

<b>South PLANNING COMMITTEE</b> <b>8<sup>TH</sup> JUNE 2006</b> Members are requested to visit site before Committee meeting	<b>AGENDA ITEM NO:</b>	<b>B1</b>
<b>1, Lamb's Passage, Islington, London, EC1Y 8LE</b>		

LIBRARY (holding copy of application)	<b>FINSBURY LIBRARY, 245 St.John Street EC1</b>
WARD	<b>South Area - Bunhill Ward</b>
<b>APPLICATION NUMBER</b>	<b>P052310</b>
NAME OF APPLICANT	<b>Clan Real Estate Lambs Club) Ltd</b>
NAME OF AGENT	<b>DP9</b>
TYPE OF APPLICATION	<b>Full Planning Application</b>
APPLICATION RECEIVED	<b>16-Sep-2005</b>
APPLICATION COMPLETED	<b>03-Oct-2005</b>
AREA TEAM	<b>NORTH/SOUTH</b>
CASE OFFICER	<b>Matthew Rosel</b>
HERITAGE INFORMATION:	<b>Not in a Conservation Area Building is not listed, English Heritage will issue DIRECTION</b>

Demolition of existing building and erection of 7 storey building plus basement to accommodate 80 residential units (Use class C3) and 564 sq.m of offices (Use Class B1) on part of ground floor with associated public realm and incidental works.

APPLICANTS PLAN NOS:, Site Location Plan DP1; Gordon Ingram Associates Lamb's Passage daylight and Sunlight Sept '05; Sustainability Assesments received Sept '05; Archaeological Impact Assessment Sept '05; Noise Assessment - Waterman Environmental Sept '05; AP(0)10/a; 20/a; AE(0) 01/a; 02/a; 03/a; 04/a; AL-2100; 2102; 2200; 2201; 2202; 2203; 2400; 2401 (LBI REG: 23101); Lamb's Squash Club Summary Report - Pan Leisure Nov '05; AL-1003; 2009/02 (LBI REG: 23103); AL-2500/02; 2501/02 (LBI REG: 23104); Lamb's Passage Daylight and Sunlight Report; Design Statement titled 'No.1 Lamb's Passage - Mixed Use Development' Jan '06 (updated 16/03/2006); Townscape and Visual Assessment Report Jan '06; AL-2000/03; 2001/03; 2004/03; 2005/03; 2006/03; 2007/03; 2101/03; and 2103/03 (LBI REG: 23105), Planning Statement Jan '06 (updated 16/03/06) (LBI REG: 23106), Gordon Ingram Associates letter and plan 2408-20a dated 23/02/2006; Landmark Chambers document titled 'Advice' received 14/03/2006; Pan Leisure 'PPG17 Independent Assessment' Feb '06; DP9 letters dated 28/02/2006 and 15/03/2006 (LBI REG NO: 23107), 1148/AL/2002/05; 1148/AL/2004/04; 1148/AL/2005/04 (LBI REG NO: 23108); 1148-AL/2000/04 (LBI REG 23109); Ashurts letter dated 15/05/2006; Ashurst document 'Detailed Response to the Objections of the Lambs Action Team' dated 13/04/2006 (LBI REG NO: 231010)

**RECOMMENDATION: Approve subject to Section 106**

1. **CONDITION:** The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2. **CONDITION:** The development hereby approved 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.

**REASON:** To ensure the Authority may be fully satisfied that the detail of the proposal to which it gives planning permission is implemented exactly, because of the nature of the development.

3. **CONDITION:** 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 balustrading to balconies at 4th, 6th and 7th floors.

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

**REASON:** To ensure that the Authority may be satisfied with the external appearance of the building.

4. **CONDITION:** 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 maintained thereafter.

**REASON:** To ensure that the Authority may be satisfied with the external appearance of the building.

5. **CONDITION:** 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

maintained thereafter.

REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant is not visible above Sundial Court, Chiswell Street or from within the adjoining Conservation Areas.

6. CONDITION: No plumbing, pipes or vents shall be fixed to the external faces of the building fronting Lamb's Passage or Whitbread Centre car-park.

REASON: The Local Planning Authority considers that such plumbing, pipes and vents would seriously detract from the appearance of the building.

7. CONDITION: Notwithstanding the plans hereby approved, all residential flats shall be laid out to comply with the Council's Lifetime Homes standard.

REASON: In order to maximise the accommodation available for those with disabilities and in the interest of the creation of sustainable developments.

8. CONDITION: 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.

REASON: To protect future residential amenity of the occupants of the flats from external noise.

9. CONDITION: A scheme for sound insulation and noise control measures should be submitted for the Council's approval and implemented to the satisfaction of the Council to achieve the following internal noise targets:

Bedrooms (23.00-07.00 hrs) 35 dB LAeq, 45 dB LAm<sub>ax</sub> (fast)  
Living Rooms (07.00-23.00 hrs) 40 dB LAeq,  
Kitchens, bathrooms, WC compartments and utility rooms ( 07.00 -23.00 hrs) 45 dB LAeq

REASON: To protect future residential amenity of the occupants of the flats from external noise, such as traffic.

10. CONDITION: 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 5dB(A) below the background noise level LAF90 Tbg.

REASON: To protect future internal residential amenity of the occupants of the flats from forced ventilation, heating, and mechanical systems.

11. CONDITION: Internally generated noise from the lifts, plant room and associated machinery should not exceed NR 30 (bedrooms) or NR 40 (living rooms).

REASON: To protect future residential amenity of the occupants of the flats from internal noise sources.

12. CONDITION: 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 maintained thereafter.

REASON: To ensure that both the commercial and residential components of the development are fully accessible by people with disabilities.

13. CONDITION: 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 before the building hereby permitted is occupied and shall thereafter be retained solely for its designated use.

REASON: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport.

14. CONDITION: 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.

REASON: To ensure that adequate provision is made for the storage of refuse and the provision of recycling facilities on the site, in the interests of the amenities of the area.

15. CONDITION: 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 by the Local Planning Authority before any part of the development hereby granted permission 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 within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.

REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.

16. CONDITION: 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) recreation, playground and sports facilities should include layout, dimensions, surfaces, finishes and equipment types;
- vii) water features should include types, construction details, equipment, aquatic plantings and other features;
- viii) furniture should include type of outdoor furniture, dimensions, size, location, lighting type - columns, floodlighting and other types of illuminations;
- ix) planting schemes should favour the use of native species of trees, shrubs and herbaceous plants to foster wildlife interest;
- x) position of planned and existing underground service, gas, electricity, sewage, drainage and telecommunications (including cable television).

REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.

17. CONDITION: All trees and shrubs to be planted pursuant to the above conditions shall be planted in the first planting season following the completion of the building works. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.

18. CONDITION: 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 archaeological works carried out shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

19. CONDITION: 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.

REASON: To ensure that the foul and / or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

INFORMATIVES (if any)  
SUBJECT TO SECTION 106 AGREEMENT

The applicant is advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

## NOISE

With regard to the above noise conditions; the reference time interval  $T_r$  shall be 1 hour during the day (07.00 to 23.00 hours) and 5 minutes during the night (23.00 to 07.00 hours). The measurement and/or prediction of the noise should be carried out in line with BS 4142: 1997 and as such, may make use of measurements over a shorter period if appropriate.

For the background noise measurement, the reference time interval  $T_{bg}$  shall not be less than 15 minutes and the measurements made in accordance with BS 4142: 1997 at a time representative of the hours of operation of the plant. The 'Fast' time weighting should be used. The measurements should be reported as façade noise levels. If it is not possible to measure at 1m from a façade, the measurement can be made at an equivalent free-field position

with a +3dB correction added to calculate the equivalent façade level.

## ARCHAEOLOGICAL REMAINS

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

## STREET NAMING AND NUMBERING

Will this development result in changes to any postal address or addresses on the site? If so, you will need to apply to the Council's Street Naming and Numbering section to get the property re-addressed. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. Application forms can be obtained by writing to:-

Islington Street Naming and Numbering,  
PO Box 3333,  
London N1 1YA.

Or by phoning:- 0207-527-2245/2611

Or downloading from the Council's web site at [www.islington.co.uk](http://www.islington.co.uk)

## THE BUILDINGS ACTS AND BUILDING REGULATIONS

Building Control Division, Development House, 8A Barnsbury Park, London, N1 1QQ (Tel: 020-7527-5999; Fax: 020-7527- 5989) should be consulted regarding the application of the Buildings Acts and Building Regulations to any intended building works in relation to:

- The erection of a building or structure, extension to a building, change of use of a building, alteration to a building, installation of services, underpinning works and fire precaution (fire safety/ means of escape) works.

## HIGHWAYS

The Assistant Director (Traffic and Transport), PO Box 3333, 222 Upper Street, London, N1 1YA (Tel: 020-7527-2676, Fax: 020-7527-2134) must be consulted for:

1) the need to comply with the Islington (Parking Places) Traffic Management Order, as amended for the suspension or temporary/permanent revocation of any on-street parking places;

2) the need to comply with the Highways Act 1980 for any maintenance, repair or reinstatement works on and under the public highway;

\* An estimate will be provided as the basis of the deposit for all necessary reinstatements or reconstructions. The estimate will be subject to normal price fluctuations and the remainder of any deposit will be returned to the applicant upon completion.

'The works' shall include all construction or refurbishment works undertaken adjacent to the public highways by the applicant.

