

<b>Address:</b>	<b>Mansfield Bowling Club Croftdown Road London NW5 1EP</b>	
<b>Application Number:</b>	2012/6593/P	<b>Officer: Jonathan Markwell</b>
<b>Ward:</b>	Highgate	
<b>Date Received:</b>	<b>07/12/2012</b>	
<b>Proposal:</b> Refurbishment and reconfiguration of existing clubhouse building to provide a new leisure and fitness facility and indoor bowling club (Class D2); enabling development of 8x4 bedroom basement and three-storey self-contained residential units (Class C3) and associated works including new access from Croftdown Road; landscaping works to provide areas of publicly accessible open space and associated alterations following loss of an outdoor bowling green and 2 outdoor clay tennis courts.		

**Drawing Numbers:** 0000 Rev D; 0001 Rev D; 0002 Rev B; 1001 Rev B; 1101 Rev B; 3001 Rev E; 3002 Rev A; 3050 Rev C; 3051 Rev D; 3052 Rev D; 3053 Rev C; 3100 Rev A; 3101 Rev P; 3150 Rev G; 3151 Rev C; 3152 Rev C; 3153 Rev C; 3201 Rev D; 3202 Rev D; 3203 Rev D; 3204 Rev D; 3205 Rev E; 3250 Rev H; 3251 Rev I; 3301 Rev E; 3302 Rev C; 3303 Rev D; 4001 Rev C; 4002 Rev C; 4003 Rev C; 4060 Rev C; 4061 Rev C; 4101 Rev E; 4102 Rev E; 4103 Rev E; 4150 Rev B; 4160 Rev E; 4161 Rev D; 4165 Rev D; 4170 Rev D; 4201 Rev D; 4202 Rev D; 4203 Rev D; 4204 Rev E, as received 28/01/2013; 4250 Rev D; 4251 Rev D; 4252 Rev D; 4253 Rev D; 4254 Rev D; 4255 Rev B; 4256 Rev B; 4300 Rev F; 4400 Rev A; 6100 Rev C; Design and Assess Statement by Hopkins Architects Partnership Ref A\_9000\_MBC\_C\_PDASTatement 9006 Rev C dated 10/01/2013; 2 x Computer Generated Images Ref 9020; Arboricultural Implications Assessment and Arboricultural Method Statement Combined by James Blake Associates Ref JBA 11/ 103 AR02 REV B dated 28/05/2013; JBA 11/ 103 TS03 Rev A; Basement Impact Assessment by Train and Kemp Revision 02 dated 27/11/2012; Health and Fitness Club and Mansfield Bowling Club Business Plan by Sport Leisure Culture dated November 2012; Strategic Construction Management Plan by Train and Kemp Revision 02 dated 26/11/2012; Daylight and Sunlight Assessment by MTT Ltd Ref 3312.003.001 Issue 1 dated 27/11/2012; Drainage Strategy by Ardent Consulting Engineers Ref J670-06 dated 22/11/2012; Bre global Ecology Report by Odette Robson Rev 00 dated 29/11/2012; Phase 1 Habitat Survey and Reptile Survey by James Blake Associates Ref JBA 11/103 Rev B dated December 2012; Energy Strategy Report by MTT Ltd Ref 3312.003.003 Issue 2 dated 27/11/2012; Environmental noise survey report by Sandy Brown Associates LLP Ref 12196-R01-A Version B dated 23/11/2012; Additional Information by Sandy Brown Associates LLP, as received 14/01/2013; Technical details of proposed AHU, Ref Version 22, dated 11/01/2013; External Lighting Impact Assessment by MTT Ltd Ref 3312.003.004 Issue 2 dated 04/12/2012; Mansfield Bowling Club funding applications summary by Icen Projects Limited updated 09/05/2013; Transport Statement by Ardent Consulting Engineers Ref J670-03 dated 23/11/2012; Landscaping Report by Townshend Landscape Architects Ref TOWN530(03)2001 R05; Open Space Assessment by Icen Projects Limited dated November 2012; Planning Statement by Icen Projects Limited dated January 2013; Servicing Management Plan by Ardent Consulting Engineers Ref J670-05 dated 23/11/2012; Statement of Community Engagement by Icen Projects Limited dated November 2012; Sustainability Strategy Report by MTT Ltd Ref 3312.003.004 Issue 2 dated 03/12/2012; Letter from MTT Ltd dated 10/01/2013 Ref 3312.002.010.001; Travel Plan by Ardent Consulting Engineers Ref J670-04 dated 23/11/2012; Utilities Statement by Ardent Consulting Engineers Ref J670-02 Rev C dated 14/11/2012; Enabling Development and Affordable Housing Viability Report by Jones Lang LaSalle dated November 2012, as received 14/01/2013; Email from Jones Lang LaSalle dated 14/02/2013; Letter from Icen Projects, dated 15/05/2013; Letter from Jones LaSalle dated 07/05/2013 Ref MBCKWMC; Letter from Rider Levett Bucknall dated 07/05/2013; Letter from Sports Leisure Culture dated 07/05/2013 Ref MBC/DWA/JM/LBC/1; Letter from Mansfield Bowling Club dated 15/10/2010; Financial accounts for Mansfield Bowling Club (1920) Limited for year ending 31<sup>st</sup> March 2008, 2009, 2010, 2011, 2012; Mansfield Bowling Club Photographs x60 by KS Consult; Letter from Train and Kemp dated 10/05/2013 Ref 12014; Letter from Ardent dated 10/05/2013 Ref SJH/ss14129/J670.

**RECOMMENDATION SUMMARY: Refuse Planning Permission**

<b>Applicant:</b>	<b>Agent:</b>
Mansfield Bowling Club (1920) Ltd Mansfield Bowling Club Croftdown Road London NW5 1EP	Generator Group LLP Paxton House 30 Artillery Lane London E1 7LS

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>D2 Assembly and Leisure</i>		<i>2,457m<sup>2</sup> (Gross Internal Area – GIA)</i>
Proposed	<i>D2 Assembly and Leisure C3 Dwelling House</i>		<i>2,367m<sup>2</sup> (Gross Internal Area – GIA) 2070.4m<sup>2</sup> (Gross External Area – GEA)</i>

Site Area Details:			
	Description	Area measured by the case officer based on plans submitted by the applicant:	Area information provided by the applicant:
Existing	Total Site Area	8747m <sup>2</sup>	8727m <sup>2</sup>
	MBC Clubhouse	1903.5m <sup>2</sup>	Not specified
	Tennis Clubhouse	34.4m <sup>2</sup>	
	Outbuildings (north of tennis courts)	26.7m <sup>2</sup>	
	Total buildings and structures	1964.5m <sup>2</sup>	1970m <sup>2</sup>
	Total private open space designated land	6843.5m <sup>2</sup> (total site minus MBC clubhouse)	6757m <sup>2</sup> (total site - building & structures)
	Tennis Courts	951.1m <sup>2</sup>	953m <sup>2</sup>
Outdoor bowling green	1473.1m <sup>2</sup>	Not specified	
Hardstanding	Not measured	Not measured	2539m <sup>2</sup>
Unmaintained open space (including former outdoor bowling green)	Not measured	Not measured	3265m <sup>2</sup>

Proposed	Total Site Area	8747m <sup>2</sup>	8727m <sup>2</sup>
	Residential buildings	517m <sup>2</sup>	Not specified
	Cycle storage for residential	39m <sup>2</sup>	
	MBC Clubhouse building	1944 m <sup>2</sup>	
	Total buildings and structures	2500m <sup>2</sup>	2495m <sup>2</sup>
	Remaining area (total site area minus buildings and structures)	6247m <sup>2</sup>	6232m <sup>2</sup>
	Private rear amenity space for residential	715.5m <sup>2</sup>	768m <sup>2</sup>
	Publicly accessible open space (not including pedestrian paths through this space)	1010m <sup>2</sup>	1018m <sup>2</sup>
Total residential (buildings; cycle store; private amenity space; access road to residential and parking area; associated maintained landscaping adjacent to residential buildings, access and parking)	3226m <sup>2</sup>	Not specified	
Hardstanding	Not measured	2782m <sup>2</sup> (includes POS pedestrian paths)	
Maintained landscaping	Not measured	1664m <sup>2</sup>	

#### Residential Use Details:

	Residential Type	No. of Bedrooms per Unit			
		1	2	3	4
Existing*	<i>Single dwellinghouses</i>				
Proposed	<i>Single dwellinghouses</i>				8

\*It is noted that there are two existing residential units within the bowling club building; however these are considered to be ancillary to the main use at the site and are not referred to in the planning history of the site.

#### Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	68	0
Proposed	40 (34 for Class D2 operations / 6 for C3 accommodation )	4 (2 for Class D2 operations / 2 for C3 accommodation )
Change	-28	+4

## OFFICERS' REPORT

**Reason for Referral to Committee:** The proposal constitutes a Major Development [Clause 3(i)] as it involves the provision of buildings where the floor space to be created by the development is 1,000 square metres or more. Furthermore it involves a significant departure from policy [Clause 3(vii)] and is an application which, in the view of the Director of Culture and Environment, should be considered by the Committee [Clause 4].

### 1. SITE

- 1.1 The application site comprises a 0.85ha backland site accessed from a single point on Croftdown Road (to the west). The site is also surrounded by predominantly residential buildings which front onto York Rise (to the south-west), Laurier Road (to the south-east) and Dartmouth Park Avenue (to the north-east and east) as well as Croftdown Road. Generally the neighbouring buildings comprise semi-detached properties set within generous front and rear garden spaces. The exception to this is the terrace of residential properties located along York Rise and the neo-Georgian style townhouses on Croftdown Road (known as No's 1-15 Regency Lawn), which date from the 1970s having previously been part of Mansfield Bowling Club (see relevant history below). St Mary Brookfield Church Hall is also located adjacent to the site, on York Rise close to the junction with Laurier Road.
- 1.2 The application site itself comprises a 6 rink indoor bowling club facility, an outdoor bowling green (both operated by Mansfield Bowling Club – MBC), two tennis courts and associated clubhouse, a small allotment area with associated structures, hardstanding used as access and car parking facilities for the aforementioned facilities and areas of open space.
- 1.3 More specifically, the indoor bowling club facility is a part single storey (double height), part two (partly double height), part three storey building dating from the 1970s (see relevant history below). It has a partial brick, partial metal cladding façade treatment interlinked with glazing at various points. Within the building at ground floor level the space is dominated by the indoor bowling green, together with associated male and female changing facilities, a bar / lounge, toilets, kitchen and club rooms/offices. At first floor level there is an open plan function room, leading into a bar / lounge, Masonic lodge room and one of the two ancillary residential flats within the building. The second ancillary flat is located at second floor level.
- 1.4 Prior to the indoor facility and Regency Lawn being built the site was more open in nature with bowling and tennis facilities together with a clubhouse positioned where Regency Lawn now exists. MBC has indicated that they have operated from the site since 1891.

1.5 To the north of the indoor facility is an outdoor bowling green which has been disused by MBC since September 2011 and two tennis courts, in active use by Kenlyn Lawn Tennis Club. The tennis club has a small clubhouse to the south of the courts, which are shale in type and enclosed by fencing. To the north of the tennis courts are allotments, with the land being used to grow various vegetables in evidence during the officer site visit on 14/02/13. To the north of the allotments, close to the boundary of the site, are associated sheds. To the south and west of the indoor bowling facility are associated hard surfaced car-parking spaces. There are also areas of green open space within the application site, most substantially in the north-east and southern corners and also in the perimeter areas surrounding the indoor bowling facility, outdoor bowling green and tennis courts.

1.6 The site is located within Dartmouth Park Conservation Area. The MBC indoor bowling facility building is identified (Appendix 3) within the Conservation Area Appraisal and Management Statement as being a negative building which detracts from the character and appearance of the conservation area. The management plan within the conservation area appraisal specifies that the Council will *“particularly encourage proposals which seek to redevelop those buildings and spaces which are considered to have a negative impact on the special character or the appearance of the conservation area”*.

1.7 The grounds of Mansfield Bowling Club, more specifically the entire site with the exception of the indoor bowling facility building, is designated Open Space / Private Open Space (POS) on the Local Development Framework proposals Map (2010) and Map 7, page 134 of the Core Strategy, respectively. Of the site as a whole, the conservation area appraisal specifies at paragraph 7.89:

*“tucked away from the road to the south is the Mansfield Club, an open space for bowling and tennis that is identified in the UDP as a private open space, with steeply-rising views in a splendid bowlike formation, of the gardens and backs of houses in Laurier Road and Dartmouth Park Avenue”*.

1.8 More generally the application site is referenced in helping define the character and appearance of the conservation area as a whole, with paragraphs 4.2-4.4 of the conservation area appraisal specifying:

*“The conservation area is a mainly residential area, but integral to its character are the interspersed uses scattered throughout it. There are small groups of workshops and offices in the southern tip, four large schools, several nurseries, small institutional buildings, four churches, four local shopping centres, a library, seven public houses, a community centre, a health centre and a recreational centre. Part of the sense of character is derived from social cohesion.*

*The semi-rural quality of this area on the fringes of the Heath, with the leafy feel of its tree canopy is an important aspect, and a correlative factor is the quality of darkness at night to which Parliament Hill Fields, the schools, the Greens, the back-lands of Mansfield Bowling Club and Kenlyn Tennis Club, and the large trees in streets and gardens, together with Highgate Cemetery contribute so significantly.*

*It is an area of housing and is a part of Camden where there is little public open space. Despite this, the area's close proximity to heath and hills contributes a sense of greenness, with glimpses of open land beyond. What few public open spaces exist are scattered in tiny pockets; the most notable being the long strip of green on the east, and statutory London squares on the west sides of Highgate Road. The conservation area, however, is made green by visible back and front gardens that provide long views from intersecting roads and between groups of houses, and small public and private open spaces, and attractive mature trees line many roads. The predominance of boundary hedges, trees and shrubs enhance the rural feel of the area”.*

- 1.9 It is also noted that trees within the site, including those in the western area of the site, are protected by Tree Preservation Orders. More specifically these comprise 2 x Limes, 1 x Ash & 1 x Mimosa at this point. Furthermore a TPO has been served on a Lime in the area between the indoor bowling green building and the tennis courts, following a 2012 tree application (see relevant history). The south western part of the site is also within an identified hydrogeological constraint area, in respect of surface water flow and flooding matters. The bowling club building is also situated within an identified (map 7 of the LDF) area of public open space deficiency. The site is also within a neighbourhood renewal area (area 8 – Highgate New Town).
- 1.10 The site has a Public Transport Accessibility Level (PTAL) rating of 3 (moderate), although neighbouring properties have a PTAL of 4 (good). The closest underground station is Tufnell Park, located approximately 750 metres away. Meanwhile the site is also equidistant from two overground stations in Gospel Oak and Upper Holloway, approximately 850 metres away. The site is well served by 4 nearby bus routes (C2, C11, 4, 214) with bus stops located nearby on Highgate Road, Swain's Lane, Chester Road, Raydon Street, and Dartmouth Park Hill. The site is also located within the Highgate Controlled Parking Zone (CPZ), CA-U. The Highgate CPZ operates on Monday to Friday between 1000 and 1200noon. The ratio of parking permits to parking spaces in the CPZ is 0.66. This suggests that parking stress does not constitute a significant issue in this part of the Borough. However, officers are mindful that it should not be assumed that parking stress is not an issue in the vicinity of the site.
- 1.11 Furthermore, as of 22/05/2013 Mansfield Bowling Club has been formally listed by the Council as an 'asset of community value', as per the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012. In practice this means that if a landowner wants to sell a registered property, they must tell the council. If a group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to raise the money but the landowner can still sell at the going market rate. This period gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period. Given the recent nature of the listing, the period for which the landowner has to appeal the listing has not expired at the time of writing (to expire on 17/07/2013).

