

# Agenda

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## Planning Review Committee

Date: **Wednesday 12 July 2017**

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Time: **6.00 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact the Committee  
Services Officer:

**Sarah Claridge, Committee and Member Services Officer**

Telephone: 01865 529920

Email: [sclaridge@oxford.gov.uk](mailto:sclaridge@oxford.gov.uk)

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# Planning Review Committee

## Membership

Councillor Mohammed Altaf-Khan	Headington;
Councillor Farida Anwar	Headington Hill and Northway;
Councillor Ruthi Brandt	Carfax;
Councillor James Fry	North;
Councillor Pat Kennedy	Lye Valley;
Councillor Chewe Munkonge	Quarry and Risinghurst;
Councillor Michele Paule	Rose Hill and Iffley;
Councillor Dee Sinclair	Quarry and Risinghurst;
Councillor Ed Turner	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted.

### Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

All agendas, reports and minutes are available online and can be:

- viewed on our website – [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)

# AGENDA

Pages

- 1 **Apologies for absence and substitutions**
- 2 **Election of Chair for the Council year 2017-2018**
- 3 **Election of Vice-Chair for the Council year 2017-2018**
- 4 **Declarations of Interest**
- 5 **17/00913/FUL: Oxford City Council Depot South Park Cheney Lane Oxford**

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**Site address:** Oxford City Council Depot South Park, Cheney Lane Oxford

**Proposal:** Erection of Visitor Centre comprising cafe/restaurant, tasting room and bar for distillery and public conveniences (Use Class A3).

**Officer recommendation:**

The Planning Review Committee is recommended to grant planning permission subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples in Conservation Area - Headington Hill
4. Contaminated Land 1
5. Contaminated Land 2
6. Travel Plan
7. Construction Traffic Management Plan
8. Cycle Parking
9. Drainage Compliance 1
10. Drainage Compliance 2
11. Landscape plan required
12. Landscape carry out by completion
13. Landscape hard surface design – tree roots
14. Landscape underground services – tree roots
15. Tree Protection Plan (TPP) 2

16. Arboricultural Method Statement (AMS) 2
17. Biodiversity enhancements
18. Roof detailing
19. Railing and gate detail
20. Furniture details
21. Lighting details
22. Noise – mechanical plant
23. Machinery – restricted hours
24. Hours of use

## **6 Minutes**

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To approve as a true and accurate record the minutes of the meeting held on 15 March 2017.

## **7 Date of Future Meetings**

The following dates are scheduled for meetings of this Committee (if required):

### **2017**

3 August 2017  
13 September 2017  
11 October 2017  
15 November 2017  
13 December 2017

### **2018**

18 January 2018  
28 February 2018  
14 March 2018  
11 April 2018

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.**

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Planning Review Committee

12 July 2017

**Application Number:** 17/00913/FUL

**Decision Due by:** 5 June 2017

**Proposal:** Erection of Visitor Centre comprising cafe/restaurant, tasting room and bar for distillery and public conveniences (Use Class A3).

**Site Address:** Oxford City Council Depot, South Park, Cheney Lane  
(**Appendix 1**)

**Ward:** St Clement's Ward

**Agent:** Miss Juliet Burch

**Applicant:** Mr Tom Nicholson

The application has been called-in to the Planning Review Committee by Cllrs Azad, Simmons, Hayes, Fry, Wilkinson, Anwar, Wade, Abbasi, Paule, Fooks, Goff, Thomas, Brandt, Altaf-Khan and Wolff.

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## **Recommendation:**

The Planning Review Committee is recommended to **grant planning permission** for the application for the following reason:

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## **Conditions:**

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples in Conservation Area - Headington Hill
4. Contaminated Land 1
5. Contaminated Land 2
6. Travel Plan
7. Construction Traffic Management Plan
8. Cycle Parking
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20. Furniture details
21. Lighting details
22. Noise – mechanical plant
23. Machinery – restricted hours
24. Hours of use

### **Representation Received:**

A summary of all the comments received from statutory consultees and third parties are set out within the original committee report included with the agenda as **Appendix 2**.

### **Background**

1. At the West Area Planning Committee on the 13 June 2017, Members resolved to approve planning permission for the erection of a Visitor Centre comprising cafe/restaurant, tasting room and bar for distillery and public conveniences (Use Class A3). A copy of the officer's report has been attached to the committee agenda as **Appendix 2**. A copy of the minutes from West Area Planning Committee on 13 June 2017 are attached as **Appendix 3**.
2. The application has been called into Planning Review Committee by Cllrs Azad, Simmons, Hayes, Fry, Wilkinson, Anwar, Wade, Abbasi, Paule, Fooks, Goff, Thomas, Brandt, Altaf-Khan and Wolff on the following grounds:
  - Policy SR5 is relevant because it proposes that planning permission will not be granted for development that would result in the loss of public open space including parks, common land, nature parks, and historic cemeteries, yet it is proposed that public open space will be lost on South Park.
  - Policy CP8 is relevant because of the proposed bulk and appearance of the building on the site.
3. The purpose of this supplemental report is to provide specific comments on the matters listed above and update on matters verbally discussed at committee on 13 June 2017.

### **Loss of Public Open Space – Policy SR5**

4. The whole of South Park including the depot site is protected open space under policy SR5 of the Oxford Local Plan. The depot site itself is however also a recognised development site within the Local Plan.
5. The proposal results in a use of site that opens up to currently fenced off depot

site to users of the park and provides facilities to these users. The proposed buildings are contained within the original depot site boundary. Outside of this boundary landscaping works are proposed within the park including a hoggin path and a paved seating area. It is not proposed to fence off this area. This area will still be open to users of the park and is not result in the loss of public open space. This landscaping will enhance the connection of the currently closed off depot site back into the rest of the park. Any seating outside of the depot site will be removable seating which can be put away at night.

