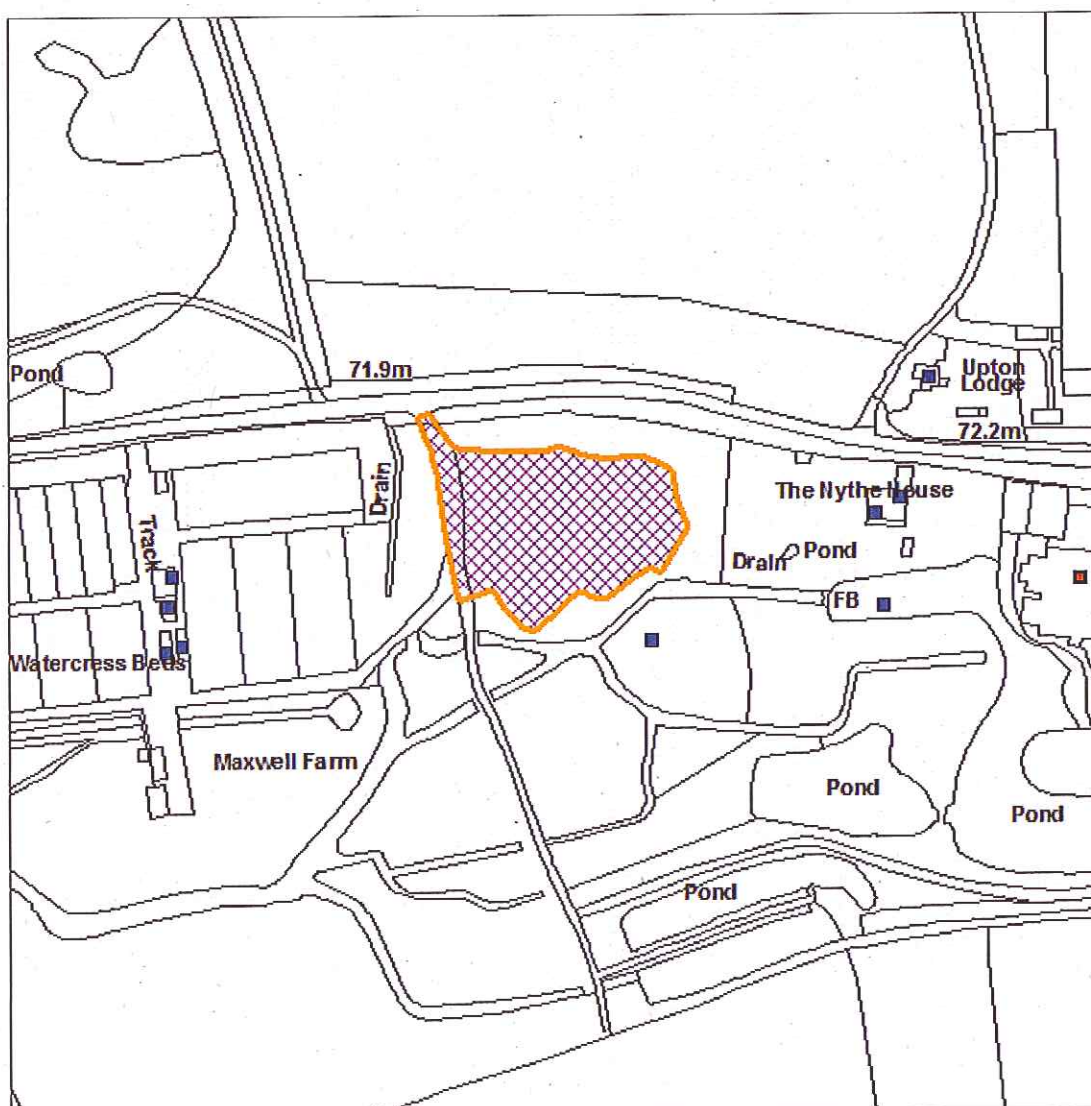


Item No: 6
Case No: 16/02313/FUL
Proposal Description: Five mobile units to be permanently located for agricultural workers as follows: 3x units to be utilised for 10 months; 2x units to be utilised for 12 months, one of which is to be allocated as rest room.
Address: The Watercress Company The Nythe Bighton Road Old Alresford Alresford
Parish, or Ward if within Winchester City: Old Alresford
Applicants Name: Mr Peter Old
Case Officer: Lorna Hutchings
Date Valid: 23 January 2017
Site Factors: Site of Special Scientific Importance
Recommendation: Application Permitted



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General Comments

The application is reported to Committee due to the number of objections received.