## **2. THE PROPOSAL**

- 2.1 Planning permission is firstly sought for the refurbishment and reconfiguration of the existing indoor clubhouse building to provide a new leisure and fitness facility and indoor bowling club (Class D2). This involves the timber re-cladding of the building with new louvers, windows and door openings, including separate entrances for MBC and the proposed leisure and fitness facility on the south elevation. The scheme also involves the provision of a replacement metal roof to the building. Internally the space will be stripped out, with the proposals indicating a 4 rink indoor bowling green at ground floor level is to be provided. This will be supplemented at ground floor level with a club lounge, bar, function room (specified to be shared with proposed leisure and fitness facility), kitchen facilities, male and female changing facilities and associated office and storage spaces for MBC. Also at ground floor is the main gym area with associated reception, entrance and office/storage areas for the proposed leisure and fitness facility.
- 2.2 At first floor level the proposals are shown to comprise changing facilities, a studio space associated with the leisure and fitness facility and associated storage spaces. At second floor level an internal plant room is proposed. A sedum roof is also proposed above the two storey element (it is not proposed on the part of the roof above the proposed indoor bowling green).
- 2.3 The applicant has indicated that to fund the refurbishment works proposed to the existing indoor clubhouse building, in order to maintain MBC at the site and provide a new leisure offer, enabling development of 8x4 bedroom basement and three-storey self-contained residential units (Class C3) are proposed on the site. The residential units will include separate private rear gardens, solar thermal and PV panels at roof level together with green roofs and are predominantly brick in material, with large punched glazed window openings. These proposed works, together with on-site car parking for the residential units (8 spaces, including 2 disabled parking spaces) and associated works including a new vehicular access from Croftdown Road, external lighting and waste/cycling storage facilities, are located where the existing outdoor bowling green, tennis courts and ancillary tennis clubhouse, allotments and associated structures are presently located.
- 2.4 Furthermore, landscaping works are proposed to provide two separate areas of what the applicant has described to be publicly accessible open spaces to the north and west of the two storey element of the MBC / new leisure and fitness facility (rear of the Regency Lawn properties). These areas will largely comprise square and triangular shaped areas of lawn, together with tree planting and gravel walkways. As a result of these proposed works the car parking area associated with MBC and the proposed leisure and fitness facility would run along the southern end of the application site, comprising 36 spaces (including two disabled parking spaces). The proposals also involve the removal of some (non TPO) trees but retain the majority of those on site. Some works (crowning, re-pollarding) are proposed to some of those trees proposed to be retained.
- 2.5 During the course of the application the applicant has submitted additional / revised information following feedback from officers on the proposals. Much of the additional / revised information was submitted on a confidential basis by the applicant, but in summary included:



- Covering letter from Icen Projects, planning consultant of the applicant;
- Letter from Jones LaSalle responding to various matters concerning scheme viability, affordable housing and unit mix;
- Letter from Rider Levett Bucknall responding to various viability matters;
- Letter from Sports Leisure Culture regarding business plan matters and the long-term financial sustainability of MBC.
- MBC financial accounts in years ending 31<sup>st</sup> March 2008-2012.
- Additional information concerning alternative sources of funding from MBC;
- KS Consult photographic record of the existing condition of the MBC building;
- Revised layout plan reducing the number of on-site general parking spaces for future occupiers of the proposed residential units from 8 to 6 (in terms of total numbers the spaces would reduce from 10 to 8, with 2 disabled parking spaces remaining).
- Letter from Train and Kemp regarding biodiverse roof matters, the Construction Management Plan and Basement Impact Assessment.
- Letter from Ardent regarding Transport Statement and Travel Plan information.
- Revised Arboricultural Implications Assessment and Arboricultural Method Statement Combined.

### 3. RELEVANT HISTORY

#### Planning applications

- 3.1 20261 - To erect a sports pavilion at the premises, the Mansfield Bowling Club, Croftdown Road, St. Pancras. Granted 04/01/1962. This appears to be the structure associated with Kenlyn Tennis Club.
- 3.2 5557 - Outline application for the erection of 28 flats and garages, a new indoor bowling green and clubhouse, provision of 70 parking spaces and the re-siting of the tennis courts at the site of the Mansfield Bowling Club Sports Ground, Croftdown Road. Granted 05/09/1968. This scheme was not implemented.
- 3.3 D11/3/A/6446 - The redevelopment of the site of the Mansfield Bowling Club, Croftdown Road, Camden, by the erection of an indoor Bowling Green, with clubhouse, 15 3-storey dwelling houses with integral garages and the provision of parking for 70 cars. Granted 13/03/1969. This scheme was implemented, with the 15 dwelling houses being 1-15 Regency Lawn.
- 3.4 10657 - The erection of 10 three-storey terrace houses on the frontage of the Mansfield Bowling Club Site, Croftdown Road, N.W.5. Granted 24/07/1971. It does not appear that this application was implemented.
- 3.5 13959 - Use of the site of the tennis court in Southern corner of the Mansfield Bowling Club, Croftdown Road N.W.5. for car parking purposes. Refused 20/07/1972. Reason for refusal: The use of this part of the site for parking purposes, would cause undue detriment to the amenities of adjoining residents by reason of noise, fumes and vehicular movements associated with a car park.

- 3.6 8903401 - The construction of an additional tennis court and surrounding fence in the southern corner of the site as shown on unnumbered location plan. Granted 23/01/1990. It does not appear that this application was implemented.
- 3.7 9003208 - Erection of a first floor extension on columns to provide additional accommodation with retention of existing car parking beneath. Approved 12/09/1990. It does not appear that this application was implemented.
- 3.8 2010/2039/P - Retention of temporary site in part of the car parking area to the south of the Mansfield Bowling Club building, comprising nine steel containers and associated hoardings for use as offices, storage and associated facilities for a period of 1 year, in connection with on-going external works to nearby residential buildings. Granted 11/10/2010 for a temporary period of 1 year. During site visit on 14/02/2013 it was evident that no element of this application remained at the site.

### **Environmental Impact Assessment (EIA) Screening Opinion application**

- 3.9 2013/0374/P - Request for Environmental Impact Assessment (EIA) Screening Opinion for works involving the refurbishment and reconfiguration of existing bowling clubhouse to provide a new leisure and community facility, enabling development of 8 residential dwellings and associated landscaping and publicly accessible open space, following loss of an outdoor bowling green and 2 outdoor clay tennis courts. EIA not required as, though the development is, by definition, Schedule 2 development, it is not considered to be EIA development as defined by Regulation 2(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011 no. 1824). Date of decision 04/02/2013.

### **Tree applications**

- 3.10 TC9706196 - Reduction of 1 X Ash in car park. No objection to works 30/04/1997.
- 3.11 TC9807159 - Reduction works to one Lime tree in car park area. No objection to works 05/01/1999.
- 3.12 2012/3851/P - Between north-west wall of clubhouse and tennis courts: 1 x Lime – Fell. Object to works 28/08/2012 for the following reason: The Lime tree is visible from a wide area and is considered to provide a reasonable amount of visual amenity within the area and make a positive contribution to the character of the area. The Lime provides enhances the tree canopy of the area and provides habitat for local wildlife. It also contributes to screening between surrounding properties and the bowling club buildings. The notification suggests that the tree is likely to be decayed due to the presence of decay in a neighbouring tree which recently failed. A visual inspection and sounding the main stem with a mallet produced no indication that any decay was present. No evidence in the form of data from decay detection tests resistograph or PICUS have been submitted with the notification to demonstrate the presence of decay. A Tree Preservation Order has been served to protect the visual amenity the tree provides and preserve the character of the conservation area.

## **4. CONSULTATIONS**

## Statutory Consultees

- 4.1 The following external bodies were formally consulted on the application:
- Thames Water Utilities
  - Natural England
  - Sport England
  - Environment Agency
  - Crime Prevention Design Advisor at Camden Police Headquarters
- 4.2 Thames Water has commented as follows:
- 4.3 Waste Comments - There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.
- 4.4 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 4.5 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 4.6 Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 4.7 Thames Water recommends the following informative be attached to any planning permission: *Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.* Thus Thames Water has no overarching objection to the proposals.

- 4.8 Natural England (NE) has responded confirming they have no overarching objection to the proposals. More specifically NE's protected species survey has identified that bats, a European protected species, may be affected by this application. NE determined that the application is not within/close to a SSSI or SAC notified for bats. NE looked at the survey report and determined that it did highlight that there are suitable features for roosting within the application site (e.g. buildings, trees or other structures) that are to be impacted by the proposal. NE then determined that detailed visual inspections (internal and external where appropriate) had not been undertaken and no evidence of a roost was found. NE then determined that the application does not involve a medium or high risk building as defined in the NE standing advice and thus advises that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".
- 4.9 No response has been received at the time of writing this report from Sport England.
- 4.10 The Environment Agency confirms that the main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. EA recommend the surface water management good practice advice is used to ensure sustainable surface water management is achieved as part of the development.
- 4.11 Surface water runoff rates and volumes from the site must be managed in accordance with the London Plan (July 2011) - which sets higher standards than NPPF for the control of surface water run-off. Policy 5.13 - Sustainable drainage (page 155) of the London Plan states that "development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible" in line with the drainage hierarchy. Hence EA has not in principle objection to the application.
- 4.12 The Crime Prevention Design Advisor at Camden Police Headquarters confirms that the crime prevention statement in the design and access statement of this application is appropriate, and forms the Crime Prevention Design Advisors comments on this application.

### **Conservation Area Advisory Committee**

- 4.13 Dartmouth Park CAAC objects to the proposals:
- Everything except the 'club house' is designated open space but it this land that is crucial now.
  - The MBC site is designated as private open space, barring the indoor club building itself which is not designated POS. It is also located within an area with an identified public open space deficiency. Policy CS15 clearly denotes that the Council will protect open spaces designated in the open space schedule. Paragraph 15.6 of the supporting text also states this.
  - The previous statutory development plan, the UDP, said pretty much the same thing. The adoption of both statutory plans followed months of public

consultation culminating in an Inspector led public Inquiry. The LDF was adopted as recently as just over two years ago. Development Control decisions are supposed to be statutory plan led so everyone has certainty. Neither MBC nor the developers challenged the open space designation when they had the opportunity in 2010 even though they were already actively working on their proposals.

- No one can seriously suggest that this complies with the provisions of the LDF.
- Eight four storey houses (inc. basement) with associated private gardens, private roads and private parking in a gated development on this scale, can't by any stretch of the imagination, be described as "limited development ancillary to a use taking place".
- Forty years of neglect of the club house, starting from the day it was built, and MBC's frank admission that the numbers have collapsed doesn't suggest a "demonstrable need". Making a room available in a refurbished club for a commercially run gym isn't serious and isn't going to enable them to show 'demonstrable need'.
- Ruthlessly abandoning of the outdoor green and seeking to evict the tennis players after better than a hundred years in an attempt to give legs to the now largely abandoned claim that the open space will be left derelict if not built over won't wash. First, because "the poor quality of an open space will generally not be accepted as a reason for its partial development to fund improvements as, once built on, open space is lost to the community for ever", so we don't even need to mention that this can't reasonably be described 'partial development'.
- It is now clear beyond peradventure, that there is both a community will and there will be the means to ensure the site, which will soon be both locally listed and designated as a community asset under the Localism Act, is put to good use.
- In 1913 the site was open at the intersections of Croftdown and York Rise and Brookfield Park. The building which was then a school is now the Community Centre. By the mid-1930s most of the area previously devoted to allotments had post WW1 housing whilst retaining at least some of the open aspect of the site. The remaining open space, still open to York Rise and the extended Croftdown Road, remained, with the exception of the modest club house, devoted to outdoor leisure activities, particularly tennis. The start of the historic path is here still visible, as, indeed, it is on all OS plans until a year or so ago.
- In the 1970s approaching two thirds of the open space was lost to buildings and tarmac for parking. About a third of this was lost to a speculative housing development of fifteen houses. Then, as now, and with about the same level of credibility, this very substantial speculative private housing development was said to be merely 'enabling'. This is obvious rubbish, you didn't need to build and sell 15 houses to build that club house. The bulk of the money went into the pockets of the speculators. The bulky then new MBC building and its associated tarmacked car parking was the bauble offered for allowing the fifteen house speculative development. At the time, of course, no serious attempt was made to suggest this represented a community gain. The speculative housing development cut the site off from the public realm. This set the tone for the running of the club for the next/last forty years, inward looking, with no serious attempt being made to ensure its operational viability or even to maintain the building.

- A mere forty years since it was built, the building is now said to need massive refurbishment. Again, permission is sought for a very substantial speculative housing development, this time eight four story (inc basement) luxury houses with associated private gardens, private roads and private parking in what is effectively a gated estate, to 'enable' this refurbishment. If allowed the development would result in the effective loss of what remains of the open space. If allowed all the open space will have been sacrificed to that club house.
- Having pretty much abandoned the argument that the only way to prevent to open space from becoming derelict is to build over it, never much of an argument anyway, the developers now favour offering a 'community gain', a space in the refurbished building for a commercially run gym and carpet sized square of open space. The speculative luxury development and the resulting loss of open space simply doesn't begin to be a proportionate response to the difficulties MBC have got into. If MBC were seeking permission to develop and sell one or two leasehold flats within the footprint of the 'club house', presumably plan B, there might be some sort planning argument for the proposal, not much of one but at least arguable.
- The site has also been the subject of more intimate local consideration since the 1970s. Twenty one years ago this month the area was, after extensive consultation, designated as a Conservation Area. The effect of this is that the Council is under a legal duty to do all it can to preserve and enhance the character of the Conservation Area.
- After a long period of gestation, much local discussion and a long period of consultation, the Council adopted detailed guidance for the Conservation Area, including the Mansfield site, in January 2009. Again, MBC did not challenge this.