#### ACCESS FOR DISABLED PEOPLE

Your attention is drawn to the enclosed noticed (TP49D) relating to access for disabled people including the requirements of the Chronically Sick and Disabled Persons Act 1970 together with Part 'M' of the Building Regulations. If you wish to obtain further advice on this or any other access issue you should contact the Council's Access Officer (Tel. 020 7527 2394)

#### Council Policies on Access for Disabled People

The applicant's attention is drawn to the Council's policies on access for people with disabilities.

For applications not covered by Part M of the Building Regulations, e.g. for conversion or change of use, facilities for access for people with disabilities to Part standards should be provided where physically achievable. All external works should be designed to be usable by people with disabilities and appropriate parking and external access facilities should be provided.

For areas not covered by the Building Regulations, the applicable standards are set out in BS 5810. Developers may also wish to refer to 'Designing for Accessibility', published by the Centre for Accessible Environments.

The Council will expect new housing developments and, wherever physically achievable, conversions to meet Lifetime Homes Criteria. Provision of wheelchair standard housing will be encouraged. These should be in accordance with Islington's Planning Standards Guidelines.

#### Complying with these Policies

Planning applications will be expected to indicate the space standards (e.g. door, corridor, parking bay widths, etc.) together with any facilities such as lifts, ramps, etc. required for compliance with the above policies.

Where planning permission is granted, conditions will normally be imposed requiring submission and approval in writing of details of the relevant items on the attached list, at a scale appropriate to show compliance.

In most cases, it is expected that the process of submission, approval and monitoring of the details required will be carried out concurrently with any application for Building Regulations Approval following from the granting of

planning permission.

## STORAGE AND COLLECTION OF REFUSE

The Council's Waste Management Service 36 North Road, London, N7 9TU (Tel: 020-7527-5000) should be consulted about refuse storage arrangements, full details of proposals should be included on all plans submitted and advice can be obtained from the Waste Management Service at any stage during design works. A document is available from the Waste Management service giving details of Council Requirements for storage and collection of refuse. Also consult the Council's Building Control Division.

### NUISANCE FROM CONSTRUCTION WORK

Nuisance from demolition and construction works is subject to control under the Control of Pollution Act 1974. The normal approved noisy working hours are 08.00 to 18.00 Mondays to Fridays and 09.00 to 13.00 Saturdays with no working on Sundays or Bank Holidays. You are advised to consult the Council's Assistant Director (Public Protection), 159-167 Upper Street, N1 1RE or to seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within normal working hours and by means that would minimise disturbance to adjoining premises.

### **CASE OFFICERS REPORT** **ADDENDUM REPORT**

1. **Application Deferred** The current application was previously heard at the South Area Planning Sub Committee held on 24/01/2006. The application was deferred by Committee Members for the following reason:
  - a) Further consideration is needed of Planning Policy Guidance 17 (PPG17) within the context of the application proposal, including the demand for and alternative provision of squash courts in the borough.
2. Further information has been provided to clarify and address the above reasons for deferral, minor amendments are also proposed. The additional information was submitted on 14/03/2006, 16/03/2006 and 19/05/2006 and includes:
  - Legal advice from Landmark Chambers (Counsel);
  - Legal advice from Ashurst (Counsel);
  - An independent PPG17 assessment by Pan Leisure;
  - Additional comments on daylight/sunlight;
  - Amended floorplans at first, second and third floor levelsA separate listed building consent (LBC) application (LBI ref: P06-0911) relating to small segments of surviving basement walls of the former Whitbread Brewery basement beneath the Club has also been submitted. The detail of this is discussed briefly under paragraphs 36 and 37. Please refer to LBC application for the full assessment of the merits of the case.

3. **Re-consultation** Following the receipt of the above information and amended plans, Sport England and all adjoining and nearby properties were re-consulted by letters dated 14/03/2006. The public/statutory re-consultation of the application therefore expired on 04/04/2006. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
4. At the time of the writing of this report two hundred and three (203) additional objections had been received from the public in relation to the application (in addition to the 307 received prior to the deferral of the application in January). The issues raised are summarised as follows:
  - Loss of sporting facility, particularly 9 squash courts;
  - The Club is a 'premier squash facility';
  - Lack of capacity in nearby clubs;
  - Failure to consult the local community in accordance with PPG17;
  - Fear that the independent analysis is misleading;
  - Loss of the potential to pursue health and fitness;
  - Failure to comply with London Plan and UDP policies;
  - Counterproductive to London's successful 2012 Olympic bid;
  - and
  - Increased traffic and stress to infrastructure.
5. **The Middlesex Squash Rackets Association** objected to the scheme on the grounds that the existing squash club is a major sports facility, lack of capacity nearby and its loss would be to the disadvantage of the working/local community.
6. **Sport England** responded to the re-consultation and again objected to the scheme and the additional assessment pursuant to PPG17 undertaken by the applicant. The grounds of their objection are as follows:
7. Sport England object to the proposal and to the analysis of Pan Leisure Consulting (on behalf of the applicant) in that no consultation was undertaken with the local community and therefore Sport England hold that it therefore cannot be argued that 'the development is widely supported by the local community'. Sport England go on to state that; *'whatever attempts are made to downplay the role of the Lambs Club today, Sport England considers that this facility, providing 9 squash courts is a significant part of sporting infrastructure of inner London'*. It was felt that the applicant's interpretation of the expression 'surplus to requirements' failed to take account of the past role and potential future role of the sporting facility and consideration was not given to the potential opportunities for expanding the use of the facility which new management policies could create such as opening on weekends, membership promotion school links etc. Sport England fears that the peak period capacity at the other Squash Clubs identified is unlikely to

be sufficient to replace the loss of existing courts at Lambs. Particularly as the other clubs are most likely experiencing peak demand at the same time and as many of the members of Lambs Club are city workers their flexibility to play at other times is restricted.

8. Lamb's Action Team (LAT) responded to the re-consultation and again objected to the scheme and the additional assessment pursuant to PPG17 undertaken by the applicant. The grounds of their objection are as follows:
9. LAT objected to the proposal and raised specific concern with regard to the Pan Leisure view of the expression of 'surplus to requirements' meaning that the use currently made of Lambs Club could be absorbed elsewhere. It was stated that this is contrary to PPG17, which seeks to prevent the redevelopment of sporting facilities providing for a local community. Concern was raised that the applicant did not consult the local community and furthermore the proposal would contravene the Councils Strategic and Local UDP policies. LAT contend that the existing facility is not surplus to requirements as that facility is still in use and currently provides service for 1,100 people and the 9 existing squash courts form a unique facility. Following their analysis of booking sheets LAT conclude that on average 680 people play squash every week and following their own analysis of the situation have strong fears that there is insufficient capacity at other facilities to cater for the requirements of the community that uses Lambs Club. LAT are concerned that the Pan Leisure report does not consider the use of Lambs Club by the working community as a legitimate planning consideration and are also concerned that the applicant dismisses the importance of Lambs Club as a private facility, whereas the Companion Guide to PPG17 states there is value in all facilities regardless of ownership.
10. Olympics It is noted that concern has been raised that the loss of the Club is counterproductive in supporting the 2012 London Olympics. However, it has been confirmed that squash shall not feature as an Olympic sporting event.

## **EVALUATION**

11. **PPG17: Planning for Open Space, Sport and Recreation** PPG17 constitutes national guidance guiding the provision, extension, redevelopment, loss and other such matters relating to open space, sporting and recreational facilities. PPG17 is a material consideration in the determination of the current application. Paragraphs 1 – 9 of PPG17 concern themselves with the appropriate assessment of needs and opportunities and setting local standards, Paragraph 10 of PPG17 concerns itself with the redevelopment and loss of open space and sporting and recreational facilities and therefore the principal consideration in relation to the current proposal.

12. Paragraph 10 (as stipulated within its title) seeks to '*Maintain[ing] an adequate supply of open space and recreational facilities*'. Paragraph 10 states that '*not all sports facilities are of equal merit and some may be available for alternative uses*' and outlines 3 broad considerations to be addressed when a scheme proposes the loss of a sporting facility, they are (officers' numbering):
- a) "*Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space, the building and land to be surplus to requirements*"
  - b) "*In the absence of a robust and up-to-date assessment by a local planning authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements*"
  - c) "*Developers will need to consult the local community and demonstrate that their proposals are widely supported by them*"
13. It is acknowledged that Islington Council has not undertaken a robust and up-to-date assessment of local needs in accordance with PPG17. As a consequence, the applicant has commissioned an independent assessment in accordance with PPG17 to demonstrate the facility is 'surplus to requirements' and the findings are detailed within paragraphs 19 to 23 below.
14. Lamb's Passage Health and Fitness Club – Existing Situation The Lamb's Passage Health and Fitness Club (hereafter referred to as Squash Club) is not a public facility, it is privately owned and leased to 'Fitness Exchange' a private company established for profit and operating to serve a fee-paying market. At present there is a total of 1,100 members (down from 2088 members in 2001). The club provides for a gymnasium, aerobics studio, 9 squash courts, physio room, opening hours are between 7:00am until 9:30pm Monday to Friday and the facility is closed on weekends. Regarding the membership on the whole; 6% live locally within a EC1, EC2 EC3 or EC4 postcode and the club caters primarily to city workers, many of whom have subsidised memberships. It has been confirmed that as a consequence of the membership decline (which generates all revenue) the Squash Club has been operating in a deficit position in 2004 and 2005.
15. An annual membership that allows for peak-time access is charged at £545, for non-members a casual entry (regarding access to squash courts) is charged at a fee of £10 and is permitted only on invitation from an existing member. Of the 1,100 existing members the applicant

states that 400 are active squash members (taken from Fitness Exchange member data), the LAT dispute this claiming that there are 680 active squash members (LAT survey calculation).

