

## Schedule 12

### Analysis of Pan-Leisure Reports

Pan-Leisure Consulting Limited (“**PL**”) has produced two reports (“Lambs Squash Club – Summary Report” dated November 2005 and “PPG17 – Independent Assessment” dated January 2006) in support of the Clan Real Estate (Lamb’s Club) Limited’s application to re-develop the site of Lambs Squash Club. The Reports make a number of statements which are analysed and rebutted in this document.

This analysis starts with the second Report and correlates to the first Report where the statements are substantively the same. Statements from the first Report that are not repeated in the second Report are analysed and rebutted in Annex 1.

This analysis should be read in conjunction with the Submission made by the Lambs Action Team (“**LAT**”) containing objections to the applications to redevelop the site of Lambs Squash Club. Terms not otherwise defined in this document, have the meaning given to them in the Submission and references to Schedules are to schedules to the Submission.

| No | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement   | Response   |
|----|----------------------------|----------------------------|---|--|
| 1. | 2.5 Introduction           |                            | PL has been commissioned to provide this up-to-date, independent and objective assessment.  | The Reports are not up-to-date in respect of key information such as the availability of alternative facilities and market analysis, amongst others as set out in this analysis.<br><br>PL is not objective or independent in its analysis as the Reports make a large number of irrelevant and pejorative comments as set out in this analysis. |
| 2. | 2.6 Introduction           |                            | Para 2 and 3 of PPG17 provide that the assessment should cover “the differing and distinctive needs of the population” and that audits “should consider both the quantitative and | PL fails to quote the remainder of PPG17 Para 2: “The needs of those working in and visiting areas, as well as residents should also be included”.   |

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|    |                            |   | qualitative elements” of the facility.   |  |
| 3. | 2.7 Introduction           |   | When assessing... “surplus to requirements” we have...focussed on the “requirements” of the community that uses the Lambs club.  | In its assessment, PL has failed to consult the current membership and have disregarded those who might use Lambs. This is contrary to PPG17 requirements to consult the local community, which includes the needs of those working in and visiting areas, as well as residents.   |
| 4. | 2.7 Introduction           | 4.2 Club Facilities, Membership and Financial Performance | Private facility catering for a small and relatively exclusive membership with access to only those who can afford the annual membership fees. It would therefore be unnecessary and misleading to survey the whole community. | <p>1. PPG17 applies to both public and <u>private facilities</u>. Companion Guide, Para 2.1: “The value of ...recreation facilities, <u>irrespective of who owns them</u>, depends primarily on two things: the extent to which they meet clearly identified local needs and the wider benefits they generate...”</p> <p>2. PL’s analysis is not in compliance with PPG17. Private and “exclusive” do not provide a justifiable reason as to why the community should not be consulted.</p> <p>3. In any event, Lambs cannot be described as “exclusive” given the fact that there are no qualifications or restrictions on joining. This is also self-contradictory given that a proper analysis of comparative fees in Schedule 7 shows that Lambs is one of the cheapest clubs available in the area.</p> |
| 5. | 2.8 Introduction           |   | No community consultation has been undertaken because of the specialist nature of the facility which attracts a niche audience which is not  | <p>PL’s justification for failure to consult the community is not compliant with PPG17 and the Companion Guide:</p> <p>1. PPG17 applies to all sports, whether specialist or</p>   |

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|    |                            |                            | <p>accessible to those that are economically and socially disadvantaged.</p> | <p>not, as set out in Para 4 of the Annex to PPG17: “policies are generic and should be applied to all forms of sport and recreational activities.”</p> <p>2. Even if Lambs were a “specialist facility”, PPG17 does not preclude the need to undertake assessments. Para 4.20 Companion Guide: “It is important to ensure that the needs of special interest groups have been taken into account. For example, it is impossible to identify a level of pitch provision which is ‘about right’ without consulting sports pitch clubs and teams.”</p> <p>3. PL has not undertaken any consultation with the local community contrary to PPG17 requirements, as outlined in Chapter 4 of the Companion Guide. Para 4.12 of the Companion Guide specifically states: “It is impossible to identify local needs properly without involving local communities.” Para 4.14 suggests that “community consultations are...particularly useful in terms of identifying local people’s attitudes to existing provision.”</p> <p>4. PPG17 does not state that the economically and socially disadvantaged community is the only community that must be consulted. Para 2 PPG17 states: “As a minimum, <u>assessments of need should cover the differing and distinctive needs of the population for sport and recreational facilities</u>”.</p> <p>5. Furthermore. PL’s statement in respect of accessibility is self-contradictory given that Lambs is</p> |

