

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**17 NOVEMBER 2014**

### **Report of Additional Representations**



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WEST OXFORDSHIRE  
DISTRICT COUNCIL

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## Report of Additional Representations

Application Number	14/1215/P/OP
Site Address	Burford Road Witney
Date	13th November 2014
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435373 E 210304 N
Committee Date	17th November 2014

### Public Safety

Tony Gaskell has written on behalf of Flogas Britain.

'I wish to submit this formal objection to the application on behalf of my employer Flogas Britain Ltd on grounds of safety.

We have examined the plan and our objection is based upon the potential risk at the proposed development arising from the Flogas operations adjacent to the western boundary of the development. Flogas' site boundary is marked in magenta on the attached copy of the plan (Witney - New Site Plan - fireball & exclusion zones).

Flogas Witney (OX29 0DN) is a liquefied petroleum gas (LPG (propane and butane)) storage and distribution depot operating under the Control of Major Accident Hazard Regulations (COMAH). Up to 199 tonnes of LPG may be stored on site, mainly in the site's two 75 tonne capacity propane storage vessels.

As you are aware, LPG is extremely flammable and readily forms an explosive air-gas vapour at ambient temperature. The worst credible incident with off-site potential is a release of propane followed by ignition which could result in an explosion in the form of a Boiling Liquid Expanding Vapour Explosion or 'BLEVE'.

The strength of a fireball evolving from a BLEVE measured in 'thermal dose units' (tdu) is used by the HSE to determine HSE Consultation Zones in respect of 'Societal Risk', i.e. the relationship between frequency of an event and the number of people affected. The consultation zones for this site are shown on the attached drawing you very kindly provided yesterday (PRINT101\_MFD22\_1225\_001) and societal risk is currently relatively low. Clearly the addition of some 270 families would have a significant impact on societal risk and is of particular concern to us.

Further, it should be noted Flogas uses LPG trade association guidance to determine exclusion zones where we would expect personnel to evacuate beyond in the event of an incident to avoid the consequences of a BLEVE, i.e. thermal radiation, missiles/shrapnel and explosion overpressure. That guidance is in UKLPG Code of Practice 3: Recommendations for Prevention and Control of Fire Involving LPG. The fireball and suggested exclusion zones for a 75 tonne vessel are 140 m and 500 m respectively and are shown on the proposed plan. By coincidence, all of the proposed housing falls within the suggested exclusion zone hence those families would have to be advised to evacuate their homes.

I must stress that Flogas manages and operates this installation to ensure that the frequency and consequence of a major accident, and therefore the level of risk both on and off site (individual and

societal), are reduced as low as is reasonably practicable (ALARP). However, risks cannot be eliminated and the consequences to local population in the unlikely event of such an incident can still be significant, and even worse should the societal risk be allowed to increase as in this proposal.

I must, therefore, respectfully request that the council take the facts and concerns detailed in this objection into consideration when deciding the application.'

#### Noise

The Chair of the WPVG has E-mailed in respect of noise from the gas plant. The Chairs comments are briefly summarised as:

Should the noise impact from the Gas plant be a consideration? It is audible from 300m away when it is running, and sirens, the gas filling etc. can be heard. The plant manager has informed me that they also flare excess gas when emptying tanks which can take up to 4 days. The flame is about 5 metres high.

#### Revised Technical Note regarding traffic impact

The developer has submitted a revised technical note to OCC in respect of the traffic impact of the proposed development. At the time of writing no response has been received by officers in respect of this revised submission. A verbal update will therefore be given at the meeting.

## REPORT OF ADDITIONAL REPRESENTATIONS

Application Number	14/1224/P/FP
Site Address	Robin Hood Public House 81 Hailey Road Witney
Date	13th November 2014
Officer	Miranda Clark
Officer Recommendations	Grant, subject to conditions
Parish	Witney Parish Council
Grid Reference	435710 E 210936 N
Committee Date	17th November 2014

Officers have received further information from the applicant's agent. The letter received has been summarised, but the other information, due to its content is available from officers to view. Please contact either Miranda Clark or Phil Shaw.

Following on from the above applications consideration at last month's committee meeting, I am writing to you to set out some additional supporting information as requested by Members of the Planning Committee.

