

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.

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
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

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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