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|    |                            |                            |   | <p>the cheapest of the accessible alternative facilities proposed by PL. See comparative cost of membership at Schedule 7.</p> <p>6. In any event, Lambs is not a “specialist” facility as it caters for a wide range of sporting needs including squash, gym, aerobics, yoga, boxing and karate, amongst others.</p>   |
| 6. | 2.9 Introduction           |                            | <p>PL Methodology includes an assessment of:</p> <p>-Membership fees and squash court usage</p> <p>-Stakeholder consultation with representative of Islington Council, Aquaterra Leisure and the Fitness Exchange Group</p> | <p>1. Membership fees are not up to date or accurate as they fail to include the cost of squash courts at particular facilities which increases the cost of membership. See our detailed response to para 4.1 of the second Report below.</p> <p>2. PL has not conducted a squash court usage analysis in a way that PPG17 proposes, if at all. See our response to para 4.2 of the second Report below.</p> <p>3. PL has not actually undertaken a “stakeholder consultation”. See our response to para 4.5 of the second Report below.</p> <p>4. Generally the PL methodology as set out in 2.9 is not compliant with PPG17 and Companion Guide. We have raised specific points on the methodology in response to para 4.6 of the second Report, amongst others. However you should note the following:</p> <p>Para 3.2 of the Companion Guide advises the developer to agree the proposed methodology in advance with the relevant planning authority. “This</p> |

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|    |                                 |                            |   | should help both to avoid criticism and comply with the requirements of PPG17 that the developers consult the local community and are able to demonstrate that their proposals are widely supported.”   |
| 7. | 2.10 Introduction               |                            | <p>The proposals to close Lambs Squash Club affect only a small number of people, the majority of whom are not local residents.</p> <p>Further, the work that Pan-Leisure has conducted confirms the availability of squash membership at alternative facilities.</p> | <p>1. PL has failed to take into account workers and visitors to the borough as identified in Para 2 of PPG17. See out response to para 4.6 of the second Report.</p> <p>2. The availability of membership at alternative clubs is not the same as available capacity to use the alternative facilities in the same manner and at the same times that members currently do. PL has failed to undertake an assessment in compliance with PPG17 and the Companion Guide. See out response to para 4.2 of the second Report below.</p> |
| 8. | 3.2 Nature of Lambs Squash Club |                            | Lambs is a private members club operated by Fitness Exchange Group and is one of 14 clubs managed under thus umbrella organisation.   | <p>1. This is a pejorative comment as Lambs is not a private members club given that there are no qualifications or restrictions on joining. Lambs is run in the same way as all the privately run alternative facilities proposed by PL.</p> <p>2. PL makes basic factual errors: there are in fact 12 Clubs in The Fitness Exchange group, not 14 [Oxford and Manchester closed in 2004/5].</p>   |

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| 9.  | 3.4 Nature of Lambs Squash Club | Para 2, Exec. Summary   | Operates only during the week   | This is a current management decision and not relevant to determining a planning application.   |
| 10. | 3.4 Nature of Lambs Squash Club | 2.4 Background<br>4.2 Club Facilities, Membership and Financial Performance | Less than 4% of members has an EC1 postcode and members living within the EC1, EC2 and EC4 postcode areas in total only account for approximately 6% of the total membership. | 1. The Reports should take into account workers and visitors as well as residents, as outlined in Para 2 of PPG17. See our response to para 4.6 of the second Report.<br>2. 52% of members live or work in the Borough (see Lambs Catchment Area Survey in Schedule 9). |
| 11. | 3.5 Nature of Lambs Squash Club |   | Fees: Peak - £54.50 monthly/ £545.00 annually.<br>Off-peak - £37.00 monthly/ £370 annually.<br>Subscriptions/ joining fees may be applicable.                                 | PL fails to provide an “up-to-date” report by PPG17 standards. In fact, the peak Lambs individual membership cost is £45.00 monthly/ £450 annually, as at February 2006.  |
| 12. | 3.7 Nature of Lambs Squash Club | Para 2, Exec. Summary<br>2.8 Membership Numbers                             | No junior representation/ membership and casual access is limited to being introduced by a members for which a £10 fee is levied.   | Junior representation in sports clubs may be a national goal but there is nothing in PPG17 that says that a lack of such provision is a reason to redevelop the site and lose the club.   |

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| 13. | 3.10 Nature of Lambs Squash Club | 2.17 Physical Condition of the Building | <p>There are a number of issues relating to the physical condition of the building...and the playing and support facilities which are no longer of good quality...replacement of entire roof, refurbishments of courts, upgrade of changing rooms, replacement air conditioning, replacement heating system, relocation of gym to ground floor and installation of lift.</p> <p>Nov 2005 report: Estimated at a cost in the order of £1 million</p> | <p>PL's analysis and the conclusions drawn are not compliant with PPG17 and the Companion Guide as follows:</p> <ol style="list-style-type: none"> <li>1. PPG17 Para 18: "Where recreational land and facilities are of poor quality or under-used, this should not be taken as necessarily indicating an absence of need in the area. Local authorities should seek opportunities to improve the value of existing facilities. Usage might be improved by better management or by capital investment to secure improvements."</li> <li>2. Para 1.2 Companion Guide: "In most instances, however, allowing redevelopment will not be good planning even if the land in question has been neglected and is in poor condition."</li> <li>3. Para 5.14 Companion Guide: "Quality and value are fundamentally different and can be completely unrelated. For example...if a run-down or derelict facility is the only one in the area it may be immensely valuable." Lambs is the only club in the area to cater for such a large squash membership and offer such breadth and depth of squash expertise. Lambs is therefore of immense value despite (arguably) not being in the best physical condition. Para 4.15 of the Companion Guide supports this by stating that "facilities are valuable if they meet local needs".</li> </ol> |

