



Appeal Decision

Inquiry held on 5, 6, 7 and 12 September 2006

Site visit made on 14 September 2006

by **John Papworth DipArch(Glos) RIBA**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

9 OCT 2006

Appeal A: APP/V5570/A/05/1195728

Lambs Squash Club, 1 Lambs Passage, London EC1Y 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Clan Real Estate (Lambs Club) Ltd against the Council of the London Borough of Islington.
- The application Ref P/05-2334, is dated 15 September 2005.
- The development proposed is demolition of existing building and erection of basement, ground plus 7 storey residential (Use Class C3) building with offices (Use Class B1) on part of ground floor with associated public realm improvements and other works incidental to the redevelopment of the site.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Appeal B: APP/V5570/E/06/1199436

Lambs Squash Club, 1 Lambs Passage, London EC1Y 8LE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Clan Real Estate (Lambs Club) Ltd against the Council of the London Borough of Islington.
- The application Ref P/06-0911 is dated 25 April 2006.
- The works proposed are as set out in a schedule which accompanied the application.

Summary of Decision: The appeal is allowed, and listed building consent is granted in the terms set out below in the Formal Decision.

Procedural Matters

1. The listed building consent application form referred to a schedule of works, as stated above, which detailed the works as being; *“Alterations to basement area below 1 Lambs Passage building in connection with redevelopment of site for residential and office development (planning application Ref No P/05-2310). Demolition of 1970’s squash court structure and service yard slab which forms the roof of the basement. Retention of earlier, pre 1970, masonry basement walls (of the former Chiswell Street brewery) and construction of new superstructure on bored piles located between and adjacent to the masonry basement walls, together with associated pile caps. Construction of a new basement and ground floor slab of reinforced concrete and the disposition of the internal space and walls necessary to accommodate the revised plant spaces”* Although referring to a previous planning application number, I understand that all scheduled details are applicable to the current appeal planning proposal.



OT100-045-078

Case copied by COMPASS under click-use licence

2. There is a history of applications relevant to this site and the Council had previously raised objections on various grounds. The appellant had amended the proposals and provided further information together with an undertaking, as a result of which the Council no longer objected to the proposal, and supported the appellant in requesting that the amended scheme be accepted as the subject of the Appeal and Inquiry. I am satisfied that the amended scheme has been the subject of consultation. Having in mind the nature of the remaining objections from third parties, those being to the loss of the sports facility and the effect of the north-facing habitable room windows, I did not consider that any interests were prejudiced by my accepting the amendments, and it is that later scheme that was the subject of evidence at the Inquiry. In particular, it was agreed that there are no objections to the works to the listed building, the cellars under the existing and the proposed building. Whilst this is an appeal into the failure of the Council to make a decision, and the whole of the proposals are before me, I concur with the Council and the other parties at the Inquiry as to the outstanding issues. This follows my consideration of the evidence on those matters which formed the Council's original objections and my inspection of the site and building.

Main Issues

3. I therefore consider the main issues to be;
- The effect of the proposals on the provision of sports facilities.
 - The effect of the proposals on the development potential of the adjoining site, having regard also to the character and appearance of the area and the architectural or historic interest of listed buildings.

Planning Policy

4. The Development Plan includes The London Plan (2004) and Islington's Unitary Development Plan 2002. My attention has been drawn to the following policies;

The London Plan

- **Policy 3A.4 Housing Choice** requires the full range of housing need to be identified with development providing a range of housing choice.
- **Policy 3D.5 Sports Facilities** states that the Mayor will work with strategic partners to promote and develop London's sporting facilities, with requirements for access and areas of deficiency.

Islington's Unitary Development Plan

- **Policy D1 Overall Design** requires that design and appearance be to a high standard, appropriate to the overall streetscape, among other matters.
- **Policy D3 Site Planning** concerns the layout of buildings and spaces which should be logically and efficiently planned with regard to access, functional, amenity and aesthetic requirements.
- **Policy D4 Designing in Context** aims to ensure that proposals acknowledge the most important elements of the urban context and create a positive and appropriate relationship with surrounding buildings and spaces.