Site Description

The site is situated on Bighton Lane, under a mile drive from Old Alresford and about a mile drive from New Alresford. The site is owned by the applicant and is situated between Maxwells Farm and Drayton Farm both operated by the Watercress Company who occupies six farms along the chalk stream valley of Alresford. It is understood that 80% of the watercress beds sit within 2 miles of the site. The Watercress Company owns farms in the UK, Spain and the USA. It is understood there are a range of buildings, structures and equipment located on the farms, specifically utilised and tailored for the production of watercress. It is understood there is one dwelling owned by the applicant in the locality, situated at Drayton Farm occupied by a farm manager and supervisor who are a husband and wife team, employed by the business.

There are 5 mobile units on the site which currently 4 units need to be moved off site during the 'off season' on an annual basis, whilst one is retained on site as a rest room.

The primary vehicular access is approximately 15 metres wide leading directly from Bighton Lane and is solely for the purpose of gaining access to this site. There is also an access road to the south east side of the site that provides easy links to both Maxwells farm to the East and Drayton Farm to the West, thereby containing traffic movements to these farms within the overall site.

Proposal

Consent is required to retain the 5 mobile units on site permanently for agricultural workers, 3 units to be utilised for 10 months and 2 units to be utilised for 12 months, one of which is to be allocated as a rest room.

Relevant Planning History

Various previous permissions at Alresford Salads for processing and storage buildings with other ancillary works and development.

00/01551/FUL Alresford Salads, The Nythe, Old Alresford - 2 No portacabins ancillary to packing use, provision of 50 car parking spaces and landscaping (RETROSPECTIVE). Permitted 03.11.2000

01/00360/FUL Alresford Salads, The Nythe, Old Alresford - Enclosure of existing loading/unloading area Permitted 09.04.2001.

02/02466/FUL Alresford Salads, The Nythe, Old Alresford (AMENDED DESCRIPTION) Continued use of 2 No. portacabins for offices ancillary to packing use. RENEWAL OF PLANNING PERMISSION. Permitted 15.11.2002

Adjacent sites

98/00119/FUL (AMENDED DESCRIPTION) Construction of 4 no small fish holding ponds, 1 no settlement pond, turning and parking area and food store - Land Adj The Nythe House, Old Alresford. Permitted 20.04.1998.

09/00453/FUL Siting of three mobile homes for seasonal workers (RETROSPECTIVE) (RESUBMISSION) - Maxwell Watercress Beds, Bighton Road. Refused 28.07.2009 (Justification did not satisfy policy and impact on flooding.)

Consultations

Engineers: Drainage:

No Objections - Site is in Flood zone 1 so is at a low risk of flooding so no FRA required. No mains drainage is available. Minimal surface water drainage and this is temporary accommodation anyway so no surface water drainage required. Foul is indicated as going to a cess pit, which is the only option as it's in a ground water protection zone as well, so no problems with that.

Engineers: Highways:

No Objection

Head of Landscape:

No Objection – The proposed siting of mobile units is considered acceptable in policy terms, as it is not harmful to landscape character, and does not harm visual amenity, subject to a Landscape Condition being applied relating to the planting of a native mix of plants in front of the section of fencing that is visible from the entrance. (Condition 02).

Environment Agency:

No objection in principle.

Alresford Pond Site of Special Scientific Interest:

Due to the location of the proposed development we would strongly recommend that you consult Natural England.

Foul Drainage

We have no objection to the proposals based on the assumption that foul water is to be contained in a sealed 'cess pit' and effluent is not going to be discharged to ground.

We have the following advice:

The applicant has indicated on the planning application form that foul water will be directed to a 'cesspit'. As such, we assume that this is a sealed system and there will be no discharge to ground. Providing this is the case there is no need for an environmental permit from us.

The site is in a groundwater Source Protection Zone 1, where the depth to groundwater is limited. Due to the sensitivity of groundwater underlying this site it is essential that the applicant maintains the system and empties the tank regularly to ensure overtopping does not occur.

If the above is not the case please re-consult us. Due to the sensitivity of groundwater at this location we are unlikely to accept a discharge of effluent to ground.

Environmental Permit

Please note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506.

Under the Environmental Permitting (England and Wales) Regulations 2010 the operator

of a waste site will require an environmental permit for the importation, storage and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

Natural England

Objection - The mobile homes are directly on the land designated as part of Alresford Pond SSSI. No assessment has been provided of the impacts the proposal has on the Alresford Pond SSSI (mobile homes, access tracks, surface runoff and sewage). There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Southern Water:

The applicant is advised to consult the Environment Agency directly regarding the use of a cess pit. The owner of the premises will need to empty and maintain the cess pit to ensure its long term effectiveness. The proposed development to ensure protection of the underground water supply sources.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

Representations:

Bighton Parish Council

- No comment but the council support the objections of the neighbours.

