
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 20-Jun-2019****Subject: Planning Application 2018/91277 Infill of former quarry Ponderosa Rtc
Park Farm, Smithies Lane, Heckmondwike, WF16 0PN****APPLICANT**

Mr Cook

DATE VALID

03-Aug-2018

TARGET DATE

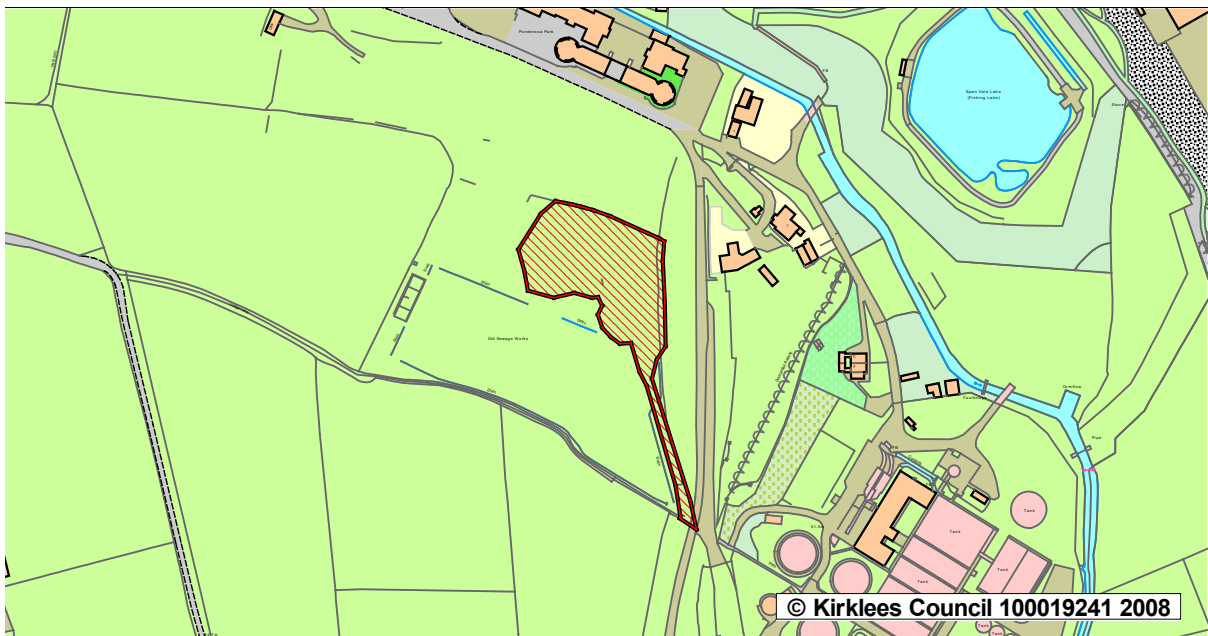
02-Nov-2018

EXTENSION EXPIRY DATE

30-Jun-2019

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<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: Heckmondwike

Yes

Ward Members consulted
(referred to in report)

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RECOMMENDATION: DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee for determination as the proposal relates to non-residential development and the site exceeds 0.5 Ha.in area

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a former quarry and is located approximately 1km south east of Heckmondwike town centre within an area which has a mixed commercial rural setting. Commercial development is concentrated to the north of the site off Smithies Lane with more open rural uses to the south although the Ponderosa Therapeutic Centre occupies a significant area of this open land.
- 2.2 At present the site is a redundant quarry void with a volume of approximately 8,000m³. The quarry is historic and has not been commercially operated for decades, although there is evidence that a small amount of stone has been removed recently. The site was effectively left with no meaningful restoration and has therefore regenerated to some extent naturally.