16. Pan Leisure's review of the Squash Club notes that it was previously recognised as an important club and competitive venue, however this has significantly changed with the passage of time, the Squash Club is presently in need of substantial upgrading, is non-compliant with the Disability Discrimination Act legislation and the courts require significant refurbishment. It has also been noted that following the rapid decline in squash participation (from its peak in the mid 80's) and the different requirements required for major squash venue which have resulted in new purpose built and large multi-purpose venues being used in recent years. It is a matter of fact that the Squash Club is not used for national or international squash fixtures.
17. Local Community In terms of stakeholder consultation, the Squash Club is a private facility and the large majority of its members work but do not live in the local area as detailed above. It is considered within the Pan Leisure report that the 'make-up' of the Lambs Squash Club membership, being city-workers principally living outside the EC1/EC2/EC3/EC4 area is unrepresentative of the local Islington Community. Furthermore, the advice from Adhurst mentions: *the "local community" as defined by PPG17 (ie including local residents and visitors) will not be affected by the redevelopment proposed since the local community as a whole does not use these facilities, and there is no reason to believe they will start using them.* The fact that the Club is used primarily almost exclusively by the working population is supported by the fact that it is not open on weekends, does not provide a junior membership and that casual visits are only permissible on invitation by existing members only. It would seem to be appropriate to consider in such circumstances that it is unnecessary to carry out a consultation of the "local community" referred to in paragraph 10 of PPG17 as a wide-ranging survey of local residents who are not, and are likely never to become members of such a club could not inform the Council whether the facility is surplus to requirements. It is considered that those people who currently use the facility have been given every opportunity to make representations in relation to this application.
18. In light of the facts mentioned above It is considered that the applicants failure to carry out a wide-ranging survey with the local community does not constitute a breach of the guidance held within PPG17.
19. Surplus to Requirements PPG17 does not place an outright restriction on the redevelopment of existing sporting sites, on the contrary paragraph 10 offers criteria (mentioned above), which if adequately addressed allow for redevelopment potential. The purpose of paragraph 10 is stated with its title: "maintaining an adequate supply of open space and sport and recreational facilities" paragraph 10 goes on

to state: “not all sports facilities are of equal merit and some may be available for alternative uses”. PPG17 therefore does not dictate that all facilities that are in use must be retained.

20. ‘Surplus’ is defined as “exceeding what is needed or used” and ‘requirement’ is defined as ‘need to have’ (Oxford Dictionary). The applicant considers that the correct interpretation of “surplus to requirements” necessitates a comparative study of what is currently supplied and the existing demand. Therefore should supply outstrip demand it can be held that a surplus exists. In this instance independent advice has been provided by Landmark Chambers to support the findings of Pan Leisure. The advice advocates a two-stage test to assess whether a facility is surplus to requirements. Test no. 1 depends on what need the facility currently it meets; and test no. 2 depends on whether any need identified as met by the facility may be met elsewhere in the absence of the facility.
21. In assessing Test no.1 it has been clearly identified within the sub-section of this report titled ‘local community’ that the Squash Club currently operates principally for the benefit of the nearby working population. Turning to test no.2, which relates to the assessment of whether, should the need be displaced, there is opportunity to meet that need elsewhere the Pan Leisure report provides an assessment of the existing facilities within a 10 minute walking distance of the Lambs Squash Club. The report found that there are 8 clubs providing for 23 squash courts in association with health and fitness facilities within the designated catchment area. Further to the above mentioned 8 clubs, there are an additional 12 clubs (without squash courts) providing stand alone health and fitness facilities. The report identifies a minimum of 400 available squash court memberships within clubs of similar or significantly better quality within walking distance of the application site. It is considered therefore that there is sufficient capacity within an convenient distance from the site to cater for the needs of the working community which currently uses the Squash Club.
22. Specific concern has been raised by LAT and other interested parties regarding the potential that at peak-times the existing squash usage could not be absorbed by nearby facilities. The advice by Landmark Chambers in relation to this point states (para 25): *‘PPG17 does not require a developer to demonstrate precisely where and how each playing member of the club will be catered for in the future. The pattern of peak and off-peak usage at the Lambs Club does not necessarily reflect how and when the same players would play squash if they were using another facility, perhaps nearer to their home, or closer to work. Patterns of work and recreation should not be assumed to be inflexible or to require identical reflection elsewhere’.*
23. Officers concur with the applicants findings and consequently as it would appear that capacity exists close to the application site to

provide for the needs of existing members it is considered that it has been demonstrated that the facility is surplus to requirements.

24. Lack of Restrictions It is noted that the existing use of the site is for D2 use (sports facility). However, as previously mentioned within paragraph 34 of the original report to Committee, there is no existing planning permission restricting the premises to remain in its present use as a sports facility providing for squash courts and a gymnasium. Consequently there are no existing restrictions to prevent the premises changing to any other use within the D2 use class without the need for planning permission. Other uses within the D2 use class include: Community Centre, Club (disco) Cinema, Bingo Hall, Casino, Sauna Baths, Public Baths and so on.
25. An example of this and with reference to the squash courts specifically, the lack of a restrictive condition could allow the owner to remove the existing courts altogether and provide for potentially more lucrative gym and ancillary facilities exclusively.
26. Furthermore, the Council must be mindful that premises is not a publicly owned facility. As a privately owned and privately leased and run facility (present lease arrangements due to expire in September 2007) the Council has no power in determining whether the Squash Club remains open or a controlling influence over its management policies or operation. As a consequence there is little which could be done should the club close due to its steady decline in membership, ongoing operation in deficit or as a result of other market pressures. The lack of any preventative planning measures and likelihood of the future closure of the club that could as a consequence result in the building being left unoccupied is a material consideration in the determination of this case.
27. Conclusion on PPG17 In the absence of a robust and up-to-date analysis assessment of local need by the Council, the applicant has sought to demonstrate through independent analysis that the facility is surplus to requirements. In balancing the above matters and analysis and notwithstanding the objections of the Squash Club members, interested parties and groups, it is the opinion of officers that it has been adequately demonstrated to be so. The applicant has not consulted the local community to demonstrate that their proposals are widely supported by them, however, as membership principally consists of city workers (a small niche of the greater community) it is unrepresentative of the local community. It is considered the lack of consultation would not contravene the guidance.
28. Being mindful of the assessment of the case within the original report, the aforementioned analysis within this addendum report above, the proposed loss of the private facility is considered to be justified and in accordance with the Council's policy and guidance and would not contravene National Guidance under PPG17.

29. **Policy Considerations** Concern has been raised that the proposed change of use is not compliant with Islington UDP policies R17 (Indoor Sports Facilities), R18 (Private Sports Facilities), R23 (Changes of Use) and strategic policy ST8 (Recreation and Leisure) and London Plan policy 3D.5 Sport Facilities. However, a closer assessment of these policies is considered to demonstrate that this is not the case. Policies R17, R18, ST8 and 3D.5 relate to the creation or provision of new facilities only, and not to the redevelopment of existing facilities, whereas policy R23 pertains specifically to changes of use to public entertainment facilities and sites and sites of cultural importance. As the aforementioned policies do not require the retention of existing sports facilities the proposal cannot be considered to contradict the aims of the policies. Officers concur with the findings of the advice given by Landmark Chambers under paragraph 28 in which it is stated that “of the relevant development plan policies, none contain the kind of restriction against the loss that one finds in paragraph 10 of PPG17. The London Plan policies and UDP recreation and strategic policies are all supportive of a range of recreational and sporting facilities, rather than imposing a blanket ban on their loss or even allowing loss subject to criteria”. As previously mentioned within the original report to Committee, it is considered that the proposal does not contravene the policies of the London Plan or the Council’s adopted UDP.
30. **Daylight and Sunlight** Objections have been received from Hephher Dixon, Mishcon de Reya and Anstey Horne who act for the freehold of the Whitbread Centre car-park site directly north of the application site. Concern was raised over the potentially prejudicial impact the inclusion of windows within the northern elevation of the development could have over the redevelopment of the car-park site.
31. It is the consideration of officers that the proposed redevelopment of the application site and inclusion of windows to the proposed northern elevation would not rule out the potential redevelopment of the adjoining car park. The adjoining car park site is already heavily constrained by existing limiting factors, and it is acknowledged that the redevelopment proposal may further constrain the car park site to some degree. However, it is not considered to be to such a significant degree to preclude the redevelopment of that site as asserted by the objections received. As mentioned previously the redevelopment of that adjoining site would be considered on its own merits in accordance with the Council’s and National policy and guidance.
32. Further to the above, it is the consideration of officers that the removal of the windows to the northern elevation would result in a significantly bland elevation to the detriment of the resulting appearance of the building and visual amenities of the surrounding area.
33. Concern was also raised regarding the resulting daylight and sunlighting levels to the proposed windows to the western (fronting the

lightwell) and eastern (fronting Lambs Passage) elevations. Gordon Ingram Associates have demonstrated in their letter dated 23/02/2006 that the rooms to the western and eastern elevation all each achieve an Average Daylight Factor that meets or exceeds the minimum standards of the British Research Establishment's (BRE) Guidelines for its room type (ie. 1%+ for bedrooms, 1.5%+ for living rooms and 1.5% for studio apartments). Officers concur with the above findings and therefore consider the daylighting/sunlighting levels to the resulting residential units be acceptable.

