



Application No: 151593

Location: International Farm Camp, Hall Road, Tiptree, Colchester, CO5 0QS

Scale (approx): 1:1250

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7.5 Case Officer: Nadine Calder

Due Date: 30/10/2015

MAJOR

Site: International Farm Camp, Hall Road, Tiptree, Colchester, CO5 0QS

Application No: 151593

Date Received: 31 July 2015

Agent: Mr Mike Bowen, Melville Dunbar Associates

Applicant: Mr Chris Newenham, Wilkin & Sons Ltd

Development: Application to vary condition 9 of planning permission 100684.

Ward: Tiptree

Summary of Recommendation: Approved subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application for which objections were received.

2.0 Synopsis

- 2.1 The key issues explored below are the implications the proposal to vary condition 9 of planning permission 100684 to allow ten mobile home units on site to be occupied all year round would have on the character and appearance of the surrounding area and neighbouring amenities.
- 2.2 Having carefully assessed the proposal, and having had regard to representations received from local residents as well as comments from statutory consultees, it is considered that any impact the proposed development would cause on the character and appearance of the surrounding area and neighbouring occupiers is limited. Furthermore, appropriate conditions would ensure that the camp would not become permanent and would remain seasonal in principle. The proposal is therefore found to be satisfactory and is recommended for conditional approval.

3.0 Site Description and Context

- 3.1 In the 1950's Wilkin & Sons established the site known as the International Farm Camp, (hereafter referred to as the IFC), on a 1.25ha triangular shaped parcel of land forming part of its agricultural holding on the west side of Hall Road, Tiptree. This site has since been extended but continues to be used to accommodate seasonal workers employed during the fruit picking season. The site currently comprises of 55 mobile home units as well as a large communal building to the south of the site.

- 3.2 The northern boundary of the IFC site adjoins residential properties (Salis Close) and the Tiptree Heath Primary School. To the west is an existing builder's yard. On the eastern side of Hall Road are other existing residential properties.
- 3.3 Vehicular access to the site is gained along the southern boundary of the site. The site is contained by established trees and hedgerows.

4.0 Description of the Proposal

- 4.1 This application seeks to vary condition 9 of planning permission 100684 which restricts the occupation of the mobile homes on site from February to November of any year. Permission is sought to allow the occupation of units 13-22 inclusive (as shown in red on the submitted Plan No. 1) to be used all year round.
- 4.2 The Planning Statement states that as a result of polytunnels recently being introduced on the site, the growing season has been significantly extended. The following extract is taken from the Planning Statement:
- “For example, in 2014 raspberries were still being picked in late November. This has had a ‘knock-on’ effect which requires the input of further staff resources. Following the harvest, there remain about four weeks of work to tidy up, carry out routine maintenance and make the farm weather-proof for the winter. Also, work now begins in mid-January with preparations for the upcoming season including new crop planting. To enable all these tasks to be undertaken, a small team of workers needs to be retained to cover this period.”
- 4.3 The statement concludes that allowing mobile homes units 13-22 to be used for an additional two months would ‘give the company the ability to use their workforce flexibly to address the challenge presented by all year round fruit production’.
- 4.4 The Applicant has confirmed that whilst the mobile home units have to be in place all year round, this does not apply to the workers. In a letter sent to the case officer on 5 October 2015, the Applicant states that ‘no individual workers are likely to be on site for longer than 10 months and the average length of stay will be closer to 4/5 months albeit some of this occupation could now be during the period November to February for any one individual’. The current application would therefore not result in permanent occupancy by individuals.

5.0 Land Use Allocation

- 5.1 The site is unallocated land directly adjacent to the defined settlement boundary of Tiptree.

6.0 Relevant Planning History

6.1 The most relevant planning history is listed below:

100684	Increase in the number of mobile homes from 30 to 55 and provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation/open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period.	Approved July 2010	29
K/COL/04/1848	Certificate of Lawfulness for the siting of 30 mobile homes situated within land currently used for the International Camp. Occupancy would be restricted to agricultural students for the duration of their temporary contracts with the company. Normally this involves periods extending from March to September annually	Approved November 2004	26

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

CE1 – Centres and Employment Classification and Hierarchy
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP8: Agricultural Development and Diversification

8.0 Consultations

- 8.1 Environmental Protection does not object to the proposal but suggests that as a result of the increased occupancy and proximity of sensitive receptors a condition should be imposed prohibiting amplified sound outside.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 Tiptree Parish Council objects to this application on the grounds that this site was set up as seasonal only and the Parish Council would not want to see it given permanent site status.

10.0 Representations

- 10.1 Three letters of objection were received. The main reasons for objecting can be summarised as follows:
- Increased noise and disturbance;
 - Increased traffic;
 - Lack of privacy as a result of overlooking;
 - Camp is seasonal and should not be open all year;
 - Impact on wildlife, foliage and flora; and
 - The site can be seen from Hall Road (contrary to what is stated in the application form).
- 10.2 One local resident objected to the provision of additional caravans on the application site, however, the proposal the subject of this application does not include additional caravans and merely seeks to use ten existing caravans during the months of December and January which is currently not possible by way of restrictive conditions. Therefore, no further consideration will be given to this objection.
- 10.3 For the purpose of clarification, the application, as submitted is valid and lawful, thereby capable of being assessed by the Council. Comments that an application to remove a condition previously applied to a consent is unlawful and that there is 'no legal reason or right' for such conditions to be removed are incorrect and no further consideration is given to these comments.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 The proposal does not impact on the provision of parking facilities.