3.0 PROPOSAL:

- 3.1 The proposal would involve importing inert waste in the form of demolition material and excavation soils to fill the existing quarry void back to original ground levels.
- 3.2 The fill material would be transported to the site using 20 tonne tipper lorries and the applicant has estimated that this will involve approximately 8,000m³ cubic metres of fill and take approximately 3 months to complete.
- 3.3 The site would then be restored for nature conservation which would comprise a mixture of wildflower and woodland scrub areas although a section of the original quarry face would be retained to provide habitat opportunities.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2009/91312 - Outline application for erection of continuing care retirement community ECO complex (Refused)

2011/92060 - Outline application with some matters reserved for erection of continuing care retirement community ECO complex (Refused)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 During the assessment of this application negotiations with the applicant resulted in:

- The submission of an Ecological Impact Statement
- The submission of an Ecological Design Strategy
- The submission of a Landscape Management Plan

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

LP3 – Location of new development

LP 30 – Biodiversity and geodiversity

LP 21 – Highway safety and access

LP31 – Strategic Green Infrastructure Network

LP 32 – Landscape

LP 37 – site restoration and aftercare

LP44 – New waste management sites

LP43 – Waste management hierarchy

LP 46 – Waste disposal

LP51 – Protection and improvement of air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

6.3 National Planning Guidance:

Section 6 – Building a strong, competitive economy

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

National Planning Policy for Waste

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the erection of 3 site notices in the vicinity of the site, the mailing of 8 neighbourhood notification letters and an advertisement in the local press. No representations have been received from the public in connection with this proposal.

7.2 Ward members have been notified of this proposal. No comments have been received

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

K C Highways DM – No objection subject to planning conditions which require:

- HGV movements are restricted to a max. of 25 in and 25 out per day
- A scheme detailing wheel washing facilities is submitted and approved

The Coal Authority – No objection

Environment Agency – No objection

Health and Safety Executive – No objection

8.2 **Non-statutory:**

K C Environmental Health – No objection subject to planning conditions which require:

- That any contamination not previously identified is adequately dealt with
- HGV movements are carried out in accordance with the supporting Transport Statement.
- High frequency reversing alarms are not used
- A dust suppression scheme is submitted and approved prior to development commencing

K C Ecology – No objection subject to planning conditions to ensure the implementation of the landscape management plan

K.C. Trees Officer – No objections

9.0 MAIN ISSUES

- Principle of development
- Design issues
- Local amenity issues
- Highway issues
- Ecology issues
- Coal mining Legacy issues
- Flood risk and drainage issues

10.0 APPRAISAL

10.1 Principle of development

10.2 It is considered that the key issues for the determination of this application are as follows:

- whether the proposed development is appropriate development within the Green Belt and if not whether there are very special circumstances to justify allowing it,
- the development's likely impact on visual amenity and the intrinsic character of the local area and whether this impact is acceptable in terms of its effect on the Green Belt.

10.3 Paragraph 133 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.

10.4 Paragraph 143 confirms that inappropriate development within the Green belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.5 Paragraph 144 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.

10.6 The NPPF sets out a number of core planning principles, one of which indicates that planning should contribute to conserving and enhancing the natural environment.

10.7 Para 109 of the NPPF goes on to state that “The planning system should contribute to and enhance the natural and local environment by;

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated unstable land, where appropriate.

10.8 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 134 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.

10.9 The character of the landscape in this area is considered to represent rural fringe which mainly comprises a mixture of farmland, small pastures separated by drystone walls or hedgerows and woodland. These areas typically include small settlements, modern outbuildings and dispersed dwellings and are located close to existing urban settlements. These open areas typically provide a break between existing settlements and in this case forms part of a wider area which provides a rural buffer between Heckmondwike and Mirfield/ Ravensthorpe to the south. This area includes a significant amount of farm land and the Dewsbury Country Park and generally has a pleasant managed character.