34. **Whitbread Centre Car Park** Since the deferral of the current application at the previous South Area Planning Sub Committee held on 24/01/2006 two identical planning applications have been submitted for the redevelopment of the section of the Whitbread Centre car-park which immediately adjoins the current application site to the north.
35. The submitted applications; LBI refs: P06-0458 and P06-0460 for the '*Erection of a 4 storey office building with basement, to provide 1617 sq m of B1 floorspace*' (at the time of the writing of this report) are awaiting the expiry of the statutory 21 day public notification period and the Planning Division is still collating responses from the public, internal Council departments and external bodies. Consequently, no decision has been made on these applications as yet, following the completion of consultation these schemes shall be assessed on their merits against the Council's policies and guidance, National guidance and also other material planning considerations, taking into account all representations made. It is noted that the applicant pursued the proposal for the redevelopment of the car park in a pre-application capacity and that the Planning Division's advice at that stage was not supportive. The adjoining site is noted as being constrained by a number of existing limiting factors, not least of which are the existing habitable room windows to the Whitbread Centre and the historic former Whitbread Brewery barrel-vaulted basements, which are located directly beneath the surface level of that application site. The above factors are material considerations that shall inform the assessment of any potential re-development of that site.
36. **Listed Former Whitbread Brewery Basement** It was brought to the attention of Council officers during the validation of the proposed re-development of the neighbouring car-park site (mentioned above) that the Grade II former Whitbread Brewery basement may extend, in part under the application site. Officers visited the site on 06/04/2006 and confirmed that elements of the listed basement have survived to the north western part of the site. Following this discovery, the applicant was advised to prepare an application for listed building consent so that the impact of the development on the surviving historic fabric could be assessed.
37. Listed building consent application LBI ref: P06-0911 for the '*Alterations to basement area below 1 Lambs Passage building in*

*connection with redevelopment of site for residential and office development (planning application ref. no. P052310). 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' has been submitted, this application is also before the Committee and is also recommended for approval.*

38. **Amended Plans** The plans have been amended at first, second and third floor level resulting in a reduction of the total number of proposed flats from 87 (originally proposed) to 80. The reduction in the total number of proposed residential units has allowed for an increase in rooms sizes and the creation of more spacious flats. Of the total number of habitable rooms created it has been confirmed that 35% shall constitute affordable housing in line with the Council's adopted policies and guidance. The Council's Housing Department is satisfied with the revised layout and affordable housing provision, the revised room and flat sizes generally exceed the Council's adopted minimum space standards.
39. **LEGAL COMMENT** Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
40. The Courts have also held that the Government's statements of planning policy (PPG's) are material considerations which must be taken into account, where relevant, in decisions on planning. Decision-makers must have proper regard to them.
41. The weight that the decision-maker attaches to all the material considerations when balancing and evaluating the matter to reach a decision is a matter for them.

#### **ORIGINAL REPORT TO COMMITTEE – MEETING HELD ON 24/01/2006**

\*NB: The following document has been amended to include the late amendments/additions to the report, which were verbally raised by the Presiding Officer at the previous Committee.

## **CASE OFFICERS REPORT**

**ADDITIONAL RECOMMENDATION** That planning permission be granted subject to the applicant and any mortgagees entering into a Deed of Planning Obligation by means of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Head of Law and Public Services and the Assistant Director (Planning) (or representatives of):

- i) Repair and reinstatement of the highways and footways surrounding the development, (costed by the council's highways department);
- ii) Contribution of £367,000 for environmental community streetscape and highways improvements in the vicinity of the site, to be paid upon implementation of the planning permission and index-linked from the date of committee;
- iii) Affordable housing provision of 35% habitable rooms (25% social rented 10% intermediate);
- iv) Contribution of up to £5,000 to provide a minimum of 3 disabled car parking bays in the vicinity of the site;
- v) Removal of the right of residents of the development to apply for residents parking permits;
- vi) Submission of and adherence to a Servicing Statement, which outlines the servicing requirements, location(s), time(s) and frequency;
- vii) 1 year's Car Club membership for all units;
- viii) £2000 contribution to the implementation of the Islington Biodiversity Plan;
- ix) Code of Employment & Training Practice (Construction);
- x) Code of Construction Practice (£1500 monitoring fee); and
- xi) Council's legal fees in preparing the S106.
- xii) Contribution of £40,000 towards sporting initiatives within the local community.

1. **Proposal** The proposal is for the demolition of the Lamb's Passage Health and Fitness Club and erection of a seven storey building plus basement to accommodate 564sqm of B1 office floorspace on part of ground floor and 80 residential units at ground and upper levels (of which 24 shall be affordable). The dwellings are to comprise 29 one , 28 two, 6 three bedroom flats and 17 studio apartments. All dwellings have been designed to Lifetime Homes and Eco-Homes standards and three flats have been designed to wheelchair standard. The scheme is to be car-free and provides 110 secure cycle parking spaces.

2. **Issues** The main issues arising from this proposal relate to the:

- Change of use from a indoor sports facility to a mixed commercial / residential use;
- Design and appearance of the resulting building and its impact on the existing surrounding streetscenes;
- Impact on neighbouring residential amenity;

- Quality, standard and mix of residential accommodation provided;
  - Quality and standard of commercial accommodation provided;
  - Impact on the character and appearance of the adjoining Chiswell Street Conservation Area [CA20] and the setting of adjoining and nearby Listed Buildings;
  - Highways and transport implications; and
  - Archaeology.
3. **Site** The application site comprises an existing part 2, part 4-storey brown brick building with a weathered zinc mansard roof as top floor. The building, which houses a private sports facility known as Lamb's Passage Health and Fitness Club has few windows and those existing are narrow and set within deep recesses. The site is rectangular in shape and covers an area equal to approximately 1470sqm. The existing building fronts Lamb's Passage and faces due-east, its northern elevation faces onto the Whitbread Centre car-park. The Lamb's Passage Fitness Club itself has a useable floor area of approximately 9000sqm and consists of a gym and 9 squash courts along with ancillary minor services (hereafter referred to as the Squash Club).
  4. The existing building covers almost the entire site. However, a small, hard-paved courtyard exists to the south east corner of the site.
  5. **Surroundings** The site adjoins the Grade II Listed Sundial Court building, which formed part of the former Whitbread Brewery to the west, a modern extension to this building is located south of the site beyond the open courtyard. The multi-storey City University and Slaughter and May buildings are located to the east and the open car-park of the mixed-use Whitbread Centre to the north. The former Whitbread Brewery's south yard (Grade II Listed) is located to the south side of Chiswell Street and falls within the borough boundary of the Corporation of London.
  6. The surrounding townscape is varied and comprises an enclave of traditional buildings and listed buildings dating from the mid 18<sup>th</sup> to 19<sup>th</sup> Century as well as tall modern and contemporary buildings. Nearby and adjoining buildings differ greatly in height ranging from low level commercial buildings to the large tower blocks of the barbican. The area is characterised by a mixture of commercial, residential, recreational and institutional uses.
  7. The application site adjoins the Chiswell Street Conservation Area [CA20] (west of the site, which includes Sundial Court) although the site itself is not located within a designated Conservation Area. The existing Squash Club building is not a Listed Building.
  8. **Relevant History** The existing building has been the subject of a number of past minor extension applications which are not considered

particularly relevant to the current scheme. The site has been the subject of a previous redevelopment proposal, which is considered relevant to the current scheme and is summarised as follows:

Planning application LBI ref: P050441 for the '*Demolition of existing building and erection of basement, ground plus nine storey residential (C3) building containing 122 units with office (B1) use on part of ground floor, associated public realm improvements and other works incidental to the redevelopment of the site*' was REFUSED on 10th May 2005.

9. The reasons for refusal attached to the above decision notice are summarised as follows:
  1. poor standard of residential accommodation in terms of sunlight/daylight, aspect, outlook and privacy;
  2. inappropriate height, bulk and mass resulting in an overbearing development harmful to adjoining Listed Building;
  3. inappropriate height, bulk and mass resulting in a harmful impact on the Lamb's Passage streetscape, creating a 'canyoning effect';
  4. insufficient number of wheelchair accessible flats;
  5. applicant failed to enter into S106 Legal Agreement;
  6. loss of the Squash Club.
10. **Public Inquiry** A duplicate application LBI ref: P052334 has been submitted in conjunction with the current scheme and is now the subject of an appeal to the Planning Inspectorate for non-determination. The appeal shall be dealt with as a Public Inquiry PINS ref: APP/V5570/A/05/1195728. A date has yet to be set for the Inquiry.
11. **Consultation** Letters were sent to 69 occupants of adjoining and nearby properties. A site notice was displayed on site and a notice placed in the press on 6th October 2005. The public consultation of the application therefore expired on 27th October 2005, however it is the Council's practice to continue to consider representations made up until the date of a decision.
12. Three hundred and seven (307) responses have been received from the public with regard to the application. The issues raised are summarised as follows:
  - loss of Squash Club, particularly squash facilities;
  - loss of light, privacy;
  - Development has a prejudicial impact on future development of - neighbouring Whitbread car-park;
  - increase traffic and parking pressure;
  - noise disturbance from resulting uses; and
  - design out of keeping within locality.

13. The Corporation of London confirmed that the proposal is unlikely to harm the setting or appearance of buildings (Listed or otherwise) within the Corporation's borough boundaries. The Corporation objected to the loss of the Squash Club.
14. Sport England objected to the scheme due to the loss of the Squash Club.
15. English Heritage – Archaeology were satisfied with the scheme subject to the imposition of a condition and informative calling for further investigative archaeological work.
- 15.1 English Heritage responded, although stated that they wished to make no comment on the scheme.
16. Thames Water raised no objection to the proposal subject to the imposition of a condition requiring the submission of details relating to drainage.
17. The Conservation and Design Panel raised a number of concerns, which have since been addressed by the amendments to the scheme.
18. The Conservation and Design Team raised a number of concerns, which have since been addressed by the amendments to the scheme.
19. The Crime Prevention Officer raised minor concerns, which shall be investigated by the architects at the detailed design stage of the building.
20. The Public Protection Department – Noise Team raised concerns with the acoustic report but concluded that residential use in this location is acceptable.
21. The Street Management Team requested the submission of a Servicing Plan, that the development be car-free (3 spaces required for disabled parking) and contributions towards a car-club.
22. The Affordable Housing Officer is satisfied with the provision of 35% affordable housing, split 70/30 social rented/intermediate housing.
23. The Access Officer initially raised minor concerns to internal layout, which have been addressed by the imposition of conditions.