#### 4.14 Highgate CAAC objects to the proposals:

- This application raises several very important issues in relation to Camden's planning policies and in relation to the protection offered to heritage assets such as a Conservation Area.
- The need for the application is clearly driven by the dire financial state of the bowling club some of which may have been due to mismanagement.
- The abandonment of the principle that private open space should be protected is too important to be influenced by considerations like the financial state of the bowling club; once development is allowed the balance between the built environment and open space is changed for ever. The way the club is situated in a bowl makes this of particular importance since all the neighbouring properties will have a view of the new buildings, this damaging their amenities.
- A backland development with very poor access and the traffic pressure caused by the new housing will be felt by all the residents in the surrounding roads. Such developments are against policy.
- CMP shows no awareness of the fact that Croftdown Road is very narrow at the Highgate Road end with single file traffic between two rows of parked cars just at the point where the girls of La Sainte Union leave the building.
- Design and Access Statement outlines that losing two tennis courts is of no concern since the demand for tennis facilities is falling. It is pointed out that the City of London at Parliament Hill are thinking of raising their charges for tennis with premium charges at busy times because demand is so high. The problem

with the Kenlyn courts is the way their condition has been allowed to deteriorate not lack of demand for tennis. The loss of these courts will not be compensated for by a private health club or the 'public' garden.

- Not clear what arrangements would be made to maintain this garden which could rapidly become a neglected space and a possible source of security problems for the surrounding houses.
- New houses are crammed together and will constitute overdevelopment of the site.

### **Local Groups**

4.15 The Governors at Brookfield Primary School, Chester Road, N19, have commented on the application, registering an interest in the school having use of the open space in the application site, should it be made available to the local community. More specifically the school wishes for the following to be noted:

- Brookfield school is a larger than average primary school with around 450 children.
- The school places great importance on the fitness of its children and on physical education.
- The school has a significant shortage of outside space for the children.
- Because of the gradient and limited existing space it is difficult to do any purposeful running activities.
- The range of sports possible in the existing space is therefore severely limited.
- Educational research emphasises the importance of outside space, particularly for the early years.
- The application site is within easy walking distance of the school.
- Any community sports facilities such as football pitches, astroturf, tennis courts etc would significantly enhance the facilities currently available to the school and would have a positive impact on education in the area.
- A wider community use at the application site would be of great benefit to local children who attend the school.

4.16 The Highgate Society objects as follows:

- This application raises several very important issues in relation to Camden's planning policies and in relation to the protection offered to heritage assets such as a Conservation Area.
- The need for the application is clearly driven by the dire financial state of the bowling club some of which may have been due to mismanagement.
- The abandonment of the principle that private open space should be protected is too important to be influenced by considerations like the financial state of the bowling club; once development is allowed the balance between the built environment and open space is changed for ever. The way the club is situated in a bowl makes this of particular importance since all the neighbouring properties will have a view of the new buildings, this damaging their amenities.
- A backland development with very poor access and the traffic pressure caused by the new housing will be felt by all the residents in the surrounding roads. Such developments are against policy.

- CMP shows no awareness of the fact that Croftdown Road is very narrow at the Highgate Road end with single file traffic between two rows of parked cars just at the point where the girls of La Sainte Union leave the building.
- Design and Access Statement outlines that losing two tennis courts is of no concern since the demand for tennis facilities is falling. It is pointed out that the City of London at Parliament Hill are thinking of raising their charges for tennis with premium charges at busy times because demand is so high. The problem with the Kenlyn courts is the way their condition has been allowed to deteriorate not lack of demand for tennis. The loss of these courts will not be compensated for by a private health club or the 'public' garden.
- Not clear what arrangements would be made to maintain this garden which could rapidly become a neglected space and a possible source of security problems for the surrounding houses.
- New houses are crammed together and will constitute overdevelopment of the site.

4.17 Mansfield Neighbours Group (a group established by concerned local residents in autumn 2011 to monitor the redevelopment proposals being promoted by the Mansfield Bowling Club (1920) Ltd. objects as follows:

4.18 *Loss of open space*

- Proposal is contrary to NPPF (apparent that the proposed loss of open space, outdoor sports facilities and replacement leisure provision is contrary to LB Camden assessments and strategies which the NPPF requires), London Plan (paragraph 7.54) and LB Camden Core Strategy.
- The proposed development would evidently result in the loss of both open space and essential outdoor sports and leisure facilities. The area in which the application site is located is one of the few areas within the Borough where a deficiency of open space is identified by the Council. Its loss should be prevented through the enforcement of adopted Council policy.
- The proposed development would result in the loss of protected Open Space. Whilst adopted policy makes no provision for enabling works, such a strategy is central to the applicant's case. It is therefore necessary to carry out an appraisal of the so-called 'enabling' leisure facilities and review them against the Council's strategies and assessments setting out local sports requirements in the area. In short, the proposed facilities are contrary to the requirements in the local area.
- The whole of the site, apart from the main leisure building, has an open space allocation. Although MBC fail to mention it, such Open Space within the Borough is protected by Policy CS15.
- The needs assessment in Camden's Open Space Strategy demonstrated that nowhere in Camden had a surplus in open space. The Camden Open Space, Sport and Recreation Study Update 2008 found that there was 20sqm of public open space per person in the borough, dropping to 17 sq m by 2026, taking into account projected population increases and assuming no additional public open space is provided. By building upon existing designated open spaces, as proposed under the current MBC application, this figure would be reduced further. The proposed development would have a cumulative effect given that no open space contribution is to be made for the new housing.



- The loss of the open space at the MBC site should not be considered in isolation. As there is continued pressure for new housing within the Borough there will be less and less opportunity to provide the required open space provision. Not only does the application proposal result in the loss of open space but the proposals have a cumulative impact given that they do not make any provision for open space elsewhere in the Borough.
- The loss of open space on the site also includes the loss of an allotment area. The Development Policies Document states in the supporting text to DP31 that *'Due to the very high demand and limited possibilities to provide new allotments or community gardens, they should be provided, wherever possible.'* As such, the loss of any allotment areas should be resisted.
- Importantly, the supporting text to Policy CS15 notes that the poor quality of an open space will generally not be accepted as a reason for its partial development to fund improvements as, once built on, open space is lost to the community for ever. The applicants argue that the alleged poor quality of the open space is a reason that it should be developed and this should not be a consideration of the Council in their assessment of this application.
- The applicants have sought to justify the loss of the Open Space through a rather 'unique' set of calculations supposedly offsetting the loss of open space. Table 4.2 of the Open Space Assessment should simply show the amount of land that is currently designated open space. The land taken up by the proposed housing and parking area should then be deducted. In fact, this is considered to be a rather generous calculation given that the 'landscaped areas' alongside the access road to the proposed estate and the areas proposed in front of the houses will become part of the housing estate itself, used only by the residents of the new dwellings. These new landscaped areas will have no open space value to the local community despite the applicant's argument to the contrary. MBC is deliberately minimising the real loss of Open Space and we would respectfully ask the Case Officer to recalculate it.
- The submitted open space assessment seeks to justify the proposals on two main grounds. Firstly, that the current open space is of a poor quality, and secondly, that there are a number of other open spaces within 1km of the site. Neither of these points have any merit when considered against the required policy assessment

#### 4.19 *Inappropriate Replacement Leisure Provision*

- The MBC Business Plan is very light on providing any evidence of need or the links between bowls and indoor gym/fitness. The obvious differences between the 2 activities mean there is little benefit from co-location.
- The open space at the MBC site plays a part in Camden's Pro-Active Sport and Physical Activity Strategy, providing outdoor sports facilities that can be used by the local community. Once lost to housing as proposed, they will never be replaced.
- The provision of additional fitness gym space is not supported by any of the Council's strategies or assessments. The Pro-Active Sport & Physical Activity Strategy states that the overall supply is close to meeting local demand. This is certainly apparent when considering the number of existing facilities within the local area. The area is well catered for.

- both of the independent private gyms struggle to break even because of shortage of members. Even LA Fitness with its swimming pool, sauna, well laid out changing rooms and state of the art machines, struggles to increase its membership. If local supply and demand were taken into consideration the statement that “there is significant latent (unmet) demand for Health and Fitness activities” would be contradicted by local realities. These realities are related to set-up costs; MBC’s Health and Fitness Club would struggle to have any chance of a viable future in the face of the opposition and poor local demand.
- The MBC application states that a profitable gym and fitness facility is central to the business plan and sustainability of the building operation and bowls club. If this part of the plan is *not* feasible, it imperils survival of the entire operation, including the bowling club leaving a building for which there is no financially viable purpose. There are numerous flaws in the applicant’s business case in respect of the gym operation, such as over generous and unlikely estimated membership figures, the size of the catchment area, uncompetitive membership price, overoptimistic studio/classes income, no set-up costs or initial finance analysis
- The gym is the largest of the various facilities and activities planned to be housed in the MBC clubhouse. It appears clear that it will be at best, an extremely unlikely business proposition. It is certainly not one that can justify an application to build eight houses as it is unlikely ever to be an enduring feature of the MBC’s activities. Yet without the gym, the entire business plan unravels, in the process making the ‘enabling’ development completely gratuitous and lacking in justification. To proceed on this basis is simply to gamble with the Open Space.
- Object to loss of outdoor bowling green. Interest in grass green bowling may change over time given an aging population. The rejection of the present application would provide an opportunity to consider alternative community-based uses of the space rather than speculative housing.
- The business plan submitted in support of the proposals makes no reference to tackling the ‘grey’ fitness market as would be expected if the gym is being promoted in tandem with the indoor bowls.
- The bowling club’s viability is severely undermined by the fact that MBC are closing down the clubhouse on the 31 March 2013. This will inevitably lead to a dissipation of the remaining membership which in turn will be difficult to recover.
- The loss of the two tennis courts currently used by Kenlyn Lawn Tennis Club is questioned. The Camden Open Space, Sport & Recreation Study Update 2008 demonstrated that based on population increase, tennis participation is expected to increase by 13.3% over the period 2001 to 2026. In order to meet future needs existing tennis court provision should be retained.
- Kenlyn Lawn Tennis Club is a member of the Lawn Tennis Association and its team plays in the Middlesex League. It is vibrant club and the courts are in frequent use both during the week and at the weekend, while also are actively encouraging more members. Once built on, the open space and sports facilities will be lost forever.
- Dispute MBC’s assessment that ‘*the existing tennis courts do not comply with Lawn Tennis Association standards and are of a poor quality in open space terms.*’ The LTA Court Surface Guide refers to artificial turf, clay or grass as the

appropriate surface for competitive matches. The courts that are proposed for removal under the MBC application are clay and therefore offer matchplay type conditions.

- It is obvious that the applicants are not seeking to protect the future of the bowls club or provide improved leisure facilities but to make as much profit from the housing development as possible.
- It seems evident that the Health and Fitness Club is more a late public relations creation than a proposal likely to materialise in anything like the way it is presented, if at all. The supporting information, and efforts that have been made, seek to expertly mislead both the general public and the planning authority, representing that MBC's proposal is all about building a new community gym and leisure facility, and inviting residents to register their support for such a proposal. Where there is a great deal of local opposition to a development, property developers are renowned for making attractive-looking additions which more often than not fail to materialise if the application is granted. The Health and Fitness Club is clearly such an addition, and we do not think a great deal of attention should be paid to the feasibility study and business plan submitted by MBC.

#### 4.20 *Enabling Case and Financial Viability*

- It has not been possible to make an informed assessment of the financial viability case put forward by the applicants. There is no transparency to the proposals. MBC have purposely sought to restrict the level of information available to the public, possibly in the fear that the figures are flawed and will be disputed.
- Regarding alternative sources of funding, we did strongly recommend to MBC that they convert themselves into a charity, as it was obvious that relevant organisations would not be willing to contribute funding to a private company. This was however rejected.
- MBC stated that because of falling numbers of bowlers the company was incurring massive losses. As a result of that, the financial position had become so difficult that in the absence of funding, there was no alternative for the company's survival other than housing development. These affirmations are questionable. It is a matter of public record accessible on Companies House website, that year after year up until and including 31 March, 2012 the accounts filed by the company show a healthy Balance Sheet with positive working capital, good liquidity and large cash balances.

#### 4.21 *Impact on Dartmouth Park Conservation Area*

- The mere loss of the open space itself would detract from the character of the conservation area.
- Given the recognised poor quality of the building, which is not within the open space allocation, having the potential for sensitive redevelopment and the restrictive policies protecting the loss of open space the obvious solution would be to redevelop the built part of the site (i.e. the clubhouse). This would ensure the future sustainability of both the indoor bowls, which the supporting business plan states can be a profitable and sustainable entity, and importantly retain the existing open space.

- If the MBC's aims were genuine, this would be a sufficient answer to the problem we are assured (by MBC Ltd) they have. So far, MBC has focussed only on trying to *close down* community facilities: the tennis club, the outdoor bowling green and the allotments.

#### 4.22 *Housing Type, Design and Layout*

- The proposed mix of 8x4 units is clearly contrary to the priority table in terms of market units (Policy DP5).
- The eight houses in the proposed estate are too high, too deep and too intrusive. Three-storey houses intrude on the public's view of the attractively green surrounding scenery. It is obvious that the primary consideration on the application proposals is the location and scale of the housing to ensure as great a profit as possible. Sensitive design, siting and scale are evidently secondary considerations.
- The deep, top-lit basements are a risk to the surrounding fabric. MBC's survey does not remove the risk that this major shift of earth will put at risk the stability of the houses above them, which so far have escaped any subsidence at all. Surface water run-off will be affected. So, too, will be the sewage pipes from the upper-level houses, which all run down immediately behind the boundary wall.
- The proposed housing estate is situated too close to the site boundary. This doesn't only risk the dangers listed in the previous paragraph. The height of the houses, with their side-windows, will also interfere with the privacy and sunlight of the adjacent gardens.
- Even the general location of the estate is wrong. With its proposed new access road (creating a dangerous intersection), it is an unnecessarily lavish use of space cutting through and using up most of the remaining Open Space

#### 4.23 *Summary of omissions from the submission:*

- A clear and demonstrable need that the proposal will provide a tangible community benefit for existing residents/groups in the local has not been provided. - The loss of the Open Space is far from justified in any of the supporting documentation. Moreover the figures stated for the amount of Open Space that will be lost are wildly inaccurate.
- The amount of residential development and loss of Open Space has not been minimised. More than half of the existing Open Space will be lost.
- The proposals do not address the policy restriction set out under CS15 which makes no provision for an enabling case. The residential proposals are not 'limited development ancillary to a use taking place on the land and for which there is a demonstrable need.' The main focus of the development is 8 residential units on allocated Open Space.
- The proposed facilities do not address the needs of the local area, as identified in Council strategies and assessments.
- Insufficient and incorrect evidence to demonstrate that the proposed facilities are viable in the long term with the bowls facility sought to be made self-sufficient financially. The provisions of bowls and fitness/gym are not complementary uses.
- The pre-application advice from the Council does not advise that internal sports facilities can offset the loss of Open Space. The provision of any internal

facilities should only be considered as a justification to ensure the future sustainability of the bowls club. There should be no net loss of Open Space.