- **Policy D5 Townscape** aims to ensure that new buildings on cleared sites respect the form, scale and grain of the surrounding townscape.
 - **Policy D39 Works or Changes of Use to Listed Buildings** requires that the character and appearance is not adversely affected, and the setting is to be protected or enhanced.
 - **Policy H3 New Housing and Changes of Use to Residential** sets out the circumstances under which new housing and changes of use to residential would normally be permitted.
 - **Policy H7 Standards and Guidelines** aims to ensure that all dwellings provide appropriate living standards. This policy also refers to the Council's Supplementary Planning Guidance on residential development.
 - **Policy H10 New Development** aims to ensure that new development is of a satisfactory standard both internally and externally.
 - **Policy H12 Density** lists factors which will be assessed in relation to density; urban design context, building design, public transport accessibility, local services and facilities, suitability of accommodation and impact on residential amenity.
 - **Policy H20 & H22 Housing for Special Needs** aim to ensure that new residential development is built to the Council's Lifetime Homes standard and the wheelchair standard is met.
 - **Policy IMP13 Community Benefits** are to be sought in direct relationship to the nature and scale of the proposed development, to its effect on the character of the area and its likely impact on local infrastructure, facilities and services.
 - **Policy T23 Car Free Housing** is to be encouraged in locations which are accessible by public transport, have a range of local amenities and within parking policy areas A or B and/or within a controlled parking zone.
 - **Policies R17 & R18 Indoor Sports Facilities and Private Sports Facilities** states part of the **Strategic Policy ST8 Recreation and Leisure** of ensuring sufficient, attractive and varied indoor sports facilities are available and that there are opportunities for various groups to participate.
5. The Council has also published the following Supplementary Planning Guidance;
- *"Planning Standards Guidelines"* (updated August 2002)
 - *"Affordable Housing"* (April 2003)
 - *"Car-Free Housing"* (May 2001)
 - *"Section 106 Community Benefits"* (April 2003)
 - *"Sustainability Assessments"* (updated August 2002)
6. Particular attention was paid at the Inquiry to Planning Policy Guidance Note 17 *"Planning for Open Spaces, Sport and Recreation"* (PPG17), together with its companion guide *"Assessing Needs and Opportunities"*, and the guidance on the retention of facilities.
-

Paragraph 10 of the PPG states the steps to be followed, with a flow diagram within the companion guide. In the absence of a robust and up-to-date assessment by the local authority, as in this case, the applicant may seek to demonstrate that the land and buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.

Reasons

Sports Facilities

7. The Lambs Squash Club building is a purpose-built facility with nine courts and associated spaces. I am clear from representation to the Inquiry that it provides a facility that suits the needs of its members and regular users, in terms of location, cost and quality, as well as the availability of courts and playing partners; there is support for its retention from those users and from both Sport England and England Squash, the official body of the sport. I inspected the facility and found a well-equipped gym in addition to the courts, with good quality, comfortable changing rooms and ancillary social and office spaces. Information provided at the Inquiry on squash ladders and leagues was borne out by notices at the venue and I was able to view the booking sheets for that day and following days.
8. London Plan Policy 3D.5 seeks to meet local, sub-regional and wider needs for sport with further detail on how proposals for facilities are to be considered to ensure a sequential approach, good access, accessibility to all sections of the community, that new provision focuses on areas of deficiency and that multi-use is encouraged. Unitary Development Plan Strategic Policy ST8 contains sections specific to indoor facilities that include the provision of safe and attractive facilities, and ensuring that sufficient, attractive and varied indoor facilities are available to enable a wide cross-section of the population to participate in sports, fitness and active leisure pursuits. Policy R17 supports the provision of additional facilities. The tone of the policy wording is towards public provision but the supporting text makes clear that the Council itself is unlikely to make any major new provision. There is reference to negotiating with the private sector to try and secure access to existing clubs for local groups and schools and to there being unmet demand for a variety of indoor leisure activities. Private sports facilities may provide access through negotiation as set out in Policy R18. There are therefore no specific policies on retention of facilities in the same way that there is for public cinemas or theatres in Policy R23, where changes of use will only be permitted if replaced with a similar facility.
9. It is PPG17 that provides guidance on the retention of facilities. I attach significant weight to this as a material consideration; it was published in July 2002 which is just after the 28 June date of the adoption of the UDP. The planning objectives are set out as supporting urban renaissance and rural renewal, promotion of social inclusion and community cohesion, health and well-being, and promoting more sustainable development. The two steps in paragraph 10 are of relevance.
10. On the first of the steps, whether the facility is surplus to requirements, I heard evidence of under-utilisation of Lambs, with periods during the working day when the facility is open but little use is made of the courts. My visit at 1100hrs on a Thursday showed no use of squash courts and little use of the gym. A view of the booking sheets showed use earlier in the morning, during the peak period over lunch and later that evening, and that pattern appeared to hold substantially true for the succeeding days. The facility does not open on a

