

West Area Planning Committee

13 October 2015

**Application Number:** 15/02347/FUL

**Decision Due by:** 30 September 2015

**Proposal:** Refurbishment of the entrances and approaches from Pembroke Street and St. Ebbes. Demolition of existing stairs and partitions. Erection of a new staircase and enclosure with glazed rooflights. Erection of new lift shaft and enclosure and introduction of new window openings together with new flat roofed area with parapet and glazed door to lobby.

**Site Address:** Modern Art Oxford 30 Pembroke Street. Site plan at **Appendix 1**

**Ward:** Carfax Ward

**Agent:** Terry Gashe

**Applicant:** Mr Paul Hobson

**Application Called in –** by Councillors – van Nooijen, Rowley, Kennedy and Pressel for the following reasons - application which would remove the popular and successful St Ebbe's Street entrance to Modern Art Oxford and return it to loading bay use, and would add a large tower above the Carfax line.

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## **Recommendation:**

The West Area Planning Committee is recommended to support the proposal.

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.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Arch - Implementation of prog + historic late Saxon, medieval and 19th century remains,
- 5 Details of paint removal/repairs
- 6 Construction Travel Plan

**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

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**CP13** - Accessibility

**HE2** - Archaeology

**HE7** - Conservation Areas

**HE9** - High Building Areas

**HE10** - View Cones of Oxford

**TA7** - Arts Facilities

**Core Strategy**

**CS1\_** - Hierarchy of centres

**CS18\_** - Urban design, town character, historic env

**CS20\_** - Cultural and community development

**CS5\_** - West End

**West End Area Action Plan**

**WE23** - Retail

**Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

**Relevant Site History:**

66/17185/A\_H - Change of use from warehouse to museum of modern art.. PER 8th

February 1966.

77/00902/G\_H - Change of use of ground floor from warehouse to storage and warehouses for Museum of Modern Art. PER 7th December 1977.

79/00724/AH\_H - Change of use from storage to exhibition gallery and ancillary purposes.. PER 6th September 1979.

85/00736/NFH - Reconstruction of entrance behind existing facade, restoration of facade and provision of new disabled access (Amended Plans).. PER 23rd September 1985.

02/00163/FUL - New frontage to incorporate new entrance doors and windows.. PER 26th April 2002.

09/02799/FUL - Erection of replacement gates to St Ebbe's Street and use of service area as extension to exhibition, cafe space etc.. PER 16th February 2010.

**Representations Received:**

None

**Statutory and Internal Consultees:**

None

**Issues:**

Design/Impact on Conservation  
Sustainability  
Archaeology  
Other Issues

**Officers Assessment:**

**Site Description**

1. The gallery's main entrance is located on Pembroke Street next to the service entrance for Marks and Spencer. It also has an entrance on St Ebbe's Street which was a service entrance but is also now used as extension to the exhibitions space, a café and any other use suited to the museum as well as servicing.
2. The street is a medieval survivor albeit the buildings enclosing it in the main date from the 2nd half of the 20<sup>th</sup> century. Its origins are still legible but the quality of the street is compromised by street clutter and poor quality buildings. However the buildings and their entrances face directly onto the street and help to create active frontages. Whilst the existing entrance has a utilitarian appearance it at least too addresses and encloses the street – a significant improvement on the approach used for Marks and Spencer in Pembroke Street.

**Proposal**

3. The application is seeking permission for refurbishment of entrances and

approaches from Pembroke Street and St Ebbes Street, erection of new staircase and enclosure, new lift and new window openings.

4. The majority of the proposals involve internal alterations which will provide gallery spaces for exhibitors; improved access for objects which will enable a wider variety of shows to be produced; modernising gallery lighting and improving environmental conditions. There will also be improved public access and a dedicated area for education and learning for children and young people to work with artists.
5. Works to St Ebbes entrance are mainly cosmetic involving refurbishment and redecoration. The Pembroke Street entrance is proposed to be improved and reconfigured which will provide easy access to the gallery spaces.
6. The proposed new stair will be contained in a tower alongside the existing tower providing better access to the galleries and a new events space on the fifth floor including a new high level viewing area of views across the city.