- No evidence of alternative sources of funding has been provided to the Council.
- No transparency on financial viability.
- No demonstration of the tangible community benefit of the proposed facilities.
- There has been no engagement with the local community. The presentation of plans does not constitute engagement when it is not possible to give feedback or feedback is ignored.
- Insufficient community consultation on the preferred types of sports provision, particularly with local sports and community groups
- The proposals do not take account of the guidance set out in the Dartmouth Park Conservation Statement. The focus of any redevelopment on the site should be on the existing built form NOT the Open Space
- The housing mix does not accord with Council Policy or take account of pre-application advice.
- There is no provision made for a contribution to public open space and subsequently conflicts with policies CS15, DP31 and CPG6. The application would therefore have a cumulative impact resulting both from the direct loss of Open Space and the further lack of provision resulting from the new housing.

4.24 Swains Lane Residents and Neighbourhood Watch Association objects as follows:

- Development would result in loss of important open space.
- The space has been recommended to the Council for listing by Dartmouth Park CAAC as an important asset within the area
- The size and design are inappropriate for the site.
- Inadequate consultation by the developer and it is unclear as to whether the proposed facilities will be viable.
- The proposal fails to adequately take into account the views of the local community as required under the Localism Act.

### **Other Groups**

4.25 Action for Blind People (part of the RNIB Group) (Judd Street, WC1H) support the proposals stating “when we heard that Mansfield Bowling Club were proposing a redevelopment which would include indoor bowling opportunities for people with sight loss as well as a broad range of other accessible sporting facilities for disabled people, I [the Head of Operations] wanted to write to say how supportive of the proposals Action for Blind People. For people with sight loss in particular, we believe that this new facility stands to offer a range of benefits, from improved social inclusion for isolated residents through to improved physical and emotional well being”.

4.26 British Blind Sport (Leamington Spa, CV34) support the proposals stating “having such a bespoke facility on the doorstep for visually impaired residents within the Camden area, would no doubt, alleviate some of the barriers and provide new opportunities to get involved. We are aware that sport and recreational facilities tailored to the needs of people with sight loss enables a range of powerful benefits including improved physical health, emotional well being and importantly enhanced social inclusion”.

4.27 The English Indoor Bowling Association Ltd (Melton Mowbray, LE13) support the proposals as follows:

- Are sure the proposals will attract new participants to leisure facilities – young / old / able-bodied / disabled.
- MBC has played an important role in hosting its fair share of notable regional and national tournaments over the years, but recognise that both the indoor and outdoor games are struggling in London with many clubs facing the prospect of permanent closure.
- MBC have explored a long list of potential funding sources without success, but it illustrates that there is a real desire from both the Club and its Membership to improve the club and build a solid future. It is to their credit that they have taken the tough choice of closing their outdoor bowling facility in order to secure the future of the indoor games for its members in the short-term.
- In an environment where clubs across London are closing permanently, we applaud MBCs initiative in seeking out a leisure partner to deliver a more diverse and sustainable range of sports and social facilities on site.
- Indoor Bowling can be sustainable at Dartmouth Park, but to do to it will need to be part of a modern leisure facility which attracts other members of the community to the site. To deliver a rejuvenated bowling club as well as a valuable new local leisure amenity in the current economic environment is no small achievement and one that the residents of Camden will welcome.

4.28 Finchley & District Bowls Association supports the proposals, stating “Mansfield Bowling Club is one of a small number of clubs that offers indoor bowls facilities. This is an important aspect of the game of bowls, as it gives players the opportunity to continue to play throughout the winter months in what is primarily a summer sport. The facilities at Mansfield will be substantially improved and the developed facilities will also offer the local community a communal area which can be enjoyed throughout the year. Given the Olympic legacy and the current drive to encourage people of all ages into playing sport, this development can bring nothing but good to the area”.

4.29 The Lawns Indoor Bowling Club, based at David Lloyd Leisure Centre, EN1 supports that proposals stating that “this development will provide all of the facilities to the local community and the Mansfield Club has been in existence for many years”.

### **Elected representatives**

4.30 Councillor de Souza objects as follows:

- This is private open space which is valued by the community as such. It is also an area where it is recognised there is a shortage of open space especially for sports activity.
- The proposed development provides no justification for the loss of this open space. It is possible for other alternatives to be found if greater effort was made to work with the community.

- Even with the construction and sale of 8 homes, it is not clear that there is a way in which the bowling club would be viable in the longer term. It would have small number of members and with only an indoor space would presumably be less popular. The income from the tennis court would be lost, and a gym tucked away in this area is unlikely to have a wide membership. My understanding is that gyms generally operate with a pool etc or as a smaller high street venue. This proposal is for neither of these.
- There are grave risks of construction related nuisance which need to be explored to figure out whether a development of this scale can safely be carried out, in advance of any decision.
- In the circumstances, the only acceptable solution is for the clubs owners to work closely with the community to identify needs and preference and to develop and operate the facility in accordance with this so we have a viable well used leisure/sports space. As a local resident and councillor I know that community involvement has been very limited.

#### 4.31 Councillor Gimson objects as follows:

- The club should not be allowed to build on private open space. In the Camden Plan (CS15) this area is not only designated as private open space, but is also in an area where there is a shortage of open space. The proposed development provides no justification for its loss or for Camden to act against its own policy and to fail to protect it.
- There is a high level of local opposition to this development in the community and the needs in the area are for open space and playing fields, not for indoor space. For instance Brookfield Primary School which is nearby has a recognised lack of outdoor space.
- There has been no public consultation. The only consultation has been two exhibitions held at the bowling club. There has been no attempt at holding a public meeting or engaging more closely with local residents, despite several meetings organised by residents themselves.
- I do not believe that the development of 8 four bedroom houses is an enabling development, but rather is the driving objective behind the project. I am concerned at the lack of transparency of the Bowling Club company about the business plan (with sections marked out in black). It is also unclear where the money from the development will go. At a meeting with Adrian Pruss we (Cllr Maya de Souza and myself) were told that 40 per cent went to the club; 40 per cent to the developers and 20 per cent to those (unidentified) who facilitated the deal.
- I am very sceptical about whether a gym – as described in the business plan – would be financially viable. It assumes a starting membership of 900 which I suggest is extremely unlikely in a ward where there are only 8000 people. The location of the club in the middle of a residential area, surrounded by houses and without any public transport links is not conducive to running any kind of gym business. If the gym is not viable what will happen to the current building?
- Residents also tell me they are concerned about the proposed entrance to the development on Croftdown Road is dangerous given the anticipated usage and the fact that it crosses a pavement heavily used by children going to and from school; The noise level and disruption to the local area, both of the building work and the long opening hours of the facility would be unacceptably high for a residential area.

## Adjoining Occupiers

<i>Number of letters sent</i>	93
<i>Total number of responses received</i>	415 (not including a petition or those submitted in advance of the (anticipated) June committee meeting date)
<i>Number of electronic responses</i>	171
<i>Number in support</i>	228 (not including those submitted in advance of the (anticipated) June committee meeting date – see para 4.45)
<i>Number of objections</i>	184 (not including a petition with 254 signatures – see para 4.76)
<i>Number of comments received including elements of both support for and objection to the application</i>	8

## Supports

4.32 228 letters of support for the application have been submitted (231 support responses in total – 3 duplicates were received). These have been received from the following addresses (1 response per street unless where specified):

Agar Place, NW1; 2 from separate occupiers of the same property in Aitken Road, EN5; Albert Road, N22; Arnold Avenue East, EN3; Ashdown Crescent, NW5; 2 from separate occupiers of the same property in Ashurst Road, N12; 2 from separate occupiers of the same property in Aspern Grove, NW3; Balmoral Road, WD5; 2 from separate addresses in Balmore St, N19; 3 from 2 addresses in Barnsbury Rd, N1; 2 from separate occupiers of the same property in Barrington Road, N8; Battishill St, N1; Bayham St, NW1; Bayham Place, NW1; Bedford Road, N2; Beechwood Road, N8; Boscastle Road, NW5; 2 from separate occupiers of the same property in Bramshill Gardens, NW5; Brecknock Road, N19; 2 from separate addresses in Brookfield Park, NW5; Bryant Close, EN5; The Fairway, Budock Vean, TR11;

Carrol Close, Highgate Road, NW5; 2 from separate addresses in Widford, Castle Road, NW1; Castlehaven Road, NW1; Cathcart Hill, N19; 3 from 2 addresses in Caversham Road, NW5; Chelwood Close, E4; 3 from 3 separate addresses in Chetwynd Road, NW5; Chewton Road, E17; Wolsey Mews, NW5; Church Road, CM2; Clayton Field, NW9; Connaught Avenue, EN4; Cornwallis Road, N19; Crambourne Avenue, N9; Crawley Road, N22; 4 from 2 addresses in Cressfield Close, NW5; 8 from 6 addresses in Regency Lawn, Croftdown Road, NW5; 3 separate responses from Mansfield Bowling Club, Croftdown Road, NW5; 2 from separate addresses in Highcroft, Croftdown Road, NW5; 5 from 4 addresses in Croftdown Road, NW5; Cromwell Rd, N10; Dale View Avenue, E4; Darby Crescent, TW16; Dartmouth Park Hill, N19; 4 from 2 addresses in Dartmouth Park Road, NW5; The Drive E17; Earlsferry Way, N1; Elliscombe Road, SE7; Elm Grove, KT18; Fellows Road, NW3; Ferndate Road, EN3; Finsbury Road, N22; Firs Avenue, N10; 2 from separate addresses in Fitzroy Road; Flask Walk, NW3;



Fordington Road, N6; Formosa St, W9; Fortis Green Avenue, N2; Foxham Road, N19; Frederick St, WC1X;

Gaisford St, NW5; The Gardens, SG7; Glascony Avenue, NW6; Gordon House Road, NW5; Government Row, EN3; Granby St, E2; Grange Road, SW13; Granville Road, N12; 2 from separate occupiers of the same property in Grasvenor Av, EN5; 2 from separate occupiers of the same property in Grove Gardens, NW4; Gurney Drive, N2; Hartford Walk, N2; Havelock St, N1; Hazellville Road, N19; Hemmingway Close, NW5; Healey St, NW1; Hempstead Road, WD17; Henley Court, N14; 4 from 2 addresses at St Albans Villas, Highgate Road; Hillfield Road, NW6; 2 from separate occupiers of the same property in Huntercombe Lane, SL6; Hurstfield Crescent, UB4; Ibsley Way, EN4; Kentish Road, DA17; Kirkton Road, N15;

2 from separate occupiers of the same property in Lakeside Road, N13; Lanchester Road, N6; 2 from separate occupiers of the same property in Larkway Close, NW9; Laurier Road, NW5; Layters Avenue, SL9; Lightfoot Road, N8; 2 from separate occupiers of the same property in Leighton Road, NW5; 2 from separate occupiers of the same property in Linden Crescent, IG8; Lissenden Gardens, NW5; Lodge Avenue, RM9; 3 from separate occupiers of the same property in Longford St, NW1; Makepeace Avenue, N6; Manor Drive, N20; Manor View, N3; Mapleton Crescent, EN3; Marrilyne Avenue EN3; Marion Road, NW7; Marriott Road, N10; 2 from separate occupiers of the same property in Meriden Close, BR1; Mornington Crescent, NW1; Morten Gardens, UB9; Muswell Hill Road, N6; Northumberland Road, EN5;

Oakleigh Park North, N20; Oakroyd Crescents, PE13; Paget Street, EC1V; Paddenswick Road, W6; Pasteur Close, NW9; Prince of Wales Road, NW5; Queen Elizabeth Walk, N16; 2 from separate occupiers of the same property in Reading Close, CT14; 2 from 2 separate addresses in Carole House, Regent's Park Road, NW1; The Ridgeway, NW9; Rotherfield Street, N1; Ryland Road, NW5; Sable St, N1; Shearling Way, N7; 2 from separate occupiers of the same property in Shelley Avenue, RG12; Shirley Gardens, W7; South Road, RM15; South Ordnance Road, EN3; Coutts Crescent, St Albans Road, NW5; Hylda Court, St Albans Road, NW5; St James Avenue, N20; Invergarry Court, Station Road, EN5; Summerhill Road, N15; Sunnyside Drive, E4;

Tansley Close, N7; Teresa Walk, N10; Thornhill Road, N1; Tinsbury Road, N22; Tiptree, Castlehaven Road, NW1; Tolsford Road, E5; Tower Point, EN1; Toyne Way, N10; Treaty Street, N1; 2 from separate occupiers of the same property in Trent Close, SG1; 2 from separate occupiers of the same property in Tufnell Park Road, N7; 2 from separate occupiers of the same property in Twisden Road, NW5; Vale Road, N4; Vallance Road, N22; 3 from separate occupiers of the same property in Waghorn Road, HA3; Waverley Place, NW8; Wayborne Grove, HA4; Well Walk, NW3; Westbourne Road, N7; Westholm, NW11; 2 from 2 addresses in Widford, Castle Road, NW1; Willoughby House, EC2Y; Wilmot Close, N2; Wimborne Gardens, W13; Winchmore Hill, N21; Windcott Avenue, Draycott Avenue, HA3; Woodbine Close, EN9; Woodburn Common, HP10; Woodbury Down, N4; Woodgates Close, RH13; Woodsome Road, NW5; York Rise, NW5; 5 from unspecified addresses.

4.33 Of the 228 responses in support 8 of these responses are stated (on MBC headed paper) to be from MBC members:

“Support for the Mansfield Bowling Club’s planning application – 2012/6593/P - As a member of the Mansfield Bowling Club I would like to register my support for their proposals and the above planning application for redevelopment – including enabling residential development and the regeneration of the Club building to provide an improved indoor bowling facility, community space and a new fitness centre. I also support the provision of publicly assessable open space as part of the plans. Please feel free to contact me if you wish to discuss further. Yours faithfully...”.

