
Appeal Decision

Hearing held on 22 March 2022

Site visit made on 22 March 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/G3110/W/21/3280930

Former St Mary And St John CE Primary School, Hertford Street, Oxford OX4 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Perkins, Trustees of Magdalen Road Church against the decision of Oxford City Council.
 - The application Ref: 20/01898/FUL, dated 31 July 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the change of use of part of the Irving Building to a mixed Class B1/D1 use, erection of a new Class D1 community building and erection of 9 residential units (3 x 3 bed, 6 x 2 bed apartments).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of the Irving Building to a mixed Class B1/D1 use, erection of a new Class D1 community building and erection of 9 residential units (3 x 3 bed, 6 x 2 bed apartments) at the former St Mary And St John CE Primary School, Hertford Street, Oxford OX4 3AJ in accordance with the terms of the application, Ref: 20/01898/FUL, dated 31 July 2020, subject to the conditions in the attached schedule.

Costs

2. Applications for costs were made by both main parties against one another. These applications are the subject of separate Decisions.

Procedural Matters

3. The description of development that is set out in the banner heading above is taken from the planning application form and refers to the Use Classes as they were prior to changes that took place on 1 September 2020¹. Under the Regulations, an application that was made prior to this date is to be determined with reference to the uses or Use Classes that were in place prior to that date. Accordingly, I have considered the appeal on this basis.
4. The revised National Planning Policy Framework (Framework) has also been published since the Council's decision. The parties commented on the changes

¹ Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

to the Framework prior to and during the hearing, and which I have taken into account in my decision.

5. I requested that the Council publicise the proposal with regard to the effect on the setting of a listed building. This was to ensure that the publicity was carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
6. The appellant submitted late evidence² during the hearing. I accepted that evidence on the basis of its relevance to my deliberations. I requested that the Council notify interested parties of that evidence, and gave the Council and interested parties an opportunity to provide representations. The appellant was also afforded the opportunity to respond. I have considered the various responses from all parties in my decision.

Main Issues

7. The main issues are the effect on (i) the significance of a designated heritage asset, the Comper School; (ii) the significance of a non-designated heritage asset, the Irving Building; and (iii) if there is harm, whether this is outweighed by the public benefits of the proposal.

Reasons

8. The appeal site comprises an area of land which lies between Hertford Street and Essex Street. The area is predominantly residential and consists of terraced properties. These bound the site on both sides of its Essex Street frontage, and on one side on Hertford Street. On the opposite side of the Hertford Street frontage is the Comper School.
9. The site contains the Irving Building, a red brick structure of some size. The building is in use by the Magdalen Road Church, but was formerly a school. It is set back from Hertford Street by a hardstanding area that provides car parking and is also accessed off this road. There is also landscaping and some trees towards the boundaries with the Comper School and the rear of some of the properties on Essex Street. There is a further hardstanding area between the building and the Essex Street frontage, along with an area formerly used as a playground. The site is predominantly enclosed by a red brick wall and railing arrangement. More modern mesh fencing is found on the boundary with the Comper School.

Comper School

10. The Comper School is a grade II listed building. It was designed and built by W Bucknall and JN Comper, and is in a Victorian educational and civic style. Its origins relate to the Oxford Movement whereby education was provided on church principles. The building itself is predominantly of Victorian red brick and presents rather an elongated appearance to the main elevation which faces towards Hertford Street. Its windows are of note, representing large white framed structures with glazing bars, set under arches. Aside from the boundary with the Irving Building, it is also enclosed by the red brick wall and railing arrangement.

