

7. CHANGE OF USE OF FORMER WOOD YARD TO STORAGE AND TRANSHIPMENT OF BLOCKSTONE AT FORMER WOOD YARD, PARK LANE, ROWSLEY (NP/DDD/0416/0363, 424894/366060 NJR)

APPLICANT: STANCLIFFE STONE CO. LTD

Update following deferral from Planning Committee 12 August 2016

Members will recall that this application was deferred at the August Planning Committee to allow a number of matters to be clarified and to allow the applicant to provide additional information in support of their application, in particular relating to the concerns of the Highway Authority.

Officers have collaborated with the applicant throughout the intervening period while they worked towards resolution of the outstanding issues. However, although additional information has been helpful in some respects to address the reasons for the recommendation of refusal, not all of the reasons have been able to be overcome and the recommendation remains that the application should be refused.

The applicant has met with the Authority officers and corresponded extensively with the Highway Authority to seek to resolve the highway concerns. It remains the case that a swept path analysis as requested by the Highway Authority has still not been provided, and whilst the manoeuvring of HGV's associated with the applicants' development **may** be able to be controlled to some extent, there would be no control on how other users of the public highway use this junction. As such it is not considered that HGV's can access or egress the site in a safe manner (contrary to the Authority's planning policies).

Site and Surroundings

Stancliffe Stone Company Limited (Stancliffe) has applied for planning permission for the change of use of the former wood yard at Park Lane, Rowsley for the storage and transshipment of blockstone. The application site is located immediately north of the former Midland Railway Line, approximately 0.8km west of Rowsley and around 1.5km east of Haddon Hall. Park Lane is an unmade track which runs north from the A6 and is popular with walkers and cyclists. Park Lane forms part of the public highway.

The site is located within a rural setting in the River Wye Valley and A6 Corridor. The surrounding area is predominantly in agricultural use (with the exception of the Midland Railway line to the south) characterised by livestock production and areas of woodland.

The site itself is broadly rectangular in shape, extending to an area of 0.48 hectares, whilst the access road via Park Lane forms part of the public highway and extends to 0.11 hectares. The western boundary of the site is enclosed by established hedgerow fronting onto Park Lane. The boundary of the site turns westward and is delineated by post and wire fence adjacent to an access track which sits to the north west of the site. To the north of the site the development is bounded with a post and wire fence with periodic dry stone walling. The eastern and southern boundaries are delineated by post and wire fencing.

The applicant has stated that the application site was used as a wood yard and related activities until late 2012. Whilst this is not disputed, there are no lawful development certificates or planning permissions which exist for the use of the land in this regard. The use of land within Haddon Hall's Estate as a wood yard associated with the Estate's own woodland is not development requiring planning permission. While officers are aware that sales of logs and timber products such as fence panels have historically taken place on the land, this is not considered to have been substantial or beyond a minor ancillary part of the wood yard use for Haddon's own woodland. This was confirmed at a recent meeting with the estate.

Currently on site there is a disused industrial style single storey building with a 'lean to' extension, a small open sided shelter in dilapidated condition, a small shed and a shipping container. The industrial style building was granted planning permission in 1957 for 'Estate Sawmill and Joinery shops' and whilst located within the site, this does not form part of the application for change of use.

Proposal

Temporary planning permission (to September 2028) is sought for the change of use of the former wood yard to a storage and transshipment facility for blockstone, excavated from Dale View Quarry. The application as submitted states that the blockstone would be transported from Dale View Quarry for storage at the site prior to onward shipment to the company's processing plants (or direct to third parties) located outside of the National Park. The length of the temporary consent would match the operating life of Dale View Quarry.

Stone would be transported to the site by 6 or 8 wheel rigid bodied HGV tippers, and transported from the site in articulated HGV's. The development involves 12 rigid bodied HGV tipper movements per day and 4 articulated HGV movements.

The application is retrospective and proposes that a maximum of 400 tonnes of blockstone would be stored onsite at any one time. The applicant has stated that as part of the proposal they would be improving the appearance of the yard (within the first 6 months):

- Replace existing gate with a solid/close boarded version;
- Install/improve perimeter drainage;
- Resurface with limestone chatter/scalpings;
- Install new planting to extend hedgerow along frontage with Park Lane and install new section of fencing behind planting;
- Remove bramble scrub; and
- Replace post and wire fencing along southern and eastern boundaries.