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|     |                                  |   |  | <p>4. Furthermore, the approach taken to existing sporting facilities, as illustrated in Chapter 10 of the Companion Guide, makes it clear that wherever possible the aim is to enhance quality and value of existing facilities should they be lacking, and where the value of an existing facility is of high value the planning system should always seek to protect them. See Paras 10.27 and 10.28 of the Companion Guide.</p> <p>5. The cost statement in the November 2005 the first Report is unsubstantiated</p> |
| 14. | 3.10 Nature of Lambs Squash Club | 2.17 Physical Condition of the Building | Access and conformity to current DDA legislation.  | <p>Whilst the planning authority should have regard to DDA legislation in determining a planning application, whether Lambs is complaint with the DDA is a separate matter that needs to be considered in detail.</p> <p>If a facility is not currently in compliance with DDA legislation, that is not a sufficient ground for permitting its redevelopment, particularly in light of the objectives and requirements of PPG17.</p>  |
| 15. | 3.10 Nature of Lambs Squash Club |   | Companion Guide para 1.3 "...sport and recreation facilities...meet the needs of residents and visitors, are fit for purpose and are economically and environmentally sustainable" – a point material to the current situation at Lambs. | <p>PL suggests that para 1.3 of the Companion Guide is material but does not in any way explain how or why this might be the case:</p> <p>1. Fitness for purpose is one of long term outcomes that PPG17 aims to deliver; failure to reach that goal in not a reason for redevelopment. This is supported by PPG17 Para 18: "Local authorities</p>  |

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|    |                            |                            |           | <p>should seek opportunities to improve the value of existing facilities. Usage might be improved by better management or by capital investment to secure improvements.” Para 1.2 of the Companion Guide is also supportive: “In most instances, however, allowing redevelopment will not be good planning even if the land in question has been neglected and is in poor condition.”</p> <p>2. “Economically and environmentally sustainable” is also a long term policy objective and failure to reach that objective is not a ground for demolition (see PPG17 and Companion Guide references above.)</p> <p>3. The policy approach to existing sporting facilities, in Chapter 10 of the Companion Guide, makes it clear that wherever possible the aim is to enhance quality and value of existing facilities should they be lacking, and where the value of an existing facility is of high value the planning system should seek to protect them. See Paras 10.27 and 10.28 of the Companion Guide.</p> |

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| 16. | 3.11 Nature of Lambs Squash Club | 2.7 Membership Numbers     | Conflict in membership numbers: 900 squash players (SLL) vs. 400 squash players (PL). This figure was subsequently verified through an analysis of a complete month's booking sheet. | <p>PL quotes 400 payers verified by reference to a complete month's booking sheet. This is based on PL's first Report which states at Para 2.7: "...there were 317 members who booked on more than one occasion within the month, and could therefore be seen as regular squash playing member booking, which accords broadly with Management's estimate of 400 regular squash playing members."</p> <p>PL fails to analyse correctly the facts on which they rely:</p> <ol style="list-style-type: none"> <li>1. If 317 players booked courts more than once in September 2005, then at least 634 people played that month.</li> <li>2. In many cases, those booking courts will have played more than one opponent during the month which will increase the total number of people concerned.</li> <li>3. These figures do not include members who only played once that month, so the total figure for people regularly using the courts must be higher still.</li> <li>4. Lambs Peak-Time Capacity Analysis, based on a very conservative estimate of peak court usage, shows at that at least 680 players use Lambs <u>per week</u>, see Schedule 5.</li> </ol> |

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|     |                                  |                            |  | <p>5. PL has failed to provide an objective, quantitative analysis which is in compliance with PPG17. Chapter 5 of the Companion Guide provides ways in which to analyse usage, such as calculating the visits per unit of ‘useful area’ or visits per person or visits per person in para 5.19.</p> <p>6. Section 2.8 of the second Report states that Lambs is a “specialist” facility. This is self-contradictory as Lambs is not a specialist facility even on PL’s own facts: 400 squash players out of a total membership of 1,100 (Jan 2006) leaves 700 members who use the facilities for sports other than squash.</p> |
| 17. | 3.12 Nature of Lambs Squash Club | 2.5 Membership Numbers     | Steady decline from 2,088 in 2001 to 1,168 in September with membership now standing at 1,100 (Jan 2006)                   | Decline is irrelevant as to whether the facility is currently surplus to requirements. With an active membership of at least 1,100, Lambs cannot be surplus to requirements.  |
| 18. | 4.1 Alternative Facilities       |                            | All facilities listed in the table (except for Cannons and London Bridge) are within 10 minutes walking distance of Lambs. | <p>The Distance Survey at Schedule 8 shows that of the 23 courts identified as providing alternative facilities to the Lambs’s membership:</p> <p>1. 6 courts are located within the target of 10 minutes walking distance of Lambs.</p>  |

