

**13. FULL APPLICATION – PLACEMENT OF A 20FT SHIPPING CONTAINER NEXT TO AN EXISTING CORRUGATED IRON SHED AT UNITED UTILITIES BOTTOMS YARD, WOODHEAD ROAD, TINTWISTLE (NP/HPK/1018/0985 SPW)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY (MOORS FOR THE FUTURE)**

**Site and Surroundings**

1. Bottoms Yard is a United Utilities facility located in Tintwistle associated with the nearby Bottoms Reservoir. The site has a range of stone built industrial buildings, some stone built garaging which appears of more recent construction and also a corrugated iron portal framed building.
2. There is a Peak District National Park Authority ranger station located on site.
3. There are no listed buildings on the site and the site is outside the Tintwistle Conservation Area. The Conservation Area runs along Woodhead Road which is on higher ground than the site. The site can be seen from the Conservation Area from an elevated position at a distance of approximately 130m.

**Proposal**

4. The proposal is for the siting of a 20ft shipping container next to the existing corrugated iron building. Its dimensions are approximately 6m x 2.4m x 2.6m. The proposal is for a new container finished in a dark green colour.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions or modifications:**

1. **This permission shall be for a limited period expiring on 1<sup>st</sup> July 2021. On or before that date the building shall be permanently removed from the land and the site shall be reinstated to its former condition.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans ‘greenclimber2’ and specifications, subject to the following conditions or modifications.**
3. **The dimensions of the container hereby approved shall be limited to 6m x 2.4m x 2.6m.**
4. **The container shall be finished dark green as shown on the submitted brochure ‘20ft New Container’.**

**Key Issues**

5. Justification, design and impact on the character and appearance of the area including the nearby Conservation Area.

**History**

6. 1977 - Temporary permission for sectional garage
7. 1982 – Permission for retention of garage
8. 1987 – Permission for retention of sectional garage

9. No formal pre application advice has been given in relation to the proposal.

### **Consultations**

10. Highway Authority Derbyshire County Council – No objection subject to no loss of parking or manoeuvring space.
11. District Council – No response to date.
12. Tintwistle Parish Council – No response to date.

### **Representations**

13. None have been received to date.

### **Main Policies**

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L3.
15. Relevant Local Plan policies: LC3, LC4, LC5.

### **National Planning Policy Framework**

16. The revised National Planning Policy Framework (NPPF) was published in 2018 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
17. Para 172. Of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

### **Peak District National Park Core Strategy**

18. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
19. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.

20. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
21. GSP4 this requires that to aid its spatial outcomes the National Park Authority will consider the contribution that a development can make directly and indirectly and to its setting and where consistent with government guidance using planning conditions and planning obligations.
22. Policy DS1 is permissive of development needed to secure effective conservation and enhancement.
23. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
24. L3 deals with heritage assets including Conservation Areas and requires that development must conserve and where appropriate enhance or reveal the significance of the heritage assets and their settings. Other than in exceptional circumstances development is not permitted that is likely harm the significance of a heritage asset.
25. Policies in the Core Strategy are also supported by saved Local Plan policies LC4, LC5 and LT18.
26. Local Plan Policy LC4 explains that if development is acceptable in principle it will be permitted provided that the detailed treatments are to a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area. Particular attention is paid to inter alia (i) scale, form, mass and orientation in relation to existing buildings, settlement form and character, and (ii) the degree to which design details, materials and finishes reflect or compliment the style and traditions of local buildings.
27. Local Plan Policy LC5 requires that development in a Conservation Area and which affects its setting, assesses and clearly demonstrates how the existing character and appearance of the Conservation Area will be preserved and where possible enhanced. Amongst other things the following matters are taken into account; form and layout of the area including views into or out of it and open spaces; scale, height, form and massing of the development and existing buildings to which it relates; locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; the nature and quality of materials.

#### Design Guidance

28. As noted above, GSP3 of the Core Strategy requires the design of new development to be in accordance with the National Park Authority's adopted design guidance. The Authority's 'Design Guide' and 'Detailed Design Guide for Alterations and Extensions' have been adopted as SPDs following public consultation and the 'Building Design Guide' is retained until it is replaced with the forthcoming technical appendices.
29. The 'Design Guide' identifies local building traditions and materials and explains how to achieve a high standard of design which is in harmony with its surroundings.

### **Wider Policy context (if relevant)**

30. The National 'Planning Practice guidance' sets out the following guidance for the use of limiting planning permission to a temporary period by the use of planning conditions. (PPG para 014 Reference ID: 21a-014-20140306).
31. *Under [section 72 of the Town and Country Planning Act 1990](#) the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.*
32. *Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.*
33. *A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.*
34. *It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.*
35. *A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.*

### **Assessment**

36. The need for the proposed container has been explained to be in relation to storage of a remote controlled mower used in association with the Moorlife 2020 project. There is a lease with the landowner on the land until 21 February 2021. Cutting of heather is an important method of land management in combination with other options. European and UK government position is that repeated burning is no longer assumed to be acceptable and Natural England are no longer giving burning licences. The most recent preliminary results from a Defra funded project comparing cutting & burning identify the following additional benefits:-
  - Less water loss from cut compared with burned catchments. Water tables remain higher in cut catchments compared with burned ones
  - Quicker revegetation of sphagnum & cotton grass in cut areas (but after 4 years cover was similar in cut & burned areas)
37. It is therefore accepted by officers that the principle is one which is necessary to secure effective conservation of the National Park and therefore the principle is in accordance with DS1.
38. The proposed container is a utilitarian metal shipping container which can be finished in a dark green colour, its design and detailing are not in the local building tradition, and is not in accordance with the advice in the Design Guide. However, due to the short term temporary nature of the development, it would not be appropriate to require a building to be constructed from traditional materials if the siting is otherwise acceptable. If a building

was to be sited here permanently then a design better encompassing the local vernacular would be necessary.

39. The siting of the proposed container adjoins an existing corrugated shed. Its impact will not be significant in the landscape and any limited impact can be mitigated by adding conditions to ensure it is coloured dark green and only temporarily sited, it will be necessary for it to be removed when the project ends. This is considered to be acceptable use of a planning condition for a temporary period of consent because when the project finishes the planning circumstances for the justification for the container will have changed. The proposal will not have an unacceptable impact on the landscape of the National Park in accordance with policy L1.
40. The equipment to be stored is essential to the management of moorland in the National Park. The storage of the equipment has a lesser impact on the landscape of the National Park in this location than in a moorland setting and therefore this is the most appropriate location for the development.
41. Whilst the proposal is contrary to the 'Design Guide' and policies of the development plan insofar as they relate to design, given its siting next to an existing corrugated shed in an industrial yard its impact when viewed from the nearby Conservation Area will be limited and will not harm the significance of the Conservation Area or the amenity of the area in accordance with policies L3, LC4, and LC5.
42. The applicants agree that a temporary permission is acceptable to them and that this ought to include the project period plus a few additional months to facilitate handover of the site and arrangements for removal of the shipping container. Such a condition is necessary and in accordance with Core Strategy Policy GSP2 and GSP4.

### **Conclusion**

43. Although the design is not traditional and does not draw upon the local vernacular, the siting of the shipping container in the proposed location will not have an unacceptable impact upon the landscape of the National Park. Furthermore, the equipment stored will make a valuable contribution to the management of the upland areas of the National Park leading directly to enhancement of the special qualities of the National Park.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

45. Nil
46. Author of report – Steven Wigglesworth, Planner