In the further consideration of the application I would like to highlight the fact that the Town Council nor, the County Council have objected to the proposals. In addition, only one local resident has objected to the proposed loss of the public house, which in itself demonstrates that the local community have no strong objections regarding the loss of the public house, and that there is not a large number of local residents wishing to retain its facilities. This reinforces the findings of the Fleuret's report which concludes that there was limited trade potential for the public house.

### Viability

In response to Members and Officer's concerns please find attached additional information prepared by Fleurets to support the information provided within the Expert Report submitted as part of the application documentation. In summary this information concludes:

- Fleurets were instructed to market the freehold interest in the public house for sale in January 2013, the business subsequently closed for trade in March 2013.
- The property was marketed on the Fleurets website and circulated to an excess of 8,000 parties registered on their database with an interest in public houses in the area. The property was also advertised in the trade press.
- A 'For Sale' board was erected at the premises, which has remained in situ over the last 22 months.
- During the marketing period 12 viewings of the property were arranged, these viewings were generated from the website, e-mail marketing information and the 'For Sale' board.
- In the initial marketing campaign 7 parties showed an interest in purchasing the property, 5 of these were for an alternative use and 2 for a continued public house use, ultimately one offer was made but this was subsequently withdrawn.
- Since August 2013 8 separate parties have shown an interest in the property, none of these were for a public house use, rather interest has been based around potential alternative uses such as restaurants and food stores.
- **To confirm no interest has been shown in the property for a continued public house use since August 2013, despite being on the market.**

I would also note that the pet shop, located some 50m from the application site along the local parade of shops, closed approximately 6 weeks ago and is currently on the market after just 10 months of trading. This reinforces the fact that local facilities provided within this part of Witney are not supported by strong local trade.

#### Alternative Provision

There are a number of public houses within close proximity to the Robin Hood Public House which can potentially serve the north east quarter of Witney, for ease I list those within a mile of the application site, and within an acceptable walking distance for those living in the locality to access.

The below pubs offer a similar level of services and facilities and therefore provide a suitable alternative for those wishing to use a public house within the area. It is considered that the 7 existing public houses all under a mile from the application site offer a significant range of facilities which will cater for both local and destination custom.

	<b>Distance from application site</b>	<b>Facilities available</b>	<b>Parking available</b>	<b>Garden available</b>
Robin Hood Public House	n/a	Drink only (no trade kitchen)	8 spaces	Yes
Three Pigeons	0.3 miles	Food and drink	On street	Yes
Elm Tree	0.3 miles	Food and drink	On street	Yes
Court Inn	0.3 miles	Food and drink	4 spaces	Yes
Windrush Inn	0.7 miles	Food and drink	10 + spaces	Yes
Plough Inn	0.6 miles	Food and drink	No	Yes
The Carpenters Arms	0.8 miles	Food and drink	8 spaces	Yes
The Griffin	0.8 miles	Food and drink	On street	Yes

In addition to the above public houses within a mile radius, there are also a significant number of public houses located around the central core of Witney, which is located just over a mile from the application site and also within walking distance. There is also free parking available within the town centre.

Based on the above it has been demonstrated that the application proposals clearly comply with the requirements of Policy TLC12 within the West Oxfordshire Local Plan. Whilst this policy requires development proposals to comply with only *one* part of the policy (where the existing use if not viable or whether adequate and accessible alternative provision remains) it is evident that the proposals comply with both aspects of the policy.

The policy tests are:

a) *The existing use is not viable:*

- The submitted information submitted by Fleurets shows that the expected levels of profit likely to be generated by any future occupier using the site for a public house use would not generate a reasonable return.
- Having been on the market for approximately 22 months no firm proceedable offers have been made for a continued public house use.
- Since August 2013, despite being on the market no interest has been shown in the premises from parties interested in continuing the public house use.

b) *Adequate and accessible alternative provision remains or will be provided:*

- As demonstrated above 7 public houses are located under a mile from the application site. All of these public houses provide both drink and food, with the majority having gardens and half on them also have on-site parking provision. Therefore adequate and accessible provision is available within the immediate locality.

The proposals clearly comply with all the requirements on the relevant Local Plan policy and will result in the delivery of a family home in a highly sustainable location.

As such, we hope that you will continue to recommend the application for approval at the next Lowlands Area Planning Sub-Committee.