## **RELEVANT POLICIES**

24. **National and Regional Guidance** The following national and regional guidance is considered particularly relevant to this application:

PPS1  
PPG3

Delivering Sustainable Development  
Housing

PPG4 and Small	Industrial and Commercial Development Firms
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG17	Planning for Open Space and Recreation
PPG24	Noise
Secured By Design	
British Research Establishment (BRE) Guidelines: 'Site Layout Planning for Daylight and Sunlight'	
London Plan Spatial Development Strategy for Greater London	
- 3A.1	Increasing London's Supply of Housing
- 3A.2	Borough Housing Targets
- 3A.4	Housing Choice
- 3A.7	Affordable Housing Targets
- 3B.2	Office Demand and Supply
- 3B.4	Mixed Use Development
- 3D.5	Sports Facilities
- 4A.9	Providing Renewable Energy
- 4A.14	Reducing Noise
- 4B.1	Design Principles for a Compact City
- 4B.2	Promoting World Class Architecture and Design
- 4B.3	Maximising the Potential of Sites
- 4B.5	Creating an Inclusive Environment
- 4B.6	Sustainable Design and Construction
- 4B.7	Respect Local Context and Communities
- 4B.9	Large Scale Buildings – Design and Impact
- 4B.11	Heritage Conservation
- 4B.14	Archaeology

25. **Islington Unitary Development Plan (2002)** The following policies of the Islington Unitary Development Plan (2002) are considered relevant to this application:

Environment Policies: Strategic Policy 4 – To encourage sustainable forms of development, which respect and enhance the environment:

Env1 & Env2	New Development
Env9	Street Furniture, Paving and the Streetscene
Env12	Community Safety
Env13 & Env14	People with Disabilities
Env15	Small Children and their Carers
Env17	Protection of Amenity
Env30	Energy
Env38	Waste and Recycling

Housing Policies: Strategic Policy 5 – To ensure the provision of a sufficient number of homes to meet local and strategic housing needs, insofar as this is compatible with maintaining a satisfactory residential

environment. This should be achieved through new housing, changes of use, conversions, mixed-use schemes and bringing vacant property into use:

H1	Housing Provision
H3	New Housing and Changes of Use to Residential
H7	Standards and Guidelines
H10	New Development
H12	Density
H14, H15, H16 & H17	Dwelling Mix, Dwelling Need and Affordable Housing
H20 & H22	Housing for Special Needs

**Economic Regeneration Policies:** Strategic Policy 6 – To encourage the provision of new and improved accommodation for employment activities and the protection of existing useful accommodation, where this does not conflict with other land use or environmental objectives; and to ensure that sites are buildings are available for a mix and balance of uses that meets local and strategic needs:

E1 & E2	Business Development
E3	Mixed Use in Business Schemes
E13	Protection of Premises for Small Firms and Opportunities for Business Start-Ups

**Sustainable Transport Policies:** Strategic Policy 7 – To improve the quality of the local environment through a sustainable and progressive reduction in the volume of motor traffic on all roads:

T1	Traffic Reduction Targets
T4	Reducing the Need to Travel
T18	Parking and Traffic Restraint
T21	Non-Residential Off Street Parking and Servicing
T22	Residential Off-Street Parking
T23	Car-Free Housing
T25	Reducing Off-Street Parking
T32	On-Street Servicing
T34	Cycle Parking
T47	Streetscape
T49	Meeting the Needs of People with Mobility Problems
T55	New Development

**Recreation and Leisure Policies:** Strategic Policy 8 – To ensure the provision of attractive facilities, offering a wide range of activities covering sports, leisure and entertainment, in healthy and environmentally pleasant surroundings, and accessible to all residents without needing to use a car:

R17	Indoor Sports Facilities
R18	Private Sports Facilities

Conservation and Design Policies: Strategic Policy 13 – To ensure that all new development, including alterations and additions to buildings, are well designed, respect their context, and improve the appearance of the Borough:

D1	Overall Design
D2	Drawings and Design Statement
D3	Site Planning
D4	Designing in Context
D5	Townscape
D6 & D7	Landscape and Public Facilities
D8	Boundary Walls, Paving and Street
Furniture	
D22	New Development

**Implementation Policies:** Strategic Policy 14 – To secure the effective implementation of the policies set out in this plan and to encourage community involvement in the planning process:

Imp 5	Mixed Use
Imp 6	Efficient Use
Imp 13	Community Benefits
Imp 14	Central London
Imp 16	Bunhill

26. **Unitary Development Plan Designations** The site has the following designations under the Islington Unitary Development Plan (2002):

- Archaeological Priority Area – Moorfields (APA2);
- Central London Area Special Policy;
- Bunhill Special Policy Area; and
- (adjoining but not within) Chiswell Street Conservation Area [CA20].

27. **Supplementary Planning Guidance** The Council's following Supplementary Planning Guidance were also considered relevant:

- Affordable Housing;
- Car Free Housing;
- Conservation Area Design Guidelines
- Green Construction;
- Lifetime Homes and Wheelchair Users Housing;
- Section 106 – Community Benefits; and
- Sustainability Assessments.

## **EVALUATION**

28. **Land-use** The main lands use issues to consider are the loss of the existing private sporting facility on-site and the creation of a mixed use development that would provide for both business and residential uses.

29. **Squash Club** Indoor sports centres allow for a far more varied and intensive recreational use than what could be achieved outdoors and

the Council is committed to increasing participation across the community and encourage full use by people of all ages and both sexes. Policies R17 and R18 relate to the provision of new indoor sporting facilities. Policy 3D.5 of the London Plan and PPG17 also promote the provision of new sporting facilities.

30. It is the Council's aim under policy ST8 to ensure 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.
31. There has been strong objection to the loss of the Squash Club particularly in relation to the squash courts themselves. The applicant's Planning Consultant has undertaken a study of the Squash Club and the services it provides and submitted this analysis with the application. The Lamb's Action Team, who object to the loss of the Squash Club have contracted Strategic Leisure Ltd, specialist sport and leisure consultancy to provide an independent assessment (dated October 2005). Since the submission of the application, and in response to the level of concern generated the applicant has contracted Pan Leisure Consulting Ltd who specialise in leisure and tourism, with expertise in sport and recreation to prepare an independent report and analysis of the Squash Club and this report now supplements the scheme (dated Nov '05).
32. The findings of both reports are summarised below:

#### Arguments against the loss of the Squash Club

- Loss of an unique squash facility, 9 courts;
- A negative impact on both existing members, and those organisations and competitive players who use the club for competitive purposes;
- Loss of a facility which provides for elite and mass participation;
- Loss of an existing recreational facility, without commensurate, and appropriate alternative provision being made;
- Loss of accessible sports provision, which due to its location and nature, positively facilitates a significant level of participation in physical activity; and
- A negative impact on the health of existing members and players, who may not be able to access similar provision due to both location and cost.

#### Arguments in favour of redevelopment

- Lambs is a private, members only club catering exclusively for an adult population, with no junior representation;
- It predominately serves the corporate sector (less than 4% of members have an EC1 home postcode), and operates only during the week;

- There has been an year-on-year decline in membership from 2,088 (2001) to 1,168 (2005);
  - As a consequence of the membership decline (which generates all revenue) the Club has been operating in a deficit position in 2004 and 2005; and
  - Substantial building and refurbishment work would be required to accord with Discrimination Disability Act legislation and improving the playing and sporting facilities (estimated to be in excess of £1 million).
33. In balancing the above conclusions of both the independent analysis is considered that although providing a large number of squash courts and offering a indoor sporting service that would be noticed if lost, the arguments in favour of redevelopment have convincingly shown the facility to be in decline, substantially non-compliant with DDA legislation, and operates primarily for a corporate (week-day only) rather than local clientele. There are a number of squash courts in the immediate vicinity of the site with capacity to adsorb the displacement of existing members. The loss of the facility is considered to be justified.
34. It is noted that the existing use of the site is D2 (sports facility), however, a search of Council records has failed to produce evidence of the grant of an original planning permission for this use. Notwithstanding this, as it has been confirmed that the use has been in operation for a period greater than 10 years it is considered to be lawful and therefore an established use. In light of the above mentioned lack of an original permission, no condition exists, which restricts the use of the property exclusively within the D2 use class as 'Squash Courts and Gymnasium'. It is acknowledged therefore that the premises has permitted rights to change to any other use within the D2 use class without the need for planning permission. Such uses include: cinemas, concert halls, casinos, other indoor sports facilities, dance and also sports halls.
35. In considering the above and in light of the Council's and National Government's policy and guidance on securing the provision of new housing and commercial premises, particularly within mixed use developments the change of use as proposed is considered acceptable.
36. Mixed Use Scheme Developments containing more than one use are strongly encouraged in the interest of land use diversity, efficiency, vitality and providing opportunity to reduce the need to travel. New office floorspace should be functional, usable and desirable to the end user. In this regard policies Imp5, Imp6, Imp14(vi) Imp16, E1, E2, E3 and E12 are applicable. PPG4, PPG13 and policies 3B.4 and 4B.3 of the London Plan are also relevant. The scheme shows the provision of 564sqm of class B1 office space at ground floor level with 84 residential units above. The office space created is considered to be of

a suitable standard of layout and construction, easily serviced and likely to be attractive for an end use within the full range of B1 uses. The site falls within the 'city fringe' area, which is a priority for business regeneration. The residential flats are of an acceptable standard and are discussed later within this report under the section titled 'Quality of Resulting Residential Accommodation'. The site is well served by public transport and the change of use to commercial / residential use does not conflict with the Council's environmental, conservation or employment policies. The scheme proposes a loss of recreational use, however as previously discussed this is considered to be appropriate in this instance. The provision of a mixed use scheme on this site is therefore considered acceptable in accordance with the Council's and National Government's policy and guidance.

