application number: 07/01253/ful & 07/01252/cac

decision due by: 3rd september 2007

proposal: 07/01253/ful: retention of frontage to no. 61 st. aldate's. construction of 53 student study rooms on 4 and 5 floors with coffee shop on ground floor, together with cycle parking and ancillary facilities (amended description and plans).

07/01252/cac: conservation area consent for demolition of garage to rear of site and rear extensions to no 61 st aldates.

site address: 61 st aldate's, appendix 1.

ward: carfax ward

agent: oxford architects applicant: knowles + son/brabazon property investments ltd

recommendation
committee is recommended to support the proposals in principle, but defer the applications in order to complete an accompanying legal agreement and on completion of the agreement to delegate to officers the issuing of the notices of conservation area consent and planning permission subject to conditions:

reasons for approval
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
07/01253/ful:
1. development begun within time limit
2. develop in accordance with approved plans
3. samples
4. finished building heights.
5. landscape plan required
6. landscape carry out by completion
7. landscape specified retention
8. landscape management plan & tree protection measures
9. Cycle parking provision before use
10. Cycle parking details required
11. Construction no mud on highway
12. Foul and surface water drainage system
13. Surface water drainage criteria
14. Removal of permitted development rights
15. Students not to bring cars into the site.
16. Institutions provided for students
17. Address of Student Institution
18. Student Accommodation: restriction on use.
19. Land and Water Contamination
20. Construction hours / construction management plan.

07/01252/CAC
1. Development begun within time limit
2. Develop in accordance with approved plans
3. Details controlling the repair and external redecoration of the retained building.
4. Existing buildings to be recorded prior to being demolished.

Legal Agreement
Financial contribution towards Oxford West End of £50,000 plus City wide contributions of £7,452 towards cycle safety measures in the area and £3,402 towards Libraries.

Main Local Plan Policies

Oxford Local Plan 2001-2016
CP1 - Development Proposals
CP2 - Planning Obligations
CP3 - Limiting the Need to Travel
CP5 - Mixed-Use Developments
CP6 - Efficient Use of Land & Density
CP7 - Urban Design
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP12 - Designing out Crime
CP13 - Accessibility
CP14 - Public Art
CP15 - Energy Efficiency
CP16 - Renewable Energy
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE8 - Development on Low Lying Land
NE9 - Flood Risk Assessment
NE10 - Sustainable Drainage
NE14 - Water and Sewerage Infrastructure
Other Material Considerations
- Site located within the Central Area Conservation Area.

Relevant Site History
- 04/02377/CAC: Demolition of existing restaurant and garage to rear (previously numbered 62 St Aldates). Refused

- 04/02376/FUL: Erection of 1684 sq. m. of office accommodation on 4 floors. Provision of car parking (9 car spaces) and cycle store accessed from Luther Street. (previously numbered 62 St Aldates) Refused

- 05/01893/CAC: Demolition of existing restaurant and garage at rear. Withdrawn

- 05/01894/FUL: Erection of 1773 m² of Class B1 office accommodation on 4 floors. Provision of 6 car parking spaces and cycle parking accessed from Luther Street. Withdrawn

Representations Received
The occupiers of 60 St Aldates, (INASP): State that they occupy the first floor of the building next door to no 61 and consider that the proposed plans have the potential to affect them significantly. Their concerns are: a) reduction in natural light, b) increase in noise levels during building work and reconstruction, and then once the building is occupied, the potential for load music and social gatherings. The proposed development has the potential to make their meeting rooms which look onto no 61, permanently unusable.

Her Majestys Court Service (HMCS) (represented by King Sturge): Express concern in respect of privacy and human rights issues due to the proximity of the proposed development and noise issues during construction. At the time of commenting the Courts Service were proposing an extension to existing second floor to provide judicial meeting and dining room, servery, and Disability Discrimination Act compliant lift and hoist for use of judiciary and jurors. HMCS are concerned that the works and
operations of the court will be prejudiced due to the proposed development which will overlook the site. Concern is also raised regarding potential increase in generation of traffic and parking and problems that may impact upon visitors of the Court.