4.34 A total of 180 out of the 228 responses state (on MBC headed paper):

“Support for the Mansfield Bowling Club’s planning application – 2012/6593/P - I would like to register my support for The Mansfield Bowling Club proposals in respect of the above planning application 2012/6593/P for refurbishment of the existing building to provide improved indoor bowling facility, new leisure and fitness facility, provision of publicly assessable open space and enabling residential development. Please feel free to contact me if you wish to discuss further. Yours faithfully...”.

4.35 A summary of the matters raised in the letters of support are summarised as follows:

4.36 Housing

- Area is in desperate need of more housing; proposal a great way of creating more housing with minimal impact.
- London is chronically short of good housing. The proposed houses will indeed not be "affordable", but those buying them will free housing lower down the scale, and so on.
- The development of eight houses in the site chosen is the least objectionable to what could be done. The effect of this on Regency Lawn is minimal.
- The area is residential in character and a few additional houses will not make any significant difference;

4.37 Community benefits

- Facility will be a positive benefit to the local community, who will have access to the grounds and use of the gym, recreational facilities and bowls facility;
- Proposals will benefit young, old and families;
- Benefits seem obvious – new community leisure and fitness facility will surely be of benefit to the wider community. Local schools, community groups, charities and local residents will all benefit from improved local leisure and fitness facilities. The proposal seems like a win-win situation for both the club and the community.

4.38 Open Space

- The open space is of no value to the local residents;
- None of the present space is Public Open Space, being available only to the members of the Bowling club and the tennis club. What is proposed would make

the space open to the public, and make it an attractive venue, a much better use than at present. The proposals for the use of the present club space will also make much of it available to the public;

- The amount of green space will be increased with access for the local community and public at large;
- Loss of open space not important as Parliament Hill Fields / Hampstead Heath is 100m away.

#### 4.39 Sporting

- Proposals ensure there is a continuing sports and social facility in the area
- Will enable existing and new members to play bowls;
- One respondent states they look forward to using the gym facilities;
- Tennis club does not have many members and has not made any serious attempt to broaden its base. The courts are reminiscent of those I played on during WWII, and can only be used for a limited part of the year. Those in Parliament Hill Fields are very much better;
- One respondent states that they use public tennis courts at two local parks in preference to those rather poor ones rented to the somewhat elitist club which rents them from MBC currently, and see no need to continue offering more of what is better available less than half a mile away;
- Tennis courts are barely used and plenty more are available close by on Parliament Hill Fields;
- The plan for gym and other facilities in addition to bowls is very welcome – respondent states they will use all facilities;
- Deliver new community gym and leisure facility for the whole community at no cost to the public purse;
- MBC Indoor Bowling Club provides essential facilities for many bowlers during the winter months; many clubs do not have indoor bowling facilities.

#### 4.40 Specific MBC comments

- Self-funded project that will ensure the future of MBC
- MBC members care for the sport and would not support any plan detrimental to the surrounding area or residents;
- Proposals are a good use of the site, a marked up-grading of the present. It is very clear that a considerable sum of money would be needed to bring the buildings up to a reasonable standard, both inside and out;
- The principle of best interests for the local residents and community with regard to stability of the club and site with an increase of available amenities seems to outweigh historical and open space argument;
- Proposals will secure the future of the historic MBC;
- MBC is a great asset to Camden and will be a greater one when it is redeveloped.

#### 4.41 Closure of MBC

- Great shame if MBC had to close;
- If MBC closes it would lead to inevitable decay and desecration of the building and site; environmental impact on Dartmouth Park area would be substantial;
- All sorts of problems will ensue if the site becomes derelict;
- The site's continued deterioration presents a far more significant threat to neighbours' outlook, security and property values than the prospect of having

further housing built on derelict wasteland, notwithstanding that that land lies within a conservation area.

#### 4.42 Design

- Improve the look of MBC building, currently in a state of dilapidation;
- The clubhouse is presently a very ugly building badly in need of modernisation externally as well as internally;
- The exterior plans for the clubhouse renovations, the landscaping and the proposed materials are attractive and suggest that a good deal more thought and sensitivity have been put into the new plan.

#### 4.43 Transport

- The new opening from the proposed housing into Croftdown Road will be on the open side of the bend, and will not be particularly hazardous.

#### 4.44 Other

- Proposal offers employment and health benefits;
- As it stands the area is wasted and it is only a matter of time before it is developed. Another fear if land is sold the entire site will be built on.
- Staying the same is a waste of a good opportunity
- The whole scheme is preferable to maintaining a disused outdoor bowling green and rundown tennis courts. The proposed improved and publicly-accessible grounds and clubhouse will be a great improvement over the present ugly exterior and large expanse of tarmac car park as at present.
- The projected development and business plan has been well thought out with sympathy to the local area.

#### 4.45 Supports received in advance of the (anticipated) June committee meeting date

In advance of the June committee meeting a total of 34 letters/emails were submitted to Committee Services and 24 Councillors (including all those on the Development Control Committee), supporting the proposals. Note that this application had not been included on the agenda for this, or any other prior committee meeting. These originated from the following addresses (1 response per street unless where specified):

Arlington Road, NW1; Bayham Place, NW1; 2 from Chetwynd Road, NW5; Clayton Field, NW9; Croftdown Road, NW5; Mansfield Bowling Club, Croftdown Road, NW5; Fitzroy Road, NW1; Fordington Road, N6; Foxham Road, N19; Grafton Road, NW5; Granby Street, E2; Grove Gardens, NW4; 2 from Lakeside Road, N13; Lightfoot Road, N8; 2 from Reading Close, CT14; Station Road, EN5; Tavistock Street, WC2E; Thornhill Road, N1; West Green Road, N15; Woodberry Down, N4; Woodsome Road, NW5; and, 10 from unspecified addresses.

#### 4.46 These responses stated in full:

*Dear Councillors,*

*I am a local resident living near Mansfield Bowling Club / member of Mansfield Bowling Club / resident of Camden borough / supporter of Mansfield Bowling Club's planning application (Officer note – this part varied on the responses received)*

*I am writing to you as members of the Development Control Committee to urge you to support the planning application that Mansfield Bowling Club has submitted given that I understand planning officers are likely to recommend refusal. I believe that this application offers a fantastic opportunity to regenerate a dated and deteriorating site into a much improved indoor bowling club, a new leisure and fitness centre run by Fusion Lifestyle, and furthermore it will provide public open space for the local community to use. All of this will be paid for by a small development of family homes therefore will not cost Camden Council or local taxpayers a penny. I am disappointed that officers are unlikely to support what is a once in a life time opportunity to dramatically improve the site and I hope you will see the logic of the scheme and will vote in favour of the planning application at the committee.*

*My reasons for supporting the application are as follows:*

*1) Mansfield Bowling Club has created a financially sustainable scheme that will secure the long term future of the indoor bowling club and provides a much welcomed public leisure facility on what is currently a private site. Fusion Lifestyle will operate, maintain and secure the whole facility which can only be good news for the local community.*

*2) The issues concerning loss of open space should be looked at from a different and perhaps more logical perspective. The site is currently designated as private open space (including the extensive car park) and is open to private members only. The proposed scheme will provide a new leisure facility and attractive landscaped gardens that are completely accessible to the local community and will be professionally managed by Fusion Lifestyle. The Dartmouth Park CAAC accepts that the site is in need of improvement and this scheme will do precisely that with the new public indoor and outdoor space being a clear and valuable benefit to local people.*

*3) The proposed scheme will be provided to the local community at no cost to the Council or council taxpayers. In these difficult times where funding and resources for leisure activities are under threat, it is disappointing that Council officers seem to not be welcoming this investment of private money.*

*4) There is substantial local support for the application with 228 letters submitted to Camden Council. This included local residents, bowling club members, local businesses, clubs, schools and teachers as well as nationwide sports associations and disability charities.*

*In summary, I hope you will vote to support the planning application. The alternative is the closure of Mansfield Bowling Club that would create a derelict site and the local community in the wider area will miss out on a new leisure facility and improved public open space, all of which can be provided **at no cost** to the council. Thank you for your consideration, and I do hope that you make the right decision on 13th June.*

## **Objections**

4.47 184 objections to the application have been submitted (187 objection responses in total – 3 duplicates). This is a separate number from a petition received (outlined separately below). These have been received from the following addresses (1 response per street unless where specified):

Alma Street, NW5; Archway Road, N6; 3 from 3 addresses in Bickerton Road, N19; 2 from 1 address in Boscastle Road, NW5; 4 from 3 addresses in Bramshill Gardens, NW5; Bromwich Avenue, N6; 12 from 10 addresses in Brookfield Park, NW5; 2 from 2 addresses in Chester Road, N19; Chetwynd Road, NW5; 2 from 1 address in 18 Churchill Road, NW5; Coppetts Road, N10; Coutts Crescent, St Albans Road, NW5; Countess Road; 6 from 2 addresses in Regency Lawn, Croftdown Road, NW5; 9 from 9 addresses in Croftdown Road, NW5; 24 from 17 addresses in Dartmouth Park Avenue, NW5; 2 from 2 addresses in Dartmouth Park Hill, N19; 11 from 10 addresses in Dartmouth Park Road, NW5; 6 from 6 addresses in Grove Terrace, NW5; Highgate Road, NW5; Highgate West Hill, N6; 3 from 2 addresses in Hillside, EN5;

2 from 2 addresses in Kingwear Road, NW5; 3 from 2 addresses in Lady Somerset Road, NW5; 36 from 24 addresses in Laurier Road, NW5; 2 from 2 addresses in Lissenden Gardens, NW5; Lulot Gardens, N19; Martineau Mews, N5; 2 from 1 address in Maiden Place, NW5; North Villas, NW1; Pattison Road, NW2; Pemberton Gardens, N19; Richmond Avenue, NW1; Southcote Road, N19; Spencer Rise, NW5; 2 from 2 addresses in St Albans Road, NW5; St Albans Villas, NW5; Swain's Lane, N6; 3 from 2 addresses in Torriano Cottages, NW5; 3 from 3 addresses in Twisden Road, NW5; Vicar's Road, NW5; 10 from 9 addresses in Woodsome Road, NW5; 13 from 10 addresses in York Rise, NW5; 2 from unspecified addresses.

4.48 A summary of the matters raised in the letters of objection are summarised as follows:

4.49 Loss of open space

- The land MBC wants to build on is specifically listed pursuant to CS15, not only as protected Private Open Space but also as being within an area with an identified public open space deficiency. The proposed development provides no justification for its loss or for Camden to act against its own policy and to fail to protect it. It is evident given the high level of local opposition to the proposed development that the MBC Open Space is of vital importance to the local community – especially given its recreational and sporting use and potential;
- This is an open space which once built on will be lost forever. It is pieces of land such as this which contribute to a very unique feeling of tranquillity in this area, and that hold a unique potential for community enhancement.
- The area covered by this planning application is currently designated private open space. In the planning application open space, whether for private or public leisure or recreation, almost disappears. Tennis courts and allotments have gone and only two small grass areas remain, presumably for the benefit of fitness club members. There is no indication of how the public are to access these, what use is to be made of them nor which organisation will be responsible for their maintenance.
- Question posed as to why can't they not redevelop on the existing footprint?
- Open space is a local leisure amenity and has been for many years.

- The loss of open space is utterly unacceptable, and the awkward small pieces offered in return as 'public open space' would be likely to occasion fouling and misuse by local gangs of drug-users and therefore are objectionable on grounds of public safety, and would not enhance the Conservation Area.
- More generally London continues to lose open space land, in a way which prejudices the interest of future generations. Another states there is a need to retain the green spaces scattered across London which contribute to its special character in contrast to many other European cities.
- Objection to the principle loss of open space where the facilities are, or have potential for recreation use, at a time when medical and social advice emphasises active recreation.
- While the bowling club site is not generally used by the public, those that live around it and walk past it appreciate its openness and the wider borders.
- We need more open space, not less.
- The open space forms an important green chain, a stepping link in the semi-rural Dartmouth Park area as a habitat corridor east/west between SSSI sites at Waterloo Park, Highgate Cemeteries, La Sainte Union, Hampstead Heath and linking it north/south from Highgate slopes via Grove Terrace Squares/Highgate Road enclosures to the railway enclosures and nature reserve.
- Beautiful area of public space beyond our property which we don't want to see developed.
- Loss of open space should be mitigated by a significant financial contribution

#### 4.50 Ecology

- The nature of Dartmouth Park relies on its open green spaces, wildlife and varied ecology. More building takes away light, wildlife habitats and changes the ecology of the area. Forty years ago this plot sold off its grass tennis courts, which was a great shame. We need to preserve our natural rain soak aways, our open views and sense of space.
- Proposals will reduce spaces available for wildlife.
- Existing site contributes to night-time darkness, important for wildlife. More houses and their occupants would add to the carbon release and further defeat Camden's efforts at having a greener borough.
- Introducing human habitation over a large part of the site will detrimentally alter the unique balance of tranquillity and darkness (no light pollution) and remove the protection for wildlife now afforded, not just on the site itself but habitats over a wider area (e.g. surrounding gardens).

#### 4.51 Loss of tennis club

- A Kenlyn Tennis Club member appreciates the tranquillity and heritage of the club itself and the facility it offers to those who wish to play tennis in nice surroundings.
- Current tennis club meets the needs of its members – it is doubtful that a replacement use of the land can do this effectively or with little disruption to surrounding residents.
- KTC a popular and affordable facility (annual membership £163) allowing less wealthy to play tennis.
- Clay/shale surface rare in London and easier on joints, making it perfect for elderly and young;
- Horrified proposals do not include provision for the existing tennis facilities;

- The membership of KTC is constant and extremely committed to the future of this unusual and financially viable facility. Members are actively involved in maintaining the courts and immediate surroundings to a high standard.
- Tennis courts are a valued facility used by local people.
- Will end KTC which has over 100 years of history.
- Thought that sport (and tennis) was supposed to be promoted after the Olympics and Andy Murray's success?
- Loss of KTC is a callous disregard and would be a loss to the community.
- Tennis Courts have a heritage value having been marked on the OS map of 1894, even before bowling which appeared on the 1912 OS map.
- The loss of KTC is beyond simple recreation as KTC plays in the Middlesex LTA leagues; the nearest other clubs would be in Belsize Park, West Hampstead, Muswell Hill or Crouch End, all a significant distance.
- KTC has nearly three times the number of players of the 25 to 30 members MBC quote.
- The loss of sporting facilities should be mitigated further with significant financial contribution.

#### 4.52 Loss of allotments

- Allotments behind the tennis courts will be lost by the community forever.
- Allotments have a heritage value having been marked on the OS map of 1894, even before bowling which appeared on the 1912 OS map.