- 10.10 Having said this, the application site is close to existing commercial development and is a redundant quarry void. Its position which, due to local topography and existing vegetation, is not prominent in the local landscape and consequently the landfilling operation would not be easily overlooked and as material would be tipped directly into the existing void would not involve significant above ground stockpiling. Furthermore the operation is estimated to only involve 8,000m³ (approx. 9,600 tonnes) of infill material and would take approximately 3 months to complete.
- 10.11 Whilst Paragraph 146 of the NPPF indicates that engineering operations may not be inappropriate development within the Green Belt, it makes it clear that this is subject to such development preserving the openness of the Green Belt and not conflicting with the purposes of including land in the Green Belt. Whilst it is considered that the proposal would not have a significant impact on the openness of the Green Belt, it is considered that this proposal would not preserve openness. Consequently it cannot therefore be considered to be appropriate development as set out in paragraph 146 of the NPPF as harm would be caused as a result of the activities involved. This proposal therefore needs to demonstrate that very special circumstances as indicated in paragraph 143 of the NPPF would outweigh the harm caused.
- 10.12 This proposal would see the remediation of a redundant quarry void and its subsequent restoration to nature conservation involving the planting of woodland scrub and rough grassland/wild flower species. This would increase the range of habitat opportunities available in this area and would provide a link to the recently restored former sewerage works site which is located approximately 200 m to the south east. This would accord with Kirklees Local Plan policy LP30 which indicates the council will seek to enhance the biodiversity of Kirklees and to safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network. The proposal is also consistent with the aims of Section 15 of the NPPF which indicates that Local Planning Authorities should seek to enhance biodiversity through the planning system.
- 10.13 This proposal would see the re-use of a significant quantity of waste material which would otherwise be disposed of via landfill. Appendix A of the National Planning Policy Framework contains the following waste hierarchy:

The most effective environmental solution is often to reduce the generation of waste, including the re-use of products – <i>prevention</i>
Products that have become waste can be checked cleaned or repaired so that they can be re-used – <i>preparing for re-use</i>
Waste materials can be reprocessed into products, materials or substances – <i>recycling</i>
Waste can serve a useful purpose by replacing other materials that would otherwise have been used – <i>other recovery</i>
The least desirable solution where none of the above options are appropriate- <i>Disposal</i>

10.14 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 a redundant quarry void and re-engineer contours to tie in with the surrounding landscape rather than simply being disposed of to landfill. 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.

10.15 It is therefore considered in this instance that the benefits resulting from this proposal would outweigh the relatively limited impact on the Green Belt and this proposal can therefore be considered to constitute appropriate development in the Green Belt.

10.16 Design

10.17 Section 12 of the NPPF indicates that good design is a key aspect of Sustainable development and that poorly designed development should be refused.

10.18 This proposal would result in the filling of a redundant quarry void and a final landform that would reflect the surrounding landscape. The applicant has indicated that the final restoration of the site would involve sympathetically planted areas and would include retaining a small part of the original quarry face to provide a variety of habitat opportunities for local wildlife. This would provide a link to the former sewerage works site which was recently remediated and restored and, when fully established, will include a variety of habitat opportunities. The sewerage works restoration itself provides a link to the Dewsbury Country Park to the south.

10.19 Officers therefore consider that the resultant landform would not be out of keeping with the wider setting and would not appear as a discordant feature within the wider landscape. The landscape and enhanced biodiversity improvements are viewed by officers as the main benefits of the proposed scheme and weigh significantly in favour of the development when assessing the proposal against the identified harm to the Green Belt.

10.20. Local Amenity

10.21. The site is on the edge of a wider area of open land but is close to existing commercial activity. However, there are isolated residential properties approximately 60m to the east and 150m to the west. Whilst this proposal would introduce a different process to this part of the area, it is considered that the associated noise would not result in a significant increase in levels to the existing noise climate, bearing in mind the existing traffic levels. However, should planning permission be granted for this development, conditions would be included to preclude the use of mechanical processing equipment and restrict hours of operation.