37. **Design** In a built up borough such as Islington, each new development has a potential to affect the character and appearance of the area. The form and appearance of new development, its layout and relationship to its surroundings are consequently important considerations within planning proposals. Pursuant to policies D1, D2, D3, D4 and D5 new development should be of a high standard of design, respect its context and improve the overall appearance of the borough. Furthermore, policies 4B.2, 4B.5, 4B.6 4B.7 and 4B.9 of the London Plan relate to the securing highest standard of design and layout within new buildings and are therefore relevant.
38. The application site is situated within Lamb's Passage, which constitutes a narrow road that carries a low level of vehicular traffic and pedestrian footfall. No street-trees are present and the existing buildings mostly turn their back on the street adding to its quiet nature and somewhat inhospitable feel. Notwithstanding this, the narrowness of the street and closeness of the buildings has resulted in the creation of an intimate streetscene, which is unique within the surrounding urban context. The existing building is considered to be of no architectural merit and its sheer featureless brown brick façade and uninteresting design appears unwelcoming and overbearing.
39. The scheme proposes the demolition of the existing Squash Court building and provides a new, modern 7-storey mixed use building. The principle eastern elevation of the development is to provide a slightly modulated building line, broken into 3 distinct bays. The breaking of the elevation provides a suitable level of articulation that reduces the visual bulk of the scheme as it presents to Lamb's Passage. This elevation has been amended in accordance with officer's recommendations and the projecting elements have been drawn back from the street so to prevent a canyoning effect within the streetscape. The northern elevation fronts onto the Whitbread car park and carries through the same design principles as those displayed to the principle eastern elevation. The rear western elevation has been amended and now cannot be seen from Chiswell Street or visible above Sundial

Court. The building on the whole is considered to be well proportioned and sympathetic to its context.

40. The scheme proposes a contrast of materials, namely; cast masonry, timber cladding and metal window frames all of which are drawn together creating an interesting and visually pleasing elevational treatment. The choice in materials has been influenced by the palette introduced from surrounding buildings and this assists in helping the building to find its place acceptably within its urban context. A condition is attached which requires the submission of samples and details of the proposed materials, including roof-top plant. An additional condition is also attached, which requires the submission of more detailed plans of the ground floor elevational treatment.
41. The scheme is considered to be of a high standard of design, which respects and enhances its context. Furthermore, the building is considered to enliven the street and through its appearance alone greatly improve the Lamb's Passage streetscene. It shall not be visible from Chiswell Street or above Sundial Court. The design of the building is welcomed and considered to be in accordance with the Council's and National Government's policies and guidance on design.
42. Security The environment should be designed to minimise opportunities for street crime. New spaces and places should be provided in such a way that they do not incite fear and insecurity and ensure the provision of good security. Pursuant to policies D3(v) and Env12 new developments should create a safe and secure environment. The aims and principles of Secured By Design assist in facilitating the Council's policies on crime prevention. Furthermore policy 4B.1 of the London Plan partly concerns itself with safety and is therefore relevant.
43. The scheme has been designed to generally accord with the principles of Secured By Design. The scheme is considered to provide little opportunity for crime by designing away physical attributes which attract anti-social behaviour, such as poor overlooking of public spaces, deeply recessed covered areas and so on. The Council's Crime Prevention Officer has assessed the scheme and has raised only minor concerns, which shall be addressed during the detailed design stage of the scheme. As mentioned previously, a condition is attached which requires full details of the ground floor treatments.
44. An objection has been received on the grounds that the development would have a prejudicial impact on the future redevelopment of the Whitbread car parking area. The Planning Department has not received for consideration any application redevelopment and any such proposal would be assessed on its merits. The inclusion of windows to the northern elevation of the proposed development are considered appropriate in this instance and beneficial in townscape terms in that a visual break would be maintained should a redevelopment proposal be

put forward (and considered acceptable) for the Whitbread Centre car park.

45. **Neighbouring Amenity** It is important that new buildings have adequate natural light and are free from disturbance from adjoining land uses. At the same time, existing nearby properties should not suffer unreasonably in terms of amenity loss resulting from new development. Policies D3, and Env17 seek to ensure that the existing sensitive residential amenities of neighbouring properties are protected, particularly with regard to, daylight and sunlight, privacy, outlook and noise.
46. The application site shares its western (rear) and southern (side) boundaries with the residential/student accommodation of the Grade II Listed Sundial Court buildings and modern extension building. The Grade II Listed Building to the west has no habitable room windows or openings to its shared boundary with the application site, therefore no loss of amenity would occur. The modern extension building to the south has four habitable room windows to its northern elevation shared with the application site. The scheme proposes no windows opposite those existing and the windows provided within the proposed south elevation of the development are at a distance and orientation whereby no overlooking would be possible (see picture S attached). To the north can be found the open expanse of the Whitbread Centre car park, commercial and educational buildings are located to the opposite side of Lamb's Passage.
47. Objection has been raised regarding the loss of privacy to the neighbouring residential flats within the elevated Whitbread Centre. The scheme shows the provision of windows to its northern elevation shared with the Whitebread Centre car park, the flats mentioned above are located to the north west and at a distance greater than 20m from the application site. It is therefore considered, as the proposal is located at a distance greater than 18m (the minimum as stipulated within the Council's adopted SPG 'Planning Standards Guidelines') from those neighbouring habitable room windows, and furthermore is at an extremely acute angle to those windows that an undue loss of privacy would not occur.
48. Given the above points, its is considered that the proposal would not have an adverse impact on surrounding properties in terms of loss of residential amenity. The Council does not have an adopted policy to protect the amenity of office / educational buildings. The proposal is therefore considered acceptable in terms of its amenity impact.
- 48.1 Concern has been raised regarding the potential loss of light to the neighbouring windows to the student accommodation of Sundial Court (shown in picture 9). These windows are north facing and consequently would never receive direct sunlight. It is considered therefore that the development would not result in an increase in the

loss of sunlight. The windows are already substantially overshadowed by the 4-storey Squash Court building which projects 4m from the rear face of Sundial Court and the potentially effected windows. The scheme proposes a 6-storey building at a depth of 6m. The proposal is not considered to result in a substantial worsening of the current daylighting situation, enough to warrant the refusal of the scheme. Furthermore the proposal would result in the removal of 6 large air-conditioning units which vent directly across the existing student windows and also the removal of an existing refuse enclosure, which is directly adjoining those windows. It is considered therefore that a substantial improvement on the present situation would occur.

49. **Quality of Resulting Residential Accommodation** New Housing contributes to the housing stock of the borough which is expected to provide adequate and sustainable standards of amenity for the full duration of its use. Consequently a range of essential standards must be met in the design of new residential accommodation. The Council's adopted SPG 'Planning Standards Guidelines' and policies H3, H7, H10 and D3(iii-v) seek to secure a suitable standard of future residential amenity in all new developments. The British Research Establishment (BRE) Guidelines: 'Site Layout Planning for Daylight and Sunlight' concerns itself specifically with the appropriate protection/maintenance of daylight/sunlight to neighbouring as well as proposed developments. In this context policies 4B.1 and 4B.9 of the London Plan and PPG3 are also relevant.
50. **Residential Standards** The proposed flats generally meet and in most cases exceed the Council's minimum floor area and minimum room size space standards. All dwellings are to be self-contained, with entrance halls and rooms accessed from general circulation areas and all rooms are considered to be of appropriate and regular shapes allowing full use and functionality. A suitable amount of space is available for storage areas. The new residential development is therefore considered to be acceptable in terms of its resulting layout. The courtyard to the south of the site shall be improved and landscaped to provide open space and a public amenity. The proposal is considered to provided new residential dwellings to an acceptable standard and in accordance with Council's adopted Planning Standards Guidelines, and policies and National Guidance and is acceptable in this regard.
51. Rear roof terraces are proposed to the 4<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> floors. No detail has been provided of the resulting balustrades or screens proposed. A condition is attached which requires the submission of such details to ensure the protection of future residential amenity from overlooking and in terms of amenity.
52. **Daylight and Sunlight** Gordon Ingram Associates were contracted by the applicant to provide advice regarding the level of lighting afforded to the new flats within the development. The scheme provides dual

aspect flats at first, second and third floor level, the rear (north western) windows of these flats are to face onto a lightwell and the rear windowless elevation of Sundial Court. Single aspect flats are created at the fourth, fifth and sixth levels. The scheme has been design so that all proposed habitable room windows to the lower floors facing the lightwell constitute bedroom windows and therefore are of lesser importance in terms of sunlight/daylight. Furthermore all living areas have been located to the Lamb's Passage frontage of the development, which would receive sunlight and more daylight. The provision of single aspect flats at upper floors (seventh floor being dual aspect) is acceptable as unobstructed views are achieved over Sundial Court and the Whitbread Centre car-park. The buildings to the opposite site of Lamb's Passage would result in only a minor obstruction to these flats.