² MRC Document – local facilities within 10-15 - minute walk and D1 Losses locally

11. The Comper School is well set off the boundary with the Irving Building. In between there is a tarmac playground area and then a more natural play area, which is a recent investment by the school. In this part of the site there are also some trees and vegetation.
12. It is not in dispute that the appeal site falls within the setting of this listed building. There are obvious physical and functional relationships between the two. Even though the overall forms and sitings of the buildings are distinct, they share the use of red brick and have similar window structures, amongst other related features. Moreover, the same boundary wall and railing arrangement extends around their perimeter. Whilst a more recent addition, tarmac areas are also contiguous up to the mesh fencing. That their main elevations do not face one another does not unduly disrupt this arrangement, but simply reflects the common tendency of buildings to face towards their frontages.
13. The functional relationship relates to both buildings' origins as schools. The educational connection extends to that children attended the Comper School and then the Irving Building, when it was the St Mary and St John School. The adjoining open areas reinforce this relationship. An important constituent of the significance of the setting of the Comper School is therefore its physical and functional relationship with the appeal site. It does constitute an important spatial connection between the Comper School and its neighbour.
14. The proposed church hall, or community building, would be located in an open area of the appeal site that forms part of this connection. It would project well forward of the Irving Building and towards the Hertford Street frontage. It would also be sited considerably closer to the boundary with the Comper School. Its scale would also be significant because its footprint size and height would reflect its necessary function as a hall, notwithstanding that the appellant has sought to minimise the ridge height.
15. Whilst both main parties provided detailed evidence over the visibility of the Comper School with the Irving Building, what in my view is of more importance is the visibility of the area in between which readily contributes towards the significance of the setting. This is most appreciated from the Hertford Street frontage and it would be disrupted by the proposed church hall and undermine the connection between the 2 buildings. That more distant views would be limited would not overcome this harm. The same applies as regards that the contemporary design and materials would not be unacceptable because the proposed church hall would still have the same siting and scale.
16. There is some historical evidence of buildings in the same part of the site. A toilet block that I was referred to does not appear to be of similar proportions. A subsequent canteen building was larger, but based on the evidence before me and what I heard over its appearance, it does not seem to have been an especially positive feature. Nor has a fallback position been established for the erection of a similar sized building in this part of the site.
17. The proposed lift tower would contribute less to the depreciation of the significance of the setting because it would be sited further away from the boundary with the Comper School, even with its scale. Where it would cause harm to the spatial connection would be as part of the overall effect with the proposed church hall.

18. The Council does not take any particular issue with the proposed housing on Essex Street. It would be largely screened from the Comper School and this part of the site does not share the same level of spatial connection as is found on Hertford Street. The proposed housing would however involve the removal of one boundary wall which is a unifying feature with the Comper School. Hence, this would cause further harm to the significance of the setting. This was acknowledged by the Heritage Statement that was submitted with the planning application.
19. The statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses is of considerable weight and importance. The siting and scale of the proposed church hall and lift tower would erode the spatial connection with regard to the Comper School. Harm would also result from the removal of the boundary wall on Essex Street. The proposal would fail to preserve the setting of a listed building. As a consequence, I conclude that it would cause harm to the significance of a designated heritage asset, the Comper School.
20. For the purposes of Policy DH3 of the Council's Oxford Local Plan 2036 (2020) (Local Plan) and paragraph 202 of the Framework, less than substantial harm would arise to the significance of a designated heritage asset. I deal with the required balancing exercise with the public benefits later in my decision.

Irving Building

21. It is agreed that the Irving Building is a non-designated heritage asset. It is identified on the Oxford Heritage Asset Register as such. It is historically and architecturally significant as a Victorian school building through its style and use of materials, and through its association with the adjacent Comper School. It is therefore both important in its own right and with its neighbour.
22. The related entry in the Register makes reference to surrounding open spaces as part of its contribution and also sets out that its community interest is also an aspect of its significance. This relates to its former school use and that it acts as a physical reminder of the local heritage. Even though it is set back from both its frontages, its height in particular makes it a prominent landmark building in the area. It is also seen in longer ranging views from Percy Street, as Hertford Street is approached.
23. The harm that would arise to the Irving Building would be on similar lines to the Comper School in as far as the physical presence of the proposed church hall in particular would result in some disconnection of the two assets, with its location in between. The surrounding open spaces would be diminished. Its siting and scale would erode the spatial connection with regard to the Irving Building. The proposed lift tower would further add to this harm, as part of the overall effect with the proposed church hall.
24. The Heritage Assessment submitted with the planning application also points to a degree of harm to the Irving Building itself. This would be caused by the connection to the physical fabric of this building, albeit I would accept that the appellant has sought to limit this harm as it would take the form of a glazed link.

