flycatcher.	Positive (Minor)
Invertebrates	Local	350 native whips to be planted around the margins of the quarry will provide new habitat and sources of nectar for a range of invertebrates, whilst the provision of at least five large log piles from felled, crown lifted or pruned trees will create suitable habitat for a range of dead wood invertebrates.	No net change
Badger	Local	Measures not disclosed here to protect location of badger activity	No net change

10.21 Whilst it is accepted that this proposal will have some effects on the potential habitat opportunities provided by this site, it is considered that these effects would be limited and measures can be secured which would potentially provide biodiversity enhancements.

10.22 Although much of the site is part of an operational stone yard, it falls within an area designated as Ancient Woodland. Paragraph 118 of the NPPF states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss...”

10.23 In this case, whilst it is accepted that some tree loss will occur as part of the proposal, it is considered that this would be offset by the protection of trees which could otherwise be removed under the terms of the original planning permission. The original grant of planning permission indicated the removal of the majority of trees within the northern quarry void in order to facilitate storage accommodation. This application provides an opportunity to restrict the area to be used in connection with stone storage and working in the northern quarry void and therefore retain a number of existing mature trees. Furthermore the proposal includes a significant amount of compensatory planting (350 native whips) around the edge of the site.

10.24 Should planning permission be approved it is proposed to require the applicant to provide a legal agreement which would require the retention of the existing mature trees located in the northern quarry void.

10.25 It is therefore considered that, in this instance, the benefits of allowing the removal of trees to facilitate this development outweigh their loss and subject to the applicant providing the agreement outlined previously; this proposal would accord with UDP policy NE3, NE5, NE9 KPDL policy PLP 30 and Section 11 of the NPPF.

10.26 Heritage issues

10.27 The site forms part of a scheduled ancient monument which seeks to protect known archaeological remains within Hagg Wood. These remains comprise several stone cairns of Neolithic origin which are located in various positions within the wood.

10.28 As this application has the potential to affect this monument, Historic England was consulted as a Statutory Consultee. Following negotiations with the applicant involving a site visit and amendments to the original proposal, Historic England has confirmed that it does not wish to object to the proposal and it is therefore considered that the development would accord with UDP policy BE9, KPDL policy PLP 35 and Section 12 of the NPPF.

10.29 Highways issues

10.30 The application site is an operational site and is served via an existing access from Woodhead road. This was identified as the access point on the original planning permission to use the site as a stone yard. This proposal would not change these access arrangements.

10.31 It is estimated that the proposed development would involve the removal of approximately 1500 tonnes of rock which would need to be transported from the site. It is therefore likely that this would require in the region of 75 HGV loads. These vehicle movements would be spread over the period of the works and would be for a temporary period only. The applicant has indicated that once operational, this proposal would not result in a significant increase in commercial vehicles visiting the site.

10.32 As it is considered that this proposal would not lead to an intensification of this access, this proposal would not have a significant detrimental impact on highway safety in the vicinity of the site. This proposal would therefore accord with UDP policies T10 and KPDLP policy PLP 21 with regard to the potential impact on the local highway network.

10.33 Representations

10.34 As previously indicated 7 letters of objection have been received in connection with this application in addition to the 82 representations received with regard to the previous proposal, the relevant issues raised and associated responses are summarised as follows:

The development would represent inappropriate development within the Green Belt as the works do not preserve the openness of the Green belt and conflict with the purposes of including land in the Green Belt.

Response: This matter has been considered in paragraphs 10.3 to 10.8

The proposal would result in the loss of existing mature trees and wildlife habitat

Response: This matter has been considered in paragraphs 10.19 to 10.21

The proposal would cause damage to a scheduled ancient monument

Response: to follow

The transport off site of stone removed during the proposed works would have an adverse impact on the local highway network

Response: This matter has been considered in paragraph 10.29

The proposal would lead to an intensification of the use of the site which would increase problems associated with dust, noise and highway safety

Response: This matter has been considered in paragraph 10.7

Access to the current unused northern area of the site can be gained without creating this new access.

Response: This may be the case. However, the applicant has submitted an application to provide improved arrangements. This application must be considered in this context and cannot simply be refused because access can already be gained. The proposal has been assessed on that basis and it is considered that the proposal should be granted planning permission.