Within 3 months it is proposed that the section of the Park Lane carriageway between the surfaced bell mouth and the yard entrance would be resurfaced with limestone chatter/scalpings.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The proposal fails to justify why this ancillary minerals development is required to be located within the National Park and no alternative sites have been considered. The proposal would unacceptably impact on the overall character of the area and the objectives of the National Park. There is no justified need for the development which outweighs the harm to the National Park. Thus, the development is contrary to requirements of Core Strategy policies GSP1, L1, and the saved Local Plan policies LM9 LM1 and conflicts with the conservation objectives for the National Park set out in the National Planning Policy Framework.**
- 2. The change of use of the land would lead to an increased industrialisation of the site and would have a detrimental effect on the character, amenity and enjoyment of the locality. This does not contribute to the conservation or enhancement of the National Park, and is contrary to policies GSP1, GSP3, L1, and the saved Local Plan policies LC21 and LM1 and conflicts with the National Planning Policy Framework in particular paragraph 115 and 116.**
- 3. The proposal is for business development in the countryside outside the Natural Zone and outside the named settlements in policy DS1, and is not in accordance**

with the principles in policy E1 relating to business development outside of settlements.

4. It has not been demonstrated that the site has a safe and suitable access. The proposal would unacceptably impact on users of the highway network. The application fails to demonstrate that the development could be accessed to and from the A6 without a detriment to highway safety. Therefore, the change of use would not be provided with a safe and suitable access contrary to requirements of policies T1, and T4 and the saved Local Plan policies LT9 and national planning policies in the framework.
5. The proposal would have an unacceptable impact on the amenity of recreational users of Park Lane and on potential recreational users of the former railway line and this may compromise the viability of the Pedal Peak project to re-use the old railway line between Rowsley and Bakewell contrary to policy T6.

Key Issues

- Whether the principle of the change of use is acceptable in the location relating to highways, need and impact on recreation and visitors.
- Whether sufficient exceptional circumstances have been demonstrated to allow for the development to take place.
- The overall effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the National Park.

Relevant History

Officers became aware of the unauthorised use of site early in 2013. On 25 February 2013 officers wrote to the operating company (copying in Haddon's Estate Manager) informing them that the use of the land required planning permission, and expressing concern about the impacts of the development. These concerns related to: impacts on the public highway, intensification of the impacts of mineral extraction on the wider area, and impacts upon public rights of way. Officers enquired whether a retrospective application would be submitted and when that would be.

Officers became aware of the use after its commencement and up until pre-application discussions for this application, had been advised by Stancliffe that the use was temporary and was associated with a large contract to supply stone in association with the development of the Bloomberg building in London.

As the site continued to operate without any planning application being provided, a Planning Contravention Notice dated 3 June 2015 was served upon the operating company and landowner. In response to the Planning Contravention Notice, the operating company stated that they had originally taken advice that the use of the site did not require planning permission as it fell under B8 of the use classes order and was lawful. However, their advisor withdrew that advice on 19 June 2015. Further, it was stated within the Planning Contravention Notice response that the company intended to continue the import, deposit and transfer minerals onto the land only until the expiry of their lease on 30 November 2015.

Despite the Planning Contravention Notice response, the unauthorised use of the land continued after 30 November 2015, and a retrospective planning application for the change of use of the land (the subject of this committee report) was validated on 5 May 2016.

It should be noted that although there are existing buildings on site (including one that has planning permission dated 30 September 1957 for 'Estate Sawmill and Joinery shops'). These buildings do not form any part of this change of use planning application, nor does the applicant propose the removal of any of the buildings in whole or part at the expiry of proposed period of change of use (15 September 2028).

Consultations

Highway Authority (Derbyshire County Council (DCC)) - It is considered that the proposed geometry of the junction is unlikely to accommodate 2 passing HGV's (or one HGV and car), and whilst it is stated that the proposals are low key, the proposal would be substandard in terms of geometry and visibility.

Swept path analysis was requested from the applicant, but the applicant has argued that this is not required. These swept paths were requested to assess whether the large, relatively slow moving vehicles carrying stone are able to manoeuvre into/out of the junction without requiring the full width of the A6, a relatively busy, fast road. The manoeuvring of the HGV's has the potential to block the road, or if vehicles are unable to turn in due to another waiting to leave, then vehicles would be waiting on the A6 longer than expected.

