

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**LOWLANDS AREA PLANNING COMMITTEE:**  
**MONDAY 17<sup>TH</sup> NOVEMBER 2014**

**UPDATE REGARDING PLANNING BREACH AT NOBLE FOODS STANDLAKE**  
**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

**(Contact: Phil Shaw, Tel: (01993) 861687)**

**1. PURPOSE**

To update members regarding the progress towards resolving the operation of the site approved under application reference 12/1753 in breach of planning control.

**2. RECOMMENDATIONS**

- (a) That Members note the progress made towards resolving the breach;
- (b) That, dependent upon the outcome of ongoing negotiations, Members give consideration as to whether to allow the second application to further extend the site (ref 13/0663) to be approved with a condition limiting HGV movements rather than a routing agreement to limit HGV movements as originally resolved.

**3. BACKGROUND**

- 3.1. Members will recall that they considered a report at the June meeting of the sub-committee advising that a condition attached to the grant of consent for the main factory on site had required the applicants to enter a routing agreement. They had not done so and were operating in breach of the condition. Negotiations between the agents for the applicants and County officers had reached a point where they could not reach agreement on the exact terms of the routing agreement and so officers suggested that a meeting be convened involving the two ward members (Cllrs Good and Fenton) the County Member (Cllr Mathew) the Councils Business Development Manager and representatives of OCC and the applicants. The Sub- committee agreed to this suggestion and the meeting was held in early July.
- 3.2. Whilst the meeting was difficult in that the two sides were some distance apart at the start a compromise was eventually reached whereby a trial period of operation of a slightly relaxed version of the OCC standard routing agreement along with increased levels of communication between the operators and local councils would be entered into. If the trial proved successful then the mechanisms would be applied in the formal agreement.
- 3.3. Unfortunately notwithstanding that this had all been agreed at the meeting there has been an ongoing and lengthy period of further negotiation between the respective lawyers as to how the agreement should be translated in practice. In addition the local Councils have been increasingly concerned that the breach of control was being tolerated by Officers whilst the solution was emerging and have sought to have the operations of the business curtailed until such time as they are back within planning control. Officers therefore advised that they would report back to this meeting to ensure that members were fully up to date as to the current position and had the opportunity to input into the process if required.

## **The Current position**

- 3.4. As of 28/10/2014 the side agreement relating to the main site has been agreed between OCC and the Developer and is ready to be circulated. It is thus anticipated that the current breach of control of operation without a routing agreement in place will be resolved very shortly indeed. This is good news in that it will, in your officers opinion, help to safeguard the substantial investment that the company has undertaken in the District whilst at the same time providing a mechanism to ensure that they stick to the traffic movements stated in the information that accompanied the application - unless there are exceptional circumstances.
- 3.5. However Members may also recall that in parallel to the extension of their existing facility the applicants also made an application for further commercial development adjacent to the main site (reference I3/0663). That application received a resolution to approve which inter alia also required the applicants to enter into a routing agreement. At the time of agenda preparation they are now seeking that this matter be dealt with by condition – which if they maintain that stance would need a new resolution as it would not accord to what members resolved to approve. Officers have advised that in their view the matter would be best dealt with as resolved but at the time of agenda preparation final confirmation as to what the applicants are seeking is awaited. Dependant on the response received there will be a need to consider the respective merits of an agreement as resolved or whether a condition could equally appropriately address matters - but until the applicants have responded (and if they do seek a condition the exact terms of such a condition) , it is not possible to advise as to what Officers recommendation would be. A full verbal update will therefore be required if the applicants do decide to pursue the condition route.

## **4. ALTERNATIVES/OPTIONS**

- 4.1. The report is mainly to note as regards the progress in terms of the main site. If the condition route is chosen instead of the agreement route for the second site then Members could decide not to amend the resolution, to agree the substitution, to agree to the development without any controls or to review the position and to decide to refuse permission. However for the reasons outlined earlier in this report it is not possible to fully advise on these options as at the time of agenda preparation not all the details are currently known. All options will however be reported upon as part of the officer presentation to members (assuming that the applicants decide not to follow the resolution as it exists).

## **5. FINANCIAL IMPLICATIONS**

There are none arising directly from this report.

## **6. RISKS**

There is a need to balance the economic prosperity of the District against the impacts that HGV traffic on unsuitable minor roads has on the communities that they pass through.

## **7. REASONS**

See section 3 above.

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Date: 6 November 2014

Background Papers:

Application refs I2/I753 and I3/0663 and associated papers