7 letters received objecting to the application for the following reasons:

- Permanent accommodation not seasonal contrary to no new building in the countryside
- Agricultural jobs denied to local people
- Unsustainable location as environmentally sensitive.
- Precedent
- Stationed on site for some time with no permission
- No policy support for financial or functional need contrary to NPPF, MTRA4, DM11
- Previous applications have been refused.
- Automated systems and existing available housing would negate the need for workers on the site
- Impact on SSSI and sensitive watercourses
- Poor management of waste and site
- Noise nuisance and neighbour disturbance
- Road safety for pedestrians
- Impact on character

- Company has operated successfully so far without workers on site
- Other sites are suitable
- Increasing size and volume of lorries

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA1, MTRA4, CP20, CP8.

Local Plan Part Two – Development Management and Allocations:
DM11, DM23.

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Brighton

Other Planning guidance
None

Planning Considerations

Principle of development

The site lies outside of the settlement boundary of Alresford and lies outside of the South Downs National Park. The site lies entirely in Flood Zone 1 and is not impacted upon by fluvial flooding from the Alresford Pond and there are no public rights of way across the site, or immediately adjacent to it.

National Planning Policy Framework (NPPF), provides guidance in respect of the rural economy and on isolated homes in the countryside and states:

i) At paragraph 55 that:

‘Local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

The essential need for a rural worker to live permanently at or near to their place of work in the countryside...’

Policy DM11 ‘Housing for Essential Rural Workers’, includes criteria for the assessment of applications in respect of temporary and permanent residential accommodation. There is provision within the General Permitted Development Order for ‘seasonal workers’ caravans.

The business is well established. Whilst specific financial detail in respect of Hampshire watercress production has not been provided, the financial accounts for the company for the year ended 30th April 2016 (including detail in respect of the year ended 30th April 2015) show a profit both before and after tax and significant reserves.

It has been stated that the business has accommodated permitted seasonal workers in mobile units for over 18 years. It has also been stated that a concession was granted in 2013/2014 to the allow workers to remain in occupation beyond the ‘season’ to carry out

maintenance to the beds.

The seasonal workforce is crucial to the operational requirements of the business. It has been stated that the workforce needs to be located close to the watercress beds as production is highly manual, the working days are long and working times need to be flexible to deal with crop maintenance, protection and production demands. The application sets out detail regarding the essential needs and operational requirements associated with watercress production, including examples of potential loss of crop (such as from heavy rain, hail or frost if the crop is not manually covered with netting or fleeces in a timely manner), potential damage to the environment, (that may occur if for example nutrients are not applied in specific weather conditions) and potential loss of supply contracts (if the workforce were unable to react to fluctuations in demand bearing in mind that watercress needs to be supplied to the market within 48 hours from point of harvest and pre-harvest rolling is weather dependant).

It is proposed that one mobile unit may be utilised for 12 months of the year to allow maintenance to be undertaken to ensure the beds are kept in optimum condition. Additional detail has been provided in respect of the needs for maintenance and functional role of the maintenance workers. The maintenance will take place for three months each and every year, which has increased in frequency due to improved Environmental Standards and regulation.

Policy DM11 reflects paragraph 55 of the NPPF and sets out criteria for new permanent dwellings and temporary workers dwellings to support agricultural activities. It is stated that before permitting a new permanent agricultural dwelling, a temporary building should first be established for at least three years to fulfil criterion (iii). It is also stated that before permitting a temporary dwelling the local planning authority will need to be satisfied that there is:

- a) clear evidence of a firm intention and ability to develop the enterprise concerned;
- b) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- c) a functional need for the accommodation, which cannot be satisfied by existing nearby accommodation.

It is considered that the functional need associated with watercress production is seasonal in nature, and it has now been demonstrated that the proposed maintenance of the beds also constitutes a functional need and could not be adequately satisfied by existing nearby accommodation. Having regard to available property to buy or rent in the locality identified by a search of the Rightmove website.

Permanent accommodation on a seasonal basis is not normally permitted however the agricultural consultant was mindful of the nature of the watercress production, the ongoing requirement for seasonal labour, the numbers of seasonal workers required to meet the functional requirements over a 'long season', the potential uncertainty and financial implications associated with trying to secure alternative accommodation on a seasonal basis and the business requirement for production costs to be kept at a viable and sustainable level.

Taking account of the evidence submitted, it is considered that the proposal meets all of the criteria of policy DM.11 for either temporary or permanent agricultural workers dwellings. It is recommended that having regard to the nature of the business activity, the

permanent siting of mobile units is permitted, for use only by seasonal watercress production workers employed by the Watercress Company, on the basis that they may only be utilised during the 'long season' associated with watercress production and also that one mobile unit to be used as a rest room during the 'off season'. The use of planning conditions is proposed so that compliance may be monitored and enforced (condition 2)

Design/layout

The five mobile homes are positioned to the northern part of the site with the rest of it being a clearing with informal parking.

The mobile units are described as being 35 feet long, 12 feet wide, and 10 feet high, being serviced by a water supply, bottled gas and private drainage.