25. Harm would also be apparent on the Essex Street frontage. There is currently a clear view in between the terraced properties of what is a fairly striking elevation that reflects the significance of the asset, even though it is set back. This would be obscured by the proposed housing and so the landmark status would be reduced as seen from this frontage. The loss of the playground on this side of the building would further reduce its significance as it would remove part of its former school use linked to the community interest. The removal of the boundary wall would also add to the loss of significance. Again, this is acknowledged by the Heritage Statement that was submitted with the planning application.
26. The Irving Building would remain the dominant structure. It would be considerably higher than the proposed church hall and housing. The slender form of the proposed lift tower would also read as a subservient element, in both short and longer range views. Still, this does not address the harm that I have identified above.
27. In drawing the above considerations together, I conclude that the proposal would cause harm to the significance of a non-designated heritage asset, the Irving Building. With regard to paragraph 203 of the Framework, the scale of any harm or loss would be moderate. Again, I deal with the required balancing exercise under Policy DH5 of the Local Plan and paragraph 203 below.

Public Benefits

28. The proposal would have the benefit of providing community facilities. Such benefits would be twofold, for the church itself and to the wider community. The proposed church hall would be used by the church's congregation. The proposed change of use of the ground floor of the existing building would be utilised for activities associated with the church. Café space is also proposed. The accommodation that would result would also be available for local community groups. Even if there would be a small reduction in community space due to the proposed office space, the proposal would lead to improvements to the space that would remain.
29. The Council and interested parties have questioned whether there is a need for facilities, with regard to the wider community. I have been made aware of the supply of such facilities in east Oxford and views over whether they can replicate the facilities that would be provided under the proposal. However, this does not equate to the existing provision being able to adequately address need. By the nature of community facilities, it is not an especially quantifiable exercise because of the often informal nature of such uses and groups, including by those who would not be able to afford commercial rates.
30. There also has been some interest from community groups. Some of the proposed users spoke persuasively at the hearing about their aspirations in relation to the use of the proposed space. From the perspective of such groups looking for more permanent meeting space, there is clearly a need for the proposal.
31. From what I observed on my site visit, the interior of the Irving Building is somewhat dated and is in need of alteration and refurbishment to bring it up to modern standards. The building does not provide for all of the intended functions of the proposal in a way that would foster its effective use, when the need for worshipping of a sizeable congregation and the proposed uses of the

existing building are considered. Whilst I would accept that detailed financial information is not before me, it is not unreasonable to consider the renting out of such space as a source of income for the church and this should not count against the proposal.

32. The proposed small scale office accommodation is intended to be used by social enterprises, charities and local businesses. There would be flexible arrangements to allow it to be used for short term operation and for meetings. This resonates with the approach that some office based employment is taking in terms of not utilising the same workspace on a continual basis with regard to business and employment trends, as was explained to me at the hearing.
33. The provision of community facilities for both the church and other community users, the enhancement of the existing facilities and the provision of small scale office accommodation are public benefits which attract significant weight.
34. The proposal would also make a contribution to the housing stock in accordance with objectives of significantly boosting the supply of housing. I have also been made aware of the need for housing in Oxford, notwithstanding that the Council can demonstrate a 5 year housing land supply. This does not in any event act as a ceiling and as 9 additional residential units would result, this contribution attracts moderate weight as a public benefit. Even if this element of the proposal could be provided in isolation, it would result in heritage harm itself and so a balancing exercise would be required, but such an exercise could not consider the community facilities benefits as these do not relate to the proposed housing on its own. Accordingly, such a scenario does not alter my overall conclusion.
35. Two of the 9 units would be key worker accommodation. There is no dispute that such accommodation is needed in Oxford and the proposal would have the benefit of providing such housing when it would not be a policy requirement of the Local Plan. It was however explained to me at the hearing that the related legal agreement cannot be executed until at a time that would be well after my decision. This tempers the weight that can be attributed to it as a public benefit.
36. I reach a similar view in relation to the suggestion that the proposal would secure the future of the non-designated heritage asset. The Irving Building retains its significance and externally appears intact. That its interior appears dated does not have a bearing in this regard, but simply reflects its age.

