

West Area Planning Committee

8th September 2015

Application Number: 14/02256/CND

Decision Due by: 17th September 2015

Proposal: Details submitted in compliance with conditions 10 (archaeology), 13 (refuse and cycle storage), and 22 (Queen Street elevation) of planning permission 14/02256/FUL.

Site Address: Site Of 4 To 5 Queen Street And 114 - 119 St Aldate's Oxford (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr David Skelton

Applicant: Reef Estates

Recommendation:

The West Area Planning Committee is recommended the following

1. approve the details submitted in compliance with conditions 13 and 22 of planning permission 14/02256/FUL
2. approve the outline methodology for archaeological works submitted in compliance with condition 10 of planning permission 14/02256/FUL and delegate to officers the approval of the remaining details to be submitted as part of this condition.

Background to Case

1. The conditions relate to planning permission (14/02256/FUL) for the demolition of 4-5 Queen Street and rear of 114-119 St Aldates, renovation and alteration of 114-119 St. Aldates with roof extension, plus erection of new building to Queen St on 5 levels plus basement. The change of use from offices and retail to form 2 Class A1 retail units plus further unit for either Class A1 (retail), Class A2 (offices) or Class A3 (restaurant) at basement and ground floor levels. Provision of 133 student study rooms at upper levels, plus ancillary facilities at basement level and cycle parking for 110 cycles at ground floor level.
2. On the 12th November 2014, the West Area Planning Committee resolved to support the development in principle but defer the application in order to draw up a legal agreement to secure financial contributions towards affordable housing

provision. A copy of the original committee report is attached in **appendix 2** of this report

3. In doing so, the West Area Planning Committee requested that the details submitted in relation to conditions 10 (archaeological investigation), 13 (refuse and cycle storage), and 22 (revised Queen Street elevation) be brought to committee for consideration and determination.
4. This report will consider the details that have been submitted in relation to this condition.

Officers Assessment

Condition 10 (Archaeological Investigation)

5. The condition reads as follows

Post-demolition no development shall proceed until the developer has:

1. *Carried out an archaeological evaluation of the site in accordance with a written scheme of investigation approved in writing by the local planning authority and;*
2. *Secured the implementation of a scheme of mitigation of any significant archaeological impact, which may be achieved by redesign, or by archaeological recording action in accordance with a supplementary written scheme of investigation, to be approved in writing by the Local Planning Authority.*

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post medieval remains (Local Plan Policy HE.2)

6. The applicant has submitted an Outline Methodology for the Archaeological Works that will form part of Archaeological Written Scheme of Investigation for the development. A copy is attached to **appendix 3** of this report
7. As stated within the original committee report (**appendix 2**) this site is centrally located within the historic core of the city, central to the Late Saxon burh, fronting onto the medieval market which encompassed Queen Street (Great Bailey) and St Aldates (Fish Street) and located partly within the 13th century Jewish 'Quarter' in the vicinity of suggested high status Jewish dwellings of likely stone construction. The site has previously produced evidence for significant Late Saxon and medieval remains including in-situ Late Saxon street surfaces and medieval floor levels. The site as a whole has the potential to preserve a wide range of features, ecofacts and artefacts that may be of national significance in terms of the study of the development of early towns.

