

Application Ref: 24/01009/WCPP

Proposal: Variation of condition C1 (temporary consent) pursuant to planning permission 21/00326/FUL

Site: Causeway Lodge, The Causeway, Thorney, Peterborough

Applicant: Mr L Johnson

Agent: Mr S Machen
Barmach Ltd

Referred by: **Cllr Mark Ormston**

Reason: Impact to the character and appearance of the site / area

Site visit: 09.08.2024

Case officer: Connor Liken

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is located outside the village envelope of Thorney, situated on a reasonably isolated parcel of land to the east of the village. The application site itself benefits from an extant planning permission - 17/01655/FUL which has been partially completed:

'Demolition of three dwellings and construction of three replacement dwellings with associated double garages, conversion of agricultural barns into dwelling including single storey rear and front extensions and double garage. Construction of new unadopted access road and boundary treatments'.

The site is bounded by trees which restrict direct views into the site when they are in leaf. Some of the trees along the front are protected by a TPO. There is also an orchard to the front/central part of the site.

Proposal

Planning permission is sought for the 'variation of condition C1 (temporary consent) pursuant to planning permission 21/00326/FUL' (Proposed siting of three static caravans for temporary accommodation on site for 3 years) whilst the 2017 permission is constructed.

Owing to the economic climate, the project has been severely delayed by the availability of construction materials, excessive costs for materials and labour, and the resulting adverse impact upon the applicant's construction businesses. As such, the applicant seeks to extend the temporary consent for the siting of three static caravans for temporary accommodation for a further period of just over a year until the 1st of December 2025 to allow for the 2017 permission to be fully completed and the occupants of the static caravans to move in.

2 Planning History

Reference	Proposal	Decision	Date
21/00326/FUL	Proposed siting of three static caravans for temporary accommodation on site for 3 years	Permitted	09/07/2021
17/01655/FUL	Demolition of three dwellings and construction of three replacement dwellings with associated double garages, conversion of agricultural barns into dwelling including single storey rear and front extensions and double garage. Construction of new unadopted access road and boundary treatments	Permitted	
10/00159/FUL	Extension of time of planning permission 06/01828/FUL - Conversion of barn into dwelling including single storey extension and construction of detached double garage	Permitted	15/04/2010
06/01828/FUL	Conversion of barn into dwelling including single storey extension and erection of detached double garage	Permitted	09/03/2007
06/00956/OUT	New dwelling to replace existing bungalow	Permitted	15/08/2006
06/00954/FUL	Erection of replacement dwelling	Permitted	23/08/2006

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2023)

Section 4 Decision-making

Section 12 Achieving well-designed and beautiful places

Section 15 Conserving and enhancing the natural environment

Peterborough Local Plan 2016 to 2036 (2019)

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high-quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural

daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP27 - Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

4 Consultations/Representations

Thorney Parish Council

Objection - Adverse impact on the neighbourhood of the area. The proposal greatly harms the character of the area with its adverse view to the entrance to a heritage village and conservation area. The hoardings, scrap material fencing, multitude of static and touring caravans on the site create a very poor visual image.

Environment Agency

No objection.

The site is located entirely within flood zone 3a but unaffected by the Peterborough Hazard Mapping.

Table 2 of the Planning Practice Guidance states that highly vulnerable developments are not appropriate in flood zone 3. In accordance with Annex 3 of the National Planning Policy Framework (2023) caravans for Caravans, mobile homes and park homes intended for permanent residential use are highly vulnerable and therefore not appropriate in flood zone 3.

However, if the LPA considers the caravan as temporary until December 2025 under the more vulnerable classification sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan they may be appropriate.

PCC Tree Officer

No objection, on arboricultural/landscape grounds, subject to the previously agreed plan (see below) and renewed conditions, to comply with the Council's statutory duties and Local Plan policies.

Open Space Officer

As the Variation would appear to not affect any existing Open Space we have no comments to make.

Archaeological Officer

No objection.

PCC Peterborough Highways Services

No objection, subject to condition.

A suitably worded condition to ensure minimal overlap (e.g. 1 month) between the dwellings being occupied and the static caravan associated with that dwelling being removed.

PCC Pollution Team

No objection.

North Level District Internal Drainage Board

No comments to make.

Cambridgeshire Fire & Rescue Service

No comments received

Waste Management

No comments received

Waste Management

No comments received

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

During the consultation period, one objection was submitted. A summary of which can be found below.

- The site is an eyesore and it seems pretty obvious that there is no intention to build the agreed houses. Three years has allowed plenty of time to get houses built and site tidied up. To allow any extension would be an encouragement to keep the site as it is at present.

5 Assessment of the planning issues

The main planning considerations are:

- Principle of Development.
- Visual Impact.
- Residential Amenity.
- Access, Parking and Highway Implications.
- Trees.
- Flood Risk.
- Other matters - archaeology.

a) Principle of Development.

The application site lies outside of the village envelope of Thorney and on land designated as open countryside within the Local Development Plan (2019). Proposals for replacement dwellings, dwellings and the conversion of agricultural buildings are considered against Policies LP02, LP03 and LP11 (criteria b and c) of the Local Plan (2019). Temporary caravans would not normally meet these policies.