No details of have been provided regarding the construction specifications of the road or the proposed safety barriers.

Response: It is considered that this information can be satisfactorily secured through the imposition of planning conditions.

The loss of trees associated with this development would have a detrimental impact on the area.

Response: This matter has been considered in paragraphs 10.22 to 10.23

The enjoyment of users of Hagg Wood would be adversely affected by this proposal.

Response: Hagg Wood is privately owned land and the only public access is via PROW Hol/32/40 which is over 300m from this proposal. As previously indicated it is considered that the enjoyment of pedestrians using this route would not be adversely affected.

The proposal would have a detrimental impact on local ecology.

Response: This matter has been considered in paragraphs 10.19 to 10.21

Existing planning conditions have not been satisfactorily enforced

Response: This matter has been summarised in Paragraphs 4.3 to 4.11. Whilst it is accepted that enforcement action has been required to address a breach of planning control at this site, this is not a material planning consideration with regard to this application.

The proposal would see an encroachment of current activities into ancient woodland and a site of scientific interest and should not therefore be allowed.

Response: This matter has been considered in Paragraphs 10.19 to 10.23

The proposal would have a detrimental impact on a scheduled ancient monument.

Response: This matter has been considered in Paragraphs 10.27 and 10.28

Hagg Wood is a public amenity and the rights of way within the wood would be adversely affected.

Response: Other than PROW Hol/32/40 which runs along the southern boundary of Hagg Wood, there are no other PROWs in the vicinity of the site or access rights to enter the woodland.

Protected trees have already been illegally felled by the applicant.

Response: Legal action was taken with regard to illegal tree felling in Hagg Wood and a successful prosecution was secured in the Courts. However this matter is a separate issue and is not a material planning consideration. Consequently it cannot influence the assessment of this application.

Local beavers and cubs groups use the wood for recreational activities which would be adversely affected by this proposal.

Response: Other than PROW Hol/32/40 which runs along the southern boundary of Hagg Wood, there are no other PROWs in the vicinity of the site or access rights to enter the woodland.

Allowing activities above the level of the existing quarry would result in problems associated with noise and dust travelling further.

Response: This matter has been considered in Paragraphs 10.14 and 10.16

The development would involve the loss of part of ancient woodland which would be contrary to national planning policy guidance.

Response: This matter has been considered in Paragraphs 10.22 to 10.24

The current use of the site is contrary to Green Belt policy

Response: This matter has been considered in Paragraphs 10.3 to 10.8

11.0 CONCLUSION

11.1 This proposal would allow a site which has previously received planning permission to be used to its full potential by providing a useable vehicular link between its two main areas. As previously indicated, the site is in a sensitive location with regard the potential impact on local ecology, habitat provision including ancient woodland and local heritage assets. However, Officers consider that the impacts associated with this development would be limited in scale and mitigation measures can be included to offset and any adverse effects.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. Development to be carried out in accordance with the amended supporting arboricultural method statement
4. Details of any tree work not identified in the supporting information to be submitted to and approved by the local planning authority
5. Within 7 days of works being carried out to any trees on site, written and photographic evidence to be submitted to the local planning authority demonstrating that the arboricultural supervision detailed in Sections 2.2 and 3.1 of the arboricultural method statement has been carried out.
6. The planting scheme specified in the amended arboricultural method statement shall be completed within 12 months of commencing development.
7. Prior to development commencing the submission and approval of an invasive weeds management protocol
8. Prior to development being brought into use the submission and approval of a lighting plan
9. All tree/vegetation works to be carried out outside the bird nesting season
10. Prior to development commencing re-survey work to be carried out in connection with the disused badger sett
11. The submission of details regarding ecological enhancements

12. Prior to the development being brought into use details of surfacing and drainage arrangements to be submitted to and approved in writing by the local planning authority.

13. Prior to the development being brought into use details of the safety barrier to be erected on the roadway shall be submitted to and approved in writing by the local planning authority.

14 .No Development to commence until dust suppression measures have been agreed.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91676>

Certificate of Ownership –Certificate A signed: 12 May 2017