Oxford Civic Society - raise concern that no college is mentioned as a user of the building. The building should be taken on as the full responsibility of a particular college. One or two of the flats should be occupied by wardens appointed by the University.

Statutory and Internal Consultees
Thames Water Utilities Limited: Raise no objections in respect of sewerage infrastructure and recommend that an informative be attached on any consent regarding water pressure.

Oxfordshire County Council Highways: Raise no objections to the proposal, subject to the existing access point on St Aldate’s being closed up and kerbs returned to original position. The closure of this access and the parking areas are welcomed in this central area. Cycle parking shown is satisfactory and a contribution is required towards cycle safety measures in the area of £7,452, which is subject to a s106 agreement/unilateral undertaking. They advise that in order to prevent unauthorised vehicles parking at the access bollards should be utilised at this location.

Environment Agency Thames Region: Do not raise any objections subject to conditions requiring: no raising of ground levels; walls to be designed to be permeable to flood water; details of soakaways and the requirement for a contamination survey to be undertaken prior to commencement of development.

Thames Valley Police: Do not raise any objections to the proposal.

Environmental Health: Recommend that a condition be imposed to protect nearby residents from the adverse effects of cooking odours.

Officers Assessment

Site Location and Description
1. The frontage of the application site was last occupied by a restaurant known as the House of Spice which itself replaced a public house which traded from here for many years. The restaurant closed about 2 years ago and the building has remained unoccupied ever since. It is situated on the west side of St Aldates between the County Courts to the north and Saxon Beck, a modern office block to the south. Beyond the offices to the south is the former South Oxford Middle School which has been converted into flats in recent times.

2. The site itself consists of a deep but narrow plot. The frontage building is a simple three storey brick built structure dating from the 19th Century. To its rear is a large industrial shed which was formerly a commercial garage, but has been used for private commuter car parking for many years. South of this building and to the rear of Saxon Beck, lies an area of landscaped car parking used by the residential development on the former Middle School site. Access to the site for both pedestrians and vehicles is from St Aldates.
Proposed Development

3. The applications propose the retention of the majority of the frontage building with the strengthening/replacement of existing floors and the construction of a new four/five storey student accommodation building containing 53 rooms and ancillary facilities to the rear, linked to the frontage building. It is also proposed that a coffee shop is included on the ground floor of the retained building in order to create an active street frontage at this point.

4. The frontage building will be restored with the sympathetic removal of the paint from the brickwork and restoration of damaged detailing and windows. The new four storey link building would connect the older building with the new five storey element. The new building would have a southern aspect with the main circulation space on the northern side of the building. The ground floor would feature a recessed wall with dark blue brick. The top floor will comprise a band of recessed windows under an overhanging roof that forms a cornice.

5. In order to address the issue of solar gain into the south facing rooms, overhangs at the ground and top floors will provide natural shading, and sun screens. Adjustable timber louvred screens would also be used. The north elevation, which is largely obscured by the Crown Court building will be treated with simple render and horizontal slots of opaque glass blocks to provide light at high level to interior corridors.

6. Given the nature of the site, there is limited scope for landscaping around the building. The passageway would be paved in high quality paving blocks and gated from the entrance to the building opposite the end of Saxon Beck. The front part of the site would be accessed for occasional operational car parking for maintenance staff, but no other car parking is provided on site. Cycle parking facilities are provided within the development on a one space per study room basis.