8. In June the archaeological consultant from CgMs and City Council Archaeologist met with representatives of the Oxford Jewish Heritage Committee to explain how the archaeological investigation and mitigation on site will be dealt with and to make links so that further involvement could be co-ordinated as the project progresses.
9. In July 2015 Oxford Archaeology undertook an archaeological evaluation as part of preliminary groundwork investigations. Three test pits were undertaken within the basement of the existing buildings to investigate levels of archaeological preservation at the site. The evaluation revealed the remains of late Saxon/early medieval horizons located just underneath the current basement levels. Evidence for 13th-14th century domestic waste pits, walls and a compacted gravel surface was recovered. Finds included late Saxon and medieval pottery, animal bone, tile, semi-waterlogged organic remains including food waste, 'cessy' material, mineralised insect remains and a leather shoe. Furthermore a fragment potentially from a medieval crucible may indicate that small-scale processing of bronze or precious metals may have occurred on the site.
10. The applicant is currently revising their foundation design in order to minimise the impact on archaeological remains. Where meaningful preservation-in-situ cannot be achieved there is an expectation that archaeological remains will be appropriately recorded. The development will have a variable impact across the site. The St Aldate's frontage basement levels are to be retained. The basement levels of 4 & 5 Queen Street are to be retained, however there may be pile cap impacts within these basements that require further mitigation. The recommended approach is to seek to design out the pile cap impact if feasible. The remaining basement area to the rear of the Queen Street and St Aldate's frontages is to be reduced by a relatively small amount. At present the proposed impact is around 100mm. The applicant is seeking to further reduce this impact or potentially concentrate the impact so that, from an archaeological perspective, meaningful recording of impacted features can be secured. There is also a small area in between existing basements where ground reduction will be more substantial which will require appropriate archaeological recording.
11. A satisfactory specification for recording at this site has been submitted by CgMs Ltd following discussions with the City Council Archaeologist. The applicants are therefore currently in compliance with the archaeological condition and are now required to submit a revised foundation design and Archaeological Written Scheme of Investigation covering the detail of the archaeological work (specialist provision, sampling strategy, public outreach arrangements, monitoring arrangements, archiving and publication arrangements etc.). These documents will need to be approved in writing by the Local Planning Authority.
12. The committee initially requested approval of condition 10 because they wanted to ensure that any archaeological investigation investigated any opportunities for further archaeological study by the Oxford Jewish Heritage Committee. To this end the archaeological consultant and Oxford City Council Archaeologist have met with the Oxford Jewish Heritage Committee to establish a line of communication for the further works. There is a concern however, that the finalisation of the Archaeological Written Scheme of Investigation will require

further information to be submitted and therefore the requirement to report this to the planning committee for approval may have an impact upon project timescales. As such officers would request that the committee approve the Outline Methodology for Archaeological Works and delegate to officers the approval of the remaining details required by the condition.

Condition 13 (Refuse and Cycle Storage)

13. The condition reads as follows

Apart from demolition and site clearance no work shall commence until details of the refuse and cycle storage for the development have been submitted to and approved in writing by the Local Planning Authority. The refuse and cycle storage shall be provided in accordance with these approved details prior to the development being first occupied, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, and in accordance with Policies CP1, and CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan 2011-2026

14. The committee were concerned that the layout of the refuse and cycle storage would not enable practical clear access for the refuse stores to the rear and therefore wanted to have further details submitted to demonstrate how this area would operate.
15. The Cycle and Bin Store Floor Plan (drawing no. A (90) 04 Rev B) provides further details on the refuse storage. The store would be located to the rear of the site with level entrance from Queen Street. The route to the store would be constructed from a robust material with small kerbs denoting the areas around the cycle storage system. There will be a secure access control fitted to the doors in the building and storage areas. The refuse collections to be undertaken by a specialist waste collection company who will have access to the building.
16. The submitted plans show that a clear waste collection route will be provided from Queen Street to the refuse storage areas. This would enable sufficient space for the bins to be moved from the storage area through the cycle store without any conflict occurring. The cycle storage system allows for a clear managed system to be put in place to maintain this clear route.
17. As such officers would recommend that members approve the details contained on drawing no. A (90) 04 Rev B under the terms of the condition.

Condition 22 (revised Queen Street elevation)

18. The condition reads as follows

This permission shall specifically exclude the details of the design, and external appearance of the elevational treatment for the facade of 4-5 Queen Street as set out on the plans approved under this permission. No work shall commence until

amended elevational details for this Queen Street frontage have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in the interests of preserving the character and appearance of the conservation area, and in accordance with Policies CP1, CP8, and HE7 of the adopted Oxford Local Plan 2001-2016