## **Design – Policy CP8**

6. This section of the report is to provide a further assessment of the criteria and considerations that can be made in relation to design. This follows specific concerns that were raised as the reason for the call in, which are listed below and responded to underneath:
  - Policy CP8 is relevant here because of the proposed bulk and appearance of the building on the site.
7. The design has evolved through pre-application discussions with the Council and a CABI Design Review. The new café/restaurant and visitor centre was withdrawn from the change of use application to allow negotiations and design improvements to take place.
8. Careful consideration was given to the orientation of the building, how it addresses and links to the park, ease of pedestrian movements and safety of pedestrians within the site. It was considered that the most appropriate way for pedestrians to access the site would be through the park to avoid conflict with vehicles at the narrow access from Cheney Lane. This would also provide ease of access to the toilets. These toilets have been provided at the entrance so users will not have to walk through the restaurant. Therefore landscaping works were incorporated into the scheme at the top of South Park to address these issues.
9. Policy CP8 highlights that new development should be well connected to, and integrated with the wider area. The proposed design successfully addresses the connection with South Park and is designed around a study of pedestrian movements. Without the associated landscaping works the site felt disconnected from the surrounding area.
10. A building is required to support the functioning and viability of the distillery to ensure that the business has a long term future which also ensures that the listed threshing barn is kept in use. However any new building would restrict views of the listed threshing barn from Warneford Lane. This location was considered to be the most appropriate place on the site due to tree protection constraints. Therefore it was considered a building of high architectural quality and interest should be designed to justify the loss of view from Warneford Lane. Policy CP8 furthermore encourages innovative design and should not necessarily replicate local characteristics. Views are maintained from the top of South Park of the threshing barn.

11. The building design should also be specific to the site and its context. Materials have been chosen which relate to the use of the site. Timber relates to an existing barn of the site and the previous use of the site of a farm and the copper relates to the stills used in the distillery. The proposed building is no higher than the existing barn and massing of the building is broken up by separate elements/limbs which reflect the width of the threshing barn on the site.

### **Other Matters**

12. In addition concerns were raised at West Area Planning Committee that public open space in South Park is being sold off incrementally.

13. Matters relating to land ownership, covenants and leases are not matters that officers consider should form a reason for refusal as these are not normally principal considerations for the determination of a planning application.

14. However, in view of the concerns raised it is worth noting that a short lease agreement is held between Oxford City Council and Still on the Hill for use of the depot site. This lease grants no security of tenure and allows the site to be used as a distillery. A further agreement to lease is currently being negotiated between parties to allow, subject to planning approval, the new café, tasting room and public WCs to be built. If planning permission is granted then a new 30 year lease would be agreed. There is a restrictive covenant on the site which officers understand is likely to be waived by Oxford Preservation Trust (OPT) and would cover the lease arrangements with the tenant for 30 years and would also cover the renewal lease.

15. Any works which would be carried out beyond the depot boundary would be carried out by the City Council's Parks team at the expense of the applicant. It is important to note that there would be no change in the status of that land.

### **Conclusion:**

16. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation to Members would be to approve the application.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing

conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

17/00913/FUL

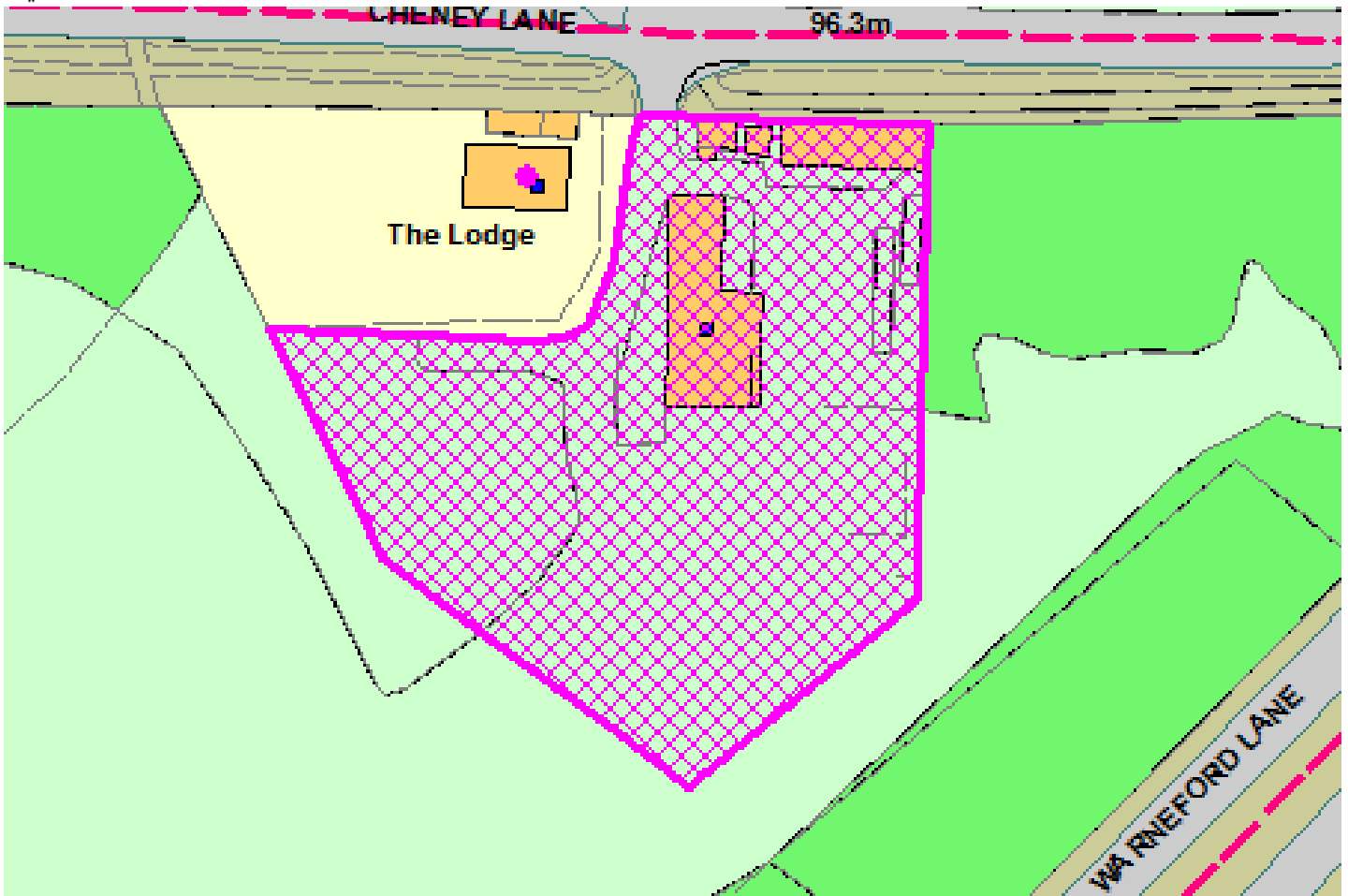
**Contact Officer:** Sarah Orchard

**Date:** 30 June 2017

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# Appendix 1

## 17/00913/FUL - Oxford City Council Depot



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Ordnance Survey 100019348

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**Application Number:** 17/00913/FUL

**Decision Due by:** 5 June 2017

**Proposal:** Erection of Visitor Centre comprising cafe/restaurant, tasting room and bar for distillery and public conveniences (Use Class A3).

**Site Address:** Oxford City Council Depot (**Appendix 1**)

**Ward:** St Clement's Ward

**Agent:** Miss Juliet Burch

**Applicant:** Mr Tom Nicolson

The application is before the committee because of the amount of non-residential floorspace that is proposed.

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**Recommendation:**

**Recommendation:** West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area - Headington Hill
- 4 Contaminated Land 1
- 5 Contaminated Land 2
- 6 Travel Plan
- 7 Construction Traffic Management Plan
- 8 Cycle Parking
- 10 Drainage Compliance 1
- 11 Drainage Compliance 2
- 12 Landscape plan required
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- 16 Tree Protection Plan (TPP) 2

- 17 Arboricultural Method Statement (AMS) 2
- 18 Biodiversity enhancements
- 19 Roof detailing
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- 21 Furniture details
- 22 Lighting details
- 23 Noise – mechanical plant
- 24 Machinery – restricted hours
- 25 Hours of use

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP19** - Nuisance
- CP21** - Noise
- CP22** - Contaminated Land
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR14** - Servicing Arrangements
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- NE20** - Wildlife Corridors
- NE21** - Species Protection
- NE23** - Habitat Creation in New Developments
- HE3** - Listed Buildings and Their Setting
- HE7** - Conservation Areas
- SR5** - Protection of Public Open Space
- RC12** - Food & Drinks Outlets

**Core Strategy**

- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment
- CS19\_** - Community safety
- CS32\_** - Sustainable tourism

## **Sites and Housing Plan**

**SP52** - South Parks Depot, Cheney Lane

**MP1** - Model Policy

### **Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Headington Hill Conservation Area. The development affects the setting of a Grade II Listed Building.

Planning Practice Guidance

### **Relevant Site History:**

16/01267/FUL - Change of use from council depot to artisan distillery (revised proposal omitting café and visitor centre). PER 20th October 2016.

16/01480/FUL - Erection of single storey barn to provide storage space.(Amended plans). PER 20th October 2016.

16/01267/CND - Details submitted in compliance with conditions 5 (Delivery and Service Management Plan) and 7 (Bin storage) of planning permission 16/01267/FUL. PDE .

16/01480/CND - Details submitted in compliance with condition 3 (Samples in Conservation Area) of planning permission 16/01480/FUL.. PER 22nd December 2016.

### **Representations Received:**

27no. objection comments received (18 St Anne's Road, Two Ways Summerfield, 163 Hollow Way, 99, 179, 189 x2 & 197 Morrell Avenue, 6 Princes Street, 18 & 128 Southfield Road x2, 5 Stone Street, 128 x2, 142 & 202 Divinity Road, 8 Minster Road x2, 62 Bartlemas Road, 3 Gipsy Lane, 1, 29, 38 & 42 Hill Top Road, 14 Northmoor Road, 69 Warwick Street)

- Proximity to mental hospital
- Inappropriate site for the sale and production of alcohol
- Covenant on site saying it should be used for housing
- Encroachment into the park
- Impact on peace and tranquillity of the park
- Additional buildings are a new business and not necessary
- Design and scale of the new building
- Kiosk would encourage sale of alcohol into the park
- Opening hours of kiosk should be restricted
- Route of the shuttle bus
- Cars on the site is unsightly
- Lack of parking
- Restrictive covenants in relation to sale of alcohol
- Lack of clarification on details of public toilets
- Red line is incorrect on the site location plan

- Pedestrian and cycle access to the site needs to be improved
- Noise, litter and antisocial behaviour
- Sets a precedent for further development of the park

5no. support comments received (11 & 187 Divinity Road, 30 Hill Top Road, 32 Minster Road, 90 Morrell Avenue).