weekend, and clearly caters very much for the needs of a particular client base; city workers. I understand that it presently runs at a loss for the operators. There are other facilities within a reasonable distance, and whilst none provide the quantity of courts, and those courts that are provided are part of a wider range of facilities, it does appear that the quantitative demand can be met elsewhere, albeit not necessarily at the times that the present users have become accustomed to. I heard evidence of major exhibition matches and competitions being able to be played at large multi-purpose venues, separate from traditional squash facilities, due to advances in portable court technology. The relevant part of PPG17 is headed 'maintaining an adequate supply of...sports and recreational facilities' and I concur with the submissions of the appellant that this is the context in which paragraph 10 should be considered. I am of the view that there is a supply of squash facilities and that this supply is adequate for the demand. That position has been demonstrated by way of an independent assessment of use and alternative opportunities. I further concur with the appellant that the requirement is not to show that the facility is not used, clearly it is used by club members, but to show that without it there would still be an adequate supply, and hence in the terms of the PPG and planning, I am of the opinion that Lambs can be considered surplus to requirements.

11. On the second step, consultation with the community, the proposed loss of the facility and the redevelopment of the site has been the subject of various applications and this appeal and at each stage there has been consultation. I accept that this has not been formally linked with a PPG17 assessment. Nevertheless, there has been very little response from residents, although I am satisfied that through the planning and appeal process, such response was invited and could have been freely given. The community who uses the facility has also been consulted and has made considerable representation at the application stage and the appeal stage. I am in no doubt that the users object to the loss of their club. As a result, it cannot be said that there is widespread support for the loss. In view of the attachment that members clearly have for this facility, I would not expect support from that area. In addition, there are no plans for direct replacement by a new facility; the replacement would be by way of existing facilities where there is capacity, another reason why support from this group would be unlikely.
12. I consider that there are significant benefits to the community stemming from the proposal including the provision of affordable housing and the redevelopment of the site with improvement in the townscape to which I attach significant weight. Whilst I accept that £40,000 is only a limited contribution to alternative sporting facilities, it is reasonable in view of my findings that the present facility is surplus to requirements. There are other contributions to matters that would be of substantial benefit to the community, such as biodiversity, a car club, environmental contribution, highway contribution, disabled parking and monitoring. I attach considerable weight to these benefits in not only providing for the residents of the scheme but in improving the environment for those living in the vicinity. In these circumstances therefore I consider that the community has had opportunity to comment, and that whilst a sector of the working community has objected as users of the facility, the balance lies in there being real and wide community benefits that outweigh the dis-benefits to that part of the community identified as being affected.
13. The community adversely affected are members and users of the squash club and its other activities. The loss of the facility will affect their accustomed use of the premises, but I cannot identify real or serious harm in planning terms other than a possible inconvenience

to a part of the community who appear mobile and able to gain access to the other facilities that are on offer in the City of London and the Islington area. Some already appear to travel quite a distance to Lambs, and that pattern of travel would provide access to the other places. I am of the opinion that the planning objectives of PPG17 would not be compromised; urban renaissance would not be jeopardised and in non-sporting ways would be enhanced; rural objectives are not applicable; the facility does not appear to be used by or readily available to a great extent by groups that suffer exclusion or deprivation and other facilities exist to this end; there is no evidence that there would be a lack of facilities for the health and wellbeing of the population; and there are other facilities accessible by walking and public transport within this heavily developed urban area. Development Plan policies, as far as applicable to the retention of facilities would not be conflicted with either for similar reasons.