#### 4.53 Loss of outdoor bowling green

- Understood that there were at least 30 members paying £100 pa; the maintenance costs were understood to be £2,500 pa. The outdoor bowling green was clearly financially viable. It was closed as a deliberate ploy to make the area appear derelict.
- Loss to the community of an active bowling green.

#### 4.54 Housing

- Speculative development of luxury houses inappropriate on open land, inappropriate for the conservation area and offers no real benefits for local residents;
- The nature of this area is changing as house prices rise and rise. We do not need any more high-end housing or the people it attracts. This is a mixed area and we need to preserve that mix. Another states luxury homes will add nothing to the stock of much needed social housing but will further encourage the gentrification of a socially mixed area. Another asks what is the case for more habitations in this area? Even if such a case were to be made, is this the type of housing development which is needed? The respondent thinks not.
- Executive housing is not needed here and this development project is designed to make a few people very rich but will rob the entire community of this unique piece of open space forever.
- The proposed eight new houses, valued at something over twelve million pounds, are in no sense 'ancillary' to the proposed 'refurbishment and reconfiguration' of the club-house, but are the principal purpose of the application. Another states that housing development is a disproportionate response to MBC's incompetent financial affairs.



- Proposed development is too extensive for purpose proposed – to fund the renovation of clubhouse to ensure its viability. 8 is too many. A far more modest plan would fund the renovation/upgrade of MBC, combined with a decent business plan.
- The provision of eight residential units which will sell for millions will not help the shortage of affordable housing.
- 4 storey housing including a basement is not in keeping with the area.
- Instead of gaining some useful social housing Camden will receive just over £1m in Section 106 payments.
- The Balmore Steeet redevelopment is quite enough housing in this small densely populated area.
- London is fit for bursting with people and more houses is not a solution. The local school cannot cope with the existing demand for pupils.

#### 4.55 Lack of consultation

- No local consultation. Nearby occupiers have not been asked what uses they would like the Open Space to be put to or whether they would welcome a gym facility;
- Brookfield Park School has very limited recreation area – this area could be of great benefit to them but no consultation has taken place.
- Negligible public consultation. All requests for financial information rebuffed as ‘none of your business’. Only engagement two public meetings. First meeting shown to be partnership with tennis club. Second meeting showed the abolition of the tennis club.
- 2 meetings were merely to ‘inform’ the public of their ideas.
- MBC did not invite KTC to the open meeting, which included plans to expelling KTC from the site.
- No consultation from the Council on the application.

#### 4.56 Proposed Bowling

- There is an over-provision of bowling clubs in North London. That on Hampstead Heath has had to widen its remit to include croquet to achieve viability. It cannot therefore be argued that there is 'demonstrable need' for the Mansfield bowling facility even to continue.
- One objector spoke to a representative of North London Bowling Club, who questioned the ambitious 300 membership target of MBC and considered there was a lack of demand in the local area (not the right demographic). Objector also notes that Parliament Hill Bowling Club has had to share its green facilities with a croquet club since 2012 owing to dwindling numbers.

#### 4.57 Proposed health centre / gym

- There is demand for gyms and fitness centres – in this case currently fulfilled by a number of established facilities in the immediate area - but the proposal to place a gym in the MBC’s building is misguided and not a sound business proposition:
- Proposals grossly overestimates the scale of this demand as applies to this location (predicted 900 members, plus a further 300 people who buy memberships covering gym+classes. Latent demand for 1500 gym memberships according to applicant is questioned. The proposed gym is small and people do not travel any distance to reach a small gym; questions over size of population within 1km; applicant says 28,974 within 1km; local councillors assume 5,000 voters in Dartmouth Park);

- The proposal demonstrates no knowledge or awareness of the promotional necessities required to make any such venture succeed, or the overwhelming and insurmountable restrictions and costs that promoting it would face (Intel market research Nov 2012 states most important features for gym users are close to home and use of a pool. No pool is proposed. MBC gym will lack the most sought-after facility. A pool is available at the larger nearby LA Fitness and Archway Leisure Centre).
- There is insufficient insight into the local gym/fitness market, the changes occurring in this sector as a whole and how they are affecting this area (gym market is polarising with top end and budget facilities £45/month membership at MBC is too high without a pool being provided).
- The product proposed will not meet most consumers' desires and it is at the wrong price point (PureGym have taken over what was the Virgin Active gym on Mercers Road, in Tufnell Park - £19.99/month for a large gym with 220 stations and 40 classes per week. If the MBC anticipates drawing clientele from 2km away or more, the same will apply in reverse – the PureGym is 1.5km from the MBC, by foot or bicycle, a little further by car. The more extensive facilities, longer hours plus a saving of £15/month would be worth the journey to many people);
- Does not demonstrate how the MBC gym will take market share from the existing local fitness facilities through offering a product that is either superior, at lower cost, or both (promotion difficult given backland site – will require aggressive sales and marketing which is unlikely – quotes from conversations with LA Fitness, Archway Leisure Centre, Kentish Town Leisure Centre and Maximum Fitness provided, all casting doubt over prospects of a successful gym at this location owing to anticipated overly high charges, cost of promotions and lack of street presence).
- However, a profitable gym and fitness facilities are central to the MBC's business plan, which states that the enduring success of the bowling club is its main objective. If this part of the plan is *not* feasible, it imperils survival of the entire operation, including the bowling. We would be left with a building for which there is no financially viable purpose.
- It is not good enough to say that this will be the gym operator's problem, that the MBC is simply responsible for providing them with a nice building. If the gym idea does not or cannot work – more of a when than if – it becomes the problem of the other activities using the building: the MBC's business plan shows how each activity will rely on the others breaking even or being an independent, contributing profit centre. Without the biggest business the others cannot be sustained.
- Therefore, the wisdom of raising funds – by whatever means - for refurbishing the premises becomes irrelevant and means there is certainly no business case for building these proposed houses
- Gym is unnecessary given others existing in the area. Others refer to a lack of need owing to an abundance of gyms in the area which are already undersubscribed and that only gyms on high streets make any money.
- Basic research in the area would reveal that existing gyms are facing tough times. No evidence that gym will be viable in the long term. Another states that there has been no detailed financial plan put forward to show it would be viable.
- The local community would be expected to pay the usual commercial rate for use of the gym; hence will not be for the benefit of the local community as a whole.
- Gym is unlikely to be sustainable in this location given the failings of MBC at the site.

#### 4.58 Enforceability of proposed clubhouse improvements

- Once planning is granted there will be no way of enforcing they do anything to the prefab metal structure of MBC at all. Implied that the residential component of the scheme will be implemented but the upgrade works to MBC / inclusion of a gym would not be. Hence proposal for gym is a cynical and impracticable ploy by the developer.
- Others also state that the promise of providing new leisure and fitness centre cannot be enforced.

#### 4.59 Harm to Dartmouth Park Conservation Area

- Dartmouth Park Conversation Area Appraisal and Management Statement sets out a number of ways in which the MBC Open Space is of special value to the area. This has been ignored in the submission.
- Conservation area appraisal for the Dartmouth Park Conservation area states: *"4.3 The semi-rural quality of this area on the fringes of the Heath, with the leafy feel of its tree canopy is an important aspect, and a correlative factor is the quality of darkness at night to which Parliament Hill Fields, the schools, the Greens, the back-lands of Mansfield Bowling Club and Kenlyn Tennis Club, and the large trees in streets and gardens, together with Highgate Cemetery contribute so significantly"*. Development of this land would send a clear message to future developers that the Council's policy statements regarding conservation areas can simply be ignored.
- Responsibility to retain the unique leafy atmosphere and architectural heritage of Dartmouth Park Conservation Area. MBC already responsible for two ugly bits of architecture in the area (MBC clubhouse and Regency Lawn) so should not be allowed to build on the site. Another states Do we really trust the people who built two carbuncles (the ugly most out-of-context Lawn Terrace and the monstrous and monstrously huge "club house") to erect a decent building?
- Character of the area depends on pockets of greenery and open space such as this site, not just the larger areas of Parliament Hill Fields and Hampstead Heath.

#### 4.60 Design

- Modern design of the proposed houses are not in keeping / are out of character with the Dartmouth Park area and conservation area.
- One respondent objects to the external appearance and materials, together with the design and layout of the proposals.
- Height of the new houses should be no more than 3 storeys.

#### 4.61 Alternative uses

- Plans should be drawn up / consultation should take place regarding proposals which do not eradicate local amenities and radically change the use of the site. Another states that the construction of 8 luxury houses deprives the community of the potential for public recreation and sporting use.
- The entire community would like to see the site returned to public use. Others state that they understand the space is designated as a community asset and hence ways should be found for using it for the benefit of the local community.
- Another states that MBC should think about solutions to their financial difficulties that develop the site for recreational use and preserve the open space.
- Others state that the open space should be protected, and used for the whole community. Local community groups, Brookfield Primary School, the community

centre, the council housing in the area all struggle for recreational space, The bowling green could be a fantastic resource for sport and recreation in a much more successful / profitable way?

- Numerous responses refer to the potential for Brookfield Primary School, Ackland Burghley or William Ellis schools to utilise the space for athletic / nature uses.
- Another would like to see a profit making community vegetable garden which in my scheme would harness the energy of both the young and the old those with time on their hands..
- Suggestion that this entire area should be kept as a mix of green nature park and recreational space, for all the people of Camden.
- Croquette club sought to rent an open space but MBC did not respond to their request.
- Request for the space to be used as a market garden which could supply the community centre.
- A site that could have been developed for the benefit of the community – outdoor leisure e.g. improved tennis facilities, allotments, a children’s play area – is dominated by a large housing development and an indoor fitness centre.
- With the possible closure of Highgate New Town Community Centre, it would seem to be a perfect site to be a focus of community activity.
- Scope for another company / leisure operator could buy or lease MBC building to enable no change of use or loss of public open space.

#### 4.62 Viability

- The viability of the proposed facility is not made out sufficiently. The business plan is grounded almost entirely on conjecture and it is questionable whether such a facility in this location will attract anything like the membership they project.
- If it fails, local residents will be left with the worst of all worlds – the Open Space lost and an empty building which the developers will presumably regard as ripe for further development.
- Third parties have not been allowed to see what happens to the revenues from the development of the houses although it is apparent that only a proportion will be going to MBC. Therefore a good proportion of the housing must be built in order to serve the profit needs of the developers and others and this cannot be a good reason to lose the Open Space.
- Given the level of local interest and opposition a non redacted copy of the viability appraisal should be made available to ensure transparency.
- Object particularly to the attempt to call this an ‘enabling development’ when the project that it meant to enable – refurbishing the MBC’s clubhouse to facilitate a sport declining in popularity - is evidently not viable.

#### 4.63 Specific business plan comments

- Sweeping and at times contradictory statements are made in the business plan regarding projections of future demand for these facilities. At present there are 94 members of the Bowls Club; the projection is for 300 members. This increase seems to be coming from the hoped for demise of other indoor bowls clubs (?) No details are given. No major potential hirers of the facility are identified.
- Similarly the success of the fitness centre seems to be based on wishful thinking; the business plan states: ‘There is a strong level of latent demand for health and fitness within 2km of MBC’. No survey was done of local residents to back up this assertion. There are more fitness centres locally than listed in the plan e.g. in

Bickerton Road and South End Green. A fitness centre hidden away from main roads and public transport in the middle of a residential area is unlikely to attract members from a distance.

- The MBC business plan has no relevance to the planning process;

#### 4.64 Specific MBC comments / Other financial matters

- When the land was originally handed over to MBC it was with the proviso that it should be retained for public recreation and that agreement should not be disregarded.
- MBC is a mutual organisation for the benefit of bowling generally, as per the company's Articles of Association – there is no obligation on MBC to save itself. It could instead seek private and social housing on the footprint of the building and maintain the open spaces as a community resource. Any profits could be handed to Bowls England.
- If the proposals are allowed MBC will have acted in breach of covenant, their company memorandum and articles of association and, most importantly, in breach of their responsibilities to the local community.
- Non bowling members have taken legal charges on MBC's assets. The developers have an all monies legal charge on the land for the costs of the planning work. Individuals/developers may be able to enforce those legal charges and obtain possession of the land. Developers are therefore in a win win situation.
- MBC has already benefitted from the sale of private open space to construct Regency Lawn (c. 1975), but apparently not made beneficial use of the income generated – the clubhouse constructed then has had no maintenance. With this precedent the land could in future be entirely built on. Other objections state that MBC have already, in the 1970s, sold off and built on a large proportion of land entrusted to them when bequeathed by the Burdett Coutts estate for the use and enjoyment of the local community \and in particular for the preservation and encouragement of bowls and tennis.
- MBC application is reminiscent of 1970s Regency Lawn application when beautiful grass tennis courts were destroyed.
- Numerous responses state that MBC has done little over the years to develop links with the local community, promote or indeed open its facilities freely to the local community. Another states that MBC has never reached out to the local community to try and improve things. Another states that MBC has always operated as a closed, near secretive, private establishment. At no time has there been attempts to widen membership.
- Why should precious open space be sacrificed to help MBC out of their financial difficulties?
- MBC has allowed its clubhouse to deteriorate over the 40 years since it was built, despite the funds raised from the 'enabling development' of Regency Lawn.
- Evident that the incumbent committee managers of MBC have run the club down and discouraged interest from recreation users. Another refers to MBC a failing concern with falling membership. Following on from this MBC membership has declined from 160 to allegedly 94 and is declining further. Impossible to justify an 8 property £12 million development to sustain a club with an income of 94 x £100. Another states that never once has MBC tried to either encourage new members or raise extra funds by renting out their premises for private functions. MBC have actively allowed membership to dwindle and facilities become run down so they can sell the land to make a larger and quicker profit. A further response states that

attempts to join the severely under-subscribed MBC in the last few years have been rebuffed. Why does MBC wish to keep the membership as low as it is?

- Appalled MBC has been taken over by property developers whose aim is to simply maximise their profits with no regard to this site as a leisure and open space resource.
- Could be argued that MBC stand to profit handsomely from their own failure. MBC members promised a share of the profits. Another states that the current plan serves the interest of a limited number of MBC members and not that of the wider community. One objector states that years ago shareholders of MBC indicated that housing would be developed to allow repairs of MBC and provide member shareholders with a substantial amount of money by this sale. Another response seeks to ask whether MBC has demonstrated that all of the money raised by this development will be retained within MBC for the purpose of providing a proper leisure and sporting facility for its members, rather than distributing profits to its members or others?
- Deeply sceptical of claims by MBC to have a significant level of support. Unreasonable for support letters from MBC directors, members, others associated with them who do not live in Dartmouth Park, are given the same weight as those of neighbours.
- MBC membership likely to disappear as MBC intends to close for 6 months for renovation.
- MBC refused to consider any option without intensive property development as MBC are property developers disguised as a bowling club.
- One response states that MBC are tin pot criminals attempting to run rough-shod over our planning regulations.
- If MBC is granted planning permission it is predicted that the club will be run into the ground and closed within a few years.