- Will create excellent amenities for the users of South Park
- Will open up an area which is currently closed to the public
- Will enhance the views both to the listed barn and from the site to the city
- Creation of jobs
- Does not affect views of the city
- High quality design
- Supports a wide range of users of the park
- The proposal is not creating an inner city rowdy pub

1no. general support comment received (no address given)

- Support a daytime catering facility for the park
- Applicant is trying to fit too much on the site
- Concerns of location of the distillery (next to a school, smells and feasibility of the business)
- Lack of parking
- Noise from the café
- Lack of waste disposal
- Design of the building isn't to taste

### **Statutory and Non-Statutory Consultees:**

Divinity Road Area Residents' Association – Do not object in principle but have concerns with the scale of the building, hours of operation, traffic generation and use of the kiosk.

Granville Court Residents – Welcome a daytime catering facility for the park, concerns of the proximity of a distillery next to a school, concerns of waste disposal, noise and smell and concerns that the proposal is contrary to covenants.

Highways – parking is below standard but site is in a sustainable location, the car park spaces are below standard but this could be easily amended, a travel plan should be provided by condition, the cycle parking is above the level required, the shuttle bus is encouraged but further details are required by condition and the travel statement should be amended to include service and visitor hour exclusions by motor vehicles as well as delivery restrictions.

Friends of South Park – Generally support the principle of the proposal but have concerns with the scale of the development, the sale of alcohol, visitor transport plans and light pollution.

Oxford Preservation Trust – Support the proposal as it brings a use which connects the site back to the park. Confirm that covenants are being resolved in relation to sale and production of alcohol.

Oxford Civic Society – Welcomed employment but concerns of the balance between the distillery activity and the tourist attract/restaurant. Opening hours need to be carefully considered to protect amenities of neighbouring residents. Concerns about views are the character of this end of South Park, concerns about the sale of public land outside the depot boundary, parking should be restricted to 'blue badge holders'

only and the shuttle bus replicates existing public transport so should not be supported.

**Issues:**

Principle of the development  
Design  
Impact on the Conservation Area  
Impact on the Setting of Listed Buildings  
Amenity  
Arboriculture  
Biodiversity  
Contaminated Land  
Highways  
Drainage  
Energy and natural resources

**Officers Assessment:**

**Site and proposal**

1. Oxford City Council Depot, now The Oxford Artisan Distillery (TOAD) was a farm, then a working depot sat at the top of South Park to the east of Oxford City Centre. The site was granted planning permission for use a distillery in 2016 and the café and visitor centre was withdrawn from the application to give further time to allow for the consideration of the design and formation of the relationship with the park. This application relates to the erection of a visitor centre, restaurant/café, tasting rooms, kiosk and public toilets.

**Principle of the development:**

2. The principle of using the site as an artisan distillery has already been established (16/01267/FUL), and the proposal to introduce a new building to the site to provide a visitor centre, café/restaurant and public convenience facilities for the users of both the distillery and South Park is considered as both necessary for the viability of the new business use and thus maintaining a suitable use for the listed threshing barn, and beneficial to the users of South Park through providing additional facilities that do not otherwise exist in the locality.
3. The site was subject to legal covenants held by Oxford Preservation Trust (OPT) which restricted the sale and production of alcohol and also prevented the development of the site for housing. OPT feel that the use needs to be linked to the park. Whilst the covenants are not material planning considerations there have been a number of comments received in relation to them. OPT have confirmed that they are resolving the issue of the alcohol covenant with TOAD to ensure that a café and visitor centre can be brought forward with public toilets to link the distillery site to the

park. The proposal affects a small proportion of the park with buildings contained within the depot boundary. The works and seating area outside of the original boundary of the depot help ease of movement and the relationship between the depot and the park. This is not considered to reduce the tranquillity or enjoyment of a large park but improve surveillance and facilities available to users of the park.

## **Design**

### Design/Impact on the setting of Listed Buildings and the Conservation Area:

4. The proposed site strategy which comprises forming a distinct distillery compound with the existing listed barn, curtilage structures and new barn, and positioning and orientating the new building so that addresses the park as well as the distillery compound is considered an appropriate approach. The incorporation of an area of park land into the development enabling the addition of terraced seating areas and new pathways allows the development to address the park much more successfully.
5. Overall the site strategy and landscape plan for the site is considered appropriate with consideration having been given to the movements around the site, between buildings and the setting of the listed barn. The landscaping, if implemented and maintained appropriately, has the potential to enhance the setting of the listed barn and site. There is concern, however, regarding the proposed car parking area in between the distillery compound and the new visitor centre, in that it would detract from the setting of the buildings, and limit the potential to create pedestrian friendly spaces. However, it is recognised that the proposal does not meet the parking standards and the parking has already been reduced from previous schemes to improve the setting of the listed threshing barn.