14. I accept the need to consider potential and that a situation could be envisaged where greater use of the facility could be made by the local resident community, by weekend opening, by running as a 'not-for-profit' organisation, by opening to schools and the like. Against these possibilities must be balanced the fact that the lease ends on 28 September 2007, and the stated intention that squash use will cease. The premises fall within Use Class D2 and I noted that the playing floor, at first floor level, is composed of large spaces where viewing is arranged and that the two separating walls between each of the three courts to the north has substantial openings which indicate, in this modern building, the possibility of opening-up for alternative D2 uses. I am not persuaded that squash has a long-term future on this site even under the present planning permission. I attach weight to these matters which add to my findings. I conclude that PPG17 is a material consideration but that the facility is surplus to requirements and that there are other material considerations of greater weight. In the balance, the advantage of the proposal to the community and the compliance with the aims of Development Plan policies outweigh the limited harm that the loss of the facilities would cause. In coming to this conclusion I have also taken account of the views of the Member of Parliament for Islington South and Finsbury.

Adjoining Site

15. With regard to the existing building that would be demolished, I find the entrance court at the south end an attractive feature, but the nature of the internal activity has generated a predominantly enclosed form of building to the street frontage, with few openings, although this is relieved to a certain extent by modelling of the walls and roof. To the north elevation, facing the south car-park site, there is an escape stair and flue, but little contribution to the townscape of the area. I see the building as an unattractive, isolated structure having only limited connection with the townscape of the wider area. However, that north elevation is set back from the boundary with the south car-park site and appears to fall under a 43° line generated from the boundary, as set out in the Building Research Establishment (BRE) advice, "*Site Layout Planning for Daylight and Sunlight*". The proposed development would build close to the boundary which has three main effects with regard to the adjoining site.
16. Firstly, any building on the boundary, even with no windows there, would step within the 43° line and hence would affect the ability of a neighbouring developer to light the flank wall of any adjoining development. I attach little weight to this as the objector, Lambs Passage Real Estate (LPRE), would accept a blank wall on the boundary. Any resulting

terraced form of development would maximise the potential of both sites, and hence would accord with Development Plan and national planning policies having that aim.

17. Secondly, because the intended building would have openings on the north wall, there would be a need to agree a notional boundary for the purposes of complying with building regulations which seek to limit the possibility of the spread of fire from one building to another. My understanding is that this notional boundary would need to be onto the south car-park site and hence would affect the position of any adjoining building. The appellants stated at the Inquiry that no problems were envisaged in agreeing this boundary location with the relevant Council department, when appropriate.
18. Thirdly, the intended building would have habitable room windows facing across the boundary and in order to preserve light to these windows, the design and disposition of any built development on the south car park site would need to respond to what would be a pre-existing situation.
19. It is this third effect that appears to be the one that the objector considers particularly unacceptable and which was the subject of their submissions. The Council's Supplementary Planning Guidance "*Planning Standards Guidelines*" makes reference in the section on daylight and sunlight to the BRE guidance and that document makes clear the advisory nature of the contents. Nevertheless, however calculated, adequate natural light to newly constructed apartments should be preserved. There was various interpretations of the position of angled lines, discussion of vertical sky component and the effect of light reaching windows around other buildings, but it appears to me that whichever system of measurement is used, there could be no building on the car-park site abutting the habitable room windows of the appeal building, and the relative distance would need to increase as further floors are added. That requirement will therefore affect the development potential of the adjoining site.
20. A scheme for the car-park site has been submitted and refused permission, and is to be the subject of another appeal. It is not part of this appeal, and my consideration, to pre-empt the conclusions that would result from that later appeal, I do not have the evidence that would be available at that time to the appointed Inspector. However, it is clear that the present car-park scheme does not take account of there being habitable room windows on the boundary, but that the scheme is just one layout, where there could be different designs and layouts of building elements. It is clear also that there are other constraints on the development of the car-park site, in particular the right of way, which has, in the adjacent site's planning proposals, led to the building bridging the access in order to reach the boundary at a higher level. Further constraints are the listed vaults under, the lighting of habitable rooms to the west and, not least, the limited size of the site. In addition, the Council has published the "*Lambs Passage London EC1 Final Draft Development Brief*" in order to guide future development of a larger area of land, taking in the north car-park site as well.
21. That development brief envisages open space adjacent to the appeal site along the Lambs Passage frontage and a building to the west and north. It appears that this proposed use of space has informed the Council's approach to the development of the appeal site, with requirements for the north elevation to have windows. I understand that it is this approach that has given the designers the confidence that the fire separation matter could be resolved. Another reason given by the Council in support of that outlook from habitable rooms is the