The site has been laid out in accordance with the required distances set by the Model Standards 2008 and Control of Development Act 1960 – Section 5 whereby units are set 6m apart and a minimum of 3m from the boundary.

Impact on Neighbours

The nearest neighbouring property is approx. 20m to the east with trees and a garden area with tennis court in between the mobile homes and the main house. It is considered that the distance is sufficient to ensure that there will be no harmful impacts to the quiet enjoyment of the neighbouring property and its general amenities. It is recognised that the mobile homes sleep 4-6 people and that the mobile homes will result in an intensification of the use of site in a rural area. The applicants have agreed to ensure that there is robust acoustic fence in between with fencing and planting to further soften the impact. The three properties that will not be in use over the winter months (November to January) will be those that are closest to the neighbour and they will also be fenced off. The managers of the enterprise, noted above, also supervise the worker team and live nearby on the Watercress site. The workers are a longstanding team who return to the site to work every year and so are fully inducted into the company. The company produce an 'accommodation license' as part of worker contracts have to be signed up to which specifies conduct, no visitors and waste management.

Landscape/Trees

Whilst mobile units are not necessarily characteristic of this rural/edge of settlement location, the proximity of the watercress business is a consideration, which includes many light industrial style buildings. Therefore there is unlikely to be harm caused to landscape character by the mobile units.

The mobile units are well-sited out of view from the road and therefore their impact on visual amenity is negligible. The existing fencing is slightly more intrusive and out of keeping with the rural/edge of settlement setting, but most of it is hidden by the belt of trees and native shrubs along the roadside, and would be even more so in summer when vegetation is in leaf. The only part of the fence that is highly visible is the fence at the entrance. In order to soften the impact of this fence, and improve the amenity of the site in general it is recommended that a boundary treatment and landscaping scheme is submitted (condition 10).

Highways/Parking

Having workers residing on the site is likely to result in a decrease in traffic on the surrounding highway network as the workers will not have to commute daily to and from the site. The application is therefore acceptable from a highway point of view.

Site of Special Scientific Interest and Flooding

Further to the concerns raised by Natural England, additional information has been provided which demonstrates how the mobile units are sited outside of the SSSI designation with the cleared area and existing access roads within it to the south. A Flood Risk Assessment has also been provided which shows how the site is within Flood Zone 1 and is not impacted upon by fluvial flooding from Alresford Pond. Similarly itself the land is free draining. The access to and from the mobile units is a pre existing vehicular access leading directly from Brighton Lane. The access roads to the south east side of the site are also pre existing and only used as a link between the Maxwell Farm to the east and Drayton Farm to the west, thereby containing traffic movements to these watercress beds within the overall site.

Operational information has been provided regarding the handling of waste and sanitation which is collected in a cess pit tank which has been on site for many years and is subject to a contracted waste removal regime. The applicants are in regular contact with EA representatives to ensure that all regulations are met so that there is no impact on local water features or the river corridor. The proposal is therefore considered to satisfy the points raised by Natural England and accord with policy DM19.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

01 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme to show the position, design, height, materials and type of boundary treatment to be erected including planting and fencing. Detailed landscape plans shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall specify species, density, planting, size and siting. The planting approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation. Other boundary treatment shall be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

01 Reason: In the interests of the visual and neighbour amenities of the area and to ensure that the curtilage of the property is in keeping with the rural location and character of the area.

02 The occupation of the mobile homes hereby approved shall be limited to persons solely working as seasonal watercress production workers employed by the Watercress

Company. The use of 5 mobile homes hereby permitted shall be limited to sleeping accommodation (and other ancillary purposes) during the months of February to end of October only for the agricultural workers. The use of 1 of the mobile homes hereby approved shall be limited to sleeping accommodation (and other ancillary purposes) for maintenance workers only during the months of November to end of January. The use of 1 of the mobile homes hereby approved shall be limited to use for ancillary purposes only and not for sleeping accommodation for maintenance workers only during the months of November to end of January. A register of the names of the occupiers of the mobile homes and their arrival and departure dates shall be kept by the owner and shall be produced to the Local Planning Authority upon reasonable notice. The mobile homes hereby approved shall not be used as permanent and continuous residential accommodation but may be permanently sited and not removed during months of unoccupation.

02 Reason: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry. The use is limited to the requirements of the agricultural enterprise.

03 The development hereby permitted shall be carried out in accordance with the plans listed, below:

Site Plan
Design and Access Statement

03 Reason: To provide clarity of the permission and to ensure the development is built in accordance with the plans approved.

Informatives:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 Joint Core Strategy: MTRA1, MTRA4, CP20, CP8.

Local Plan Part Two: DM11, DM19, DM23.

3. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
-offering a pre-application advice service and,
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and

noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

> For further advice on this please refer the Construction Code of Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.