- 10.22. This proposal has the potential to generate dust which could have a detrimental impact on the amenity of the area. The principal sources of airborne dust associated with the proposed operations, in the absence of mitigation, include:
- The unloading of waste;
 - The working of waste material on site;
 - site plant and haulage movements; and
 - road transport
- 10.23. Whilst it is acknowledged that this proposal will have a negative impact on air quality in the vicinity of the site, the generation of dust could be adequately controlled via on site control measures and it is proposed to require the submission and agreement of a dust suppression scheme should planning permission be granted.
- 10.24. The site does not sit in an area which benefits from any formal landscape designation. However, it is pleasant and as previously indicated contributes to the rural buffer between nearby urban areas. The character of the landscape in the vicinity of the site is that of managed pasture/scrub and arable fields with pockets of woodland and intermittent residential elements. However, the surrounding area does contain other uses and more industrial elements including commercial uses to the north and the Ponderosa Therapeutic Centre to the South. The site is not prominent in the landscape and cannot therefore be easily viewed from the surrounding countryside.
- 10.25. Notwithstanding the general openness of the landscape, due to the existing topography and natural screening the site is not visible from many viewpoints within the wider landscape, although longer distance views from the higher ground to west and south may be possible. However such views would be limited. Consequently it is considered that whilst this proposal would result in a low to moderate adverse impact on the character of the local landscape, this would be temporary and the long term benefits of the restored site would enhance visual amenity in the area.
- 10.26. Consequently, the proposal would accord with Local Plan policies LP32, LP44 and LP52, with regard to the development's potential impact on visual amenity and the local landscape.

Highway issues

- 10.27. The site would be accessed via a former haulage track which adjoins the access road to the ponderosa Therapeutic Centre which is a two lane surfaced highway. This then links to the adopted highway (Smithies Lane).
- 10.28. The use of the haul road does present challenges to HGVs due to its orientation but it is considered that this can be satisfactorily addressed by using land within the former sewerage works as a vehicle manoeuvring area.
- 10.29. It is estimated that at a constant rate of supply the site could be filled using 7 to 8 deliveries per day. However, the supporting Transport Statement indicates that this proposal could involve a maximum of 25 deliveries of infill material per day at the busiest times. This builds in a factor to deal with any campaign led deliveries.

10.30 Public Right of Way SPE/141/30 is in close proximity to the proposed site access where it crosses Smithies Lane. Consequently measures would need to be implemented to protect the users of this route. It is considered that this can be adequately dealt with by erecting warning signage in appropriate positions to alert pedestrians of the danger of Heavy Vehicles using the access.

10.31. It is considered that the access arrangements are adequate to facilitate this development bearing in mind the limited number of HGV movements proposed and the relatively short period required to complete the works. Officers consider that subject to the inclusion of planning conditions to deal with the issues outlined in Section 8 of this report and measures to protect the users of PROW SPE/141/31, this proposal would not have a significant detrimental impact on highway safety in the area and would therefore accord with Local Plan policies LP21 and LP44.

10.32 Local Ecology

10.33 The main objective of Local Plan Policy LP 30 seeks to protect and enhance the biodiversity and geodiversity of the district.

10.34 The site has been included within the Kirklees Strategic Green Infrastructure Network (SGIN) and is part of the Wildlife Habitat Network and it is therefore important to ensure that any development within this area does not have a detrimental impact on these networks, infrastructure assets or the range of functions they provide.

10.35 Policy LP31 indicates that development within or adjacent to the SGIN should ensure:

(i) the function and connectivity of green infrastructure networks and assets are retained or replaced;

(ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;

(iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;

(iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

Policy LP31 also indicates that the council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.

10.36 The applicant has provided an Ecological Impact Assessment (EclA) which considers the current ecological value of the site and an Ecological Design Strategy (EDS) which indicates how biodiversity will be enhanced as a result of this proposal.

10.37 The EclA concludes that the site is generally of low ecological value due to the level of disturbance the area has previously been subject to. However, higher value habitats were identified along the site boundaries and on the adjacent land. The EDS indicates that higher value habitats in the form of wildflower meadow, tree and scrub planting will be carried out once the landfilling operation has ceased and following initial aftercare the site will be left to naturally establish with minimal maintenance.