Whilst it is noted that there have been no highway incidents since the site has been operational, the Council's records only include details of personal injury.

Update: The applicant has now included a sight line visibility splay within an amended blue line (land under control of the applicant) plan.

The Highways Authority have stated that a visibility splay of 2.4m x 149m (in both directions) would be required and would need to have a maximum hedge height of around 1.5m.

The Highway Authority also states that they are uncertain how the routing restrictions suggested by the applicant could reasonably be enforced. Most significantly, the Highway Authority states that whilst the manoeuvring of HGV's associated with the applicants' development **may** be able to be controlled, there would be no control on how other users of the public highway use this junction. Despite the provision of additional information and the inclusion of a height maintained visibility splay, the Highway Authority remains unsatisfied that all their previous concerns have been addressed.

DCC Planning - No comment received.

Derbyshire Dales District Council EHO – No objection.

DCC Pedal Peak – Plans are being drawn up to extend the Monsal Trail along the former railway line adjacent to this site. The design as submitted in the application with ramps down to a table top structure within Park Lane falls short of the standards that would be required for the trail. The ramps as proposed are at 1:10 whereas for these lengths of ramp, the standards to aim for would be 1:20. It is also far from ideal to offer a solution that mixes large lorries and trail users together. The earth works to create the two ramps would also be intrusive on the landscape. A bridge across Park Lane has been considered by the project team as one of the options for this site. A S106 contribution should be sought to fund a bridge to mitigate the significant (negative) impact on future trail users.

Environment Agency - No objection

Nether Haddon Parish Council – No comments or objection to make

Stanton in Peak Parish Council – Objects to the proposal due to highway impact of HGV movement. If planning permission is granted that they would seek 12 month permission rather

than linking it to the life of the extraction at Dale View Quarry.

Rowsley Parish Council – Objects to the development, and whilst not within Rowsley the application does impact on the village. Concerns relating to increased traffic movements leading to noise and disturbance and potential impact on the White Loop (Pedal Peak) proposals.

PDNPA Ecology – The area to the north of the site (within the redline) provides good habitat and contains a range of species of ecological interest, and as such it is recommended that this area is retained. In addition to the ecological value, the northern section of the site holds water run off from the hill, which would otherwise run onto the remaining part of the site. Drainage improvements to the site are required, with the ponded area to be retained and deepened, with improvements to ensure that suspended solids are able to settle before entering the ditch. The ponded area would be required to be dug out periodically, removing trapped sediments. This should be done in a phased manner to ensure that all the vegetation is not removed.

PDNPA Landscape – No objection subject to conditions but would like to see to see vegetation screening on the northern and eastern boundaries of the site. Would also seek to ensure that trees located within the site and on the site boundaries are protected from potential damage during clearance and operational works. A restoration scheme for the site should be submitted for approval.

Representations

Two letters of representation have been received following the consultation and advertisement of the planning application. Both letters object to the development, and raise the following concerns:

- Increase in the volume of HGV traffic on rural roads which are used by school children;
- Noise from plant operating from the site
- Unsuitable highway network for this type of traffic

A further letter has been received from Peak Rail who requested that the application documents are amended to ensure that the development would not prejudice any future railway used of the adjacent track bed.

Main policies relevant to the proposal

National Planning Policy Framework

As a material planning consideration in planning decisions, the NPPF (the Framework) recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the NPPF indicate that development should be restricted, for example, policies relating to National Parks.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the Framework confirms the highest status of protection to National Parks in relation to landscape and scenic beauty, reflecting primary legislation. Further guidance and information, including an explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010. Paragraph 116 of the Framework refers to designated areas and states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;
- any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

For minerals specifically, the paragraph 144 states that when determining planning applications local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservation Areas;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Development Plan policies

Relevant Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, E2, T1, T4, T6.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LC1, LC21, LT9.

The Core Strategy (CS) general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. The NPPF policy direction which states that planning permission for major development should be refused in designated areas is reiterated and expanded in policy GSP1.