surveillance of the present car-park against crime. I attach only limited weight to this however as there is no firm evidence of an existing problem even though the squash club building has a blank façade, and it did not feature in public responses to the development brief.

22. This leads me to consider the townscape of the area in the context of not just the appeal site, or just it and the south car-park site, but the wider area. The proposal would, in my opinion, be an attractive building, much more so than the existing structure and one that would reinstate a street frontage, with activity, light and a pleasing arrangement of windows and solid wall. That pleasing arrangement would turn the corner to form an attractive and lively north elevation, visually linking the front and side elevations. I concur with the view of the scheme architect that some form of visual break would be beneficial to the street-scene. The development opposite is tall and solid, whereas the present arrangement of the west side is open but disjointed. The appeal building would provide an enclosure along the street, retaining the landscaped area to the south and, in my judgement, an openness to the north would provide an attractive setting for the building, provide light to the lively north elevation and introduce an ordered open space to relieve the tightly developed nature of the east side.
23. This outcome, in line with the Council's previous statements to the appellant and the aims of the draft development brief, could however, be achieved solely on the appeal site by placing any new building, together with its habitable north facing windows, back to approximately the position of the present structure. This would appear to be in line with advice in the BRE publication, by sharing the light equally either side of the boundary, and providing a visual break around the right of way. That solution would however reduce the amount of residential development in the scheme. I attach great weight to the provision of dwellings in this location so close to the City of London and within an inner city area. Further weight attaches to the proportion of affordable housing, and the size and quality of those dwellings, with access to natural light and a dual aspect. By comparison, the present intention of developing the south car-park site on its own for offices would be of less weight in the balance against affordable and open market housing. The existence of the private right of way and the implication of there continuing to be a gap at that position adds weight to my view that the appeal site should be developed to that boundary. In terms of the effect on townscape, a pair of stepped buildings or a gap either side of the service road would not be as attractive, to my view, as the proposal before me in this appeal where the service road would be more visually contained alongside the north elevation. Such a shared gap would, I consider, perpetuate the drawbacks of the present arrangement with open land alongside the service road.
24. I find therefore that there are significant advantages in townscape, affordable and market housing and the best use of land, weighing in favour of the proposed development. Against those matters is the effect on the development of the adjoining site. That site is only small and is affected by the constraints set out previously. Nevertheless, I am of the view, on the evidence before me, that were the appeal proposal to be developed, a scheme could be devised for the adjoining south car-park site that would provide for a greater amount of development than suggested by that objector. However, I am also of the view that the inclusion of the whole of the car-park site would provide a more comprehensive development potential, as many of the constraints of the smaller site would be of less overall concern.

25. The proposal would not follow the model shown in section 2.3 of the BRE publication, but I conclude that the proposed building on the appeal site would not affect the development potential of the adjoining site to such an extent as to require permission to be withheld and that within the wider context of the surroundings, the development would contribute positively to the character and appearance of the area in line with UDP Policies D1, D3, D4 and D5 and would provide affordable housing in accordance with Policies H3, H7, H10 and H12, together with Supplementary Planning Guidance.