Temporary permission was granted under 21/00326/FUL for the stationing of the caravans, for the purpose of allowing temporary accommodation during the construction of the already permitted dwellings at this rural location. Given that the caravans do not constitute additional accommodation over and above what has already been permitted and would be removed once the properties are completed, there is no fundamental conflict with the above policies.

In consideration of the 2021 application, Officers took the view that three years would normally be slightly longer than necessary and that a temporary condition of 18 months would usually be recommended for this type of development. However, at the time, the economic uncertainties, as noted by the applicant / agent was considered sufficient justification for the extended period.

Government guidance in the NPPG states that it will rarely be justifiable to grant a second temporary permission, except in cases where changing circumstances provide a clear rationale. In respect of the current application, it is evident that several factors outside the applicant's control have continued to impact the speed of completion of the permanent dwellings, and given that at least one of the dwelling is substantially complete, it is clear that significant progress has been made of the development since it was approved. A clear rationale has therefore been provided.

Taking the above into account and given that the extended temporary siting of the caravans would be for a relatively short period of just over a year, it is considered reasonable in this case to grant permission for a further temporary period. However, it is unlikely that any further extension beyond this period could be justified.

b) Visual Impact.

Policy LP16 states development proposals should contribute positively to the character and distinctiveness of the area.

The caravans would not be acceptable as permanent structures in the countryside, however, they are for a temporary use only and are partly screened by existing planting and structures on the site. Given the length of time recommended to be conditioned, up to December 2025, it is considered that the temporary visual impact is acceptable as the caravans will be removed once the dwellings are completed.

Concern has been raised about the unsightly nature of the unfinished development. This is a separate issue not directly related to the current application and a period of unsightliness is inevitable during the construction process. However, there is no time limit on when a development has to be completed once it has been started and the key concern of this application is the visual impact of the caravans themselves which are small scale and situated well within the site.

Cllr Ormston raised a concern during the consultation period stating that the proposal would result in the continuing impact on the character and appearance of the area and the wider setting of the Thorney Conservation Area. There is a separation distance of 165m between the application site and conservation area, as such, a considerable buffer would be in place between the two areas.

Due to the small scale and location of the caravans, it is unlikely that these would result in a visual impact to the wider area, and views in / out of the village.

As such, on a temporary basis only, the development is not considered to be unacceptably detrimental to the character and appearance of the site and surrounding area and is in accordance with Policy LP16 of the Peterborough Local Plan (2019).

c) Residential Amenity.

Policy LP17 seeks to ensure that development would not result in an unacceptable loss of privacy or natural daylight and would not be overbearing or cause noise or other disturbance, odour or other pollution to existing occupiers. It also seeks to ensure that new residential development be designed and located to ensure that they provide for the needs of the future residents.

The caravans are sited with a substantial gap between the three of them, however in any case they are temporary structures only and are to be removed prior to occupation of the dwellings currently under construction on-site.

The City Council's Pollution Control Officer has no objection.

As such, on a temporary basis only, the development is not considered to be detrimental to residential amenity and is in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Access, Parking and Highway Implications

Policy LP13 requires new development to reduce the need to travel by car, requires safe access for all user groups and appropriate parking provision for all modes of transport is made in accordance with standards.

The Local Highway Authority (LHA) do not object subject to a condition to ensure that the caravans are removed from each of the plots within a month of occupation of the each plot to ensure adequate parking and turning facilities.

As such, the development is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Trees.

The City Council's Tree Officer has no objection, on arboricultural/landscape grounds, subject to the previously agreed Site Plan.

There is a Tree Preservation Order (TPO) on the site, protecting two Limes on Plot 3 and a group of trees to the east of Plot 3 of the 2017 permission. These would not be at risk from the proposal.

f) Flood Risk.

The Environment Agency have raised no objection to the proposal but have advised that caravans intended for permanent residence are classed as highly vulnerable in flood zone 3 and have given advice in relation to specific warning and evacuation plans. These comments are noted and it is considered that an informative can be included in any decision to advise the applicants that adequate rescue and evacuations arrangements, emergency plan and temporary refuge will be required.

g) Other Matters.

The Archaeology Officer raises no objections and conditions are not recommended given the small size of the site.

Thorney Parish Council raised concerns regarding the lawfulness and compliance of the site. This is a matter outside of this application and should be dealt with through Planning Enforcement.

6 Conclusions

The principle of development is considered to be acceptable and the extension to the temporary consent outlined under C1 of planning permission 21/00326/FUL would not be contrary to the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

C 1 The three static caravans hereby permitted shall be removed from site on or before the 1st of December 2025.

Reason: The application is for a temporary consent which is required for the monitoring of activities and future activities on the site and in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 The development hereby permitted shall be carried out in accordance with the following plans:

- Location Plan, received by the Local Planning Authority on 4th March 2021;
- Revised Block Plan, received by the Local Planning Authority on 5th July 2021.

Reason: For the avoidance of doubt and interest in proper planning.

C 3 There shall be no greater than one month between the dwellings being occupied and the static caravan associated with that dwelling being removed from the site.

Reason: To ensure that there is minimal overlap and adequate parking and turning can be retained for each dwelling, in accordance with LP13 of the Peterborough Local Plan (2019).

Copies to Councillors – Councillor Steve Allen
Councillor Mark Ormston
Councillor Rylan Ray

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