Heritage Balancing Exercise

37. Policy DH3 sets out, amongst other considerations, that where a proposed development will lead to the loss of the significance of a designated heritage asset, planning permission will only be granted if the harm is necessary to achieve substantial public benefits that outweigh the harm or loss.
38. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst there is some difference in the wording between Policy DH3 and paragraph 202, they both essentially seek to apply the same balancing exercise. If this was not the case, then Policy DH3 would not be consistent with the Framework.

39. I have been referred in the submissions to varying degrees of harm under the less than substantial harm ambit. It is not wrong to take such an approach, but it does not take my deliberations much further. Paragraph 199 of the Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of the level of harm and I have considered the proposal on that basis.
40. In this case, the less than substantial harm arises to the significance of a designated heritage asset, the Comper School. The public benefits arise from the provision of community facilities for both the church and the other community uses, the enhancement of the existing facilities and the provision of small scale office accommodation. They also arise from the contribution to housing supply and to a lesser degree from the key worker accommodation and securing the future of a non-designated asset. When taken together, the public benefits would be substantial.
41. As such, I conclude that the less than substantial harm to the designated heritage asset, the Comper School, would be outweighed by the public benefits of the proposal. The proposal would therefore comply with Policy DH3 and paragraph 202 in applying the balancing exercise under these development plan and national planning policies.
42. Policy DH5 concerns, amidst other matters, a balancing exercise, regarding the scale of any harm or loss to assets as balanced against the public benefits that may result from development proposals. Paragraph 203 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where Policy DH5 refers to public benefits, this can reasonably be considered to be a factor in the balanced judgement that paragraph 203 refers to.
43. The scale of any harm or loss to the significance of a non-designated heritage asset, the Irving Building, would be moderate. In the balanced judgment, the benefits that would arise are as I have set out when considering the balancing exercise with regard to the Comper School. They would be substantial.
44. Hence, I conclude that the scale of any harm or loss to the non-designated heritage asset, the Irving Building, would be outweighed by the public benefits of the proposal. The proposal would therefore comply with Policy DH5 and paragraph 203 in applying this balancing exercise under these development plan and national planning policies.

Other Matters

45. Interested parties who spoke in opposition to the proposal presented well-reasoned and cogent evidence, both in regard to the issues above and other matters where they had concerns. Assertions that they were not representative of not insignificant parts of the local community are in my view unfounded. It is not surprising that such parties raise concerns because they live close to the development site and would be therefore likely most affected. Nor do I seek to place any particular restriction on the term local resident, including those who may live further away from the site.