12.0 Open Space Provisions

- 12.1 There is no requirement for public open space provision in connection with this application.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was determined by the Development Team that there is no requirement or justification for any Planning Obligations via Section 106 of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 This application seeks permission to use ten of the existing 55 mobile homes, namely mobile home units 13 -22 located along the southern boundary of the site and towards its south western corner, to be occupied during December and January of any year which is currently restricted by condition. The reason for this proposal is due to the extended growing season as a result of the recently introduced polytunnels on site.
- 15.2 The Applicant represents a long established Tiptree-based company and is a major employer, and tourist attraction, within the Borough. In this context, the continued prosperity and expansion of the agricultural business is supported in terms of the Council’s adopted policies.
- 15.3 The proposal does, however, represent an increase in the use of the IFC and in this respect the justification and the need for the extended accommodation has to be balanced against residential amenity.
- 15.4 The Planning Statement explains that mobile home units 13-22 have been selected because of their location close to the communal building in the middle of the site and along its southern boundary and due to the distance between those units and nearby residential properties, in an attempt to ensure their occupation would have limited impact on the amenities of neighbouring occupiers.
- 15.5 Notwithstanding the above, a number of objections were received, making reference to increased noise and disturbance as a result of seasonal workers occupying the site for two additional months of the year, resulting in the site being used all year round. Environmental Protection has confirmed that it has no objection to the proposal subject to a condition that prohibits the playing of music or amplified sound outside. Whilst it is appreciated that the occupancy of the site for two additional months per year would result in some additional activity on the site, it is considered that the use of ten mobile home units would not have such an impact on residential amenities that would be harmful, either visually or materially. The careful selection of the ten mobile home units located towards the south western corner of the site and in close proximity to the communal building helps mitigate any potential problems in terms of increased noise and disturbance. Similarly, the additional vehicle movements which the proposal would result in are considered to be limited as a result of the access being located to the south of the site, this is considered to cause limited disturbance to neighbouring occupiers.

- 15.6 One objector raised loss of privacy as a result of overlooking as an issue, however, the proposal is not considered to cause any materially harmful impact in terms of overlooking given their location and orientation. On this basis, it is considered that the proposal to occupy mobile home units 13-22 all year round is acceptable as the impact on neighbouring amenities would be kept to a minimum.
- 15.7 Comments were also received that the site had been set up as a seasonal camp only and should not be granted permanent permission. These comments are noted and need to be carefully assessed as the permanent occupancy of some of the mobile homes could result in them providing permanent accommodation for some workers which should not be the intention of this application. The proposal however only relates to ten of the existing 55 mobile home units, which amounts to less than 20 per cent of occupancy for the whole year whereas the remaining units would continue to be used for ten months of the year only. The units, although visible from certain vantage points outside the application site, are well screened by existing hedgerows along the boundaries and any additional activity on the site during the additional two months is not considered to significantly impact on the visual amenity of the surrounding area, nor would it have such a detrimental impact on wildlife or foliage that would warrant a refusal on that basis.
- 15.8 In a letter dated 5 October 2015, the Applicant confirmed that the workers would not occupy the units on a permanent basis, even though the ten units the subject of this application would be in occupancy for 12 months of the year. It was explained that seasonal workers are unlikely to be on site for longer than ten months whereas the average length of stay will be closer to four or five months for any one individual in any one calendar year. Precautions would have to be put in place by way of an up to date schedule of occupancy having to be kept on site and made available to the local authority for inspection at all reasonable times. On this basis, it is considered that, whilst certain units would be used all year round, the camp as a whole remains predominantly seasonal and is therefore acceptable on this basis.

16.0 Conclusion

- 16.1 The applicant has demonstrated that the extended growing season and associated additional works require some staff to be present during the months of December and January. It is noted that the camp has been set up as a seasonal camp only; however, having regard to the above, it is concluded that the occupation of ten mobile home units (representing less than a fifth of the total mobile home units on site) on site during the whole year is acceptable as it would not cause such visual or material harm to neighbouring occupiers or the character and appearance of the surrounding area that would be detrimental and is therefore acceptable in this instance.

17.0 Recommendation

- 17.1 APPROVE subject to conditions.

18.0 Conditions

1 - Non-Standard Condition/Reason

With the exception of condition 9 of Planning Permission 100684 which is hereby varied, the requirements of all other conditions imposed upon planning permission 100684 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any conditions of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted 'Plan No. 1 - Mobile homes to be occupied 12 months of the year'.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition/Reason

The premises herein referred to shall be used for seasonal workers accommodation only and for no other purpose. The duration of occupation by any one person, or persons, of any of the mobile home units shall not exceed a period of ten months in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the units herein referred to shall maintain an up-to-date schedule of occupancy, which shall include the names and addresses of all those persons occupying the units during each individual occupancy. The said schedule shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only by seasonal workers, and for the avoidance of doubt as to the scope of this permission as this is the basis on which the application has been considered any other use would need to be considered at such a time as it were to be proposed.

4 - Non-Standard Condition/Reason

No music or amplified sound shall be played outside of the premises at any time during the period hereby approved.

Reason: To safeguard the amenities of nearby residential properties.

19.0 Informatives

- (1) PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.