

<b>APPLICATION NO.</b>	P16/V1283/FUL
<b>SITE ADDRESS</b>	J Curtis and Sons Ltd Thrupp Lane Radley ABINGDON, OX14 3NG
<b>PARISH</b>	RADLEY
<b>PROPOSAL</b>	Temporary use of buildings and site for 5 years - as office, workshop and yard for contractor (use sui generis).
<b>WARD MEMBER</b>	Edward Blagrove Bob Johnston
<b>APPLICANT OFFICER</b>	Terrafirma Roadways Ltd Sarah Green

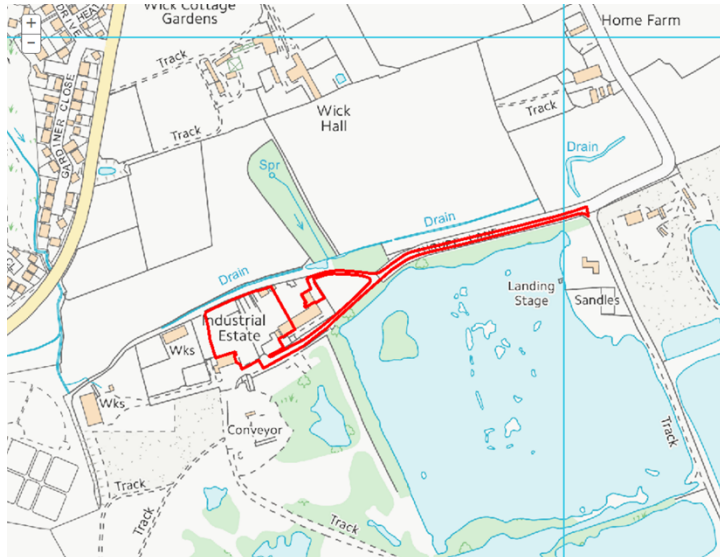
## **RECOMMENDATION**

**It is recommended that planning permission is granted subject to the following conditions:**

- 1. Temporary use of buildings and land – five years.**
- 2. Personal permission to applicant.**
- 3. Travel plan statement to be submitted.**

### **1. PROPOSAL**

- 1.1 This application is referred to committee at the request of the Local Members, Bob Johnston and Edward Blagrove.
- 1.2 The site is part of the Curtis and Sons site located on Thrupp Lane. The site comprises existing buildings and a yard.
- 1.3 The proposal seeks a temporary planning permission for the use of one existing building as an office, another for workshop/repair use and for the use of the yard for parking contractors' vehicles. The use would be for 5 years.
- 1.4 The applicant is a local firm that is seeking to be located closer to its staff, which number 20. The firm provides temporary roadway panels on rigid 6 wheeler vehicles. Once they are finished being used at their location they will be transported back to site where they will be stored. It is stated however that it is not uncommon for vehicles to leave on Monday morning and not return until the end of the week.
- 1.5 A site location plan is included overleaf.



## 2. SUMMARY OF CONSULTATIONS AND REPRESENTATIONS ON CURRENT SUBMISSION

- 2.1 A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)
- 2.2 Additional information has been received in response to the highway officer's original comments.

Parish Council	<p>Object</p> <p>The objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Contrary to green belt policy</li> <li>• The proposal will prejudice the impending review of minerals permission (ROMP)</li> <li>• The use of Thrupp Lane by HGVs</li> <li>• Contrary to the emerging neighbourhood plan</li> </ul>
Local Residents	<p>8 letters of objection have been received. The objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The use of Thrupp Lane by HGVs</li> <li>• Highway safety</li> <li>• Noise and disturbance</li> </ul>
Friends of Radley Lakes	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• The use of Thrupp Lane by HGVs</li> <li>• Contrary to green belt policy</li> </ul>
Oxfordshire County Council	<p><u>Highways</u></p> <p>No objections. Suggest a travel plan statement condition and that any gates provided should be set back 17m from carriageway and open inwards</p>

	<u>Archaeology</u> No objection  <u>Minerals and Waste</u> No objection
Countryside Officer	No objection
Environmental Protection Team	No objection Suggest vehicle entry hours condition

### 3. RELEVANT PLANNING HISTORY

- 3.1 There is a long standing extant planning permission for mineral working in this area, which includes the application site. Responsibility for minerals planning permission lies with Oxfordshire County Council. This was re-newed by default in July 2000 and requires that the development shall cease by 21<sup>st</sup> February 2042 and that buildings and plant shall be removed by 21<sup>st</sup> February 2043.
- 3.2 During the time period which the mineral permission has been extant, there have been a number of various temporary planning permissions granted over the years on the whole of the Curtis site for alternative uses. This is a general summary.
- 3.3 In the mid to late 1970's various buildings on the site started to be used for various industrial purposes. Commencing in 1982 a series of temporary planning permissions were granted for periods of 5 years to bring these uses under planning control.
- 3.4 The following temporary permissions were granted on 29 November 1982:
- repair of light commercial vehicles (RAD/57/4);
  - light industrial engineering (RAD/57/5);
  - light industrial engineering (RAD/57/6);
  - light agricultural machinery repairs (RAD/57/7);
  - motor vehicle repairs (RAD/57/8);
  - light industrial engineering (RAD/57/9),
- 3.5 In each case the permission was subject to conditions requiring the use to cease on or before 31 December 1987 (i.e. 5 years) and making to the permission personal to each applicant and only for the purpose specified in the application.  
Two further subsequent temporary planning permissions were granted in 1984.