### Building design

6. The proposed building is of a substantial footprint, size and massing in comparison to the original buildings on the site. Whilst it is accepted that it needs to be of a sufficient size to ensure the viability of the business, due to its siting, scale and massing the new building would, from several different vantage points, obscure views of the listed barn detracting from its setting and the positive contribution it makes to the character and appearance of the conservation area. The building would also introduce significant additional built form to South Park, with a substantial length of elevation facing towards the park, a large proportion of which would have the appearance of being two-storeys in height. On balance it is considered that the visual appearance of the building, its impact on the setting of the listed building and its impact on the Conservation Area would be acceptable.
7. Given the sites location at the top, north eastern corner of South Park, the proposed building would not interrupt the long view of the city centre across South Park, but rather, affect the viewing experience. Given that the new building would be sited within the existing site curtilage of the former farm

buildings, it would not encroach on any of the key viewing places in the park or the green foreground which is experienced in these views. It would however, create a new viewing place from which to experience the views, which is considered as a positive.

8. Notwithstanding the above comments, as a result of the pre-application discussions, the overall building design has significantly improved, now exhibiting a higher design quality. The use of a combination of flat and mono pitched roofs would result in an interesting contemporary addition to the site and in comparison to the initial proposals the overall scale and massing of the building has been reduced so that it sits more comfortably alongside the listed barn.

#### Assessment of harm

9. Taking into account the impact of the new building, in terms of its scale, massing and size, on the views and setting of the listed barn and conservation area, it is considered that the proposal would result in less than substantial harm to these heritage assets. The fact that the proposed scheme would enable a new and suitable use for the listed barn and the provision of public facilities for the users of South Park, are considered to be overriding public benefits associated with the proposal, which taken into consideration alongside with the overall design quality of the building and site plan, would outweigh the less than substantial harm identified above.
10. A number of conditions are considered necessary to ensure that the proposed building is of a suitably high quality for this sensitive heritage context. The full implementation of the landscaping scheme will also be key to ensuring the successful integration of the scheme into South Park and the surrounding area, and is also to be secured by condition.

#### **Amenity**

##### Mechanical ventilation

11. The proposal includes three locations where mechanical plant will be needed though no exact details of this have been submitted to date. The general night time background noise level in this location would be expected to be relatively low and there is a residential dwelling very close to the site. For these reasons noise from any mechanical plant will need to be carefully designed and controlled by condition.

##### Hours of Operation – machinery operation and deliveries

12. Given the close proximity of the site to a residential dwelling it is recommended that times of deliveries and collections to the site are restricted by condition in order to protect the amenity of this occupier. This timing of deliveries can be included in the travel plan which is also requested to ease congestion of the highway network.

### Hours of operation – kiosk

13. It is understood that the purpose of the kiosk is to provide refreshments for visitors to the park. This Council's noise control services receive several complaints each year from residents who overlook South Park and are disturbed by groups of individuals late at night. Any commercial activity likely to encourage groups to gather at night should be avoided. Kiosk opening hours and use are therefore recommended to be restricted by condition.

### Arboriculture:

14. The trees on the site are protected by the Headington Hill Conservation Area. The proposals require removal of 3 existing low quality trees (T13, T14 and T15) and a boundary hedge (G12), and several trees will need to be pruned as identified in the submitted Arboricultural Impact Assessment. This will not have a significant adverse effect on amenity in the area and will not harm either the appearance or character of the Headington Hill Conservation Area.

15. A new building is proposed within the Root Protection Areas (RPAs) of 2 oak trees, T10 and T11. The submitted Arboricultural Impact Assessment includes details of a base and method statement for its construction which will minimise root damage and should ensure that the viability of these trees is not adversely effected.

16. 2 young trees (T20 and T31) outside of the application of the site within the park are to be lifted and planted elsewhere; this will require the agreement of the council's Parks Services if planning permission is granted.

17. It is essential that new underground drainage and utility services are located to avoid damage to retained trees. Also, new hard surfaces within the RPAs of retained trees must be appropriately designed to avoid damage to roots by excavation and ensure water and air permeability. Retained trees will need to be robustly protected during the construction phase. Further details of these matters can be secured by condition.

18. Officers recommend that the proposal is therefore considered to comply with policies NE15 and NE16 of the Oxford Local Plan.

### **Biodiversity**

19. The submitted *Ecological Assessment* by GS Ecology (August 2016) has been reviewed. In accordance with Core Policy CS12: Biodiversity of the Core Strategy for Oxford City: "*Opportunities will be taken (including through planning conditions or obligations) to: ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.*"



20. In addition to local policy, the NPPF sets out that “*The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible*” and “*opportunities to incorporate biodiversity in and around developments should be encouraged.*”
21. The application requires the removal of a large section of hedge. This hedge is not high quality and does not significantly contribute to the wildlife corridor. The proposal does however propose the planting of new hedge adjacent to the residential dwelling and biodiversity enhancements bird nesting boxes and pollinator boxes are requested by condition in the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

### **Contaminated Land**

22. The proposal involves the creation of public recreation space on a former farm and depot. In order to ascertain if there is the potential for contamination to exist on site, it is recommended that a desk study and site walkover are undertaken to ensure the site is suitable for use. These are recommended to be required by condition to ensure compliance with policy CP22 of the Local Plan.