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|     |                            |   |   | <p>2. 10 courts are approximately within the target time if we include Finsbury Leisure Centre which we measured as being 11 minutes away.</p> <p>3. Saddlers and Spitalfields, with a total of 7 courts, are in fact more than 10 minutes away.</p> <p>4. Squash is very location specific particularly if it is to be fitted into a lunchtime. The Catchment Area Survey at Schedule 9 shows that 55% of members take less than 15 minutes to travel to the club.</p> <p>5. 25% of members take only 5 minutes to travel to the club, which represents a high percentage.</p> <p>6. The survey also shows that a significant percentage take 30 minutes to travel to Lambs which suggests that the catchment area for Lambs is wider than the Borough.</p> <p>7. Spitalfields is destined for closure by the end of 2006 and should not be included as an alternative facility, as PL has done.</p> |
| 19. | 4.1 Alternative Facilities | 3.25 Table of Alternative Squash Facilities | Table of alternative facilities including membership pricing. | 1. Pricing in the Reports does not reflect up to date figures at the time of submission of PL's second report.  |

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|     |                            |   |  | <p>2. PL has not compared like for like, for example, the cheaper corporate rate at Champneys (£105/month) has been compared with the individual rate at Lambs (£54.50/month – as provided by PL). PL is therefore misrepresenting the relative cost of membership. The full analysis can be found at Schedule 7.</p> <p>3. PL has not provided a realistic indication of membership cost for a number of clubs where payment must be made per court (omitted in cases), in addition to the monthly membership fee. See Schedule 7 for a comparative table of membership costs which sets out the relative costs per club for 4 court bookings per month.</p> <p>4. The analysis of comparative fees above shows that Lambs is the cheapest of the accessible alternative facilities proposed by PL.</p> <p>5. PL fails to note the closure of Spitalfields at the end of 2006, and is therefore misrepresenting the actual availability of alternative facilities.</p> |
| 20. | 4.2 Alternative Facilities | 3.39 Overall Comment<br>Para 4, Exec. Summary | All clubs visited have membership available, supported by letter. PL highlight the fact that both Slim Jims and Champneys have 200 squash membership places available. | 1. Availability of membership does not equal capacity to play squash. PL has not undertaken an analysis in accordance with PPG17 and Chapter 5 of the Companion Guide which provides ways in which to analyse levels of use, such as calculating the visits per unit of ‘useful area’ or visits per person at Para 5.19.  |

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|    |                            |                            |           | <p>Using the figures referred to in para 2.7 of PL’s first report, it is not the 317 members that should be taken account of but the “player-sessions” and times at which those occur. See para 5.20 of the Companion Guide which supports this type of analysis, where it states that “a significant amount of bookings that cannot be accommodated...may indicate a need for more provision.”</p> <p>2. The Peak Time Availability Survey at Schedule 6 shows that during the course of 1 week, there were only 10 courts available at either 12.30pm or 6pm (including cancellations) across all of the clubs, which equates to capacity to accommodate 20 players. This is insufficient capacity to absorb the 180 people playing at these times at Lambs.</p> <p>3. For the entire week, in order to accommodate for the peak demand at Lambs, there must be 340 court sessions available at the same times (See Lambs Peak Time analysis at 5). Our research shows that during the one week concerned, 333 peak time sessions were booked at Lambs while there were only 29 peak time sessions available for the entire peak period that week at all the alternative facilities combined. It is therefore clear that there is simply insufficient available capacity to meet the level of use at Lambs. See Schedule 5.</p> |

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|     |   |                            |  | 4. Even if PL had demonstrated correctly that usage made of Lambs could be absorbed elsewhere, the Companion Guide says at Para 1.2 that that is simply not enough: “In most instances, however, allowing redevelopment will not be good planning...nor will it be enough simply to ensure that if an existing sport and recreation facility is lost to some other land use, it is replaced in broadly the same area.” |
| 21. | 4.3 Dedicated Health and Fitness facilities | 3.31 The Squash Market     | Our audit of facilities also identified a number of other dedicated health and fitness clubs which <u>potentially</u> could satisfy future demand resulting from displacement of members | As explained above, PL has not undertaken any assessment of capacity of alternative clubs in respect of other sporting needs that are currently met by Lambs which is not compliant with PPG17 and the Companion Guide.<br><br>For example, PL have not considered the needs of the Shidokan karate club which is reliant on a large studio space as set out in their letter in Schedule 11.                           |
| 22. | 4.5 Stakeholder Consultation                |                            | Stakeholder consultation with Islington Council, Aquaterra Leisure and the Fitness Exchange Group  | 1. PL has not actually consulted with stakeholder groups: the ordinary definition of “stakeholder” from the Oxford dictionary is “a person with an interest or concern in something”. PL has failed to consult Lambs users who are the very people who are most interested and concerned with the future of the club.  |