- 3.6 On 17 March 1992 the council issued six enforcement notices (EN107 – 112) to require the use of each of six buildings for purposes falling within use classes B1 and B2 to cease within 5 years. In the following appeal decision dated 10 December 1992 all 6 enforcement notices were quashed and deemed permission was granted for the use of each of the six buildings for various purposes falling within use classes B1 and B2 for a temporary period of 10 years. In reaching this decision the inspector made the following comments:

“...I am in no doubt that, while the mineral extraction and concrete batching operations continue the continued use of the various buildings for their present purposes, and the re-use for business purposes of those that are currently vacant, would have negligible effect on the character and appearance of the green belt...”

“...I do not consider that there have been any material changes in planning circumstances since 1982 when the Council agreed to grant temporary planning permission for the various business uses...”

- 3.7 In 2003 the council granted a further 8 year temporary permission (03/01126/FUL) for the continuation of these uses.
- 3.8 In 2011 the applicant applied to extend this temporary permission for a further 15 years (P11/V1859/FUL). It was refused on the basis that 15 years was an excessive time period in view of the impending review of minerals permission (ROMP).

#### **4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 4.1 The site area is less than 5ha, and the site is not in a ‘sensitive area’. The proposal is not therefore EIA development.

#### **5. MAIN ISSUES**

##### **Current Employment Policy**

- 5.1 The NPPF sets out at paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. It states that all types of business should be supported both through conversion of existing buildings and new ones. There is therefore strong support for the principle of the use.
- 5.2 There is an extant mineral permission that covers the site. This is required to cease by 21st February 2042 and restoration required by 21st February 2043.
- 5.3 By the end of October 2016 a review of the mineral planning permission (ROMP application) will be required to be submitted. The review will look at the existing conditions on the permission. It cannot however restrict the commercial interests of the site.

- 5.4 If no ROMP application is submitted, the mineral working permission will go into suspension which will mean that mineral extraction cannot take place until an application is submitted and new conditions are approved. If after two years there has still been no submission, the County Council is under a duty to make a prohibition order if it believes that mineral working on the site has permanently ceased. The earliest that such a prohibition order could be made is November 2018 and this would then need to be confirmed by the Secretary of State, which will take further time. Any prohibition order would be subject to restoration conditions which would require restoration of the land and buildings within a reasonable time.
- 5.5 The county council has confirmed that, if made, a prohibition order can be conditioned to take into account any temporary uses and require restoration once the permissions have expired.

### **Green Belt**

- 5.6 The site lies within the green belt. The NPPF does allow for the re-use of buildings within the green belt. The change of use to office and workshop is therefore appropriate and would comply with this policy.
- 5.7 The site is formed of hardstanding and has an industrial appearance and has existed for several decades. Previous uses permitted on this site, or on the adjacent site, have included workshops, vehicle repairs, and light industrial engineering, all of which by their nature normally have some form of ancillary external storage or parking associated with them. It is entirely reasonable to state that the use of the site in connection with the minerals permission would have resulted in some form of external storage and parking. Officers consider that, given the history of the existing site, that it is well screened, and that the use is to be temporary, the parking of the vehicles on the site and storage of panels would have limited impact on the character and appearance of the green belt in this particular case. Officers consider it is difficult to justify a refusal on green belt grounds.

### **Traffic, Parking and Highway Safety**

- 5.8 The main objection from Radley Parish Council and local residents to the proposal is on highway grounds. Specifically, the objections are that Thrupp Lane is unsuitable for HGV traffic due to its width and state, and the conflict with other users of the road.
- 5.9 Further information and clarification was requested by the county highways authority with regards to the tonnage and frequency of HGVs connected with the proposed site. This was provided. The highways officer has responded – *“it is evident that in comparison to the existing levels of HGV movements along Thrupp Lane, generated by other commercial sites in the vicinity, there is not a material increase in HGV movements. Therefore in this context, the county council now consider the level of HGV movements associated with this application site to be acceptable.”* Officers therefore consider that it cannot be demonstrated

that the proposal would result in “severe” harm and justify a refusal on this point.