### **Access and Parking**

#### Parking

23. It is proposed that will be a total 9 off-street car parking spaces and a space to park the shuttle bus. Of the 9 car parking spaces, 8 will be located adjacent to the distillery. Of these 8 spaces, 2 will be allocated for blue badge holders. While this is below the maximum level recommended for the various uses proposed at the site (set out in the adopted Parking Standards), this level is nevertheless considered appropriate. The site is in a location that is highly accessible in terms of pedestrian, cycle and public transport modes.
24. The County Council welcomes low car developments in accessible locations, and given the nature of the proposed development this is considered particularly important. The dimensions of the car parking spaces, as shown in the plans, do not meet recommended dimensions as outlined in County Council's Design Guide for New Residential Developments. It is recommended that a car parking space obstructed on one side is to have dimensions of 2.7m x 2.5m, a disabled parking space 5.5m x 2.9m, and other car parking spaces to be 2.5m x 5m. However, it would appear from the plans submitted that these required dimensions could be accommodated on the site.
25. The streets surrounding the site are all situated within Controlled Parking Zones; however both Cheney Lane and a section of Warneford Lane do not currently have parking restrictions. With this in mind, officers are encouraged that the development will seek to promote the use of sustainable transport methods of travel to the site through the implementation of a Travel Plan

Statement, which would help to reduce the level of parking demand associated with the development and the likelihood for overspill parking to occur as well as the development's potential traffic impacts.

26. It is noted that 20 cycle parking spaces are proposed for the development. This is above the minimum recommended level set out in the Adopted Parking Standards. The County Council welcomes this provision which is in line with aspirations to encourage sustainable transport. The provision of cycle parking should be provided in a secure and preferably covered location. Further details are recommended to be required by condition.

#### Construction

27. Given the site's location near to key routes into and out of the city and well used bus routes, a Construction Traffic Management Plan must be implemented in order to ensure that construction traffic does not adversely the operation and safety of the highway. This is included in the list of recommended conditions.

#### The Shuttle Service

28. The service will be run to coincide with the start and end times of the distillery tours. The Transport Statement proposes that this shuttle bus will be bookable and will pick up from hotels within the city centre as well as from the Oxford Botanical Garden. It is proposed the shuttle bus will dropoff/pick-up visitors at the entrance courtyard, adjacent to the tasting room, where a gathering space will be provided. The County Council welcomes this provision which could further reduce private vehicle trips to the site. However, further details of specifically where the shuttle bus is expected to pick up and drop off at the Botanical Gardens is required. Parking along the High Street and Rose Lane is not permitted and collections and drop offs outside of the Botanical Gardens on the High Street would be prohibited as this would impede the operation of a key route in the city centre. If it is proposed that the shuttle bus will pick up from inside the Oxford Botanical Gardens site then evidence of an agreement for this provision would be required.

#### Transport Statement

29. The Transport Statement submitted provides the estimated number of two-way vehicle movements in year 1 to be on average 17 per day and rising to 24 per day in year 3. It is unclear at what hours these vehicle movements will occur. The TS does state that for delivery vehicles though, there will be delivery times will be restricted so that they do not interfere with the drop off and pick up times of Cheney Secondary school. These are Monday to Friday, 08:00-08:35 and 14:50-15:30. The TS also states that there is to be an estimated 23 visitors per day in year 1, rising to 154 per day by year 3. In addition, the number of employees for both the Distillery and Restaurant/Café is estimated to be 28 in year 1 rising to 35 in year 3. It is anticipated that a Travel Plan will be submitted, but given the scale of the development; a Travel Plan Statement would be sufficient and must be submitted to the Local

Planning Authority. This would promote the use of sustainable transport to the site and minimise the development's potential traffic impacts. In order to ensure the restriction on delivery times set out in the Transport Statement and ensure that tours are scheduled so as not to coincide with peak school hours, the Travel Plan Statement must include a Delivery, Service and Visitor Management Plan. This should be secured under a planning condition.

#### Access and Swept Path Analysis

30. The existing vehicular access from Cheney Lane will be utilised for the proposed development and no alterations to this access point are proposed. This access point is considered suitable in terms of safety and visibility. A swept path analysis has been provided showing that a refuse vehicle and safely enter and exit the site in a forward gear. However, from the plans it appears that the vehicle body could at certain points overlap into the proposed gardens. The site is already conditioned so that the swept path analysis of the site shall be kept clear under the change of use application.
31. There is no objection from County Council Highways subject to the conditions as outlined above.

#### **Drainage**

32. The proposal is for the construction of a cafes/restaurant, bar facility and associated car park area. The proposal will create a significant amount of hardstand area.  
Submitted Assessment Information
  - Plan titled The Oxford Artisan Distillery – Proposed Surface Water Drainage prepared by Peter Brett Associates, Drawing No 37151-2001-003, dated 05/04/2017.
  - Ground Investigation report prepared by Ground Investigation Service (Southern) Ltd, ref S.4859, dated 26/09/2016.

#### Flooding

33. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. Furthermore the Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding.

#### Drainage and SuDs

34. Both a ground investigation and a drainage layout (with calculations) have been provided. The proposal includes a viable design which will ensure that the proposal will significantly reduce rainfall runoff post development. Conditions are recommended that the development is carried out in accordance with the submitted details.

#### **Energy and natural resources:**

35. Under policy CS9 of the Core Strategy developments should seek to minimise their carbon emissions, particularly on qualifying sites. This site is not a qualifying site as it does not involve 2000m<sup>2</sup> or more of floorspace, however the application has been accompanied by an energy strategy which has been carried out in order to identify the best methods to reduce carbon emissions from the site. As a result of this PV panels and air source heat pumps have been included into the scheme. As a long term goal for the site it is proposed that heat will be recovered from the distilling process and used to heat the café and visitor centre.