46. The proposed church hall would lie on the boundary with the Comper School, and would be in close proximity to the natural play area. With the proposed height and length of the facing side elevation, this arrangement would result in some loss of light at times to this area. The play area is though a pleasing and attractive innovation which contains various features that no doubt occupy the children that use it, as they would during associated outdoor teaching and learning. I thus consider it unlikely that the effect of loss of light resulting from the proximity of the proposed church hall would dissuade from its use. In terms of its physical presence and dominance, this would be lessened by the various features proposed on the facing wall.
47. The proposed church hall would also be a self-contained building in this regard, and so safeguarding issues would also be unlikely to arise. The feature glazing would be well set up the facing wall and so undue overlooking would not occur. Matters in relation to construction effects would also be ably controlled through a construction management plan condition. As this would deal with dust, noise and vibration, it would also concern the type of construction and excavation. This is of relevance to both satisfactorily protecting the operation of the school and the living conditions of local residents.
48. I was made aware of changes that the Highway Authority were proposing to vehicular access in the area. Whilst this would restrict access in the vicinity of the site, there is not substantive evidence that it would prevent construction vehicles from being able to access the site. This is likely to require some manoeuvrability of vehicles as they ingress and egress the site, but subject to the imposition of a construction traffic management plan by way of a planning condition, this would not be unacceptable.
49. The level of on-street car parking that would be provided for the proposal would be acceptable given that the site is found in a location that is close to local services and easily accessible by modes of transport other than the car. This applies to worshippers, other community users and future residents. Cycle parking is also proposed.
50. In relation to biodiversity, a condition can be imposed with regard to the biodiversity net gain matrix so that this matter is reflected in the proposal. In the event that the submitted landscaping plan does not include the net gain measures that would be required, this could be addressed through a subsequent amendment that the Council would ably deal with. Whilst there would be some removal of trees and vegetation, a prominent tree that has significant amenity value near to the boundary with the rear of properties on Essex Street would be retained.
51. Drainage matters can also ably be dealt with through the imposition of a planning condition. Sharing surface water drainage infrastructure is not unusual in an urban environment and even with regard to the potential for surface water flooding, there is not a compelling reason why this could not be addressed by way of a drainage strategy through the condition to ensure that a satisfactory means of drainage is provided.
52. The siting of the various elements of the proposal would acceptably protect the living conditions of the occupiers of the nearest neighbouring properties. Obscure glazing is proposed in the windows found in the elevations that would otherwise have the potential to overlook these properties. Nor would the residential elements of the proposal be overbearing in this regard or cause an

untoward loss of light. It would largely reflect the existing pattern of development along Essex Street.

53. I have also been referred to a number of other Local Plan policies. As I have found the proposal to be not unacceptable with regard to the above matters, there would not be conflict with these policies. Whilst affordable housing would not be secured under a planning permission, there is no suggestion that this is a policy requirement. Subject to the imposition of planning conditions, the location is suitable for the proposal and the site can ably accommodate the amount of development. I have considered all matters raised, but they do not change my view that the proposal would be in accordance with both the development plan and national planning policy. Where they concern non-land use matters, they are not for my consideration.

Conditions

54. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. This excludes the plans that were agreed to be indicative by the main parties. I have however included the phasing plan because whilst it is not intended to set out a sequential approach to how the proposal would be implemented, it is of fundamental importance to how a number of the subsequent conditions would be dealt with. The same applies as regards the site plan for the proposed residential element that was before the Council at the time of its decision.
55. I have also imposed conditions concerning the exterior materials in the interests of character and appearance, and cycle parking provision in the interests of promoting modes of transport other than the car. A condition is imposed by way of car parking management in the interests of highway safety.
56. A construction traffic management plan is imposed by way of a condition in the interests of both highway safety and protecting the living conditions of the occupiers of neighbouring residential properties. A construction management plan is also imposed for living conditions reasons and in the interests of public health. A condition is also imposed concerning the noise level from the proposed church hall, described in the condition as the community hall, also in the interests of protecting living conditions.
57. I have also imposed conditions in relation to historical building recording, for the purposes of protecting the historic environment. A condition is also imposed concerning unexpected contamination in the interests of public health. A condition is also imposed with regard to ecological enhancements and net gain, in the interests of biodiversity. A condition is imposed in relation to landscaping, in the interests of character and appearance and conditions are also imposed with regard to avoiding damage to trees, in the interests of protecting the amenity value of those trees.
58. I have imposed a condition in relation to the obscure glazing of windows in the elevations that would overlook the neighbouring properties on Essex Street, in order to protect the privacy of their occupiers. I have also imposed a condition concerning the implementation of the proposed energy efficiency measures in the interests of reducing carbon emissions and combating climate change. A condition is also imposed concerning lighting measures, related to the historic environment and concerning works to the boundary walls, for the same reason.