Policy GSP2 states that the opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. The requirement to ensure that development respects, conserves and enhances all valued characteristics of the site and buildings that are the subject of a proposal is set out in policy GSP3 and the policy requires assessment of a range of factors, including impact on access and traffic levels. Policy GSP4 requires that the Authority considers the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

The overall development strategy (Policy DS1) for the Peak District National Park indicates what types of development are acceptable in principle in settlements and in the countryside. Mineral working is identified as one of several acceptable 'in principle' forms of development in all settlements and in the countryside outside of the Natural Zone, subject to consideration against specific CS policies in the remainder of the plan. The DS1 policy direction is strongly influenced by the proximity of the National Park to large numbers of towns and cities, offering an extensive range of jobs and services. In respect of minerals, Paragraph 3.36 recognises that there are vast levels of minerals resources on the edge of the National Park and a long term objective is to seek a gradual reduction in the flow of minerals from the Park itself.

Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites.

CS policy T4 states that development requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network, a policy which is reinforced by Local Plan policy LT9.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral extraction and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working), risk and impact of pollution potential, harm to landscape, nature conservation, surface and groundwater, land stability, built environment/cultural heritage features, recreational interests and recreational interests. Policy LM9 is concerned with ancillary mineral development and states that it will be permitted provided there is a close link between the industrial and mineral development.

It is considered that there is no significant conflict between policies in the development plan and the more recently published National Planning Policy Framework because both sets of documents seek to promote sustainable economic development in rural areas which conserve and enhance the valued characteristics of the National Park.

Assessment

Principle of Development

The main consideration in the determination of this application having regard to the type and location of development is whether the change of use of the land can be accommodated without an unacceptable adverse impact on the character, appearance and quiet enjoyment of the area, and on the surrounding highway network. Consideration should also be given to the amenity opportunities adjacent to the site on the former railway line.

As the use of the site has taken place for around 3 and a half years the applicant would not be able to demonstrate a continual use of the site for the current operation for more than 10 years, and as such, there is no lawful use of the site. This is an important factor in the assessment of the application, especially when considering visual impact and highway matters. The applicant argues that the 'fall back' position for the site would be for a wood yard as this was the use which was on the site in 1948 (the appointed date) for all planning applications and as such, what would be relied on should the applicant be seeking a Lawful Development Certificate for the site. This is an application in its own right for the change of use of the land, and in the absence of any LDC the Authority is not in a position to state the fall back position. It should be noted that the use of the land as a wood yard is not necessarily development which requires planning permission where it is associated with forestry. The existing buildings (which do not make up part of this application) would remain upon site in either scenario.

Members will recall that at the August meeting a question was asked about whether an approval of this application could be used to achieve removal of the wood yard and the associated buildings at the end of the temporary permission in 2028, thereby achieving some enhancement. This was raised at a meeting with the Estate in September and they have advised that they do not wish to relinquish this use. Moreover, if a wood yard was required in associated with Haddon Estates forestry in future, this could be established on their land without necessarily requiring planning permission.

The proposal is located within a predominantly agricultural area, surrounded by livestock and remote, practically and visually, from the mineral workings where the imported material is

sourced. There is no operational requirement for the development to be located in this area, and whilst the company has a tenancy agreement on the land, this does not influence the land use planning matters. Whilst policy DS1 states that mineral working is acceptable in the countryside outside of settlements, this proposal is not for mineral working. The location of the development in this area is contrary to policy DS1 and E2.

It is considered that the proposal does not accord with the National Planning Policy Framework and the Core Strategy policy L1 requirement that planning should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks. The Framework also states that, to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effect of this use is to extend the impact of the extraction activity to a site which is physically and visually unrelated to the quarry, industrialising the character of the area in a wholly inappropriate way. If a site is required for transshipment of material, a more appropriately located site should be found.

Need for the development

The applicant has stated within their submission documents that the proposal is an important adjunct to the company's operations at Dale View Quarry in that it would enable the company to both comply with the planning restrictions of the extant planning permission at Dale View Quarry which limits the type and number of HGV movements by the operation on a daily basis, and to ensure that the operator can maintain adequate supplies on a year round basis to other parts of its business and customers. The applicant has stated that they believe that the current limitations on the vehicle type is onerous in terms of the longer distance that materials need to be transported to some of the companies processing plants, and as such, they require the ability to transfer the blockstone to larger payload articulated HGV's. The applicant further states that this would be economically beneficial together with having the added benefit of reducing the number of HGV movements in the Park.