53. It has been shown within the consultant's report that the daylight levels to all windows shall be in excess of the BRE minimum standards and therefore it is considered that the residential units provided would be provided with a suitable level of amenity in terms of light.
54. Noise Noise can be a particular problem, and background noise levels in Islington are high in many areas. Whilst the Council wishes to maintain job opportunities and leisure facilities within the borough it must reconcile this with the need for satisfactory living conditions. Policies Env17 and D3(vi) relate to the protection of existing amenity with regard to noise disturbance. Furthermore, policy 4A.14 of the London Plan and PPG24 are concerned with matters of new development and noise disturbance and are therefore relevant.
55. Waterman Environmental noise consultants were contracted by the applicant to investigate the noise implications of the scheme. The acoustic report has been reviewed by the Council's Public Protection Department who have raised concerns that the report may not give a true reflection of the existing background noise climate of the area. However, notwithstanding this it was confirmed by the Public Protection Department that pursuant to PPG24 residential accommodation is suitable for this location. Conditions are attached to protect future residential amenity and also require the submission of an amended acoustic study.
56. Affordable Housing and Mix It is the Council's aim within new developments and conversion schemes to secure a suitable dwelling mix to ensure that as far as possible the size and type of housing units provided meet the needs of the population, including the provision of 35% affordable housing units within schemes involving 15 residential units or more. In this regard, the Council's adopted SPG 'Affordable Housing' and policies H14, H15, H16 and H17 are relevant. Policies 3A.4 3A.7 and 3A.8 of the London Plan are also pertinent.

57. The scheme is to provide for an additional 80 residential dwellings (188 habitable rooms (hr)) within a mixed use scheme. The proposal is therefore above the Council's affordable housing trigger threshold of 15 units as stipulated under policy H16 of the Unitary Development Plan. The Council's adopted SPG 'Affordable Housing' amends the percentage requirement of affordable units provided within schemes increasing it from 25% as stated under policy H16 of the Unitary Development Plan to 35%, which is more in line with the target set within the London Plan. It is proposed that of the 80 units created 24 (67hr) shall constitute affordable units, which is equal to 35.8% as a percentage of the total habitable rooms created. The affordable units shall comprise 1, 2 and 3 bedroom flats and shall be managed by the Community Housing Association. The Council's Affordable Housing Officer has met with the applicant and has confirmed that the proposed provision is acceptable. The scheme provides an adequate amount of affordable housing in line with the Council's and National policy and guidance. The tenure of the affordable housing has been agreed Council's Housing Department and a split of 70/30; social rented and intermediate housing has been agreed upon. The provision of 35% affordable housing shall be secured within the Section 106 legal agreement.
58. The scheme proposes 34 one , 27 two , 5 three bedroom flats and 18 studio apartments, three units shall be to wheelchair standard and all units shall be to Lifetime Homes standard. The proposed mix and type of dwellings is considered acceptable and would promote the Council's strategic objective to ensure the provision of a variety and mix of housing to suit the widely differing social and economic needs of the borough's population.
59. **Highways and Transportation** The site has an 'excellent' Public Transport Accessibility Level (PTAL = 6a) and is located within the 'Zone C' Controlled Parking Zone (CPZ) and also within the Congestion Charging Zone. Moorgate and Barbican railway/underground stations are both located approximately 500m from the site, and six bus stops, served by 8 services are located within 500m of the site. The London Borough of Islington is the Highway Authority for Lamb's Passage and this road is not categorised as a red route. Lamb's Passage benefits from single yellow lines to both sides of the carriageway. The application site is noted within 'Parking Policy Area A' and consequently is within an area of strict traffic restraint.
60. The scheme proposes no on or off-street car parking bays for either the commercial or residential units created and therefore constitutes a car-free development. Car-free housing can be defined as residential development with no car-parking facilities for residential or visitors other than as needed to meet the needs of disabled people. Car-free developments support many objectives of the Unitary Development Plan, especially those related to sustainability. The principles of car-free housing and developments are reinforced by the Council's policies

T1, T4, T18, T23 and D3(viii) and sustainable transport objectives as well as central government guidance under PPG13, which aim to reduce car parking, as well as the need to travel. Logically, car-free developments should be supplied in areas that can support it, the site is located within the Central London Area, within 500m of two train/tube stations and within minutes walking distance of numerous protected shops and services both within Islington the Corporation of London. This is a prime site for a car free development and therefore the proposed lack of parking is considered to promote the Council's and National Government's sustainable transport aims and objectives and is therefore welcomed.

61. In support of providing a car-free development and in line with Council policy and Supplementary Planning Guidance the applicant and any mortgagees shall be required to enter into a Deed of Planning Obligation by means of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the removal of the rights of future residents to apply for Controlled Parking Zone parking permits and to secure a contribution towards a car-club including 12 months free membership to future occupants. The scheme fails to provide disabled parking bays for the wheelchair standard flats created. Consequently it shall also be required within the S106 legal agreement that three on-street disabled car-parking bays be created within a convenient distance from the site.
62. One hundred and ten (110) cycle parking spaces are proposed (1.15 spaces per unit). The cycle parking provision is considered acceptable and accord within policy T52(vi) which seeks to secure the appropriate provision of cycle facilities within new development. Specification and full details of the cycle parking has not been provided, consequently a condition is attached requesting the submission of such details.
63. Servicing, Refuse and Recycling New non-residential development must provide for adequate servicing. Additionally all developments must make adequate provision for waste, refuse and recycling. These aims are encapsulated within policies T32, D3(vii), Env37 and Env38 of the Unitary Development Plan.
64. The scheme does not propose any off-street loading or unloading facilities. Whilst it is the Council's preference to secure off-street servicing of commercial premises, it is acknowledged that this has implications for the appropriate development and layout of sites and in the more built up areas of the borough off-street servicing cannot always be achieved. Lamb's Passage benefits from single yellow lines to both sides of the carriageway and consequently vehicles servicing the ground floor commercial premises would be allowed a 20 minute period in which deliveries and associated services could be undertaken. The Council's Transport Officer considers the proposed on-street servicing arrangements to be acceptable in this instance, the submission of a 'Servicing Statement' outlining service requirements,

exact location and frequency must be confirmed. The submission and of a Servicing Statement shall be secured in the Section 106 Legal Agreement.

65. Whilst the location of the proposed refuse/recycling enclosures has been indicated on the submitted drawings, the finalised design, management and operation of the enclosures/storage areas need to be clarified. Consequently a condition is attached requiring the submission of details of the provision of refuse and recycling enclosures.
66. **Density** Maintaining residential densities is a proven tool in helping towards achieving sustainable urban areas by encouraging the full potential of built developments, concentrating new housing in more accessible locations and creating people friendly environments. Higher densities may be appropriate providing certain conditions are met namely that new development; is of a high standard of design, well located to public transport, services, facilities and is sympathetic to existing residential amenities. The matter of density and its appropriateness are considered within Unitary Development Plan policy H12 and policy 4B.3 of the London Plan.
67. The scheme proposes 80 residential units with a total of 188 habitable rooms on a site equal to 0.18 ha (which is the gross site area; the area of the site plus half the width of the adjoining road). Density is expressed as habitable rooms per hectare (hrh) and is calculated by dividing the total number of habitable rooms by the gross site area (where site area includes half the road width fronting the site). The scheme therefore results in a residential density of 1044hrh. In this case, the scheme is considered to be of a high standard of design and sustainable construction, unlikely to affect neighbouring residential amenities, is within an area noted as having an 'excellent' PTAL level and is conveniently located in relation to designated local shopping centres, facilities and services. The scheme is within the suggested density range (650-1100hrh) as stipulated within policy 4A.3 of the London Plan and although above the Council's suggested maximum (450hrh), is within an area where it can be considered appropriate pursuant to policy H12. The proposed density is considered to be appropriate within this context and in accordance with the Council's and National Government's policies and guidance on density.
68. **Sustainability** The Council is committed to encouraging sustainable forms of development. The most widely accepted definition of sustainable development is: *'development that meets the needs of the present without compromising the ability of future generations to meeting their own needs'*. It is acknowledged that this definition embraces social and economic aspects as well as environmental. Pursuant to the Council's adopted SPG 'Sustainable Assessments' and policies Env1, Env2, Env30, Env31, Env32 new developments should make a positive contribution to the environment by meeting the

objectives of sustainable development, particularly in terms of energy production/consumption, methods of construction and the selection of proposed materials. Furthermore, policies 4A.9, 4B.1 and 4B.6 of the London Plan and PPS1 relate to creating a sustainable city and are therefore relevant.

69. The applicant recognises the importance of sustainable design, construction and management and has undertaken a sustainability assessment in accordance with the Council's SPG. The assessment indicates that the proposed building seeks to balance environmental performance with the need for a safe and healthy internal environment in accordance with the British Research Establishment's Environmental Assessment Method (BREEAM) Eco-Homes standards. It has been confirmed that the scheme is likely to achieve a 'Very Good' BREEAM rating. Furthermore, the scheme includes among other such features as a good north/south orientation, double glazed window units, high thermal mass of building envelope, sensitive methods of construction, use of sustainable materials and provision of energy efficient gas rather than electric heating throughout. The proposal is considered to be acceptable and in accordance with the Council's SPG, relevant Unitary Development Plan policies and National Guidance regarding sustainable development.
70. **Accessibility** In line with the Disability Discrimination Act it is the Council's objective to enable people with a disability to lead as fully integrated lives in the community as possible. One of the aims of the Unitary Development Plan is to secure an environment, which meets the needs of people with disabilities, many of who are denied the opportunity to participate in normal activities. Pursuant to policies H20, H22, Env13, Env14 and Env15, new domestic and non-domestic developments should be readily accessible to people with special mobility, sensory, or learning disabilities and also small children and their carers and provision should be made for a 'wheelchair environment'. In this context policy 4B.5 of the London Plan, PPS1 and PPG3 are relevant.
71. The scheme proposes three affordable flats to 'wheelchair standard' and all affordable housing units are to meet the Housing Corporation's Scheme Development Standards and Lifetime Homes standard. As stated within the section of this report titled 'Highways and Transportation' 3 disabled parking bays shall be created for use by the occupants of the new wheelchair standard flats. It shall be conditioned that all residential units meet Lifetime Homes standard, pursuant to policy H22 of the Islington Unitary Development Plan.
72. The Council's Access Officer has considered the scheme and raised no significant concern with the proposal. However, it was noted that the proposal lacked an Access Statement in support of the scheme. It is considered important that matters relating to access and inclusive design be fully considered at the outset of any new development.

