

RAD/3963/4-CM – H Tuckwell and Sons Ltd

The development of land without complying with condition 25 of the planning permission (RAD/3963/3 for the extraction of sand and gravel, erection of plant) and the variation of that condition to extend development for 5 years.

H Tuckwell and Sons Ltd, Thrupp Lane, Radley, Abingdon

1.0 The Proposal

- 1.1 This is a proposal to vary a planning condition in order to extend permission for sand and gravel extraction for another 5 years. It is a County Matter application on which the Vale has been consulted. The site lies in the open countryside, and within the Oxford Green Belt.
- 1.2 A copy of the plans showing the location of the site and extracts of the supporting information are attached at **Appendix 1**.
- 1.3 The application comes to Committee at the request of the local Member, Councillor Bob Johnston.

2.0 Planning History

- 2.1 Planning permission was originally granted in July 1979 for sand and gravel extraction on this site. That permission was varied in 2003 to permit working up to 31 December 2007 with restoration being completed by 31 December 2008.

3.0 Planning Policies

- 3.1 *Oxfordshire Minerals and Waste Local Plan 1996*
Policy SD1 states that separate land banks will be maintained for sharp sand and gravel at levels which accord with current Government advice.
- 3.2 Policy SD2 confirms that planning permission would normally be granted for small extensions to existing operating sand and gravel quarries where they would comply with national, Structure and Local Plan policies. Extraction from a small extension will not be expected to last more than 3 years. Subsequent extensions to the same workings will not normally be permitted in advance of a review of the Plan.
- 3.3 Policy PB2 states that the County Council will normally require the removal of all processing plant, buildings and associated machinery within 24 months of extraction being completed or expiry of the permission, whichever is the sooner.
- 3.4 Paragraph 33 of Annex 1, OMWLP 1996 (Code of Practice) states that planning permission will normally be granted to extend the period (for extraction) if extraction is not completed within the agreed timescale provided that continued working can be accomplished without causing harm greater than envisaged in the original permission.

4.0 Consultations

- 4.1 There are no consultation responses as the application is a County Matter.
- 4.2 Councillor Bob Johnston has made the following comments:

“There are concerns from local residents and the Parish Council about the duration of the extraction. There has been very little extraction in recent times and the main activity on the site appears to be concrete batching. All concerned would wish to see these operations drawn to an early conclusion because it presently contributes to heavy lorry movements on an unsuitable narrow lane which are causing significant nuisance to the local residents.

Environmental Health is involved and there is a wider planning concern about erminating a number of ‘temporary permissions’ which currently occur at the end of Thrupp Lane.”

5.0 Officer Comments

5.1 Your Officers have assessed the application and consider the following response should be made to Oxfordshire County Council:

5.2 “Providing the proposal is in accordance with adopted and emerging Minerals and Waste Policy, the District Planning Authority has no in principle objection to the proposal subject to the following:

5.3 The time limit for mineral workings:

The District Council wishes to see mineral working in this locality reduced and sites restored in line with original planning permissions and as such can only agree to an extension of time for 3 years (as stated in Policy SD2), given that little extraction appears to have been undertaken in recent times on this site and that the site presently contributes to heavy lorry movements on an unsuitable narrow lane which are causing significant nuisance to the local residents.

5.4 The use of the associated plant (e.g. concrete batching):

The District Council is at present not satisfied that the associated plant is operating in an ancillary capacity to the winning of minerals from the land. Any subsequent proposal to retain it on such a basis would be objected to, given its Green Belt location. It is expected that the extension of the existing permission will not permit its long term retention beyond the 5 year period requested.

5.5 Complaints have been received that materials are being brought into the site from elsewhere for processing, whereby it has been alleged that the concrete processing activity is now a stand alone / primary use. As such the County Council is requested to investigate this matter urgently, given that a neighbouring processing plant (Tarmac) operated in a similar manner has become lawful through the passage of time, with the granting of a certificate of lawful existing use development (CLEUD) in September 2007. Should it be found that the plant is not ancillary to the primary mineral extraction use, it is expected that suitable enforcement action will be taken to remedy the matter without delay.”

6.0 Recommendation

6.1 *It is recommended that the response set out in section 5 above is made to Oxfordshire County Council in respect of this planning application.*