## **Assessment**

### **Local Policy Context**

7. Policy CS20 of the Core Strategy seeks to protect and enhance existing cultural and community facilities. This is reiterated in policy TA7 of the Oxford Local Plan which will protect public venues, cultural and art attractions and promote enhancements or extensions to existing art-related premises and states planning permission will be granted for additional public art venues, cultural and art attractions, and enhancements or extensions to existing facilities if they make a contribution to the conservation or regeneration of the area are appropriate in terms of siting, scale, massing and materials, and respect the character of the area; and do not cause environmental or traffic problems.
8. Policy HE9 of the Local Plan states planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) except for minor elements of no great bulk. Policy HE10 goes on to state the City Council will seek to retain significant views both within Oxford and from outside and protect the green backcloth from any adverse impact. Planning permission will not be granted for buildings or structures proposed within or close to the areas that are of special importance for the preservation of views of Oxford (the view cones) or buildings that are of a height which would detract from these views.
9. Opposite the site is a row of grade II listed buildings therefore policy HE3 of the OLP applies. This states Planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.

10. The application site lies within the Central Conservation Area therefore policy HE7 of the Oxford Local Plan applies. This states Planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.
11. Policy CS18 of the Core Strategy requires proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan encourages new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.

### **Design/Impact on Conservation**

12. St Ebbes Street will continue to be the main access for deliveries, as it is now and the proposal intends to restrict public access to the gallery to the Pembroke Street entrance. Pembroke Street is currently the main entrance with St Ebbes Street being a secondary entrance. The restriction to Pembroke Street will reduce visitor confusion and improve their experience when entering the gallery. The Westgate redevelopment intends Pembroke Street to become the main pedestrian route from Westgate towards St Aldates and the City Council is currently proposing a scheme to improve the public realm in Pembroke Street. Proposed improvements include raising the carriageway to be flush with the footways and the construction of a raised table top in the junction of St Ebbes Street, Penny Farthing Place and Pembroke Street. This can only benefit Modern Art Oxford and emphasises its need to concentrate its main entrance to Pembroke Street.
13. The Pembroke Street façade is to be restored the existing dark grey paint will be removed and new glazed timber doors and fanlights will open onto an enlarged entrance lobby. Removing the paint and unnecessary cabling on the Pembroke Street façade will reveal the original red brick and horizontal stone banding. Historic England guidelines will be followed for the removal of paint from historic masonry walls with the use low-pressure water abrasion (with calcium carbonate) or solvent strippers. A condition is suggested to seek detail of this to ensure the fabric of the building is maintained/ repaired appropriately.
14. The three glazed entrance doors will be removed and the three windows onto the Upper Gallery will be altered to improve their thermal performance. The existing boxing out in the reveals of the three doorways will be removed and replaced with carefully detailed ventilation grilles.
15. A new staircase will be introduced from ground floor to fifth floor. The stair tower will be externally finished in lightweight metal cladding and will be of a similar height to the existing Brewery Tower. The entirety of the building will become accessible and the upper floors will be able to open to the public with a viewing platform with views across the city.

16. The two roofs west of the Piper gallery will be demolished, to make way for the new stair tower, staff facilities, and plant. All existing roofs will be thermally improved with increased insulation.
17. The roof over Middle Gallery 2 will be retained, its rooflights will be refurbished with double glazing. The lantern above Piper will be refurbished and the glass replaced with double-glazing. The performance of roof lights above the Upper Gallery will be increased and the roof made good in the location of the removed cowls.
18. Whilst the stair tower will be above ordnance datum (height above sea level) of 79.3m by 6.3m as detailed in policy HE10 it is a lightweight structure of no great bulk and will be seen in the context of the adjoining brewery tower which is of a similar height and therefore will not detract from any views. It adds interest to the roofscape which is predominantly flat and bulky and the new stair enclosure takes the traditional language of the brewery building but interprets it in a contemporary way. It will be seen as a part of the evolving roofscape of the city centre along with the approved schemes at the Storey Museum (new stair turret) and the proposed tower at Westgate by Jeremy Dixon. It will create a new publicly accessible viewing point from which to look at the roofscape and surrounding hills and spires which will give visitors of Oxford alternative view of the city. For these reasons officers consider it acceptable.