19. At the meeting, the committee took the view that the proposed elevation for the Queen Street frontage did not successfully provide a sensitive treatment for this location. A condition was therefore imposed to consider alternative proposals for the Queen Street frontage of the development.
20. The original proposal for the Queen Street frontage was developed following extensive pre-application discussions with the Local Planning Authority and English Heritage. At the beginning of these discussions officers had recognised that the building would need to negotiate the transition between the city scale buildings surrounding Carfax to the narrow plot widths in Queen Street. The applicant subsequently prepared a number of options for the new development that sought to provide a memory of the narrow medieval plots in Queen Street. These options were presented to the Oxford Design Review Panel [ODRP] who took the view that the design of the Queen Street frontage was being conceived more as a façade than an integral part of a complete concept. The panel concluded that the tenement boundaries of Queen Street had already been eroded and having reviewed some of the historic evidence within the submitted character assessment, suggested that the phases of change that had occurred within this part of Queen Street suggested that the scheme should look to take cues from the civic scale of Carfax.
21. It was clear from the ODRP's comments that the need to meet modern retailing needs, preserve the historic narrow tenement boundaries and deliver a well-designed building presented a challenge to the applicant. Moreover their comments that the scheme would benefit from a single design concept, which responds to the civic scale of the Carfax junction were considered valid given that site would be seen in that context when viewed from other streets such as High Street and Cornmarket. As a result the pre-application discussions, which followed on from the design review panel meeting, focussed on a single plot concept for the Queen Street elevation which was eventually submitted.
22. The applicant has subsequently submitted an alternative treatment for the Queen Street elevation which retains the single concept approach of the original proposal but includes the following amendments.
 - The deepening of the window reveals facing Queen Street
 - The reduced width of the windows on the return elevation facing Carfax
 - The reduced width of the window in the attic floor facing Carfax
 - The reduction in the roof pitch of the attic floor
 - The bronzed windows better articulated and colour lightened

23. The applicant has provided enhanced CGI images to better reflect the appearance of the building, highlighting how the deeper window reveals, bronze windows, and clipsham stone will help this building appear as a bookend to the street and gateway to the civic scale of Carfax and High Street to the east as recommended by the ODRP.
24. A number of alternative proposals were considered both prior to the submission of the original application and also following the committee meeting. These treatments explored the use of different materials, window patterns and roof profiles in order to try to meet the need to provide a single modern retail unit on the ground floor of the building and respect the narrower tenement boundaries in Queen Street. These variations included retaining a stone base to the building with string courses and window dressings. The upper floors of the building then used either a singular brick across the upper floors or a combination of bricks to denote a narrower plot. The variations also used a combination of regular or irregular window patterns to help distinguish the narrower plot.
25. Officers consider that these alternative options provided significant weight to the ODRP's comments that the building did not successfully negotiate the transition between the narrow plot widths in Queen Street and the city scale buildings surrounding Carfax. The proposed loss of the tenement boundaries exhibited in the existing buildings at 4-5 Queen Street would result in less than substantial harm to the historic interest of Queen Street and the significance of the Central Conservation Area. A significant proportion of medium and high quality examples of these tenement plots would remain throughout Queen Street and the other streets within the Central Conservation Area and the loss of above ground evidence (in the form of the buildings) would be mitigated by the preservation of the below ground references to these medieval burgrave plots through the revised basement design which officers negotiated. Queen Street has undergone progressive change throughout the C19th/20th and the revised proposal would represent part of this change. The harm that would result from the proposed development would be mitigated by the preservation of below ground evidence and justified by the public benefits that would be achieved through a well-designed replacement building (of better quality to the existing buildings) that would sit comfortably within the local context and make full use of the site with mixed commercial and residential accommodation.
26. In that respect the revised Queen Street Frontage would accord with the aims of the National Planning Policy Framework, Oxford Local Plan Policy HE2 and HE7, Oxford Core Strategy Policy CS18, and West End Area Action Plan Policy WE10 and WE11. Officers would therefore recommend that members approve the details under the terms of the condition.

Conclusion:

27. The details submitted in relation to conditions 10 (archaeology), 13 (refuse and cycle storage), and 22 (Queen Street elevation) of planning permission 14/02256/FUL are considered to be in accordance with the aims of the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, Sites and Housing Plan 2011-2016, and

West End Area Action Plan. Therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the details under the terms of the condition and to delegate officers the ability to approve the further details required as part of condition 10 (archaeology)

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to approved the 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 approve the conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

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Date: 5th August 2015

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