#### 4.65 Future proposals

- Several responses raise that if this scheme is approved it would be difficult to sustain a refusal to build similar housing on the other side of the club.
- The gym proposal is a ruse. In two years time it will be declared non-viable, opening the route to replacement with more housing... the original intention. What assurances could the Borough planners provide that this will not arise?

#### 4.66 Amenity – outlook/view

- One of the reasons for living at Regency Lawn is overlooking a quintessentially English Bowling Green and adjacent tennis courts. This would be lost by the proposed development.
- Severely alter and deplete the beautiful, green view from rear windows of properties along Dartmouth Park Avenue, a main reason for purchasing the property.
- Prevent view of the sky from lower ground floor windows of Dartmouth Park Avenue property

#### 4.67 Amenity - overshadowing

- At 3.5 storeys high these houses will overshadow gardens in Dartmouth Park Avenue at a distance of 5m; even in summer one third of gardens will be in total shade.

#### 4.68 Amenity – overlooking

- A Dartmouth Park Avenue resident was originally told that the east elevation of the houses would not have windows but the present design shows three windows on this elevation and only the top window has obscured glass. Another refers to an unacceptable loss of privacy by three floors of windows overlooking gardens and houses.

#### 4.69 Amenity – loss of light

- Loss of light to Dartmouth Park Avenue properties caused by proposed fence and residential buildings.
- Loss of south west and west sunshine from garden along Dartmouth Park Avenue.

#### 4.70 Amenity - Noise and disturbance

- The noise level and disruption to the local area, both of the building work and the long opening hours of the facility would be unacceptably high for a residential area.
- Hours of opening for leisure facility should be 8am rather than 7am to protect the amenity of neighbours from noise and disturbance.
- Request for noise from the leisure/gym facility to be limited to reduce the risk of nuisance from noise from the leisure facility/gym, so that the local area and adjacent residents are not affected by excess noise.
- Residential units and proposed use of existing MBC building represent an unacceptable increase in noise levels and nuisance to Dartmouth Park Avenue residents.
- Why should the residents of Dartmouth Park be subjected to sustained noise in their lives for the sake of private profit?
- A club with bar will result in unacceptable noise levels at closing time. Another late night club/bar would add to this with noisy customers and their cars/taxis.

#### 4.71 Amenity - Light pollution

- The increased light on this (normally dark) area would be disruptive and anti-social. Lighting throughout the night is not necessary.

#### 4.72 Amenity - Basement excavation

- The basements themselves would be liable to flooding in the event of a heavy storm, such as that of 1975 which flooded the basements in adjoining Brookfield Park.
- Proposals will be additional strain on drainage.

#### 4.73 Transport

- Numerous responses state that the proposed entrance to the development on Croftdown Road is dangerous given the anticipated usage and the fact that it crosses a pavement heavily used by children going to and from school. Another details that Croftdown Road already has a double blind bend next to Kingswear Road, near to where the proposed entrance is. Proposals would mean 4 entrances in a very short distance; safety implications.
- New access road would fly in the face of LDF transport policies to reduce car use.
- Traffic flow for the planned facility will be very high for a residential area;
- Croftdown Road is very narrow and only allows for single-lane traffic at present. Any further development of this road will attract additional traffic and generate further need for parking which Croftdown Road and adjacent roads cannot

accommodate. Others state that Croftdown Road is a 'rat run' cut through in rush hour, exactly at the times the area is heavily used by children. The development and proposed facility will only increase this.

- Residential units and claimed gym membership numbers will create parking problems in the neighbourhood. Another states that if 1200 gym members miraculously appear there is nowhere for them to park.
- Provision of more than 40 car parking spaces is unacceptable as good public transport exists and the proposals would generate an unacceptable amount of extra traffic.
- Car parking space is excessive for MBC as it remains 90% empty the vast majority of the time.
- Potential for overflow parking on Croftdown Road. Request for single yellow lines outside Regency Lawn to be replaced with double yellow lines to prevent people parking across Regency Lawn driveways.
- Need for a speed limit within the car park.

#### 4.74 Crime / safety / security

- Concern over public safety/ security implications as a result of the management of the publicly accessible open space
- Objection that proposals will be subject to vandalism.

#### 4.75 Other matters

- Is it intended to put a fence or wall along the eastern boundary? How tall? It appears the cycle shed/ store is on the boundary at the foot of a Dartmouth Park Avenue garden. It appears to be one storey in height? Will it be taller than the boundary wall/fence? Will it have a green roof to match the houses?
- What benefit does this development bring to the wider Dartmouth Park community? On the surface, it appears that the council is considering backing private profit in favour of public amenity – the council should be representing the interests of the wider community, not the personal interests of the few.
- Understand that club workers on the site are also losing their jobs and homes.

### **Petition**

- 4.76 A petition with 254 names, addresses and signatures has been received during the course of the application, as gathered by Mansfield Neighbours Group. This is on pages headed with SAVE OUR OPEN SPACE, followed by the following statement: "As a local resident I protest against the plan by Mansfield Bowling Club Ltd to build a speculative housing estate on their land. The site is a designated open space, in the heart of a Conservation Area, and should be retained for community use". No details of the date (either prior to or during the course of the application) when individual names, addresses and signatures were added are provided, so this is unclear.

### **Comments**

- 4.77 A total of 7 comments have been received which include elements of both support for and objection to the proposal. These have been received from 5 addresses within Regency Lawn, Croftdown Road; 1 from an address within Laurier Road; and, 1 from an address in Swain's Lane. The majority of these comments state that



they would like to support the proposals but have a number of reservations (thereby considered to be comments rather than supports or objections). A summary of the matters raised are as follows:

- New houses must be built in materials in keeping with surrounding properties.
- Development must not be intrusive to Regency Lawn occupiers e.g. window from clubhouse.
- Additional screening between Regency Lawn and car park is required
- Road safety along Croftdown Road must be maintained.
- Future residential occupiers should not be allowed to park in Croftdown Road.
- Need for a S106 to protect the remaining land from development
- Only necessary appropriate lighting should be provided.
- Concern over the lack of supervision of behaviour on the site.
- Hard parking areas should be made of a porous substance
- MBC access road should be reinforced to allow heavy lorries access and improve drainage
- Need for west elevation leisure centre windows to be obscure glazed
- Trees should be of a low height to ensure they do not overshadow Regency Lawn gardens.
- Need for management of the public open areas to control noise and security (especially overnight)
- Need for control over the MBC building in terms of noise, opening hours, alcohol license, air conditioning
- Impact on market value of Regency Lawn properties during and after the construction period;
- Security of Regency Lawn properties (especially the back gardens) as a result of the proposed public use of the space adjacent. Suggestion that this could be offset by financial means or by MBC donating land to extend Regency Lawn garden spaces.
- Request for petanque to be included in the proposed uses at the site as part of the wider community benefits of the proposals.
- Request for boundary of site with Laurier Road to be altered to allow garden studio for a Laurier Road property to be constructed.

4.78 In addition one further comment was submitted to Committee Services and 24 Councillors (including all of those on the Development Control Committee) in advance of the June committee date, commenting on the further support letters detailed at paragraph 4.45 above. This was submitted jointly by two addresses at Regency Lawn, Croftdown Road. A summary of the matters raised in this comment are as follows:

*There are no new substantive points about MBC's development plan in the script 'Iceni' have distributed. We wish to comment, however, on Item 4 of their script which is as follows:- "There is substantial local support for the application with 228 letters submitted to Camden Council. This includes local residents, bowling club members, local businesses, clubs, schools and teachers as well as nationwide sports associations and disability charities."*

*As concerned local residents we have consulted widely in the locality and found very substantial local opposition and little support for MBC's plans for housing*

*development. We are sure that if an analysis were to be made of the '228 letters submitted to Camden Council', it would be seen that only a small proportion of those letters have come from local residents. Moreover it is noteworthy that those letters are largely in response to Icení's professional campaign and extensive leafleting urging people to write in, showing support for a community health and fitness centre at no cost to the Council or Council taxpayers. A desirable concept that all would support but not what the planning application is about, which is of course about speculative housing development.*

*Icení's script ends with a summary which wrongly asserts that failure to support the planning application would create a derelict site. We closely overlook the bowling green and clubhouse and have witnessed the unnecessary and long planned closure and neglect of the bowling green, and the rundown and cessation of all club activities. We think this was done to create the spectre and threat of dereliction, in the belief that this cynical policy would gain support for MBC's planning application. In fact dereliction is an empty threat. The site is valuable and once planning permission for speculative housing on the open space is refused, MBC will perforce have to develop its clubhouse and maintain the open space, or sell to a buyer who will do so.*

*When it comes to making a decision, be it on June 13 or at a later date; we look forward to you giving proper regard to the planning implications of the proposal and not being swayed by PR campaigns from either supporters or opponents.*

## **5. POLICIES**

### **5.1 National / Regional Planning Policies**

National Planning Policy Framework 2012  
London Plan 2011 & London Plan Housing SPG 2012

### **5.2 LDF Core Strategy and Development Policies**

CS1 Distribution of growth  
CS4 Areas of more limited change  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS10 Supporting community facilities and services  
CS11 Promoting sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity  
CS16 Improving Camden's health and well-being  
CS17 Making Camden a safer place  
CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy  
DP2 Making full use of Camden's capacity for housing  
DP3 Contributions to the supply of affordable housing  
DP5 Homes of different sizes  
DP6 Lifetime homes and wheelchair homes  
DP15 Community and leisure uses

DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP20 Movement of goods and materials  
DP21 Development connecting to the highway network  
DP22 Promoting sustainable design and construction  
DP23 Water  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells  
DP28 Noise and vibration  
DP29 Improving access  
DP31 Provision of, and improvements to, open space, sport and recreation

### 5.3 **Other Planning Policies and relevant guidance**

Camden Planning Guidance (CPG):

CPG1 (Design) 2011 Chapters 1, 2, 3, 4, 6, 9, 10, 11.

CPG2 (Housing) 2011 Chapters 1, 2, 4, 5.

CPG3 (Sustainability) 2011 Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.

CPG4 (Basement and Lightwells) 2011 Chapters 1, 2

CPG6 (Amenity) 2011 Chapters 1, 4, 5, 6, 7, 8, 9, 11.

CPG7 (Transport) 2011 Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9.

CPG8 (Planning Obligations) 2011 Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10, 11.

Dartmouth Park Conservation Area Appraisal and Management Statement 2009

Enabling Development and the Conservation of Significant Places by English Heritage.

Localism Act 2011

The Assets of Community Value (England) Regulations 2012

Camden Streetscape Design Manual

Pro-active Camden – Sport and Physical Activity Strategy

## 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Land use (incorporating all associated land use considerations given the Private Open Space designation)
- Affordable housing
- Housing density / mix
- Quality of residential accommodation
- Quality of non-residential accommodation

- Other design matters
- Other trees/landscaping matters
- Nature conservation
- Sustainability and Energy Strategy
- Amenity
- Basement excavation
- Transport
- Other matters

## **Land use (and all associated land use considerations given the Private Open Space designation)**

### Open space - main policy context

- 6.2 As outlined in section 1 of this report, the application site, with the exception of the indoor bowling facility building, is designated Private Open Space (POS) as per map 7 of the LDF. In addition it is also recognised that the site is located within an area with an identified public open space deficiency (map 7 of the LDF). Policy CS15 'Protecting and improving our parks and open spaces and encouraging biodiversity' sets out that the Council will "*protect open spaces designated in the open space schedule*" (part a) of the policy). Furthermore the supporting text to the policy details at paragraph 15.5 the overarching value of designated open spaces:

*"Camden's parks and open spaces are important to the borough in terms of health, sport, recreation and play, the economy, culture, biodiversity, providing a pleasant outlook and providing breaks in the built up area. They also help reduce flood risk by retaining rain water and some are used for growing food. Camden's growth will increase the demand for our open spaces so it is important that we protect our existing parks and open spaces".*

- 6.3 This is discussed in more detail in paragraph 15.6 of the supporting text to the policy:

*"We will not allow development on these open spaces unless it is for limited development ancillary to a use taking place on the land and for which there is a demonstrable need. Extensions and alterations to existing buildings on open space should be proportionate to the size, including the volume, of the original building. We will only allow development on sites adjacent to an open space that respects the size, form and use of that open space and does not cause harm to its whole, appearance or setting, or harm public enjoyment of the space. We will take into account the cumulative impacts of development where appropriate. The poor quality of an open space will generally not be accepted as a reason for its partial development to fund improvements as, once built on, open space is lost to the community for ever".*

- 6.4 At the regional level the London Plan has both overarching and more specific policies and guidance in terms of development on open space. It is first noted that Policy 1.1 (Delivering the Strategic vision and objectives for London) details that

strategically “Growth will be supported and managed across all parts of London to ensure it takes place within the current boundaries of Greater London without encroaching on the Green Belt, or on London’s protected open spaces”. More specific reference to open space is outlined in Policy 7.18 (Protecting local open space and addressing local deficiency), with the policy denoting:

*“The loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate”.*

6.5 At the national level the NPPF (2012) makes specific reference to open spaces at paragraph 74:

*“Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:*

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss”.*

6.6 It is acknowledged that there are other overarching policies within the NPPF, most notably to contribute to the achievement of sustainable development, the presumption in favour of sustainable development and the 12 core planning principles specified at paragraph 17 of the NPPF. A number of these core planning principles can be considered applicable to the consideration (both for and against) of this application, most notably:

- Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Taking account of the different roles and character of different areas;
- Encourage the efficient use of land by reusing land that has been previously developed (brownfield land);
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

6.7 It is therefore within this main policy context that the proposals at the site are considered.

Justification by the applicant

6.8 In support of the proposals the applicant has submitted a wealth of information and commentary detailing both the existing context and proposed development at the site. In essence the applicant considers that the proposed residential development will act as enabling development to fund the refurbishment and reconfiguration of the existing MBC building as a leisure and fitness facility and indoor bowling club and provide associated open space and landscaping works. Furthermore the applicant states that the enabling residential development is limited in nature in respect of the size of the site and has been designed to be as limited as possible in generating the appropriate revenue to allow the comprehensive refurbishment and reconfiguration of the clubhouse to facilitate expanded leisure facilities and securing the long term security of the bowling club.