- 5.10 Matters such as the condition or damage to the surface of the road, which is also of great local concern, are dealt with under separate highway legislation and it is the duty of the local highways authority to maintain public roads.
- 5.11 Thrupp Lane is also part of the Sustrans cycle way and used to access the wildlife area at Thrupp Lake. The highways authority consider that additional HGV movements can create potential conflict between HGVs and cycle users, in which case it is appropriate for the applicant to provide suitable signage on Thrupp Lane warning of HGV movements. However, as the highway authority has stated that the proposal will not result in a material increase in HGV movements along the road, it is not considered reasonable or proportionate in planning terms to require the applicant to provide such signage.
- 5.12 As the assessment of the highway impact has been based on the specific movements of Terriferma, any permission should be limited to the use by that company, as an alternative contractor could have a very different number of vehicle movements. A travel plan statement has been requested by the county as condition. The requested condition with regards to gates is not considered to be necessary as the site gate access is not directly off Thrupp Lane.
- 5.13 In this regard officers are also mindful of the appeal decision for the visitor centre at Thrupp Lake in 2013, where the inspector found the suggested condition for improvements to Thrupp Lane was unreasonable and that the development did not lead to a significant increase in traffic using Thrupp Lane. It is also noted that, as part of that appeal, the highway authority advised they had secured funding for maintenance improvements in their 2014/2015 budget and had committed additional funding towards the cost of overall highway safety improvements to Thrupp Lane.

### **Residential Amenity**

- 5.14 There are no residential properties within the immediate vicinity of the site itself. Therefore the use of the site would not harm amenity. The main impact will be the use of Thrupp Lane to access the site as there are a number of residential properties along this road. Officers acknowledge the concerns of residents along this road and the disturbance HGVs can bring.
- 5.15 The council’s environmental protection team suggest that a condition could be imposed to restrict the hours vehicles can enter or leave the site. Given that the county highways officer consider there will not be a material increase in traffic movements, officers consider it cannot be reasonably argued that there will be a material increase in disturbance

to residents. This means such a condition would fail the test of reasonableness.

### **Other matters**

- 5.16 It has been raised with officers that permitting this proposal would be contrary to a decision made last year on the re-use of buildings on the adjacent site which is also owned by Curtis and Sons. Planning permission was refused for the continued use of these for a further 15 years temporary period (P11/V1859/FUL).
- 5.17 Reason one of that decision cited that the retention and use of those buildings for any length of time beyond that intended by the mineral permission would be regarded as harmful to the green belt. For the same reasons it was also considered harmful to the landscape character of the area.
- 5.18 However the county have clarified as part of this application that the mineral permission runs to 2042, which is 26 years' time. A temporary five year permission would therefore not go beyond the mineral permission. The above refusal reasons would therefore not apply to this proposal. The county have also clarified the position of the ROMP' the time period relating to a potential prohibition order, and that these orders, if imposed, can be conditioned to give reasonable removal period of other temporary uses. Officers therefore consider that a five year temporary permission is a reasonable time period whilst the ROMP process is undertaken.
- 5.19 The third refusal reason referred to the continued use of the buildings for a further 15 years would unnecessarily prolong existing highway safety risks and loss of amenity suffered by other occupiers of land along Thrupp Lane. It was the time period of 15 years that the council had specific objection to, as this was considered excessive especially given the outcome of a ROMP could likely be known within a few years.
- 5.20 Officers do not consider that approving this application is contrary to that decision. It is significantly less in terms of the time period sought, and is closer to the timeframes for the ROMP. It has been set out above that it would not extend beyond the existing mineral permission and the land would still be subject to restoration in the long term. Impacts on the highway and amenity are addressed above.
- 5.21 Another concern that has been raised is the effect of granting temporary planning permission for this application on the emerging Radley Neighbourhood Plan, and whether this would compromise its overall strategy. The neighbourhood plan has undergone an initial consultation on the issues and priorities that will then be included within the first draft of the plan.
- 5.22 Part of the strategy to be sought by the neighbourhood plan is for a new road to be created onto Audlett Drive from Thrupp Lane as an

alternative access for commercial activities towards the end of Thrupp Lane, and so removing the conflict between existing users of Thrupp Lane. The neighbourhood plan is at an early stage and its strategy is long term. Officers do not consider that allowing a temporary permission of five years would compromise the development of the neighbourhood plan or the longer-term strategy for the area.

## **6. CONCLUSION**

- 6.1 In conclusion, given the temporary nature of the proposal and the timeframes likely for the review of the mineral permission to be undertaken, the principle of allowing the use on the site is considered to be acceptable. The NPPF places great weight on supporting economic development. The use would not result in long term visual harm to the green belt. The local highways authority considers the impact on the local highway network of the applicants business will not mean a material increase in HGV movements. It is therefore considered that the proposal would not result in a material increase in disturbance to residents along Thrupp Lane.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2011 – GS3, GS8, DC5, DC9, NE9, TR5

Draft Vale of White Horse Local Plan 2031: PART 1 – CP1, CP6, CP13, CP28, CP33, CP44, CP46

Emerging Radley Neighbourhood Plan

Vale of White Horse Design Guide 2015

National Planning Policy Framework

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