7. Officers consider the determining issues in this to be:
   - Principle of Development
   - Design / Impact on Conservation Area
   - Flood Risk
   - Impact of Neighbouring Properties
   - Sustainability
   - Loss of Light / Noise
   - Archaeology
   - Car Parking & Highways
   - Legal Agreement

Principle of Development

8. The site was previously subject to policy DS.78 of the Local Plan. However this policy has now been superseded by the West End Area Action Plan (WEAAP) which comprises the City Council’s policies and vision for the West End, and the site is therefore no longer specifically allocated. The AAP has been drafted to address the West End as a whole instead of considering a series of individual sites.
9. Policy WE18 of the West End Area Action Plan indicates that permission will only be granted for the development of purpose built student accommodation in the Speedwell Street and the St Aldate’s / Queen Street areas. In addition, policy HS.14 of the Local Plan seeks to ensure that proposals for speculative purpose - built student accommodation such as this identify either University of Oxford or Oxford Brookes University as the end user. Discussions have been held with the applicants who are not yet in a position to positively identify a named end user, and would prefer for occupation not to be limited to the two universities’ students. However no extenuating circumstances have been put forward to justify departing from adopted policy and if approved it is recommended that such a restriction be included by condition.

Design / Impact on Conservation Area

10. Local Plan policy requires that planning permission will not generally be granted for any development within a 1200m radius of Carfax which exceeds 18.2m in height or 79.3m AOD whichever is the lower, whilst significant views both within Oxford and from outside are to be protected. At its highest the building is approximately 14.5m high with chimney features 1m higher than the main roof. It is acknowledged that the proposed chimneys would break up the ridge of the building and overall it is not considered that this proposal would have any adverse impact on the character of Oxfords skyline.

11. The building itself is one of the last surviving original ones to the southern end of St. Aldates, which gives it a rarity value and acts as a reminder of the history of this part of Oxford in times past. With regard to Local Plan policy HE7, it is considered that the property makes a positive contribution to the street scene, with a scale and intricacy that is not repeated in more recent developments. The current application is the result of lengthy discussions through which it has been agreed that the frontage building should be retained whilst the rear ‘range’ maintains the sense of a yard between buildings. The detailing of this rear block is intended to give a more intimate scale and a sense of verticality to respect the rhythm and form of the historic buildings in the area, though it is largely hidden from public view in any event.

12. Along with conditions requiring details of proposed materials to be agreed and approved prior to commencement of development, in this case it is appropriate that conditions should be imposed to control the repair and external redecoration of the retained building. A condition will also be imposed to ensure that existing buildings are subject to a photographic record prior to being demolished.

Flood Risk

13. The immediate area lies in an area of low / medium flood risk. In the absence of a Flood Risk Assessment, the Environment Agency originally objected to the proposal, as the flooding risks resulting from the proposed development were unknown and could not therefore comply with the requirements of PPS25. However following discussions with the applicant, a Flood Risk Assessment and Drainage Strategy was produced. As a result, the Environment Agency were able to remove their objection and are satisfied now that the imposition of conditions regarding no raising of ground levels on the site and groundwater protection
would protect and mitigate any impact of the development on flood risk in the surrounding area.

**Impact on Neighbouring Properties**

14. Concern has been expressed by the neighbouring properties either side of the application site. Firstly, Her Majesty's Court Service have raised issues regarding potential impact on the Court by virtue of loss of privacy. The applicant has been made aware of these concerns. It is important to note that an application for the extension to the Courts staff accommodation (07/02378/FUL) was received in October 2007 after this application had been submitted. However in light of the concerns raised, the applicant has sought to address the issues suggesting that the row of windows along the fourth floor could be glazed with opaque glass allowing light into the building but no view out. These windows give light to corridors rather than individual student study rooms. Similarly in levels below glass block windows in this elevation are translucent and opaque, and if required could be sandblasted to create a matt finish. Alternatively a condition could be imposed which requires the finer details of this elevation to be subject to further discussion but agreed prior to construction to address any potential overlooking or other issues. The agents acting on behalf of the Courts Service have been made aware of the applicant’s positive response to these issues, but no further comments have been received. In all the circumstances Officers consider the latter option may be the most appropriate way forward.