Consequently a condition is attached that requires the applicant to prepare and submit an Access Statement for approval prior to works commencing on site.

73. **Listed Buildings and the Chiswell Street Conservation Area** It is the Council's strategic policy to preserve and enhance areas of special architectural or historic interest as key elements of Islington's character. Pursuant to policy D22, new development should be designed to a high standard and be respectful of the character and appearance of a Conservation Area. This is also the case for sites outside Conservation Areas, which could potentially effect their setting. Pursuant to policy D39, when considering applications for new development the Council will seek to protect or enhance the setting of buildings included on the statutory list. Furthermore, policy 4B.11 of the London Plan and PPG15 seek to ensure the protection and enhancement of London's historic assets and are therefore relevant.
74. The Chiswell Street Conservation Area is the smallest in the Borough. It lies on the north side of Chiswell Street, east of the junction with Whitecross Street, and comprises an enclave of traditional buildings containing important frontages and listed buildings dating from the mid 18<sup>th</sup> to the mid 19<sup>th</sup> century. It is surrounded by high modern blocks, but also relates strongly to the historic brewery buildings on the south side of Chiswell Street now within the Corporation of London and also a Conservation Area. The area has a rare quality and consistency of scale, materials, design and detailing which shall be protected.
75. Following amendments to the height and bulk of the scheme it is considered that the proposal shall not be visible from the Chiswell Street streetscene over the roof of the Grade II Listed Sundial Building (see picture 6 attached). This has also been successfully shown through computer modelling and also by creation of a scale model. It is therefore considered that the proposal would not have an harmful impact on the character or appearance of the Chiswell Street Conservation Area or the setting of the Grade II Listed Sundial Court buildings.
76. The Corporation of London is the Statutory Planning Authority for the areas directly south of Chiswell Street. The application has been referred to the Corporation for comment, although the Corporation objected to the loss of the Squash Court, no concern was raised as to the potential impact of the development on the setting or historic importance of the existing nearby Grade II Listed Buildings. The proposal is therefore considered to be acceptable in this regard.
77. **Archaeology** The archaeological heritage of Islington has considerable value, both in relation to the study and enjoyment of the borough's past and more widely in relation to London, and the south-east. Archaeological remains constitute the principal surviving evidence of the borough's past (and for the periods pre-dating written

records, the only evidence), but are a finite and fragile resource very vulnerable to modern development and land use. Pursuant to policies D43, D44 and D45 of the Islington Unitary Development Plan the Council will promote the conservation, protection, enhancement and safeguarding of the archaeological heritage of the borough and its interpretation and presentation to the public. Furthermore, policy 4B.14 of the London Plan and PPG16 seek to ensure the protection, interpretation and presentation of London's archaeological resources and are therefore relevant.

78. The site falls within the Moorfields Archaeological Priority Area (APA2). The application is accompanied by an archaeological report, which has been referred to English Heritage's Archaeological Officer for assessment. The archaeological assessment notes that the site lies within an area of archaeological potential for all periods in particular the medieval and post-medieval periods.
79. The new building shall be constructed on thirty 900mm piles, approximately 25m deep. These replace existing piles that are currently installed. Three additional lift shafts are also proposed. The archaeological report revealed that considerable truncation by modern basements has already taken place and that the potential survival of archaeological remains is low.
80. English Heritage – Archaeology have raised no in principle objection to the proposal although a condition has been suggested which requires further investigation to be undertaken. Should remains be found the applicant would be required to preserve these finds in-situ and demonstrate how this will be achieved. In the event of substantial finds, foundation design will be controlled accordingly.
81. **Landscaping and Trees** The quality of the space around or between buildings is as important in achieving an appropriate architectural setting as is the design of the buildings themselves. Materials both hard and soft, must be selected sensitively and sensibly in terms of the function and character of the space itself. Furthermore, the provision and/or retention of trees is an extremely valuable visual and environmental asset, especially within boroughs such as Islington where there is a shortage of open spaces and parks. Pursuant to policies D6, D7 and Env6 the provision of hard and soft landscaping and tree planting as part of a landscaping scheme for new development sites will be secured where appropriate.
82. The application site is almost entirely covered by buildings and no soft landscaping exists. The proposed development is also to provide a building with an equivalent footprint. Given the size and nature of the site there is little opportunity to provide soft landscaping to a useful or functional size without compromising the development potential of the site or the attempts to maximise its use. Notwithstanding this, the applicant has made a commitment to improving the existing hard-

paved courtyard to the south eastern corner of the site. This improvement is welcomed, particularly within an area of the Borough which generally lacks good open spaces. Conditions are attached which require the submission of details with regard to the proposed landscaping treatment.

83. **Community Benefits** Pursuant to policy Imp13 of the Unitary Development Plan, when dealing with development proposals, benefits for the community shall be sought through legal agreements in direct relation to the nature and scale of the proposed development, to its effect on the character of the area and to its likely impact on local infrastructure, facilities and services. Benefits will normally be provided on the development site itself or within the immediate vicinity. Further to the community benefits already noted within the body of this report it shall be required that the applicant repair and reinstate the highways and footways surrounding the development, contribution a sum of £367,000 towards environmental, community streetscape and highways improvements in the vicinity of the site and also contribute a sum of £2000 towards the implementation of the Islington Biodiversity Plan. And the above matters and obligations shall be secured within the Section 106 Legal Agreement.
84. **Comparison with Previously Refused Scheme** The previous scheme; LBI ref: P050441 for the *'Demolition of existing building and erection of basement, ground plus nine storey residential (C3) building containing 122 units with office (B1) use on part of ground floor, associated public realm improvements and other works incidental to the redevelopment of the site'* was REFUSED on 10th May 2005. The applicant has changed architects since the refusal of the original scheme and the current proposal is substantially different in its design, height, bulk and mass from that which was refused.
85. Six reasons of refusal were attached to the previous decision notice, a discussion of how the current scheme has responded to these points is provided below:
- **Reason 1:** Poor standard of residential accommodation in terms of sunlight/daylight, aspect, outlook and privacy – The current application has been redesigned to maximise sunlight and daylighting levels of the resulting flats and all flats to lower levels are dual aspect to maximise light intake. The scheme is considered to pass the tests of the BRE daylight/sunlight guidelines. Reason 1 has been adequately addressed.
  - **Reason 2:** Inappropriate height, bulk and mass resulting in an overbearing development harmful to adjoining Listed Building – The bulk of the current scheme has been reduced in line with officer's advice so that no part of the development shall be visible above the Grade II Listed Sundial Court. Reason 2 has been adequately addressed.

- Reason 3: Inappropriate height, bulk and mass resulting in a harmful impact on the Lamb's passage streetscape, creating a 'canyoning effect' – The overall height of the building and forward projection of the Lamb's Passage façade has been reduced and pulled back. The scheme no-longer threatens to create a canyoning effect. Reason 3 has been adequately addressed.
  - Reason 4: Insufficient number of wheelchair accessible flats – the scheme now includes three flats to wheelchair standard in line with the Council's and National Government's policy and guidance. Reason 4 has been adequately addressed.
  - Reason 5: Applicant failed to enter into S106 Legal Agreement – the applicant has agreed to the terms of the Section 106 Legal Agreement as outlined within the section of this report titled 'Additional Recommendation'. Reason 5 has been adequately addressed.
  - Reason 6: Loss of the Squash Club – Independent analysis have been provided by the applicant and the objectors as to the merits of retention as well as redevelopment of the site. It has been shown that the redevelopment of the site for mixed use purposes is acceptable in this instance. Reason 6 has been adequately addressed.
86. **Summary** The scheme results in the acceptable change of use of the site to a mixed-use; commercial / residential scheme at an appropriate density. The commercial and residential accommodation provided is of an appropriate quality and standard and the development would not have an adverse impact on existing neighbouring residential amenity.
87. The development is considered to be of a high standard of design and sustainable construction, is sympathetic to the neighbouring Grade II Listed Sundial Court building and the adjoining Chiswell Street Conservation Area. The scheme is accessible and provides 35% affordable housing and 3 wheelchair accessible units. The proposal is acceptable in terms of its highway and transportation implications and is unlikely to have any adverse archaeological implications.
88. The scheme adequately addresses the 6 reasons for refusal attached to the previous decision notice.
89. **Conclusion** The development is considered to be appropriate and in accordance with relevant National and Regional Guidance, Unitary Development Plan policies and Supplementary Planning Guidance for the reasons noted above. Approval is recommended subject to conditions and legal agreement under S106 of the Town and Country Planning Act 1990.

Bibliography  
Unitary Development Plan  
Property case file

Produced: 22-May-2006	<i>APAS/1981/Case Officer committee draft</i>
	<i>Includes rep04 in case officer's report</i>