A condition concerning a surface water drainage strategy is imposed to ensure a satisfactory means of drainage and minimising flood risk.

59. I have not imposed a condition concerning noise levels at the proposed residential properties because this seems to duplicate the noise controls that would already be applied by condition to the proposed church hall, as this would be the likely primary source of noise. I have also not imposed a condition concerning an Arboricultural Clerk of Works, given a number of other conditions already ably seek to protect the trees. I have also not imposed a condition removing permitted development rights from the proposed residential properties. This would require particular justification and although their rear gardens would be fairly modest, this would not have a particular bearing on the living conditions of the occupiers of the neighbouring properties, nor on character and appearance.
60. Where conditions are pre-commencement, there is agreement by the appellant through the signing of the Statement of Common Ground (SoCG) which contains these conditions. This was reaffirmed by the appellant at the hearing.
61. Where I have altered the wording of the remainder of the conditions put forward in the SoCG, I have done so in the interests of precision and without changing their overall meaning, and so to ensure that the conditions are reasonable in all other respects.

Conclusion

62. The public benefits of the proposal would outweigh the harm to the significance of a designated heritage asset, the Comper School, and a non-designated heritage asset, the Irving Building. The proposal would comply with the policies in the development plan when considered as a whole, and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Nicky Brock	Carter Jonas
Sam Jackson	Built Heritage
Stuart Larkin	Stuart Larkin Associates
John Perkins	Appellant
James Hume	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Michael Kemp	Principal Planner
Gill Butter	Principal Heritage Officer
Robert Fowler	Planning Team Leader

INTERESTED PARTIES:

Dominic Woodfield	Residents Opposed to Over Development of Irving
Ben Cairns	Governing Body, Comper School
Julia Cairns	Local Resident
Patrick Brittenden	Local Resident
Philip Bailey	Local Resident
Richard Weston	Local Resident
Hannah Langley	Local Resident
Julian Sharples	The Listening Centre
Hazel Anderson	Local Resident
Tom Taylor	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 MRC Document – local facilities within 10-15 - minute walk and D1 Losses locally
- 2 Oxford City Council, Application for an award of appeal costs, 22nd March 2022
- 3 Carter Jonas, Costs Application in respect of St Mary & St John School, Hertford Street, Oxford on behalf of Magdalen Road Church, March 2022

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached schedule Annex 1. For the avoidance of doubt each Phase as identified on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A can be developed independently of each other, subject to the relevant conditions for each phase being met to the Local Planning Authority's satisfaction (as necessary) or requirements as set out within this decision notice where relevant to each phase.
- 3) Prior to the commencement of in respect of either phases 2 and or phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority and only the approved materials shall be used. A sample panel of the proposed brickwork to be used on the external elevations of the proposed buildings (phases 2 and 3) shall be prepared on site and shall be made available for inspection by the Local Planning Authority on request.
- 4) Before the occupation in respect of either phases 1 and or phase 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to first occupation of phases 1 and 2 of the development. The cycle parking as shown on the approved plan nos. 1695-AL-700; 1695-AL-701 and 1695-AL-001 Rev B shall be installed before the occupation of phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. In all instances the cycle parking shall be retained in accordance with the approved details.
- 5) Prior to occupation in respect of either phases 1 or phase 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a car park management plan covering the parking spaces serving the Irving Building shall be submitted to and approved in writing by the Local Planning Authority. The car park shall only be used by users of the Irving Building and by the Comper School or its successors and shall not be used by occupiers of the residential development approved on the site. The approved management plan shall be implemented on first occupation of the change of use of the Irving Building (phase 1) or the occupation of the community building (phase 2) whichever is the earlier and shall be adhered to thereafter.
- 6) Prior to the commencement of development in respect of either phase 2 or phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following details:
 - (a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman;