Other Considerations

26. As set out at the beginning of this decision, there were various matters that the Council objected to in earlier proposals, including the original scheme at Appeal. The Council confirms the view that these matters have been overcome with the revised scheme that is now the subject of the Appeal, and on full consideration of the evidence and scheme, I agree. I therefore consider that in the matters of lifetime homes and disability, standards of accommodation and contributions for infrastructure, facilities, bio-diversity, car free housing, affordable housing, management of offices and road repair, the scheme now before me is acceptable.
27. On the works to the listed building cellars, those within the site appear to be limited parts of the below-ground structure of the existing building presently used for storage and plant. The new piles would be bored between historic structure and I consider that there should be no detriment to its integrity or historic and architectural interest. Similarly the development would not adversely affect the setting of Sundial Court, another listed building to the west. I find therefore that the proposals do satisfy the tests in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Conditions and S106 Agreement

28. Conditions for each appeal were agreed within the signed version of the statement of common ground. These cover the agreement of materials and details of plant and pipes, and of the ground floor public face in particular, the standard of access and arrangement of flats, cycle storage, waste management, sound transmission and drainage. There would be a need for an archaeological investigation in view of the site being within an Archaeological Priority Area designated under the UDP. Although limited in extent, a full set of landscaping and tree conditions are required in order to safeguard the character and appearance of the area as well as the listed remains below. I note however a repetition of requirements in agreed Conditions 14 and 16. On the question of the listed remains, the conditions suggested are necessary and appropriate in my view, but reference to all new works and works of making good to the retained fabric whether internal or external being finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile is unnecessary and should be made clear that it refers only to new work adjacent to or affecting the listed remains, for which a schedule should be sought.
29. A counterpart set of three signed agreements pursuant to Section 106 of the Town and Country Planning Act 1990 were presented and detailed at the Inquiry. The agreement covers the provision and arrangements for affordable housing, biodiversity, a car club, environmental contribution, sports contribution, highway contribution, disabled parking and

monitoring of the construction phase in accordance with the Council's "*Code of Practice for Construction Sites*". I consider this agreement satisfies the tests in Circular 5/05 "*Planning Obligations*"; it is relevant to planning, necessary to make the proposal acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development proposed, and reasonable in all other respects.

Conclusions

30. The proposal would accord with Development Plan policies on affordable housing, making the best use of land and in the effect on the character and appearance of the area and on listed buildings and structures. Conditions and an agreement would satisfactorily mitigate the effects of development and ensure benefits. The development to the boundary would have an effect on the neighbouring site but not so great as to significantly reduce its development potential, and the resulting development would be in the interests of the good planning of the area. The squash facility would be lost, but there would remain adequate facilities in the area, as required by PPG17. On balance, the numerous benefits of the scheme far outweigh the limited dis-benefits.
31. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be allowed.

Formal Decision

Appeal A: APP/V5570/A/05/1195728

32. I allow the appeal, and grant planning permission for demolition of existing building and erection of basement, ground plus 7 storey residential (Use Class C3) building with offices (Use Class B1) on part of ground floor with associated public realm improvements and other works incidental to the redevelopment of the site at Lambs Squash Club, 1 Lambs Passage, London EC1Y 8LE in accordance with the terms of the application, Ref P/05-2334, dated 15 September 2005, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be completed in all respects in accordance with the plans and details submitted and approved, and no change therefrom shall take place without the prior and express permission of the Local Planning Authority.
- 3) Details and samples of the facing materials including brick panels with mortar courses, shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced. The samples and details shall include:
 - a) render and cast masonry;
 - b) timber cladding;
 - c) window treatment (including sections, and reveals); and
 - d) visual screens and balustrades to balconies at 4th, 6th and 7th floors.

