

**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
- 13 Landscape carry out by completion
- 14 Landscape hard surface design – tree roots
- 15 Landscape underground services – tree roots
- 16 Tree Protection Plan (TPP) 2

- 17 Arboricultural Method Statement (AMS) 2
- 18 Biodiversity enhancements
- 19 Roof detailing
- 20 Railing and gate detail
- 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