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|     |                              |                            |   | <p>2. The commonly understood meaning of the stakeholder concept suggests that companies should consult with their customers, shareholders, employees, suppliers and other important groups. This further supports the view that PL should have consulted the membership of Lambs (ie. its customers) in its “stakeholder consultation”.</p> <p>3. In addition to points made in the Reports, in a letter dated 23 February 2006 Eileen Hinson of PL implies that stakeholder consultation was undertaken in place of community consultation. This is not in compliance with one of the key requirements of PPG17.</p> |
| 23. | 4.5 Stakeholder Consultation |                            | Sports development is seen as a priority, especially encouraging participation by young people. Clan propose to make a revenue contribution to junior sports development. | <p>1. By closing the club any possibility of developing junior participation at Lambs will have ceased irretrievably.</p> <p>2. Even if the £40,000 revenue contribution from Clan was to be used towards junior sports development, the impact of this is likely to be of minimal value and cannot possibly be compared to what Lambs could achieve in terms of junior squash participation given support and local encouragement.</p>  |

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| 24. | 4.6 Stakeholder Consultation |                            | <p>The ‘make-up’ of Lambs i.e City workers principally living outside the EC1/EC2/EC4 area are obviously unrepresentative of the local Islington community....In these circumstances it is inappropriate and therefore unnecessary to carry out a consultation of the “local community” (para 10 PPG17) and that this does not constitute a breach of the guidance.</p> | <p>PL does not follow the criteria and methodology set out in PPG17 and the Companion Guide in key respects. PL has failed to consider the use made of the facilities by the working community as a legitimate planning consideration and has dismissed the requirement to consult the local community on this basis.</p> <p>1. The need to consult the working community is set out in para 2 of PPG17: “As a minimum, assessment of needs should cover the differing and distinctive needs of the population...The needs of those working in and visiting areas, as well as residents should be included” . .</p> |
|     |                              |                            |   | <p>2. Our analysis shows that the current membership is representative of the Islington community as 52% of members live or work in the Borough (see Lambs Catchment Area Survey at Schedule 9).</p>  |

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|    |                            |                            |           | <p>3. Para 3.2 of the Companion Guide advises the developer to agree the proposed methodology in advance with the relevant planning authority. “This should help both to avoid criticism and comply with the requirements of PPG17 that the developers consult the local community and are able to demonstrate that their proposals are widely supported.” PL has not followed this guidance.</p> <p>Para 10.37 provides techniques for consulting local communities including user surveys, street surveys, workshops and so on. Para 10.38 suggests that the Sport England user model survey should be adequate for most indoor sport and recreational facilities</p> <p>Sport England’s Planning Bulletin 15: “Local Community will include not just immediate neighbours to a development site but also other residents and users (past, present and potential) of the existing, new or improved facilities”. In the context of these proposals, the “local community” also includes the members of the Lambs club and other squash players who use the Club’s facilities. PL has not undertaken any community consultation of this sort. See Sport England letter dated 3 Nov 2005 in 13.</p> |

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|     |                            |                            |  | <p>Para 4.15 of the Companion Guide provides a simple test to assess attitudes to an existing provision. At para 4.16 the Companion Guide suggests that these test can be used in both group discussions and surveys to determine the needs of different groups within the community, including special interest groups such as sport teams or clubs. PL has disregarded this community altogether which is contrary to this guidance.</p>  |
| 25. | 4.7 Overall Comment        |                            | <p>Membership available at all clubs mentioned and 400 places at Slim Jims and Champneys put together and a number of clubs have active competitive leagues.</p> | <p>1. 400 membership places is not the same as the capacity to play squash at the relevant times. There is insufficient capacity at these clubs to meet the demand of players currently using Lambs. See our detailed response to para 4.2 of the second Report.</p> <p>2. PL has failed to provide an objective quantitative assessment of capacity which is not in compliance with PPG17. Chapter 5 of the Companion Guide provides ways in which to analyse usage, such as calculating the visits per unit of 'useful area' or visits per person in para 5.19.</p> |

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| 26. | 4.7 Overall Comment        |  | [...]it is clear that Lambs is surplus even to the limited requirements of its users.  | <p>1. Lambs cannot be surplus to requirements if it currently being used by more than 1,100 members.</p> <p>2.The Reports have not demonstrated that the use met at Lambs can be absorbed elsewhere as they have not used the correct methodology.</p>  |
|     |                            |  |  | <p>3. Even if PL had undertaken an assessment to demonstrate the above, is not good planning to close one facility simply because usage can be absorbed elsewhere (see Companion Guide at para 1.2).</p> <p>4. PL has chosen to ignore the requirements of the local community contrary to PPG17 requirement.</p> <p>5. PL reference to the “limited requirements of its users” is both wrong and pejorative.</p>                                     |
| 27. | 5.2 Markets of Relevance   | 3.8 The Leisure Market<br>3.13 /3.14 The Squash Market | There has been a significant decline in squash participation in recent years. In 1983/4 over 3 million squash players in UK (7% of adult population.) In 1998 fallen to 1.25 million (2.7% of adult population.) | With regard to many points mentioned by PL in respect of the squash market, England Squash and Sport England have included comments in their letters. In particular, Numbers are outdated and take no account of the recent trends. Whilst the “boom” in 70’s/80’s is not disputed, the Reports ignore the fact that participation levelled out from 1996 onwards and is now increasing. See England Squash letter dated 6 March 2006 in Schedule 13. |