## **Sustainability**

19. Improvements to the fabric of the building will reduce energy consumption and maximum use of daylight and natural ventilation. By improving the existing fabric and using passive design measures to make full use of natural light and to maximise natural ventilation the cost and environmental impact of the building's active systems have been reduced dramatically.
20. All new external elements shall be super insulated and shall exceed the regulatory minimum u-value requirements. Making the building more air tight is an important part of the environmental strategy, particularly within the gallery spaces.
21. Many parts of the new building require mechanical ventilation, either because they have no windows or are climate controlled for art display. The existing ventilations systems are not fit for purpose and have reached the end of their life. These systems will generally be replaced with modern alternatives that incorporate higher efficiency fans, motors and heat recovery heat exchangers.
22. The options available to incorporate renewable technology within the building are limited particularly as many of the roofs are shaded by surrounding buildings. On this basis renewable technology does not form part of the scheme. Investment has been prioritised on improving the performance of the building fabric.

## **Archaeology**

23. This site is of interest because it is located within the historic core of the late Saxon and medieval town, close to a possible pre-burh axial route-way along Pembroke Street and within a block of medieval tenements fronting onto Pembroke Street, St Ebbe's and Queen Street. Extensive archaeological investigations have taken place on surrounding properties and in 1976 a watching brief was carried out by the Oxford Archaeological Unit at 13-18 Queen Street and 30 Pembroke Street (now the Modern Art Oxford). Late Saxon, medieval and post medieval pits were found to survive, despite extensive post-medieval cellar impacts. Therefore whilst MAO has a substantial basement, there remains some potential for truncated deeper features to survive below the basement floor.
24. The structure of No 30 Pembroke Street is also of interest as a remnant of Oxford's Industrial heritage. The City Brewery operated on the east side of St Ebbe's Street in the 19th century, originally run by Hanley it became part of Hall's brewery in 1896. The brewery closed in 1926 and the Museum of Modern Art (Modern Art Oxford) occupies one of its former buildings.
25. In this instance the proposed ground works are of limited scope (lift pit and steps). Having considered the available information officers would request that an archaeological condition be added to any planning consent requiring archaeological monitoring (and if necessary recording) of the impacted area (lift pit/steps). The building itself is also of local interest and would warrant appropriately formatted record to Level II Standard (English Heritage Understanding Historic buildings 2006) prior to the commencement of works.

## **Other Issues**

### Transport

26. Given the proposed development involves refurbishments and reorganisation and will not result in a significant increase in the number of staff a Travel Plan Statement is not required. The site is centrally located within the city within walking distance of local bus stops and also Oxford's rail and bus/coach stations, it is also located close to the National Cycle Network route 5 and cycle parking facilities located in close proximity to the site. The proposal is unlikely to have a significant impact on highway/transport issues.
27. A construction traffic management plan has been submitted as part of the application which outlines the framework by which deliveries are made to the site in order to protect the adjoining local highway network and environment within the vicinity of the site. Given this is only a framework a condition is suggested to request a Construction Traffic Management Plan.

### Waste/Recycling

28. Refuse and recycling is currently stored in the workshop and collections are made from St. Ebbes Street. As the gallery is not intending to immediately

increase the number of its staff, or the number of covers in the cafe, or the floor area of the building overall, it is assumed that the waste requirements are unlikely to increase. Proposal for waste storage which is broadly based on the existing facilities and volume of waste. The internal waste management route will remain as existing.

**Conclusion:**

29. Members are recommended to approve the application subject to the conditions suggested.

**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:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 1<sup>st</sup> October 2015