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

- 4) Full details of the ground floor including elevational and threshold treatments (to a scale of 1:50) shall be submitted to and approved in writing by the Local Planning Authority before any work on site is commenced. The development shall be carried out in accordance with the approved details and so maintained thereafter.
- 5) Full detail of any roof-top plant including its location, height above roof level, specifications and cladding shall be submitted to and approved in writing by the Local Planning Authority before any work on site is commenced. Approval will not be given for any plant that would be visible above Sundial Court and from Chiswell Street. The development shall be carried out in accordance with the approved details and so maintained thereafter.
- 6) No plumbing, pipes or vents shall be fixed to the external faces of the building fronting Lamb's Passage or Whitbread Centre car park.
- 7) Notwithstanding the plans hereby approved, all residential flats shall be laid out to comply with the Council's Lifetime Homes standard.
- 8) To determine the background noise level a noise survey following the guidelines of PPG 24, shall be undertaken and a written report of the survey findings, shall be submitted to, and approved in writing by the Local Planning Authority before any work on site is commenced.
- 9) A scheme for sound insulation and noise control measures should be submitted for the Council's approval and implemented in accordance with the approved scheme to achieve the following internal noise targets:
 - Bedrooms (2300-0700 hrs) 35 dB LAeq, 45 dB LAm_{ax} (fast)
 - Living Rooms (0700-2300 hrs) 40 dB LAeq,
 - Kitchens, bathrooms, WC compartments and utility rooms (0700-2300 hrs) 45 dB LAeq.
- 10) The design and installation of 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 1 m from the facade of the nearest noise sensitive residential premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg.
- 11) Internally generated noise from the lifts, plant room and associated machinery should not exceed NR 30 (bedrooms) or NR 40 (living rooms).
- 12) An Access Statement shall be submitted to and approved in writing by the Local Planning Authority before any work on site is commenced. The development shall be carried out in accordance with the approved Access Statement and so maintained thereafter.
- 13) Details of the secure cycle storage areas with capacity for 110 bicycles, including stand specifications shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the initial occupation of the building hereby permitted and shall thereafter be retained solely for its designated use.

- 14) Details of a waste management plan, incorporating provision for refuse storage and recycling facilities on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The refuse storage and recycling facilities shall be provided in accordance with the approved details prior to the initial occupation of the building and shall thereafter be retained as such for the duration of the permitted use.
- 15) A landscaping scheme,, including trees to be retained and proposed together with details of positions of planned and existing underground services and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/watering provision following planting. Trees or shrubs which die, are removed, are seriously diseased or become seriously diseased within five years of completion of the development shall be replaced by trees or shrubs of similar size and species to those originally required to be planted or an approved alternative.
- 16) The detailed landscaping scheme should include the following details:
 - i) treatment of trees to be retained and new tree planting including species and size;
 - ii) earthworks, ground finishes, topsoiling with both conserved and imported topsoils, levels, drainage including falls and drain types;
 - iii) enclosures including types, dimensions and treatment of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
 - iv) hard ground surfaces including kerbs, edges, rigid and flexible pavings, unit pavings, driveways, steps and, if applicable, synthetic surfaces;
 - v) soft plantings including grass and turf areas, shrub and herbaceous areas and trims;
 - vi) furniture should include type of outdoor furniture, dimensions, size, location, lighting type - columns, floodlighting and other types of illuminations;
 - vii) planting schemes should favour the use of native species of trees, shrubs and herbaceous plants to foster wildlife interest;
 - viii) position of planned and existing underground service, gas, electricity, sewage, drainage and telecommunications (including cable television).
- 17) No development shall take place until the applicant, their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The submitted scheme is to include details of a suitably qualified investigating body to carry out the work.
- 18) Development shall not commence until details of on site drainage works have been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge

of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.

Appeal B: APP/V5570/E/06/1199436

33. I allow the appeal, and grant listed building consent for works as set out in a schedule which accompanied the application at Lambs Squash Club, 1 Lambs Passage, London EC1Y 8LE in accordance with the terms of the application Ref P/06-0911 is dated 25 April 2006 and the plans and schedule submitted with it subject to the following conditions:

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The works hereby approved are only those specifically indicated on the plans and schedule referred to above.
- 3) Works of making good to the retained fabric whether internal or external shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile. Adjacent new work is to be identified by schedule and plans and proposals for materials and finishes are to be submitted to and approved in writing by the Local Planning Authority prior to the works being carried out, and the works shall be carried out in accordance with the approved details.
- 4) Structural Engineers' drawings, indicating the intended method of ensuring the stability of the fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Local Planning Authority before the relevant part of the work is begun, and the works shall be carried out in accordance with the approved details.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