Whilst the applicant may feel that the restrictions on their extant planning permission at Dale View Quarry are onerous, it is not considered that this is sufficient justification to approve this application as an exception to adopted policy. They could, in any case, apply to vary these if they wish to do so. If the applicant's business is operating in a way that cannot be accommodated within the limits of their planning permission, this does not mean that the Authority has an obligation to grant permission to accommodate this business model, where it is incompatible with planning policy. The company has made an economic and logistical decision to operate in this way, and this is resulting in an unlawful use of the former woodyard. This application therefore seeks to regularise this.

Whilst the applicant has stated the economic benefits of the scheme to the company, there is no argument that without this development the Dale View Quarry operation would not be financially viable. The use of this site is relatively recent; the quarry has operated for many years without this additional storage site. Any economic and operational advantages to the applicant arising from the installation of the storage facility are not considered sufficiently significant that they outweigh the need to conserve and enhance the National Park. This is contrary to policies GPS2, GPS3 and GPS4.

Alternatives

The application does not provide a review of alternative locations where the material could be transported to, and do not state why this block stone needs to be stored, and transhipped within the sensitive location of the National Park. The absence of a review of alternatives does not assist in justifying the acceptability of the ancillary mineral development.

It is not considered that the applicant has demonstrated that this development would be unable to take place outside of the National Park, and as such, given the great weight which must be

afforded to the park both by paragraph 115 of the Framework and Development Plan policies, the proposal would not represent a net benefit to the National Park environment.

The proposal fails to justify why this ancillary minerals development is required to be located within the National Park and no alternative sites have been considered. The proposal would unacceptably impact on the overall character of the area and the objectives of the National Park. There is no justified need for the development which outweighs the harm to the National Park. The development is therefore contrary to requirements of Core Strategy policies GSP1, L1, and the saved Local Plan policies LM9 and LM1.

Highway Issues

The use would involve 12 rigid tipper movements and 4 articulated HGV movements per day along Park Lane. DCC, as Highway Authority, has sought additional information relating to the movement of these vehicles onto the A6 to be able to make an assessment of impact; however, the applicant considers that this is not necessary and has therefore not provided the swept path analysis requested.

The proposed site is accessed off a single lane public highway which is traversed by existing vehicles, and as such, the proposal would need to ensure that visibility splays and acceptable manoeuvring onto and off the highway is afforded. The Highway Authority has raised concern that the proposal does not demonstrate an acceptable form of access onto the A6.

Whilst the applicant suggests that there are benefits from the proposed development in reducing cross park traffic no detail on the amount of 'reduced HGV miles' has been provided.

Policy T4 further states that freight facilities should relate to the needs of National Park based business and should be located to avoid harm to the valued characteristic of the National Park. Whilst it could be argued that the development would relate to the needs of the business, it is not considered that the development has been located to avoid harm to the valued characteristics of the area. As such, the proposal is considered to be in conflict with this policy.

Concern has also been raised by the County Council about the possible impact on the extension to the Monsal Trail along the section of disused line which runs immediately to the south of the site, between it and the A6. The concerns are that the use of the site would create conflict between walkers and cyclists and HGV movements, and whilst the applicant has stated that they would ensure that the crossing would be 'at grade', this does not alleviate concerns for users. It is accepted that the Peak Pedal feasibility study identifies the trail be graded ramps at this point, that study was not based on Park Lane being regularly traversed by HGV vehicles carrying stone turning left immediately over the trail. The applicant relies on this feasibility study and has declined to provide any financial contribution to a bridge for trail users (should the trail be forthcoming), as they consider the ramps to be sufficient, notwithstanding DCC Pedal Peak's consultation response. The proposal would have an unacceptable impact on the amenity for potential recreational users of the trail and this may compromise the viability of the Pedal Peak project to re-use the former railway line between Rowsley and Bakewell contrary to policy T6.

Following discussions the applicant has now included a sight line visibility splay within an amended blue line (land under control of the applicant) plan which can achieve the requirements of the Highways Authority for a visibility splay of 2.4m x 149m (in both directions) with a maximum hedge height of 1.5m.