- (b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network);
- (c) Details of wheel cleaning / wash facilities to prevent mud and debris from migrating on to the adjacent highway;
- (d) Contact details for the Site Supervisor responsible for on-site works;
- (e) Travel initiatives for site related worker vehicles;
- (f) Parking provision for site related worker vehicles;
- (g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
- (h) Engagement with local residents.

Thereafter, the approved Construction Traffic Management Plan shall be implemented and the development carried out in accordance with the approved details for the duration of the construction period for phases 2 and 3.

- 7) Prior to commencement of development in respect of either Phase 2 or Phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary from 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to local residents of the proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented and the development carried out in accordance with the approved details for the duration of the construction period for phases 2 and 3.
- 8) Noise from Phase 2, the community hall, during services shall be controlled to 10dB below the background noise level (LA90) without the noise present, in each octave band at the nearest noise sensitive location.
- 9) No development shall take place in phases 2 or phase 3 as defined on drawing 1773- MEB-XX-00-DR-A-3-111 Rev A until a written scheme of investigation including a programme for historic building recording as it relates to the walls on phase 2 or phase 3 has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation.
- 10) Prior to any removal of, or substantial alterations to internal or external walls of the Irving Building within Phase 1 as defined on the drawing 1773-MEB-XX-00-DR-A-3-111 Rev A a recording of the historic building will be carried out and submitted to the Local Planning Authority for information.
- 11) A watching brief for the identification of unexpected contamination must be undertaken throughout the course of the development by a suitably competent person. If unexpected contamination is found to be present on the site, development on that part of the site shall be suspended and an appropriate specialist company and the Local Planning Authority shall be

informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Details of the watching brief shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any groundwork in respect of either phase 2 or phase 3 on each phase as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A and shall be carried out in accordance with the approved details.

- 12) Prior to the commencement in respect of phase 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure a net gain in biodiversity will be achieved having regard to the biodiversity net gain matrix. The scheme, based on the recommendations in the Ecology report by Windrush Ecology dated July 2020 shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 4 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs. The approved ecological enhancement measures shall be installed before occupation of phase 2 of the development.
- 13) Prior to the commencement in respect of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The development shall be carried out in accordance with the approved plans. The approved landscaping shall be completed before first occupation of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. The landscaping of the remainder of the site comprising phases 1 and 2 shall be carried out in accordance with the approved landscaping plan 1773-MEB-XX-XX-DR-A-3- 250 Rev A prior to the occupation of phases 1 and 2. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within three years of planting shall be replaced.
- 14) Prior to the start of any construction work on site in respect of Phase 2 as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance, details of the design of all new hard surfaces, a method statement for their construction and a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be carried out in accordance with the approved details.

- 15) Prior to the start of any construction work on site in respect of Phase 2, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried out in accordance with the approved details.
- 16) Detailed measures for the protection of trees to be retained during the development shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the start of any construction work on site in respect of Phase 2 as defined on drawing 1773-MEB-XX-00-DR-A-3- 111 Rev A. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs.
- 17) A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority prior to the start of any construction work on site in respect of Phase 2 as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved statement.
- 18) The first and second floor windows located on the north west facing side elevation of the building, serving flats 4 and 6; and the second floor window located on the south east facing elevation of the southernmost house within Phase 3 as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A shall be fitted with obscured glazing to a minimum height of 1.7 metres and this shall be retained as obscured glazing at this minimum height.
- 19) The residential element of the development (phase 3) shall be carried out in accordance with the recommendations outlined within the submitted Energy and Sustainability Statement prepared by ERS Consultants Ltd reference. PR8061 dated 28th July 2020 prior to first occupation of phase 3 taking place and shall thereafter be retained.
- 20) Prior to the occupation of each phase, as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A a lighting plan detailing the specification and location of all new external lighting features shall be submitted to and approved in writing by the Local Planning Authority. The approved

lighting plan shall be implemented before first occupation of each phase. No external lighting shall be installed on site without the written approval of the Local Planning Authority.

- 21) Prior to the commencement of development in respect of either Phase 2 or Phase 3 as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details shall be submitted to and approved in writing by the Local Planning Authority outlining the extent of works to the external boundary walls (if any) shown in the planning application to be retained within each phase. The details shall include any elements of the walls to be removed and works required to repair or make good any elements of the walls. The development shall be carried out in accordance with the approved details within each phase of work prior to the first occupation of that phase taking place and shall thereafter be retained.
- 22) Prior to commencement, in respect of either phase 2 or phase 3 as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a final sustainable surface water drainage strategy shall be submitted to and approved by the Local Planning Authority (LPA) for each phase. The strategy shall be based on the submitted strategy (Glanville Consultants Doc Ref: 8180406/AQ/DW/029), but address the outfall rates agreed with the LPA. The drainage system shall then be constructed in accordance with the approved surface water drainage strategy for each phase prior to first occupation for the lifetime of the development in order to ensure that it functions safely and effectively.

Annex 1 – Approved Plans

1773-MEB-XX-00-DR-A-3-100 A - Site Location Plan
1773-MEB-XX-00-DR-A-3-101 A - Existing Block Plan
1773-MEB-XX-00-DR-A-3-110 A - Proposed Block Plan
1773-MEB-XX-00-DR-A-3-111 A - Proposed Phasing Plan
1773-MEB-XX-00-DR-A-3-200 A - Existing Ground Floor Plan
1773-MEB-XX-01-DR-A-3-201 A - Existing First Floor Plan
1773-MEB-XX-02-DR-A-3-202 A - Existing Second Floor Plan
1773-MEB-XX-03-DR-A-3-203 A - Existing Roof Plan
1773-MEB-XX-00-DR-A-3-210 A - Proposed Ground Floor Plan
1773-MEB-XX-01-DR-A-3-211 A - Proposed First Floor Plan
1773-MEB-XX-02-DR-A-3-212 A - Proposed Second Floor Plan
1773-MEB-XX-03-DR-A-3-213 A - Proposed Roof Plan
1773-MEB-XX-XX-DR-A-3-250 A - Proposed Landscape Plan
1773-MEB-XX-XX-DR-A-3-300 A - Existing SW and NE Sectional Elevations
1773-MEB-XX-XX-DR-A-3-301 B - Existing NW and SE Sectional Elevations
1773-MEB-XX-XX-DR-A-3-310 B - Proposed SW and NE Sectional Elevations
1773-MEB-XX-XX-DR-A-3-311 B - Proposed NW and SE Sectional Elevations
1773-MEB-XX-XX-DR-A-3-312 B - Proposed SW Contextual Elevation and 3D Aerial View
1773-MEB-XX-XX-DR-A-3-900_A – Tree Constraints Plan
1695-AL-001 Rev B Site Plan
1695-AL-100 Rev D Landscape Site Plan
1695-AL-301 Rev C Street Analysis
1695-AL-302 Rev C Street Plan & Axo Photographs
1695-AL-303 Rev C Street Elevations & Visualisations
1695-AL-401 Rev A Proposed Basement
1695-AL-402 Rev A Proposed GF
1695-AL-403 Rev B Proposed 1F
1695-AL-404 Rev C Proposed 2F
1695-AL-405 Rev B Proposed Roof Plan
1695-AL-406 Rev B Proposed Front & Rear Elevations
1695-AL-407 Rev C Proposed Side Elevations
1695-AL-700_Apartment Bike Store
1695-AL-701_House Bike Store Detail