R Warren	of counsel Instructed by M Barker, Ashurst
He called; E Hinson DipPE	Director Pan Leisure Consulting Limited 40 Princess Street, Manchester M1 6DE DP9, Cassini House, 57 – 59 St James Street, London SW1A 1LD
A J Simmonds BSc(Est Man) FRICS	Partner GIA Belvedere Road, London SE1 8GA
J Webb MRICS	Richard Coleman Consultancy Bridge House, 181 Queen Victoria Street, London EC4V 4DD
R Coleman DipArch(Cant) RIBA	Director and Senior Designer John McAslan and Partners, 49 Princes Place, London W11 4QA
A Potter	

FOR THE LOCAL PLANNING AUTHORITY:

R Honey	of counsel Instructed by R Lee, Solicitor London Borough of Islington
He called; M Rosel Bup&d	Principal Planning Officer London Borough of Islington, 222 Upper Street, London N1 1YA

FOR LAMBS REAL ESTATE

C Banner	of counsel
He called; T Gaskell	Hepher Dixon, Bridewell Place, London EC4V 6AW
K Wong	Anstey Horne & Co, 6 Long Lane, London EC1A 9HF

FOR LAMBS ACTION TEAM

M Watson	of counsel
He called; C Golvala J Colebourne	Member Lambs Action Team Member Lambs Action Team

FOR SPORT ENGLAND

P Durrans

Planning Manager
Sport England, 3rd Floor Victoria House,
Bloomsbury Square, London WC1B 4SE

FOR THE ISLINGTON COUNCIL
LABOUR GROUP

Cllr Klute

Ward member
London Borough of Islington

DOCUMENTS

- Document 1 Notification letters dated 13 December 2005 and 26 July 2006 and list of those notified.
- Document 2 Bundle of Responses from those notified
- Document 3 Signed Statement of Common Ground
- Document 4 Appellant's annex regarding revised plans
- Document 5 E Hinson Proof of Evidence containing Appendices EH/1 – EH/3 and EH4 separately bound
- Document 6 A Simmonds Proof of Evidence containing tables of accommodation
- Document 7 J Webb Appendices 1 – 5 and Rebuttal Proof containing Drawing 2406-20A
- Document 8 A Potter Proof of Evidence containing NTS site plans
- Document 9 R Coleman Appendices 1 – 5
- Document 10 M Rosel Proof of Evidence containing Appendices 2 – 9 and 11 – 16. Appendix 1 (UDP) and Appendix 10 each separately bound
- Document 11 T Gaskell Proof of Evidence containing Appendices 1 – 14
- Document 12 Lambs Action Team Proof of Evidence with revised Schedules submitted by C Golvala
- Document 13 P Durrans statement
- Document 14 Cllr Klute statement
- Document 15 Cllr Polling statement
- Document 16 BRE "*Site Layout Planning for Daylight and Sunlight*" submitted by appellant
- Document 17 Cross section with angled lines submitted by appellant
- Document 18 Cross section with additional development of the car park submitted by appellant
- Document 19 Report on Lamb's Passage Development Brief submitted by Council
- Document 20 North elevation condition submitted by Council
- Document 21 Information on delegation of decisions submitted by Council
- Document 22 Car park application details submitted by Lambs Real Estate
- Document 23 Islington Urban Design Guide submitted by Lambs Real Estate
- Document 24 Cross section with angled lines submitted by Lambs Real Estate
- Document 25 Proposed revision to habitable rooms submitted by Lambs Real Estate
- Document 26 Proposed condition submitted by Lambs Real Estate
- Document 27 School support and additional documents submitted by Lambs Action Team
- Document 28 England Squash Whole Sport Plan 2005 – 09 submitted by Sport England

Document	29	Counterpart signed S106 agreement (Council, Owner and Mortgagee)
Document	30	Appellant closing submissions
Document	31	Council closing submissions
Document	32	Lambs Real Estate closing submissions and addenda
Document	33	Lambs Action Team closing submissions
Document	34	Sport England closing submissions
Document	35	E Hinson comments on closing submissions from Sport England
Document	36	Bundle of Core Documents as highlighted list showing those retained as not being reproduced elsewhere or in common usage such as PPGs etc

PLANS

Plan	A	Application Drawings and supporting documents
Plan	B	Amended Appeal drawings the subject of evidence and decision
Plan	C	Bundle of superseded drawings