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| 28. | 5.2 Markets of Relevance   | 3.14 The Squash Market     | <p>“Squash underwent such a boom [in the late 70’s] that too many squash courts were built, so the reduction in courts has been part of the natural retrenchment.”</p> <p>As commented upon by Ted Wallbutton, Chief Executive and Secretary General of the World Squash Federation</p> | <p>This comments is out of date, unsupported by information on the date of publication and probably taken out of context.</p> <p>Ted Wallbutton retired from the post of Chief Executive of the World Squash Federation, in January 2005, which was announced as early as November 2004. (See <a href="http://www.squashsite.co.uk">http://www.squashsite.co.uk</a>)</p> <p>In a telephone conversation with a member of the LAT, on 12 April 2006, Ted Wallbutton said that in his view Lambs was a "fantastic club" and it would be an "absolute disaster for the members" if it was to close.</p> |

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|-----|----------------------------|----------------------------|---|---|
| 29. | 5.4 Markets of Relevance   | 3.16 The Squash Market     | General Household Survey Statistics 1987 and 2002                                   | <p>The Reports do not make use of available and more specific data that would customarily be used in a professional assessment of the sporting requirements at a national level. For example, the CACI data can be obtained for specific areas and examines, using socio-demographic trends the current and potential usage of sporting facilities in that area. Similarly, there are now regular year 7 and 9 surveys of school children or the customary bi-annual local authority surveys of use of sports facilities, neither of which are referred to by the Reports. Instead, they use the General Household Survey Statistics which are taken from government census reports and are considered generally to give only the broadest of pictures.</p> |
| 30. | 5.5 Markets of Relevance   | 3.17 The Squash Market     | Decline in young people playing the game: Young People in Sports Survey 1994 – 2002 | <p>1. PL has not made use of the sort of reports and statistics that would provide a more up to date picture of participation, as set out above.</p> <p>2. PL has also failed to take into account the following factors, as summarised from the England Squash response dated 6 March 2006 in 13:</p>  |