Planning conditions and legal agreements cannot control use of the highway. However, it would be feasible to require a sign to be placed at the junction of Park Lane and the A6 asking vehicles leaving the site to turn right. This sign would be on land controlled by the applicant and although compliance with it could not be controlled, its placement could. However, for vehicles entering the site, it would be difficult to control the direction these entered the site as land for signage is outside of the applicant's control. Although the vehicles carrying stone from the quarry generally

would be travelling from Rowsley, articulated vehicles arriving at the site would be travelling a greater distance with no particular route able to be specified. In the event that a articulated vehicle arrived from the Bakewell direction on the A6, and a sign was located asking them not to turn left into the site, there is not a good turning area further south on the A6 to allow them to turn and make a right turn into the site.

The Highway Authority remain concerned that whilst the manoeuvring of HGV's associated with the applicant's development may be able to be controlled, there would be no control on how other users of the public highway use this junction. Despite the provision of additional information and the inclusion of a height maintained visibility splay, the Highway Authority remains unsatisfied that all their previous concerns have been addressed.

It is considered that the proposed location of the development, and in the absence of swept path analysis for the A6 would have a detrimental impact on the safe operation of the highway network in this location contrary to policies. Therefore, the change of use would not be provided with a safe and suitable access contrary to requirements of Core Strategy policies T1, and T4 and the saved Local Plan policies LT9 and national planning policies in the Framework.

Effects on the environment, landscape and recreational opportunities

Whilst the proposal would not introduce new buildings into the landscape, it is considered that the storage of the blockstone and general works to the site as proposed would lead to an increased industrialisation of a site in the open countryside which would have a detrimental effect on the character and amenity of the locality, contrary to the NPPF and the Authority's development plan policies. The proposal effectively moves stocking that would otherwise happen within the confines of an existing quarry into the open countryside. The nature of the development, and ancillary operations associated with the proposal within the setting would, by definition, have a greater, and unacceptable impact on the setting and visual appearance of the area, especially taking account of the special character of the area and the recreational use of the immediate landscape. This in contrary to Core Strategy policies GPS1 and L1.

As part of the application the applicant is proposing works which they consider will improve the appearance of the site as follows:

- Replace existing gate with a solid/close boarded version;
- Install/improve perimeter drainage;
- Resurface with limestone chatter/scalpings;
- Install new planting to extend hedgerow along frontage with Park Lane and install new section of fencing behind planting;
- Remove bramble scrub; and
- Replace post and wire fencing along southern and eastern boundaries.

Whilst some of these could be considered to assist with enhancing the general appearance of the site, some will result in a greater industrialising impact over and above that currently onsite. The site's use as a wood yard was sporadic and occasional and thus the site was not as apparent in the wider landscape. The increased scale of development associated with the stone yard use makes the appearance of the site more intrusive. It is not considered that the limited enhancements to the site would outweigh the overall harm to the area which granting the change of use application would introduce.

The proposal is located immediately adjacent to and would use part of Park Lane, which is well used by walkers and cyclists. As noted above, it is also adjacent to the proposed extension to the Monsal trail. It is therefore considered that the use would have a detrimental impact on the current and potential future recreational use and enjoyment of the area. Additionally, it would have a highway safety impact on other current recreational users of Park Lane. The proposed access to the site would result in recreational users of Park Lane being in direct conflict with the

HGV's associated with the development contrary to GPS1, T4 and T6.

Ecological impacts

It has been identified that the northern part of the site has ecological value, and as such, whilst this is proposed to be retained, it is considered there would be a requirement for this to be retained in perpetuity by condition for ecological enhancement. Further, it is considered that additional work would be required to de-silt the pond on site to ensure adequate drainage within the locality. It is considered that these elements could be conditioned if planning permission was granted.

Conclusion

The proposed use is clearly contrary to adopted Development Plan policies as there is no demonstrable need for the development to take place in the open countryside and the use expands the impacts of quarrying outside the quarry site. In the absence of any substantial justification for the proposal to be located on this site, it is recommended that planning permission be refused. This proposal is considered to be contrary to the provisions of the Development Plan and Framework and would have an unacceptable impact on the special qualities of the National Park and on the character of the area, detrimental impact on highway safety upon both current recreational users of Park Lane, and potential future amenity users of the former railway line arising from the Pedal Peak project, together with an unacceptable industrialisation in the locality.

Should a decision be taken to refuse the application in line with the recommendation, officers have delegated powers to take enforcement action against the development and will instigate appropriate enforcement action in the event the unauthorised use of the site continues without planning permission.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil