

Appeal Decision

Inquiry Opened on 26 October 2021

Site visit made on 29 October 2021

by Mike Robins MSc BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th June 2022

Appeal Ref: APP/V5570/W/21/3277196

Highbury Quadrant Congregational Church, Islington, London N5 2TE

- 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 The Congregational Federation and IDM Developments London Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/2507/FUL, dated 9 September 2020, was refused by notice dated 7 April 2021.
 - The development proposed is redevelopment of the existing Highbury Quadrant Congregational Church to provide a new church and associated community facilities including community space and church accommodation (Use Class F1) and a new part 3-, part 5-, part 7-storey residential building comprising 39 apartments (Use Class C3), together with associated landscaping, cycle/refuse storage, substation and other associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the existing Highbury Quadrant Congregational Church to provide a new church and associated community facilities including community space and church accommodation (Use Class F1) and a new part 3-, part 5-, part 7-storey residential building comprising 39 apartments (Use Class C3), together with associated landscaping, cycle/refuse storage, substation and other associated infrastructure at Highbury Quadrant Congregational Church, Islington, London N5 2TE in accordance with the terms of the application, Ref P2020/2507/FUL, dated 9 September 2020, subject to the conditions set out in the Schedule below.

Procedural Matters

2. The Inquiry sat for 5 days and was closed following a final, virtual session on the 1 November 2021.
3. In accordance with an agreed timescale, a signed agreement made under Section 106 of the Town and Country Planning Act 1990 was submitted on the 17 November 2021. This is addressed in more detail below.

Main Issue

4. While I have noted a number of concerns from local residents, which I address under other matters below, the main issue in this case is whether the proposal makes adequate provision for affordable housing.

Reasons

Background

5. The appeal site is currently a Congregational Church located on a triangular island site in Highbury, with roads to three sides. It is an area of mixed character, with mid-century flats to one side within the Highbury Quadrant Estate, traditional Victorian terraces to the other and some later red-brick terracing to the north. The church is now proposed for complete redevelopment.
6. Reportedly, the substantial original Victorian Church was partially replaced in the 1950s. The newer church, referred to as the Sanctuary, was directly linked to a retained 'school' building, referred to as the Octagon, via some central Victorian buildings, which contain a number of smaller rooms and meeting spaces as well as accommodation, of which one unit is still in use as the Minister's flat.
7. Over the years, all these buildings have clearly deteriorated, not only through apparent subsidence, with considerable evidence of cracks, leaks and failing fabric, but also as a result of an extensive fire in the Octagon in 2015.
8. The Octagon has lost much of its internal structure and some of its stained glass roof lights and roof covering, exposing it to significant water ingress; it is now too dangerous to enter. The connection from the other buildings has been closed off. While it is apparent that the Church is still operating, the state of the fabric of the building, the inaccessibility of the Octagon and the poor condition of the linking buildings must put the safety and practicality of even this use in question.
9. The land surrounding the buildings has become significantly overgrown, while the external fabric, including the roofs, walls, access steps and boundary walls, are all in a poor state.
10. Within this context, the appellants are seeking to redevelop the entire site to provide for a new Church with associated community spaces and flats for a caretaker and minister, along with 39 residential apartments. The proposal would result in a single structure of predominantly 3-4-storeys for the church/community element and part 7-storey for the apartments.

Policy Position

11. The National Planning Policy Framework (the Framework) sets out that affordable housing needs should be reflected in planning policies and that major development should provide a minimum of 10%. The approach to viability is further addressed in the Planning Practice Guidance (nPPG), which sets out that it is the applicant's responsibility to justify the need for a viability assessment and that the weight to be given to it is a matter for the decision maker. It goes further to set out standardised inputs and the preferred approach to establish the Benchmark Land Value (BLV).
12. The development plan includes the adopted London Plan 2021, the Islington Core Strategy 2011 (the CS) and Development Management Policies, 2013 (the DMP). The emerging Islington Local Plan (eILP) is also fairly well advanced with public hearings underway. The full set of policies for consideration is set out in the Statement of Common Ground (SoCG).

13. London Plan Policy H4 sets out a strategic target of 50% of all new homes to be genuinely affordable, with major developments, as here, providing affordable housing (AH) through the threshold approach set out in Policy H5. This policy sets an initial minimum contribution of 35% with 50% expected from public sector land or specified industrial land. Where proposals cannot meet these requirements, they are expected to follow the Viability Tested Route, set out in the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (AHVSPG) and subject to early and late stage reviews.
14. This approach is reflected in the CS Strategy Policy CS12G, which seeks 50% of additional housing built in the Borough to be affordable and that the maximum reasonable amount is provided. Accompanying text notes that for private schemes this should take viability into account. Supporting the application of this policy is the Islington Development Viability Supplementary Planning Document 2016 (the IDVSPD). The eILP addresses AH in Policy H3, which seeks a similar strategic target of 50% but an expectation of a minimum of 45%. Although relatively well progressed, and despite the Council comments, it would appear that there are objections to this policy and I can afford it only limited weight.
15. As this scheme involves the replacement of a community use, DMP Policy 4.12 sets out that the Council will not permit any loss or reduction in social infrastructure uses unless a suitable replacement is provided or evidence is provided for specific circumstances demonstrating that the use is no longer required.
16. I note the CS sets out in accompanying text that AH is and will continue to be a major issue in the Borough and the eILP goes further indicating that it is the Council's absolute priority. I therefore address the relative balance between these AH and community use policies in my planning balance below. Nonetheless at the heart of this case is the provision of AH, which I now turn to.

Affordable Housing

17. There is no challenge by any party to the acute need for affordable housing in Islington, or to the Council's case that Islington's small size, constrained land supply and dense population leads to a significant demand for AH. The viable delivery of AH must therefore be maximised and, in this context, the policy expectations, set out above, are for the delivery of up to 50% AH. It is also accepted by the main parties that the key test is whether the maximum reasonable amount is being offered, if not then the appeal should fail. On the basis of their assessment of viability, the appellants are offering 28% by habitable room. Contrary to the Council's position, they argue that this represents the maximum reasonable amount deliverable.
18. The assessment of viability can be a complex exercise, entertaining a range of variables and projecting costs against market conditions. This complexity can arise through differing approaches and judgements employed in the assessments of costs and value, and, as in this case, complexity in the nature of the development, associated here with an existing range of buildings and the potential for either their refurbishment or redevelopment. Thus each main party offered evidence on the costs associated with the scheme, and its alternative, which I address below, as well as how such costs input to the overall scheme viability, notably in this case, in relation to the Benchmark Land Value, BLV, and the level of developer profit.

19. Nonetheless, supplementary documents and guidance, as well as the nPPG are in place to support assessments of viability and there was a significant level of agreement between the main parties on a range of costs and variables as set out in the SoCG.
20. On my reading of the evidence, the issues between the parties over viability and the maximum reasonable amount of AH must address the BLV, including the appropriateness of assessment under an Alternative Use Value (AUV) methodology, which itself is informed by the current condition of the buildings, the refurbishment costs and market demand for future use, as well as the expected level of developer profit.
21. Consequently it is necessary to consider firstly, the structural reports that have been produced, before turning to the methodology and disputed elements that follow from that.

Structural Reports

22. A number of reports have been produced, initially for the Church, subsequently jointly for the Church and the developer, with a further report commissioned by the Council.
23. The first of these, by AR Associates in 2015, predated the fire in the Octagon and was produced for the Church. This highlighted significant evidence of structural failures and cracking in the Sanctuary, where traditional underpinning methods were suggested to be uneconomic. For the Octagon and Victorian buildings, extensive cracking, damp and decaying timber was noted and the report concluded that it would be more economical to demolish rather than refurbish, although it acknowledged that this should be subject to a detailed cost analysis.
24. In 2020, the Church and developer commissioned a geotechnical site investigation report, which was carried out by Ground Engineering, and considered that the subsoils structure comprised predominantly London Clay and recommended piling for the appeal scheme. They also commissioned a review of the previous AR report by Price and Meyers. This review appears to agree with the AR Associates findings that repair of the buildings would be uneconomic as would retrofitting piled foundations.
25. At this point, the Council commissioned a visual inspection report from Connisbee. This confirmed the very poor condition of the Sanctuary with a need for extensive underpinning and possible requirements for underpinning to the Victorian buildings. Despite reporting that the walls of the Octagon appeared stable, it recommended urgent repairs to the internal fabric, which by this point was after the fire and the loss of roof coverings was such that there was significant water ingress; underpinning was considered to possibly be required.
26. In April 2021, a draft structural inspection report by Price and Meyers, commissioned by the developer, noted the poor condition of the Sanctuary, but felt that the internal structure of the Octagon was generally sound. No underpinning appeared to be necessary and it suggested that structural remediation along with substantial redecoration could provide a short to medium term solution sufficient to bring the buildings into a lettable condition. Shortly following this, a conditions report was produced by Harding Bond, which listed a range of measures to bring the buildings back to full use.

27. The final report from Price and Meyers, in September 2021, addressed some of the inconsistencies between the reports that considered the buildings to be uneconomic to repair and those that considered that relatively superficial repair and redecoration was needed. This report explained that their earlier acceptance regarding the economic costs of refurbishment was based on the economic circumstances of the Church and their intention to pursue full redevelopment in partnership with a developer. This final report accepted that further and more extensive repairs were likely to be necessary within a 5-10 year period. This could include piled raft underpinning the full perimeter of the Sanctuary, which the report suggests would be an appropriately cautious approach. A range of repair or replacement requirements were set out for the Octagon and Victorian building. It was accepted that further, more detailed survey and investigation work was required, but that the structural remedial works and substantial redecoration and fabric repair would allow the buildings to be brought back into long-term lettable condition.
28. The appellant has used the reports they have commissioned to inform a cost base for their viability assessments; it is these costs, realistic delivery of the alternative scheme and the projected developer profit level utilised in the viability assessments that are challenged by the Council.

The Viability Assessments

Background

29. Viability assessments need to assess whether the gross development value (GDV) in the proposed scheme is greater than the costs involved in pursuing that scheme, and critically, for his case, whether there is sufficient value to allow for the contributions and AH commitments sought by the Council.
30. A Viability Assessment¹ was carried out as part of the Council's plan making process, which utilised a developer profit level of 18%, and found that in most circumstances a level of 45%/50% AH should be achievable.
31. Both of the main parties have produced site specific viability assessments. Initially both considered, in accordance with the nPPG, a BLV based on the existing use. This is the normal approach and reflects the first component of understanding the GDV of a site in providing an assessment of the existing use, its value and any additional premium that should be factored in for the landowner, known as the EUV+. Indeed the Council, on this basis, have proposed that with minimal value in the existing site, an appraisal on this basis, utilising 28% AH, 5% contingency and a 17.5% developer profit would indicate a surplus of £1.7M, sufficient to support a greater quantum of AH. On questioning, the Council accepted that 7.5% contingency was agreed for this case, which would have made approximately £300k difference.
32. However, while the Council have presented this assessment they accept that there are other approaches that should be explored. In this case, that of an alternative use based on refurbishment, as it is self-evident that the existing site and buildings are not able to support the former use as a Church and community space and have very little intrinsic value in the condition that they are in. Consequently, the appellants are promoting a notional alternative use,

¹ London Borough of Islington: Draft Local Plan Viability Study December 2018

that of repair and refurbishment of the existing buildings to provide continued church and community use.

33. In such circumstances, the nPPG accepts that an alternative use approach may be informative in establishing the BLV. In particular, the nPPG notes that where it is assumed that the existing use will be refurbished or redeveloped then this can be considered as an alternative use value (AUV). There is an expectation in the nPPG that the alternative use should comply with plan policies, should demonstrate that it is implementable, that there is market demand for that use and that there should be a clear explanation as to why the alternative use has not been pursued.
34. This approach is reflected in the Mayor's AHVSPG, which notes the very limited circumstances in which an AUV approach should be used, and requires full justification for such an approach. Specific guidance for chartered surveyors² is also clear that the alternative use must be implementable, must demonstrate demand for that use and provide a clear explanation why the scheme is to be pursued over the alternative.
35. The question of whether an AUV approach is appropriate in this case was addressed at the Inquiry. I consider that it is an acceptable approach and I note that it was originally suggested by the Council and agreed within the SoCG³.
36. The appellant's assessments, which was revised through the course of the appeal and a number of iterations of the costs reports, concluded that the BLV, informed by the AUV, ranged between £1.36M and £1.899M. When set against an appraisal of the scheme value, approximately £1.228M, it was argued that this was indicative that the maximum achievable AH element was 28%. I note that in all cases the value of the appeal scheme is lower than the BLV, a situation suggested by the appellants as being relatively commonplace where a developer would make a risk based decision on assumptions of projected future values in order to decide to proceed.
37. The Council consider that the appellants' AUV approach cannot be relied on in this case as it does not properly reflect the necessary tests of the nPPG and relevant supplementary documents and guidance. In essence, they contend that the proposed refurbishment is not financially viable, particularly when including the Octagon, and there will not be sufficient income to sustain the costs.
38. The Council set out the tests as: the use fully complies with development plan policy; that the alternative used could be implemented; that there is a market demand for that use; and that there is an explanation why the alternate use is not being pursued. I am satisfied that these properly reflect the guidance set out above.

Plan policy

39. The first of these tests is compliance with plan policies. For an alternative use that would require planning permission to proceed this has significant implications in terms of the need for detailed plans on which to base any such judgement and indeed costs. However, the principle of repair and

² Assessing viability in planning under the National Planning Policy Framework 2019, RICS March 2021

³ Para 8.7

refurbishment of the existing buildings is not a 'new' proposal and would be in accordance with planning policy. While the extent of underpinning is not agreed, and I address that below, some will, in my view, be necessary. Nonetheless,, I would not anticipate that the underpinning itself would necessarily lead to the need for planning permission, and even were it to do so, I can see little reason for such permission to be withheld, providing as it would, for the retention of the buildings. On this matter, I consider the alternative use would comply with development plan policies.

Cost estimates

40. In terms of costs, the Council argue that the costs for refurbishment are significantly underrepresented, albeit it is accepted that the Council did not carry out their own cost appraisal. They suggest that the appellants' view that underpinning may not be required at all, or may only be required for the Sanctuary is unfeasible and that the very poor condition of the Octagon and Victorian buildings would result in much higher costs to repair and refurbish than envisaged. Critically they argue that all of the surveys recommend further works are necessary to understand the full range of issues and that this implies potential additional costs that have not been accounted for.
41. They further suggest that there are costs missed out of the AUV approach that are considered necessary for delivery of the appeal scheme, including works to the external spaces and walls surrounding the site.
42. To my mind, the evidence points to the Sanctuary requiring underpinning. This is borne out by the findings of a number of the surveys and more recent visual inspection shows that the cracking is an ongoing issue; I note the appellants have now allowed for this. However, the surveys are less definitive on the requirements for the rest of the buildings, particularly the Octagon.
43. The only survey that could appraise the internal structure of the Octagon is the AR report from 2015, before the fire. This suggested that the repair of all of the buildings was likely to be uneconomic, and very extensive works were identified for the Octagon and adjacent building. However, the findings on the economic refurbishment of the buildings are set out in the context of the Client's, in this case the Congregational Church's, requirements 'for times ahead', and that such a decision should be subject to a detailed cost report analysis.
44. Consequently, I do not consider the findings of the AR report to be fatal to the principle of refurbishment, albeit I do think it lends credence to the Council position regarding additional costs. The appellants have taken further advice, with visual inspections, reviews of surveys, ground condition surveys and a conditions report focused on required internal and external works.
45. I do consider that the concept that the fairly superficial works initially promoted to allow for re-use of the buildings presented by Price and Meyers in early 2021 would appear to have significantly underplayed what would realistically be needed to bring the buildings up to a suitable standard to achieve the levels of rental projected. However, this has been addressed somewhat in their final report where I note they consider their initial views on the economic costs of refurbishment were based on their understanding of the financial capacity of the current owners and their wish to proceed with a full redevelopment scheme in partnership with a developer.

46. I consider that there is a realistic possibility that further underpinning would be needed for the Victorian and Octagon buildings as, although I note some reports question the extent of the damage, both buildings are located on similar ground conditions, London Clay, and with similar relationships to trees and roots systems. The AR report was clear on the moderate to severe cracking that they had identified, and this is a report considered robust by later reviews.
47. Consequently, although the appellants have produced detailed, elemental cost plans and I am satisfied that, with professional judgement, there was sufficient information to reach an informed decision on costs, I still consider there to be a risk of unaccounted for costs. Especially so if a robust approach is taken to the risk of additional works associated with the stability of the buildings. Matters relating to the external spaces, which should also have been addressed, are nonetheless of relatively small quantum.
48. To this end, the appellant introduced some additional information on the cost of underpinning and external works. They also ran some sensitivity testing increasing the contingency costs from 10% to 20%, and for viability purposes, reduced the developer profit to 18%. This, they argued, still showed the refurbishment costs as being less than the value of the AUV scheme.
49. However, the issue is not necessarily the absolute accuracy of the cost estimates for refurbishment but whether the appellant has demonstrated that there is a realistic prospect of a scheme to refurbish and re-use the site being financially viable.
50. To inform their consideration that the appellants' cost appraisal underestimated the potential costs, the Council referred me to some BCIS⁴ benchmark figures for church refurbishment. The small number of schemes identified covered a considerable range of costs. The Council argued that the mean should be used in this case because of the small sample size, from which they identified the benchmark costs as being materially higher than the appellants' cost estimates for refurbishment.
51. In cross examination, the Council accepted that such figures should be treated with caution. I have reviewed the price studies and the party's evidence on this, noted the very high value schemes of Rosslyn Chapel and the incompatible scheme of predominantly residential provision. While I do not think that all of the higher value schemes can be disregarded, in absence of strong evidence, I do consider that the BCIS approach of taking a median value should be preferred. Overall, on the BCIS benchmark schemes, I prefer the appellants' principles on this.
52. Consequently, on the appellants' figures, refurbishment costs of £785/square metre (sqm) for the Sanctuary and Victorian Buildings and £1289/sqm for the Octagon would appear relatively well aligned with the benchmark corrected median of BCIS Category 630 figures of around £1000/sqm, especially if the scheme is considered as a whole.
53. The assessment of refurbishment costs does not indicate whether an alternative use scheme is financially viable or deliverable. This requires an assessment of the value of the scheme and, while there is agreement on the rental rates, £16/square foot (sqf) over 12,416 sqf, the Council do not consider that such a

⁴ Building Cost information Service

large floorspace would sustain these rental values, especially if delivered as ad hoc rental opportunities. This leads me to consider whether the alternative use scheme is deliverable and whether there is market demand for it.

Deliverability

54. In terms of deliverability, while I have found the appellants' costings reflective of the median benchmark values, I have noted that there remain some risks, including that of potential underpinning of the Victorian building and Octogan. However, even with some increased costs, within the bounds of the contingency, including that increased as part of the sensitivity testing, refurbishment should still allow for an opportunity for a return on investment.
55. The refurbished scheme would provide a mix of community spaces and potentially two apartments, including the larger units of the Sanctuary and the Octagon, as well as a range of smaller spaces. I accept that these are unlikely to be as flexible or attractive to the market as the purpose built spaces proposed in the appeal scheme, although I note that at 12,416 sqf, the scale of community space in the appeal scheme would be similar. The value of this space has been acknowledged by the Council.
56. However, although the Council accept the appeal scheme viability for rental based on the Church as the primary tenant and the increase community usage deriving from a residential led scheme, they question the deliverability of a set of refurbished spaces of a similar scale, although they would appear to accept that the 8,245 sqf of the Sanctuary would have a demand in the market.
57. The principal differences between the parties on this matter would appear to be that despite the similar floorspace, the refurbished scheme is considered to be a very different proposition to the appeal scheme. The Council argue that it has no pre-let tenant, a less flexible and potentially less attractive range of spaces and a significant potential maintenance requirement. Without the residential element, they argue that the considerable cost of refurbishment would not be attractive to investors with a return based on ad hoc rentals for one-off events and an income stream that would not be robust.
58. To inform the assessment of market demand for the appeal scheme, the appellants commissioned a Community Infrastructure Audit⁵. This identified an estimated deficiency of 5 community spaces in the East Area of Islington and noted positive feedback from community members of the need for flexible community spaces. In light of the high residential densities in Islington, this finding is not unexpected and has not been directly challenged by the Council.
59. Such findings do suggest that there would be demand for the community space provided through the refurbishment scheme. In my view, the scheme would require a head lease, potentially for the Sanctuary, and close management of the other spaces, but there is no substantial evidence before me to suggest that it could not present a return in excess of the refurbishment costs; quite a significant return on the appellants' figures.
60. The appellants, in work associated with their original EUV assessment, identified lettings within London for similar, albeit smaller community spaces. These were predominantly for medium to long term lets for religious or nursery/educational

⁵ CS 3.10

uses. The rents were at or above the £16/sqf as agreed by both main parties as realistic for the refurbishment scheme.

61. There is agreement between the parties that there is a demand for the proposed community space in the appeal scheme and evidence of demand and successful letting over longer periods for such space. While the Octagon may be viewed as an additional larger space, which could present some challenges in terms of reliable, high value rental, it could, if carefully renovated present a flexible and characterful space suitable for a range of uses.
62. Setting aside the figures, it is necessary to take a reasonable, common sense view of the alternative use proposal. The buildings are in very poor condition, most now unusable for their original purpose. Nonetheless, they are well located in an area shown to have a deficiency in community spaces. They are of relatively substantial construction, subject to addressing any subsidence issues, and while a significant investment may be needed to refurbish them to a sufficient standard, I am satisfied, subject to my findings on potential underpinning, that the costs estimates, are reasonable. Against this, I found that there is evidence of demand and rental income levels sufficient, in my view, to demonstrate the scheme could be delivered. The Council acceptance of the demand for, and value of the community space in the appeal scheme further bears this out.

Conclusion on the Alternative Use Approach

63. Alternative Use schemes for viability assessment are notional schemes. By definition they are promoted to show that there is a value in the land, which its existing use may not support. They must be demonstrated to be deliverable, but the requirement to demonstrate why they are not the chosen scheme and to relate their delivery to site specific factors certainly implies that they are not schemes intended to be progressed. This leads on to the final requirement of an AUV approach, that is to set out a clear explanation of why it would not be progressed in preference to the promoted scheme.
64. The Council strongly argue that with the additional value shown by the appellants' AUV assessment then either the developer or the Church should progress the refurbishment scheme in preference to their partnership appeal scheme. I can see the attraction of this argument, but this is why it is important to consider site specific factors. The Congregational Church currently own the site and are reported to have occupied it since 1878. At the Inquiry, it was set out that the Church alone would not wish to raise finance to refurbish the site, nor would they have the necessary competency, financial or otherwise, to do so. This was because they themselves are unlikely to be able to meet the market expectations for continued rental and use of the space.
65. I have no confirmed details on the financial relationship between the Church and the developers, suffice to say that as the owners of the land, the Church's expectations are reported to be that any scheme should ensure that they were able to remain in place and provide the community and religious services that they have for so many years. The appeal scheme would present a significantly lower risk to them as the landowner, whereas a sell and lease back option on refurbishment might ultimately lead to them being unable to remain on the site.
66. That is not to say that a commercial investor could not realise the value of the site under the refurbishment scheme, but there would be no obvious incentive

for the Church to support that route. Overall, I am satisfied that the alternative use scheme, while shown on the balance of probabilities to be deliverable, is not the preferred approach for ownership and site specific reasons.

Developer Profit

67. The level of developer profit is related to the viability assessment for the appeal scheme, and sets out two rates of return, 6% on the shared elements and 20% on the private residential GDV.
68. There are some expectations for developer returns set out in guidance. The nPPG indicates 15-20% and this is reflected in the IDVSPD, and Islington's strategic viability assessment utilised 18%. The Council have provided evidence on a number of schemes where developer returns were indicated to be at lower levels and I note that the Council are suggesting 17.5% as appropriate for this scheme. Nonetheless, the appellants argue that 20% is reflective of the risks in the market and the current commercial expectations for funding, and supplied evidence of this by way of letters from two finance providers.
69. The Council suggest that for a scheme of relatively small scale, involving a single phase, with pre-let community space and a strong housing market, the risks do not justify the higher rate of return sought.
70. I do not find the letters from the financial institutions compelling as an argument for 20%; they appear much too generic in their terms with little appreciation of the site specific factors in play here. I can understand their caution post pandemic but I consider they do not properly reflect that there can be a range of returns or acknowledge the many successful schemes that deliver a return at less than 20%. However, while the Council's reference to various consented proposals may suggest that such schemes are in the pipeline, only one of them appears to have been implemented. These too are not strong evidence of lower returns, as risk factors can vary significantly across schemes, development types and areas.
71. Nonetheless, it is not unreasonable, at the time of the viability assessments, for there to be a reflection on an uncertain market following the very significant upheaval associated with the Covid Pandemic. Marketing residential units in such close association with a religious and community facility may also alter the dynamics of the market somewhat. Furthermore, there is clearly greater complexity and risk in a development involving extensive demolition on a restricted island site, with complex ground conditions, while delivering a scheme combining religious, community and residential use, with sensitive requirements for the management of existing outside memorial areas and provision of private and communal outdoor space, than there may be for other greenfield or solely residential schemes.
72. On this basis, I do not consider that the proposed developer return would be unreasonable in this particular case.

Conclusion on the Viability Assessment

73. As I have set out above, this is neither a simple site nor a simple scheme. There are site specific factors which have a significant influence on both the approach to viability assessment and on the risks of the development proposed. The Council themselves have acknowledged the potential drag on viability that provision of the church and community facilities entails.

74. I have found that the appellants may have underestimated some elements of costs for an alternative scheme involving repair and refurbishment of the existing buildings. Nonetheless, their assessment that the scheme could be viably delivered supports the use of an AUV in this case.
75. I am satisfied that the approach is sufficiently robust to indicate a realistic GDV for the site such that, taking account of my findings on developer return, the maximum reasonable amount of AH is 28%, and I note that this remains the conclusions even when sensitivity adjustments are made. I have noted the Council suggestions regarding the provision of two cores or the change in unit size to maximise value in the scheme, but do not consider that such approaches would materially alter the assessment.
76. I am conscious of the Council's concerns that accepting a reduced AH level on this scheme could undermine their ambitions of 45-50% AH as a strategic aim. I am also aware that high house prices within London generally should offer sufficient viability to support such contributions to what is clearly very necessary AH provision. However, sites must be considered on their own merits, and in this case, I have highlighted the many factors that contribute to the risks and costs associated with delivery of this mixed use scheme. I consider that it forms no sort of precedent for other schemes to provide lower levels of AH provision. The proposal would therefore comply with London Plan Policies H4 and H5 and CS Policy CS12 in this regard.

Other Matters

77. While this decision has focussed on the matter around viability and AH, I am conscious that the Council, notwithstanding their acceptance in the SoCG that the external appearance of the scheme was acceptable, had sought further information on design, including sections, implying that the scheme was at the 'upper limit of what can be achieved'. There remained considerable concerns regarding the design and the materials used and I heard statements from interested parties, one of whom also represented the Highbury Quadrant Tenants and Residents Association.
78. Further concerns were also raised related to the height of the development, and its effect on daylight and sunlight, among other matters. While I have noted some concerns over consultation on the scheme, I am content that the Council followed notification requirements and the appellants carried out community engagement, presenting to community groups and producing website, video and documentary evidence on the proposed scheme.
79. Turning to the design, from my reading of the evidence there was a comprehensive process of design review, adaption and consultation. This included engagement with the Council's Design Review Panel whose findings were generally positive. Nonetheless, the design concerns expressed in opposition to the scheme from interested parties included the scale of the church, the overall height and relationship to neighbouring housing and the colour of the proposed brick finish.
80. The scale of the church was questioned in part because of the size of the existing congregation. Its scale was felt to contribute to the overall scale and to limitations on the overall delivery of housing in the scheme. As I have set out above, this is a partnership project and the Church has a clear interest in remaining on the site. The space set aside for the church is not solely for the

congregation and there is a strong element of community use and influence in the design of the spaces. I am satisfied that it is of suitable scale.

81. It was put to me that the scheme was too high, and that its form was exacerbated by the sloping site, meaning it would present in excess of 8 stories to the maisonettes, which are set below road level to the north. I have noted the position of the Council and the Design Panel on this matter, who both felt that the height was appropriate for this relatively unique location, and that the 'crumbling' edges could be strengthened as a design feature. I took views from throughout the Highbury Quadrant area, including from the lower level of the maisonettes. There is no question that the new structure would be a large, and in some ways, imposing building. However, it is a landmark site, the original Victorian Church stood proudly on the site and in my view it has the capacity to accept a building of this scale.
82. I noted the sloping landform across the area and consider that there is a transition from the flatted blocks to the south and east to the 3-storey terraces to the north. Within this context, the new building would stand above the transitional height, but, taking account of its island location, and, to my mind, the appropriateness of emphasising the form of a community building, as well as the articulation offered through the varying levels and setbacks, I consider that it would work effectively in the space.
83. I note the concern regarding the proposed red brick finish and that London brick could have been used. However, I also note the Design Panel's support for this, the existing use of red brick on site and in the area and that fact that it will add to the intentional dominance of the building. I consider it to be an appropriate response to the site.
84. A further concern associated with the scale was the perceived effect on sunlight or daylight to some properties. The appellants produced a daylight and sunlight study, which was reviewed by the Council. This noted some reduction in the Vertical Sky Component, a measure of the provision of light, to two windows at 82 to 120 Highbury Quadrant. However, such findings in urban locations are not untypical and some of these windows already experience some light reduction from overhanging balconies. One garden is shown to experience a marginal reduction in direct sunlight. I do not consider that this represent material harm.

Planning Obligations

85. The appeal was accompanied by a schedule of planning obligations in the form of the s106 Agreement, signed and dated 17 November 2021.⁶ At my request, the Council also prepared a compliance schedule to assist assessment of each of the obligations against the tests contained in the Community Infrastructure Levy (CIL) Regulations 2010 and as set out at paragraph 57 of the Framework. Namely, they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
86. The obligations were the subject of discussion at the Inquiry. The Agreement secures the quantum and delivery of AH, subject to the findings of this decision,

⁶ ID7

and importantly provides a mechanism for early and late stage reviews in accordance with the approach set out in London Plan H5 Part F.

87. The Agreement also establishes car free development, through ensuring restrictions are applied to any lease or other agreement, in addition to the provision or funding of accessible parking bays. When combined with a requirement for a Travel Plan this would support sustainable travel choices in accordance with policy.
88. A highway reinstatement fund is established as are contributions or provision of funding for employment, training and work placements. In response to CS Policy CS10, carbon offsetting payments, a Green Performance Plan, centralised energy provision are secured as well as a Code of Construction Practice, for which a monitoring fee is reasonable in this case.
89. Contributions to tree planting are identified, and I have noted the appellant's CAVAT⁷ assessment and their acceptance of the need for semi-mature tree planting in the Highbury East Ward.
90. Finally, an important component of this scheme is to ensure that benefit arises to the local community from ongoing access to the community facilities to be provided. To this end, a Church and Community Access and Management Plan is secured.
91. I am satisfied that all the contributions and obligations referred to above accord with relevant planning policies and guidance and therefore with the requirements set out in the Regulations and the Framework and can be taken into consideration.

Planning Balance

92. The proposal involves the replacement of a church and associated community facilities. Although the current facilities are in poor condition, DMP Policy DM4.12, seeks to ensure that social infrastructure is not lost and that replacement facilities would meet the needs of the local population. In terms of space, I am satisfied that the replacement facilities would be suitable, and the Access and Management Plan will allow for them to be secured for the benefit of the local population. I consider the scheme to comply with this policy and the re-provision and updating of facilities represents significant weight in favour of the proposal.
93. There is no question that the poor external condition of the existing church, the overgrown nature of the site and the fire damaged Octagon building are all a significant visual detractor in the area. Resolution of this and promotion of a new building here would represent a significant change, the new building being of greater scale than existing, but overall a positive one visually.
94. Although the proposal would not meet the London Plan minimum expectation of 35% or the Mayor's or Council's strategic target of 50% AH, I have set out above that it complies with the viability testing route with early and later stage reviews. The provision of open market and affordable housing clearly represents significant positive weight in favour of the proposal.

⁷ Capital Asset Valuation of Amenity Trees

95. The Framework seeks that decisions apply a presumption in favour of sustainable development, although the Council acknowledge that they cannot at present demonstrate a 5 year housing land supply, my findings lead me to conclude that the scheme complies with the development plan as a whole.

Conditions

96. A set of draft conditions were agreed between the two main parties. I have considered the conditions, following discussions at the Inquiry, in light of the requirements of the nPPG and the Framework. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant plans as this provides certainty (2).
97. To protect the character and appearance of the area, I have imposed conditions relating to landscaping (26), tree protection (5), roof structures and down pipes (12, 15), external facing materials (14) and external signage (22).
98. To address the needs of neighbouring residents and future occupants of the buildings, conditions are necessary to address the construction period (3), noise (7, 8, 28), external lighting (16), operating hours (27), a delivery and Service Plan (21) and the provision of lifts (24), as well as to ensure compliance with the National Standard for Housing Design (9) and retention of the church flats to support the community use (30).
99. To support an environmentally sustainable development, in accordance with policy, conditions are necessary regarding energy efficiency (19), inclusive design (20), photovoltaics (23) and BREEAM standards (29); as well as cycle storage (17), refuge storage (18) and in supporting biodiversity through securing measures (11), roof finishes (13) and bird and bat boxes (25).
100. Finally, to address flooding, infrastructure and pollution risk, I have imposed conditions regarding surface water (10), contaminated land (4) and piling (6). Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
101. It is essential that the requirements of conditions 3-5 are agreed prior to development commencing to ensure an acceptable form of development in respect of the construction period, risk of contamination and ensuring trees are protected on site.
102. The appellant has confirmed acceptance of the pre-commencement conditions at the Inquiry and in their closing statement.

Conclusions

103. For the reasons given above I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Cameron, of Queens Counsel	Instructed by Lewis Westhoff of Icen Projects.
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He called:

Terence Sullivan

Anderson Bourne

Andrew Haynes BSc MRICS

Partner – Bidwells

Lewis Westhoff BSc BCommMedia
MPlan MRTPI

Icen Projects

FOR THE LOCAL PLANNING AUTHORITY:

Charles Streeten, of Counsel

Instructed by Director of Law and
Governance Islington Council

He called:

Neil Powling DipBE FRICS
DipProjMan (RICS)

PDM Project Development and Management

Andrew Jones BSc MRICS

BPS Chartered Surveyors

Gareth Reeves MPlan

Viability Officer – Islington Council

Stephan Sanctuary MSc(Hons)

Principal Planning Officer – Islington Council

INTERESTED PARTIES:

Ken Simms
Toby Davey
Mrs Wooden

Architect and Local resident
Interested party
Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Elemental Costings – post Rebuttal
2. Opening Statement - Appellant
3. Opening Statement - Council
4. Additional Appraisal Summary
5. Closing Statement - Council
6. Closing Statement - Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

7. Revised Condition re hours of operation
8. S106 Agreement dated 17 November 2021

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents: 001, 009, 010, 020, 021, 022, 023, 099, 100, 101, 102, 103, 104, 105, 106, 107, 200, 201, 202, 203, 300, 400, 502.10, 502.02, 502.03, 502.04, 502.05, 502.06, 502.07, 502.08, 502.09, 502.10, 502.11, 502.12.

- 3) Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority.

The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The CMP must refer to the new LBI Code of Practice for Construction Sites.

The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.

- 4) Prior to the commencement of development the following assessment in response to the Framework and in accordance with CLR11 and S10175:2011+A2:2017 shall be submitted to and approved in writing by the Local Planning Authority:
 - a) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.

This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing
 - b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas

membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 5) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s)(TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- Location and installation of services/ utilities/ drainage;
- methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;
- details of construction within the RPA or that may impact on the retained trees;
- a full specification for the installation of boundary treatment works;
- a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;
- detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- a specification for scaffolding and ground protection within tree protection zones;
- tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;
- details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;
- boundary treatments within the RPA;
- methodology and detailed assessment of root pruning;
- reporting of inspection and supervision;
- methods to improve the rooting environment for retained and proposed trees and landscaping; and
- veteran and ancient tree protection and management.

The development thereafter shall be implemented in strict accordance with the approved details.

- 6) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.
- 7) Prior to any superstructure works commencing on site a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall achieve the following internal noise targets:
- Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8 \text{ hour}}$ and 45 dB $L_{max} \text{ (fast)}$
 - Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16 \text{ hour}}$
 - Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16 \text{ hour}}$

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter.

- 8) Prior to any superstructure works commencing on site full particulars and details of a scheme for sound insulation between the proposed church / community centre and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority.

The sound insulation and noise control and management measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter.

- 9) Notwithstanding the Design and Access Statement and plans hereby approved, 35 x of the residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 4 units shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).

Prior to any superstructure works commencing on site building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA. The Approved Plans to show furniture, key dimensions and manoeuvring allowances, as set out in the provisions of the Approved Document M (Volume 1).

The development shall be constructed strictly in accordance with the details so approved.

- 10) Prior to any superstructure works commencing on site further details of SUDS features and maintenance arrangements shall be submitted and

approved in writing by the Local Planning Authority. The details shall include:

- Further details of SUDS features and evidence of how the water run-off rates have been minimised;
- Further details of attenuation storage provided by tanks and permeable paving;
- Incorporation of blue roofs combined with the green roofs to provide irrigation for the green roofs.

The details approved shall be installed and operational prior to occupation of the development hereby approved and maintained as such thereafter.

- 11) Prior to any superstructure works commencing on site details of measures for ecological enhancement identified in the submitted 'Preliminary Ecological Appraisal' and 'Enhancement of Biodiversity Assessment' shall be submitted and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the details so approved, shall be maintained as such thereafter.

- 12) Prior to any superstructure work commencing on site details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.

The development shall be carried out strictly in accordance with the details so approved. No roof-level structures shall be installed other than those approved.

- 13) Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development, including the existing buildings. Prior to any superstructure works commencing on site details shall be submitted to and approved in writing to the Local Planning Authority, demonstrating the following:

- how the extent of green/brown roof has been maximised
- that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and
- planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.

The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.

- 14) Prior to the relevant part commencing on site, detailed drawings and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority. The details and samples shall include:

- Plan, elevation and section drawings, including jambs, head and sill, of all external windows and doors at a scale of 1:10;
- Samples and manufacturer's details at a scale of 1:10, of all proposed brickwork including mortar colour, recessed bricks and decorative / rusticated brickwork;
- Details of balconies including soffits, spandrel and balustrades;
- Samples and manufacturer's details of all metalwork;
- A full scale sample bay panel to be erected on-site to show a typical window detail to be approved by the Council before the relevant parts of the work are commenced. This should demonstrate the exact facing brick blend and detail demonstrating the proposed colours, texture, face-bond and pointing and include a junction with a window opening. The development shall be carried out in accordance with the approval given;
- Details of the green roof system;
- Green procurement plan; and
- Any other materials to be used.

The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter.

- 15) Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent, unless submitted to and approved in writing by the local planning authority as part of discharging this condition.

- 16) Prior to the relevant part commencing on site details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority.

The details shall:

- include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation;
- demonstrate how the ecology of the site would not be adversely affected by the proposed lighting.

The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.

- 17) Prior to the first occupation of the building hereby approved the bicycle storage areas, including the 74 No. covered, secure and accessible bicycle spaces and 12 short-term spaces shall be provided

All approved cycle parking spaces shall be maintained as such thereafter.

- 18) Prior to the first occupation of the building hereby approved the dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided and shall be maintained as such thereafter.
- 19) Prior to the first occupation of each of the buildings hereby approved the energy efficiency measures/features and renewable energy technology, as detailed within the revised 'Sustainable Design & Construction Statement' (SDCS) shall be installed and operational.

Should there be any change to the energy features/ measures within the approved SDCS, a revised SDCS shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.

- 20) Prior to the first occupation of the development hereby approved all inclusive design measures identified within the application submission in the Design and Access Statement and the Supplementary Design Information shall be installed and operational.

The inclusive design measures shall be retained as such in perpetuity.

- 21) Prior to the first occupation of the development hereby approved a Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority

The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter.

- 22) Prior to first occupation of the development hereby approved details of all external signage for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The agreed details shall be installed prior to the occupation of the development and shall be maintained as such thereafter.

- 23) Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These submission shall demonstrate how Solar PVs have been maximised on site, and details shall include but not be limited to: location; area of panels; how the PV output has been maximised and design (including section drawings showing the angle of panels in-situ, and elevation plans). The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of each of the buildings and retained as such permanently thereafter.

- 24) Prior to the first occupation of each of the buildings hereby approved all lifts hereby approved shall be installed and operational.

- 25) Prior to practical completion of the development hereby approved details of bird and bat boxes across the development shall be submitted and approved in writing by the Local Planning Authority.

The details so approved shall be implemented prior to occupation of the development and shall be maintained as such in perpetuity.

- 26) The landscape strategy shall be implemented in accordance with the details hereby approved unless otherwise agreed in writing with the Local Planning Authority.

All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 27) The church / community centre shall be operational only between the following hours:

0800 to 2200 (Monday to Saturday)

0800 to 2000 (Sundays)

The only exceptions to these hours of use shall be for worship activities associated with the religious holidays for a maximum of five days per year.

The restrictions shall be applied and permanently adhered to.

- 28) The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.

The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

- 29) The non-residential floorspace of the development hereby approved shall achieve a BREEAM 'New Construction' (2018) rating of no less than 'Excellent'.
- 30) The ancillary church flats hereby approved shall only be used in association with the church use and shall not be used as self-contained residential accommodation.