| No  | Para ref. PL Report Feb 06       | Para ref. PL Report Nov 05                               | Statement  | Response  |
|-----|----------------------------------|--|--|---|
|     |                                  |  |  | <p>(i) Since 2002, considerable resources have focused on engaging young people through school and community development programmes.</p> <p>(ii) The success of England Squash Mini Squash programme and focus placed on squash in schools.</p> <p>(iii) Growth in England Squash competition programme from grass roots players to national representation.</p>  |
| 31. | 5.6 and 5.7 Markets of Relevance | Para 3, Exec. Summary<br>3.18 and 3.19 The Squash Market | Over-supply of facilities and high-performance centres | <p>1. As summarised from the England Squash response dated 6 March 2006 in Schedule 13:</p> <p>Overprovision of courts is an historical issue. Activity and investment has increased since then. The 10,000 and more new players to the sport need facilities and the stock of courts must be protected.</p> <p>2. Above all, however, this is not relevant to the surplus to requirements argument if the local community uses the facility.</p> |
| 32. | 5.8 Markets of Relevance         | 3.20 The Squash Market                                   | Major competitions have relocated to larger venues     | This does not in any way influence the surplus to requirements test or outcome and can only go to the financial viability of the club, which is not a determining factor for a planning application.  |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement   | Response   |
|-----|----------------------------|----------------------------|---|--|
| 33. | 5.9 Markets of Relevance   | 3.21 The Squash Market     | Lambs has not hosted the preliminary rounds of the British Open since 2001  | <p>In 2005, the British open qualifying rounds were scheduled to be played at Lambs with the finals at the Royal Horticultural Halls. Unfortunately, a week before the event, because the organiser had failed to secure enough ticket sales, England Squash transferred the qualifiers and finals to the national squash centre at Manchester.</p> <p>Therefore Lambs facilities were considered eminently suitable for national events as late as last year's British Open.</p>  |
| 34. | 5.10 Markets of Relevance  | 3.22 The Squash Market     | Squash was unable to attract the requisite number of votes from IOC members | <p>This is a pejorative and inaccurate summary of squash's campaign for inclusion in the Olympics.</p> <p>Squash was voted onto the programme of the 2012 Olympic Games by achieving more than 50 per cent. of the IOC members' votes. However, a second vote was required in order for the sport to replace one of the two sports that were dropped from the London games. The second vote required a two-thirds majority and took place under a secret ballot (against the wishes of the IOC president) and neither squash nor karate managed to cross this second, higher hurdle. There is no doubt in anyone's mind that squash will become an Olympic sport in 2016 and it remains very likely that squash will be an exhibition sport at the London Games.</p> |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement   | Response   |
|-----|----------------------------|----------------------------|---|--|
| 35. | 6.1 Conclusions            |                            | This submission has been prepared within the context of PPG17 and the recommendations contained within the Companion Guide. | As illustrated throughout this analysis, PL has not undertaken its assessment in compliance with the key requirements contained in PPG17 or utilised correctly any of the guidance and available tests set out in the Companion Guide (e.g levels of use and community consultation, amongst others.)  |
| 36. | 6.2 Conclusions            |                            | Lambs squash club is a private members club offering specialist niche facilities  | <p>See our detailed response above to paras 2.7 and 2.8 of the second Report. In summary:</p> <ol style="list-style-type: none"> <li>1. PPG17 applies to both public and private facilities.</li> <li>2. This is a pejorative comment as Lambs is not a private members club given that there are no qualifications or restrictions on joining. Lambs is run in the same way as all the privately run alternative facilities proposed by PL.</li> <li>3. PPG17 applies to all sports, whether specialist or not.</li> <li>4. Even if Lambs were a “specialist facility”, PPG17 does not preclude the need to undertake assessments.</li> <li>5. In any event, Lambs is not a “specialist” facility as it caters for a wide range of sporting needs.</li> </ol> |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05   | Statement   | Response  |
|-----|----------------------------|--|---|---|
| 37. | 6.2 Conclusions            | Para 2, Exec. Summary<br>4.2 Club Facilities, Membership and Financial Performance                           | Caters predominantly for workers in the city, closed at weekends and its usage could therefore be considered as unrepresentative of the local community | 1. PL fails to take into account workers and visitors as a relevant planning consideration, as previously illustrated, contrary to para 2 of PPG17.<br>2. Weekday opening only is a matter for current management, not a planning issue.  |
| 38. | 6.2 Conclusions            | 4.3 Club Facilities, Membership and Financial Performance  | In sport development and mass participation terms the club contributes little.  | PL's comment is self-contradictory as on the one hand they are saying that increasing participation is important yet they are in favour of demolishing the one facility in the area that is capable of achieving that. Mass participation will never be achieved on the basis of 2 or 3 court facilities.   |
| 39. | 6.2 Conclusions            | Para 2, Exec. Summary<br>2.8 Membership Numbers<br>4.3 Club Facilities, Membership and Financial Performance | It is a member's only club, and, as such, is run for the benefit of members.  | This is a pejorative and incorrect statement. Lambs is not a member's only club – it is a fee paying club and anyone can join. Furthermore, it is not run for the benefit of members; in fact, it is run for the benefit of the owner of the Fitness Exchange clubs.<br><br>In any event members clearly do not benefit from the club being closed. |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement   | Response  |
|-----|----------------------------|----------------------------|---|---|
| 40. | 6.3 Conclusions            | Para 4, Exec. Summary      | <p>In qualitative terms, the alternative facilities offer similar facilities (a number of which are significantly better quality);</p> <p>In quantitative terms, there is sufficient membership space available at the alternative facilities identified to meet any displaced need from Lambs.</p> | <p><u>Quality</u></p> <p>1. Lambs is not qualitatively the same for the following reasons, amongst others:</p> <p>a. Different level of participation</p> <p>b. Although coaching is available at other clubs it is not provided qualitatively by the same level of person.</p> <p>c. Leagues and tournaments:</p> <p>(i) The Square Mile competition hosted by lambs included 46 teams and a total of approximately 230 players.</p> <p>(ii) 48 internal league-boxed of 6 players each</p> <p>(iii) Mixed county and non-county teams</p> <p>(iv) Lambs ladies team</p> <p>2. PL has not undertaken any detailed assessment in respect of the qualitative level of provision available elsewhere.</p> |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement  | Response  |
|-----|----------------------------|----------------------------|--|---|
|     |                            |                            |  | <p><u>Quantity</u></p> <p>3. Membership availability does is not equal to capacity to play (see our detailed response to para 4.2 of the second Report).</p> <p>4. PL has have not undertaken any capacity survey to show that there is sufficient provision to absorb the Lambs squash playing membership, contrary to PPG17 requirements. (See our detailed response to para 4.2 of the Second Report).</p>   |
| 41. | 6.4 Conclusions            |                            | <p>It is clear from our audit that the quality and mix of alternative facilities within the area are, in general, significantly better than those at Lambs – the decline in memberships provides further evidence of this.</p> | <p>1. PL has not demonstrated that the quality and mix of facilities is significantly better than those at Lambs.</p> <p>2. In respect of the audit of alternative facilities, PL has not undertaken its assessment in compliance with the key requirements contained in PPG17 or utilised correctly any of the guidance and available tests set out in the Companion Guide.</p> <p>3. PL has drawn an inference to support its conclusion for the decline in membership rather than using any data.</p> <p>4. In any event, a decline in membership is irrelevant if there remain a significant number of members using facility (at least 1,100 as at Jan 2006) and having their needs met.</p> |