**Conclusion:**

36. For the reasons outlined in the report above, Officers recommend that the application is approved subject to conditions.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

**Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant approval, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

17/00913/FUL

**Contact Officer:** Sarah Orchard

**Date:** 1<sup>st</sup> June 2017

## Appendix X

Extract from the minutes of the West Area Planning Committee meeting held on 13 June 2017

### **5. 17/00913/FUL: Oxford City Council Depot, South Park, Cheney Lane, Oxford**

The Committee considered a report detailing an application (17/00913/FUL) for planning permission for the erection of a Visitor Centre comprising cafe/restaurant, tasting room and bar for distillery and public conveniences (Use Class A3).

The Planning Officer presented the report. She made the following verbal updates:

- The Friends of South Park had re-affirmed their objection to the overall scheme but welcomed the provision of public toilets
- The regarding parking space dimensions in paragraph 24 of the report: 2.7m x 2.5m should read 2.7m x 5m
- The hours of the pub garden would be restricted until 10:30pm under condition 25 and it would not be reasonable to restrict the hatch serving the park as set out in the committee report. The sale of alcohol from the kiosk can be controlled through licensing.

Local residents Ann Edmunds and Laura Hollitzer spoke against the application.

In discussion the Committee noted the following points:

- Hours of operation – the opening hours for the Visitor Centre, including the kiosk, would be managed under Condition 24. It was anticipated that the Visitor Centre would be open from 9.30am to 11pm but the kiosk and garden would close at 10.30pm. The actual licensing hours for the restaurant and kiosk would be determined by the separate premises licence application.
- Use of public conveniences – the Visitor Centre had been designed to allow direct access to the public conveniences from the park during opening hours.
- Shuttle Bus – the shuttle bus service was regarded as a welcome initiative but was not a Highways Authority requirement; the details of the service (pick up / drop off locations and route) had not been finalised but would be managed through the Travel Plan (Condition 6)
- Landscaping – it was essential that the Landscaping Plan (Condition 11) should include a requirement for on-going maintenance of the planting
- Noise and anti-social behaviour – the concerns of local residents about a potential increase in anti-social behaviour were acknowledged however they are not anticipated and could be addressed under the licensing and environmental health regulations.
- Glazing and light pollution – although the glazed façade of the Visitor Centre might have an impact this should be considered in the context of the site location at the north eastern boundary of South Park and existing lighting on Cheney Lane and Warneford Lane.
- Land ownership and potential encroachment – the Committee acknowledged the concerns of the public speakers about the potential further encroachment of the distillery activities into the park; and noted the planning officers' advice events and music are controlled through licensing.

## Appendix X

Extract from the minutes of the West Area Planning Committee meeting held on 13 June 2017

In reaching their decision, the Committee considered the officer's report, presentation and the views and information provided by the public speakers. The Committee gave careful consideration to the application in regard to Local Plan Policy SR5 – Protection of Public Open Space. On balance they concurred with the planning officer's assessment that:

*The works and seating area outside of the original boundary of the depot help ease of movement and the relationship between the depot and the park. This is not considered to reduce the tranquillity or enjoyment of a large park but improve surveillance and facilities available to users of the park.*

On being put to the vote a majority of the Committee agreed with the officer recommendation.

### Decision

The Committee resolved to **approve** application (17/00913/FUL) for the reasons set out in the report and subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples in Conservation Area - Headington Hill.
4. Contaminated Land 1.
5. Contaminated Land 2.
6. Travel Plan.
7. Construction Traffic Management Plan.
8. Cycle Parking.
9. Drainage Compliance 1.
10. Drainage Compliance 2.
11. Landscape plan required.
12. Landscape carry out by completion.
13. Landscape hard surface design – tree roots.
14. Landscape underground services – tree roots.
15. Tree Protection Plan (TPP) 2.
16. Arboricultural Method Statement (AMS) 2.
17. Biodiversity enhancements.
18. Roof detailing.
19. Railing and gate detail.
20. Furniture details.

## Appendix X

Extract from the minutes of the West Area Planning Committee meeting held on 13 June 2017

21. Lighting details.
22. Noise – mechanical plant.
23. Machinery – restricted hours.
24. Hours of use.

Councillor Pegg left the meeting at the end of this item.

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## **Minutes of a meeting of the PLANNING REVIEW COMMITTEE on Wednesday 15 March 2017**

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### **Committee members:**

Councillor Fry (Chair)	Councillor Munkonge (Vice-Chair)
Councillor Anwar	Councillor Brandt
Councillor Goddard	Councillor Kennedy
Councillor Malik	Councillor Sinclair
Councillor Turner	

### **Officers:**

Philip Devonald, Planning Legal Locum  
Patsy Dell, Head of Planning & Regulatory Services  
Adrian Arnold, Development Management Service Manager  
Fiona Bartholomew, Principal Planner  
David Stevens, Principal Environmental Health Officer  
Catherine Phythian, Committee Services Officer

### **23. Apologies for Absence**

There were no apologies for absence.

### **24. Declarations of Interest**

There were no declarations of interest.

### **25. East West Rail Phase 1 - 2 applications**

The Committee considered two applications for the Noise Scheme of Assessments: 16/02507/CND for route section H and 16/02509/CND for route section I-1.

The two applications have been called-in to the Planning Review Committee on the grounds that the West Area Planning Committee decision of 21 February 2017 had retained conditions relating to rail damping and restrictions on train services against

officer advice, which argued that approval with those conditions or refusal of the applications was not defensible at appeal.

The Planning Officer presented the report, setting out the background to the applications and the nature of the professional advice from officers. The Planning Officer explained that Network Rail (NR) had resubmitted the approved Noise Scheme of Assessments with additional information so that the issues around the conditions imposed on previous approvals of those schemes concerning rail damping and restricting rail services could be reconsidered. This was regarded as best practice being an attempt to eliminate or minimise outstanding differences between the applicant and the planning authority.