10.38 Officers consider that this proposal offers an opportunity to enhance local biodiversity and to provide connectivity with the recently restored sewerage works site and Dewsbury Country Park to the South and it therefore accords with the aforementioned Local Plan policies and Section 15 of the National Planning Policy Framework.

10.39 Coal Mining Legacy

10.40 There is known to be evidence of historic mine workings in the vicinity of the site which date back the early part of the 20th Century. However, they are not in the areas where it is proposed to backfill the site. However, The Coal Authority has indicated that it does not wish to object to the proposal on the basis that the proposal would be limited to the infilling of the quarry to form a grassed area, level with surrounding land, with no built development proposed.

10.41 This proposal would therefore accord with Section 15 of the NPPF with regard to its potential impact on land stability.

10.42 Flood Risk and Drainage

10.43 The site is located within Flood Zone 1 and is therefore at a low risk of flooding and as the site is under a hectare in area a Flood Risk Assessment is not required to support the application.

10.44 Whilst the development would result in changes in land levels these would reflect those prior to mineral extraction taking place and as the proposal would see the surface of the site readily absorbing rainfall, it is considered that surface water from this site is unlikely to present a flood risk. However, should planning permission be granted, it is proposed to require the submission of a drainage scheme with regard to the restored site.

10.45 This proposal would therefore accord with Kirklees Local Plan policy LP53 and Section 14 of the NPPF.

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 demonstrated in this instance would outweigh any limited 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 a nature conservation use and whilst the engineering works would inevitably have some impact upon the openness of the Green Belt, it is considered that the openness of the Green Belt would be preserved on completion and that the development would not conflict with the purposes of including land within it.
- 11.3 This proposal would involve the import of a relatively modest quantity of inert waste over a period of 3 months resulting in a maximum of 50 vehicle movements (25 in 25 out) per day. Whilst this proposal would have a short term impact on the amenity of the area, it is considered that the rapid progress of backfilling of the site combined with mitigation measures would satisfactorily limit the adverse effects associated with this development. Furthermore the subsequent restoration of the site would tie in well with the wider surrounding landscape and would provide an opportunity to significantly enhance local biodiversity through strategic planting and habitat creation. This could therefore provide ecological connectivity with the nearby restored former sewerage works and the Lower Spen Country Park which is situated to the south of this site. 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 and Master Planning)

1. Standard 3 year implementation deadline
2. Condition requiring development in accordance with approved Plans
3. Time limit for completion of development – 6 months from commencement
4. Prior cessation arrangements should works cease on site for more than 6 months
5. Vehicular access restriction to that indicated on approved plans
6. Wheel cleaning requirement
7. Vehicle sheeting requirement
8. Measures to protect the users of PROW SPE/ 141/30
9. Restriction on the numbers of HGVs visiting the site to no more than 50 per day (25 in 25 out)

10. Soils storage arrangements on site including position of any screening mounds
11. Progressive backfilling and restoration requirements
12. Restriction that only inert waste is imported to the site
13. Requirement to spread soils during favourable weather conditions
14. Requirement to allow LPA to inspect soil re-spreading once completed on site
15. Requirement to allow LPA the opportunity to inspect any imported soils or soil making materials
16. Soil cultivation requirements
17. Requirement to allow LPA to inspect soil cultivation once completed on site
18. Requirement to restore the site in accordance with restoration scheme submitted with the application
19. Requirement to replace any damaged or dead trees and shrubs following site restoration for a period of 5 years
20. Provision of a land drainage details for the restored site
21. Provision of an aftercare scheme for a period of five years following site restoration
22. Restriction on hours of operation 7.30am-6.30pm Monday to Friday 8.30am to 1pm on Saturdays with no working on Sunday or Bank Holidays
23. Provision of dust suppression measures
24. Speed restriction requirement for vehicles on site
25. Use of low frequency reversing alarms
26. Removal of permitted development rights
27. Provision of adequate arrangements for the storage of any fuel and oils stored on site
- 28 No use of mechanical processing equipment

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91277>

Certificate of Ownership –Certificate A signed: 16 April 2018