| No  | Para ref. PL Report Feb 06 | Para ref. PL Report Nov 05 | Statement  | Response   |
|-----|----------------------------|----------------------------|--|--|
| 42. | 6.5 Conclusions            |                            | <p>The objective of my assessment was to determine whether the Lambs Squash club facility could reasonably be considered “surplus to requirements” as stated in para 10 of PPG17.</p> <p>This must depend on the nature of the existing facility, the nature of the membership and whether any need identified...could be met elsewhere.</p> | <p>1. As illustrated above, PL has not complied with PPG17 requirements.</p> <p>2. The test is not whether use can be met elsewhere but whether Lambs no longer meets the needs of the community.</p> <p>3. PL has not undertaken any community consultation in order to assess local needs.</p> <p>4. Even on its own interpretation of the test, PL fails to show that the current use at Lambs can be accommodated elsewhere. PL has made manifest errors of fact in its analysis.</p> <p>5. The nature of the existing facility and the nature of membership do not go to prove “surplus to requirements”.</p> |
| 43. | 6.6 Conclusions            |                            | <p>The Lambs Squash Club facility could reasonably be considered to be “surplus to requirements”</p>   | <p>Lambs cannot possibly be surplus to requirements given an active membership of approximately 1,100 members and therefore how can this conclusion be reasonable.</p>   |

**Comments on statements in November Report not contained in the February 2006 Report**

| No  | Para ref.<br>FEB 2006 Pan-<br>Leisure Report | Para ref.<br>NOV 2005 Pan-Leisure<br>Report | Statement  | Response  |
|-----|--|---|--|---|
| 44. |  | Para 2, Exec. Summary                       | Operating in a deficit position  | Not relevant  |
| 45. |  | Para 5, Exec. Summary                       | Resulted in an operation which is financial unviable   | Not relevant  |
| 46. |  | 2.12 Membership Numbers                     | Club night ... 30 participants   | LAT experience and survey results show average of 50 on two nights in March.  |
| 47. |  | 2.14 Financial Performance                  | Financial sustainability is a key consideration  | But not for planning applications   |
| 48. |  | 2.16 Financial Performance                  | Overall decline in squash ... trend looks set to continue ... negative effect on financial stability | Financial stability of the operator is not a legitimate concern in the planning process. Protection of the built facility for the needs of the local community is the issue.? |
| 49. |  | 2.18 Physical Condition of Building         | Estimated at a cost in the order of £1 million   | Speculative statements in this section relating to DDA requirements and cost (accepted in original DP9 planning statement Annex).   |

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|-----|--|---|--|--|
| 50. |  | 3.3 – 3.4 The Leisure Market<br>3.34 The Leisure Market | Comments on increase in leisure spending   | Apparent conflict between numbers in 3.3 and 3.4<br><br>Surely overall increase in leisure market spend would improve prospects of fitness centre being successful   |
| 51. |  | 3.11 The Leisure Market                                 | ...squash has seen a significant decrease in popularity in school lessons over the period 1994-2002 and out of school lessons over the same period. In contrast, it is interesting to note the significant growth in tennis over this period.                | The data from the Young People and Sport Survey: Trends in Participation 1994-2002 is out of date. It does not cover the crucial period in which investment in school sport has been massively increased. Very few school facilities have squash courts which makes the growth in squash among young people even more remarkable. See England Squash letter dated 3 March 2006 in Schedule 13. |
| 52. |  | 3.12 The Leisure Market                                 | National Facilities Strategy for Squash in England notes that “squash ranked 29th in terms of overall sports participation “ and that “less than 1% of children has taken part in extra-curricular squash and only 1% had taken part as a member of a club”. | Out of date information: The landscape has changed immeasurably since 2000. The recent DCMS “Taking Part” survey, launched in 2005 indicated that nearly 500,000 people participate in squash at least once in every four weeks and the trend in participation is rising, for both adults and children. See England Squash letter dated 3 March 2006 in Schedule 13.                           |

|     |  |   |   |   |
|-----|--|---|---|---|
| 53. |  | 3.28 The Squash Market                                    | Location and price are key criteria   | TFE operates in exactly this sector and these are exactly the reasons for using Lambs.  |
| 54. |  | 4.1 Introduction to Conclusions                           | A great deal of emotion ... important not to lose sight of a number of material facts | The Report in fact refers to a number of facts that are not material to planning applications and colours its statements with non-objective terms.          |
| 55. |  | 4.5 Club Facilities, Membership and Financial Performance | Deteriorating financial position leading to closure of club in near future            | Not relevant to planning application. PPG17 serves to protect the built facility whether or not the current operator is financially viable.                 |
| 56. |  | 4.6-4.8 Market Relevance                                  | Trends show no sign of reversal ...<br><br>...closure is inevitable                   | Generic comments are not relevant to the Application.<br><br>Closure may be inevitable but planning permission to redevelop is not.                         |
| 57. |  | Appendix 1 Letters from squash clubs                      | See the attached letters  | There are several things to note from even a cursory analysis of these letters:<br><br>1. The letters are actually written to Emily Rubin at DP9 and not PL |

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|--|--|--|--|--|
|  |  |  |  | <p>2. There are three letters from squash clubs and three letters from gyms without squash facilities.</p> <p>3. In three cases (one of which is a squash club) no membership numbers are provided. In one case (for a non-squash club) membership numbers are provided and in two cases squash clubs provide numbers.</p> |
|  |  |  |  | <p>5. Most importantly none of these letters deal with the issue of capacity at any time of the day, including peak times (although it should be noted that all of the other squash facilities have fewer courts).</p>   |