The Planning Officer explained that, in essence, the two decisions before the Committee were to determine:

1. Whether rail damping is reasonably practicable in the current circumstances where noise barriers and noise insulation are already installed
2. Whether it is reasonable to retain a planning condition which restricts the pattern of rail services

The Planning Officer then referred the Committee to the advice from Queen's Counsel:

- The Noise and Vibration Monitoring Policy (NVMP) does not require 'at source' mitigation if the other measures already provided will achieve the objectives of the NVMP (para 77)
- The NVMP does not require any assessments to address any future increases in train services and that these potential changes do not need to be modelled (paragraph 84 of his Advice).
- Network Rail can increase services without being in breach of condition 19 of the deemed planning permission, and do not need to seek further consent (paragraph 85 of his Advice).

In conclusion the Planning Officer explained that the officer assessment was that:

- the existing barriers and insulation meet the requirements of the NVMP (in both route sections H and I-1) apart from at one Noise Sensitive Receptor (NSR) in section H where the residual (post barrier) noise impact is 3dB. Given that at that one NSR the benefit of rail damping would be a 'just-noticeable' noise reduction, the likely costs of providing rail damping make it not reasonably practicable.
- there is no legal basis for the imposition of the condition to restrict train numbers.

The Environmental Health Officer gave a detailed presentation explaining the technical issues relating to the two applications.

The following local residents spoke against the two applications: Caroline Robertson, Greg Kaser, Mike Gotch, Paul Buckley, Jeremy Thorowgood, Adrian Olsen and Keith Dancey.

Representatives from Network Rail, Paul Panini and Ian Gilder, spoke in support of the two applications.

The Committee asked questions of the officers and Network Rail representatives about the details of the two applications.

The Committee discussion noted, but was not limited to, the following points:

- that possible future changes to services as a result of the introduction of HS2 services was not a relevant consideration in determining these applications
- that the use of rail damping in Europe was of interest but not directly relevant due to the number of differences in rail infrastructure and rolling stock between Europe and the UK
- that the cost of rail damping in section H would be about £1.5M
- confirmation that the barriers would be subject to annual checks and monitoring and on-going maintenance – in perpetuity by Network Rail
- confirmation that monitoring would be undertaken at 6 and 18 months after the commencement of services for EWR Phase 1 and again at 6 and 18 months after the commencement of services for EWR Phase 2
- the definition of Best Practicable Means as stated in Section 72 of the Control of Pollution Act 1974
- that the methodology used throughout the planning process for noise measurement was accepted as the international standard
- reservations about the adequacy of the Government's preferred cost benefit ratio software
- that although the risk of an appeal being lodged was not a material planning consideration the monitoring officer report had outlined some of the consequences for the Council if an appeal is lodged
- that officers were satisfied that there was no conflict of interest for Ove Arup in advising the Council
- that neither the SoS deemed permission nor the NVMP states what the noise environment will be or should be
- the performance of the mitigation measures is not judged against a pre-determined noise environment - NR is only obliged to repair/amend its mitigation measures if they do not perform as expected in terms of reducing noise by stated amounts in the modelling

In reaching its decisions, the Committee considered all the information put before it.

The Committee expressed its sympathy with the local residents and registered its frustration with the decision making process which had placed the City Council in an invidious position with regard to these applications.

## Decisions

As part of his summing up the Chair referred the Committee to the legal advice from the Monitoring Officer which stated clearly the constraints on the powers of the Council to go beyond Condition 19 of the deemed planning permission. Finally he explained that, if the Committee was minded to vote against the officer recommendation, they would need to appoint a Councillor from the Planning Review Committee to represent the Council at any subsequent appeal.

On being put to a separate vote for each application a majority of the Committee agreed with the officer recommendation in both instances.

### **26. East West Rail Phase 1 - 16/02507/CND for route section H**

The Committee resolved to **approve** application 16/02507/CND application and condition 19 be partially approved in relation to the Noise Scheme of Assessment for route section H for the reasons set out below and following condition:

#### **Reasons:**

1. The submitted Noise Scheme of Assessment is considered to be robust and has demonstrated that the required standards of noise mitigation set out in the Noise and Vibration Mitigation Policy (January 2011) will be achieved subject to the installation of the specified mitigation measures.
2. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity and advice from Queens Counsel and external technical advisors. Any harm that the development would otherwise give rise to can be offset by the conditions imposed.

#### **Condition:**

1. Development in accordance with submitted details

#### **Informative (site specific):**

1. That Network Rail should liaise with Mr Keith Dancey (resident of Quadrangle House here) to explore possible mitigation measures to address the noise levels at his property (specifically his front door and bedroom window).

### **27. East West Rail Phase 1 - 16/02509/CND for route section I-1**

The Committee resolved to **approve** application 16/02509/CND application and condition 19 be partially approved in relation to the Noise Scheme of Assessment for route section I-1 for the reasons set out below and following condition:

#### **Reasons:**

1. The submitted Noise Scheme of Assessment is considered to be robust and has demonstrated that the required standards of noise mitigation set out in the Noise and Vibration Mitigation Policy (January 2011) will be achieved subject to the

installation of the specified mitigation measures.

2. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity and advice from Queens Counsel and external technical advisors. Any harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Condition:**

1. Development in accordance with submitted details

## **28. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 February 2017 as a true and accurate record.

## **29. Date of Future Meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.45 pm**

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