15. Secondly in respect of concerns raised by the occupiers of the offices at 60 St Aldates to the south, it is understood that the applicant is currently addressing a Right to Light compensation claim. This is a legal matter, which is separate from any planning considerations however and cannot be influenced by the planning process. When the building is finally occupied, a condition will be imposed to ensure that the development is managed by an on-site warden, which should ensure that the site is properly managed in respect of potential noise or other issues.

16. It is accepted that construction work will create inevitably generate some noise and disturbance, but the applicant has assured that this will be kept to a minimum by the contractor. Conditions can be imposed to control construction hours on site, and a construction management plan submitted.

**Sustainability**

17. The proposed student accommodation falls below the size threshold of 2000 sq m where a formally submitted Natural Resource Impact Analysis (NRIA) is required. Nevertheless the applicant has submitted an NRIA as an act of good will in recognition of the Council’s sustainability initiatives. This confirms that an energy strategy will be developed in the detailed design stage of the project, although a broad strategy has been established for the application. The building has been designed to reduce solar gain into the majority of bedrooms and with an in situ concrete frame and brick render on block cavity walling providing a high thermal mass. The roof of the bedroom block will incorporate solar panel based heating to provide hot water for the domestic use of the new building. Solar electricity generation may be considered at a later stage of the design. It is intended to use a micro-hydro scheme to generate electricity, although its design is subject to
assessment of flow rates within the adjacent river. The NRIA checklist attains a total score of 8 out of a possible 11.

Archaeology
18. The applicant’s decision to retain the frontage building as part of the development is welcomed as it will preserve in situ whatever archaeology survives beneath its footprint. In respect of the rear element of the proposal, it is recommended that a planning condition is imposed requiring the submission of a detailed design and method statement for foundations and other ground works, and construction in areas of archaeological potential to be submitted prior to commencement of development.

Car Parking and Highways
19. Notwithstanding the occasional parking required for maintenance purposes, no car parking is provided on the site. As the development proposes the closure of the current vehicular access and parking area at a site within the Transport Central Area as defined by the Local Plan, it is not considered that there are any transport implications arising from the proposal. The loss of approximately 14 private commuter car parking spaces is also welcomed whilst the cycle parking provision is satisfactory in accordance with policy, and exceeds the minimum requirements set out in the Local Plan.

20. An informative will be added to any consent, which advises that in order to prevent unauthorised vehicles parking on the site access bollards should be utilised accordingly.

Legal Agreement
21. Policy WE29 of the WEAAP states that the City Council will seek developer contributions in a streamlined way as a global sum. The amount in later years will be set out in a further Supplementary Planning Document (SPD), which has yet to be drafted. Until that time the global sum will be calculated on a site-by-site basis though the need for this development to contribute to public realm and transport infrastructure needs is accepted in this case. Discussions have been held with the applicant and a figure of £50,000 has been arrived at as a West End style contribution, which Officers consider to be reasonable and appropriate in the circumstances. In addition standard city - wide contributions required in accordance with the existing Planning Obligations Supplementary Planning Document have also been agreed. The full amount of all contributions is listed at the head of this report.

Conclusion
The development provides an opportunity to bring forward a development of student accommodation at a suitable location whilst removing private commuter car parking and restoring an unusual and attractive frontage building which contributes positively to the character and appearance of the Central Conservation Area.

Committee is recommended to support the proposals subject to conditions and an accompanying legal agreement.
Human Rights Act 1998
Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and legal agreement. 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 subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 07/01253/FUL & 07/01252/CAC

Contact Officer: Amanda Rendell
Extension: 2477
Date: 2nd October 2008
Appendix 1
07/01253/FUL & 07/01252/CAC- 61 St Aldate's.

Scale: 1:1250

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Organisation
Oxford City Council

Department
Planning

Comments

Date
25 September 2008

SL & Number
100810219

REPORT