6.9 A summary of the justification provided by the applicant is as follows:

6.10 Need for enabling development

- MBC is in serious financial difficulties, with dilapidated facilities (not meeting access requirements, requiring increased maintenance and repair costs) and falling membership numbers. During the course of the application MBC financial accounts in years ending 31<sup>st</sup> March 2008-2012 were submitted on a confidential basis to demonstrate this.
- The outdoor bowling facility was closed in September 2011 owing to a lack of funding to maintain the facility.
- MBC has attempted to increase revenue through widening the use of the premises.
- In 2011 MBC sought funding through grants and loans from various local/national bodies, groups and charities. The feedback was largely negative and the conclusion by the applicant is that, even if all subsequent applications were successful, the amount generated would fall well below that required to refurbish the building. Evidence of responses has been submitted.
- Without a permanent solution to its long term future MBC would close permanently.
- If MBC closed permanently the site would become vacant and would further fall into a state of poor repair (both internally and externally in respect of the designated private open space).
- A considerable percentage of the site is poorly maintained open space or hardstanding and car parking. The private nature of the site limits access to only private members and users of MBC. Put another way it is clear that the present site is inaccessible and extremely poor quality, providing no benefit to the community.

6.11 Loss of open space

- Allocation of private open space has not been based on an assessment of quality and has been applied to the wider site in a non-discriminatory manner, failing to recognise it is only accessible to private members and is of a poor quality with large areas being used for car parking.
- Use and quality of the existing external leisure space is extremely limited, comprising: a closed outdoor bowling club; 2 clay tennis courts in poor condition and used by a private members club; and small areas of inaccessible and unmaintained grassland.
- Through enabling development the small loss of poorly maintained and unused private open space will be replaced with a significant area of high-quality (both physically and recreationally) publicly accessible open space. Put another way it is

acknowledged that the proposals would include a small loss in the overall quantum of private open space on the site (8% quoted by the applicant) to facilitate the enabling development, the proposal would improve the quality of open space offer and specifically provide publicly accessible open space which can be enjoyed by all members of the community (7% increase on existing leisure and recreation space provision quoted).

- Applicant considers that the CS15 policy that existing poor quality POS will not justify its development is more directly applicable to developments which propose redevelopment of an open space independent of a wider development. When these proposals are considered alongside the enabling development nature of the scheme, in order to secure the long term future of MBC and increase the community offer, the loss of some existing poor quality and private open space and replacement with high quality publicly accessible open space is acceptable within the terms of this policy.
- The proposed development will help address the site being in a public open space deficiency area by creating publicly accessible open spaces.
- Regarding DP15 (protection of community facilities) the scheme is structured to ensure the protection and enhancement of the existing community and leisure facilities on site. With regard to the loss of the existing tennis courts the proposals have had regard to the over-provision of tennis facilities within the local area and decline in demand, informing the decision to not include tennis courts as part of the enabling development.
- Applicant has shown that there are six areas of publicly accessible open space within 1km of MBC, all of which are formally maintained and of a high amenity value (in contrast to MBC)
- Paragraph 4.4 of the Icenii Public Open Space assessment states that the proposals will create 2,682sqm of publicly open space (1018sqm leisure and recreation space and 1664sqm maintained landscaping), whereas paragraph 4.7 states this will actually be 5,464sqm (the above and 2782sqm of hardstanding). This would offset the loss of private open space caused by the residential proposals and address identified public open space deficiencies in the area.

#### 6.12 Securing the future of MBC

- After unsuccessful attempts to secure additional funding (see need for enabling development section above) MBC concluded that the only viable way of securing the long term future of MBC and providing wider open space and community leisure facilities was through limited residential enabling development on part of the site.
- Determined that 8 houses were needed to fund such works in a viable manner (viability information submitted on a confidential basis in this regard).
- Owing to the enabling nature of the development the proposed residential component results in a particular quantum of development and value being needed to be achieved. With this in mind the applicant states that the development will provide the minimum amount of enabling residential development to secure the long-term future of MBC and provide a new community leisure facility.
- The applicant considers that the small scale enabling development has been fully justified in financial terms and has been designed to be the minimum amount possible to secure the long term future of the club and the maximisation of publicly accessible open space and community leisure facilities at the site.
- Proposed residential dwellings will be of a similar scale and massing to existing residential properties within the surrounding environment.

- 6.13 Leisure and recreation
- Enabling development seeks to maximise the leisure and recreational opportunities presented as a result of the refurbishment and reconfiguration of the MBC building
  - MBC acknowledge the site is underutilised and been closed to members of the wider community for a number of years.
  - MBC acknowledge that the existing facilities are not sustainable in the long term and need to explore widening the leisure offer to ensure the longevity of the site.
  - Gym facility will be flexibly used by the local community for non sport activities.
  - Managed by Fusion Lifestyle to give a clear structure to the future use and secure MBC's long term ambitions at the site.
- 6.14 In the supporting statement submitted during the course of the application (submitted on a confidential basis by the applicant) a number of the above matters were reemphasised. In addition the applicant outlined that *“the current application is the final opportunity to save MBC and retain the land for leisure and community use”*, and that *“the critical matter, and the one upon which the whole application hinges, is that of viability”*.
- 6.15 In addition the applicant has sought to clarify the use of the ‘enabling development’ terminology within the original submission, denoting this *“to describe the cross-fertilisation/seek-funding effect of the residential element of the funding... the proposals seek to provide the necessary funding to ensure the future survival of the bowling club at the site”*. Furthermore the applicant has clarified that although MBC is the applicant, it is not the developer. It has entered into a contract with a specialist developer (Generator Group LLP) to fund and run the application. Finally the applicant has indicated what it considers to be the alternative scenario if the application is refused, that being:

*“Without continued funding from a third party, the club will now be forced to close the site and whilst not a planning matter, regrettably it is likely to go into Administration unless further funds are found to pay its creditors. There will no doubt be a considerable level of interest in the site and naturally any subsequent purchaser of the site will seek to maximise its returns by seeking to maximise the development potential of the site”*

### Assessment

- 6.16 It is considered necessary to consider the local, regional and national policy context, also taking into account at relevant points the justification put forward by the applicant and where applicable balancing contrasting views to arrive at conclusions on the principle land use issue at the site: development as proposed on designated POS.

### LDF policy

- 6.17 It is considered that the starting point for the consideration of the application is the LDF policy CS15. As outlined above this policy seeks to protect open spaces designated in the open space schedule, for which this (with the exception of the existing clubhouse building) is the case. Moreover, any development on such land



is required to be limited development ancillary to a use taking place on the land and for which there is a demonstrable need.

Ancillary?

- 6.18 In this regard it is first considered that the proposed residential component of the scheme cannot in any way be viewed as ancillary to the existing use at the site. The proposed residential development is positioned where two existing operational tennis courts are positioned, while the associated parking and access to the residential dwellings is on land which historically (and up until as recently as September 2011 when the applicant ceased using the facility) has been used as an outdoor bowling green. As such it is evident that the proposed residential use would not be ancillary to the existing use and instead would form a separate and new use at this part of the site.

Limited in nature?

- 6.19 In terms of whether the residential element of the development is limited in its nature, officers consider that the proposal cannot in any way be considered limited owing to the scale of development proposed on the private open space. In this quantitative regard the applicant considers that the proposed development would only result in the loss of 525sqm of private open space at the site, representing an 8% reduction from the amount of open space on the site at present (paragraph 4.2 and supporting table within the Open Space Assessment document).
- 6.20 This percentage has been calculated by subtracting the existing/proposed buildings and structure areas (1970sqm existing / 2495sqm proposed) from the overall site area (8727sqm existing and proposed) to provide a total remaining open space existing (6757sqm) and proposed (6232sqm) figures. Hence in area terms the applicant considers the loss to be 525sqm, which in percentage terms of the total open figure equates to 8%. However officers consider that such an approach is not sufficiently sophisticated in detailing the actual amount of space the residential element of the proposals encapsulate.
- 6.21 Instead officers consider that it is not only the area of the proposed dwelling's footprint which should form the basis for calculating the quantitative loss of private open space from the site, but also the associated areas with the dwellings which support and facilitate the proposed buildings. This includes the private rear amenity spaces for each of the eight dwellings, the cycle storage area, the newly created access road and car parking facilities for the residential dwellings and the areas of landscaping adjacent to the proposed residential dwellings, the access road and parking spaces (for clarification this does not include the area denoted by the applicant to be publicly accessible open space). Officers have calculated (using the floor area information provided by the applicant) such an area to total 3226sqm. This figure is then comparable with the existing total private open space at the site. Officers have calculated this by subtracting the area of the existing MBC clubhouse building (1903.5sqm) from the overall site area (8747sqm), which totals 6843.5sqm. Hence the residential component of the proposed scheme would result in the loss of 47% of the private open space at the site (3226sqm / 6843.5sqm = 47.14%).

- 6.22 The inclusion of this wider area, incorporating areas associated with the dwellings themselves, within the calculation is considered to be appropriate and provides a more accurate reflection of the level and nature of redevelopment proposed at the site for residential purposes on designated private open space. When density figures are calculated these include internal roads and associated open space (see density section below, as specified within the London Plan) and this provides a further context for including such associated spaces. Consequently the proposed development is shown to result in the loss of 47% of the POS, or put another way 3226sqm of redeveloped land, to facilitate the residential component of the proposals. The scale and extent of residential development on the POS in quantitative terms therefore extends beyond what can be considered to be limited and hence the proposal is contrary to policy in this regard.
- 6.23 Moreover, officers consider that in principle it would appear more appropriate, given that the MBC building is not designated POS and is identified as a negative contributor to the conservation area, that any future proposal should seek to reconfigure this existing building using the same footprint, maintaining the existing use in line with policy and possibly introduce a new use to facilitate the retention of the existing use at the site. This would have the benefit of not involving any proposals on the private open space, while at the same time any such scheme could both retain and enhance the private open space around the building. Such feedback was provided to the applicant during the course of the application but was not responded to. An informative is recommended to be added to the decision notice to further encourage this approach.

#### Demonstrable need?

- 6.24 The main focus of the applicant's justification for the proposed residential development is that it is enabling development, to secure the long term future of MBC and improve the leisure and open space facilities at the site. Officers have had regard to English Heritage's 'Enabling Development and the Conservation of Significant Places' guidance note to define enabling development as:

*“development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved”.*

- 6.25 During the course of the application the applicant has clarified that the 'enabling development' terminology is different from the English Heritage definition and should be seen/considered in the context of aiming *“to demonstrate that the residential component of the scheme will in-fact 'cross fund' the redevelopment of the Bowling Club ie. enable this redevelopment to take place”* (JLL letter dated 07/05/13). This point is also detailed in paragraph 6.15 above.
- 6.26 To demonstrate the need for the development the applicant has first detailed that MBC is in financial difficulties. This is shown by accounts from the past five years, together with various pieces of commentary submitted by the applicant (see 'Justification by the applicant' section above) including that submitted during the course of the application outlining that MBC would be likely to cease use of the site

and enter administration. Officers accept that the submissions have sufficiently demonstrated that MBC are financial difficulties.

- 6.27 The applicant has also detailed the alternative sources of funding which have been sought in an attempt to raise the funds to upgrade the existing dilapidating structure (which itself is another factor in the need for development case put forward by the applicant). Such applications have not been successful at a level required for the site. It is considered that sufficient documentation has been provided by the applicant to demonstrate that alternative sources of funding have been explored in this regard. However, the limitations of this work, in disregarding other uses of the site, equally appropriate to its planning status, is set out below.
- 6.28 Another factor MBC has referred to in justifying the proposals is falling membership numbers. Within the business plan submitted it is detailed that there are 94 existing members. Despite an officer request during the course of the application for the applicant to illustrate membership numbers over recent years, this has not been provided by the applicant. This is considered to be a shortfall in the need case of the applicant, as it does not allow officers to appreciate the context of MBC membership numbers in the recent past.
- 6.29 A further key strand of the need argument put forward by the applicant is that MBC remains in active use at the site and under policy DP15 the Council generally seeks to protect existing leisure uses and therefore officers considers that a case could be made for proposals which seek to retain the leisure use at the site. In this regard the applicant was advised at pre-application stage to provide information in any submission to demonstrate the long term viability and financial self-sufficiency of MBC. The applicant has subsequently sought to do this within the Business Plan submitted. This business plan has been subject to independent review by BPS.
- 6.30 The business plan submitted by the applicant seeks to demonstrate that the business model will be financially sustainable to secure the long term future of MBC at the site. A leisure operator (SLC) is anticipated to take a 35 year lease at the site (MBC maintaining the freehold) to manage and maintain the clubhouse and associated open space at the site, thereby effectively making MBC a rent free customer at the site, retaining its own autonomy. With specific regard to the MBC part of the business plan BPS reviewed the information submitted, amongst a range of comments made on various points (such as membership numbers and demand, risk analysis, profitability) concluded that MBC *“will still need to cover its own club related operating costs if it is to remain viable. No information has been provided to show what, if any, safeguards or guarantees will be put in place (e.g. subsidy) in the event (however unlikely) that the Bowling Club was to move into a loss making position”*.
- 6.31 A subsequent response from SLC on behalf of the applicant provided more information seeking to clarify the conclusion made above by BPS. The SLC response has been subject to further independent review by BPS, who summarise the additional information provided by SLC as follows:
- There will be no specific viability safeguards.

- Future viability will be reliant on the ability of the new premises to retain the existing membership and to attract new members. This is underpinned through a combination of the expansion and improvements of the range of facilities.
- Much of the additional detail sought would not be available until a point after planning consent has been received due to the additional investment in planning and refining the business case that would not be funded until that point.
- Projected increases in membership are relatively modest therefore achievable.
- The approach taken will ensure that the majority of costs will be paid for by the leisure operator and this will give the club a low cost base.
- The ability to secure a dowry or other cash buffer is not supported by the scheme's viability.

- 6.32 On the basis of the additional information submitted by the applicant BPS conclude that *“There appear to be no additional safeguards or other financial means for further securing the longer term future of the club”*. More specifically BPS comments that *“It can be seen that in effect the proposed development offers no guarantees that the club will ensure its future viability. It would be necessary for the Council to accept that the combination of the proposed improvements and the structure of the new arrangements in combination with the broadening of the base for activities will match the projections set out in the business plan. The absence of a longer term arrangement is not surprising given the developer's relatively short term commitment to completing the works and securing a profit”*.
- 6.33 Therefore, through independent assessment of the information submitted in support of the application, it is concluded that the applicant has not sufficiently demonstrated the long-term viability of MBC, which is the main basis for the proposed development. This is considered to be of concern to officers and is another area in which the proposal to redevelop 47% of the existing POS for residential development must be viewed. Given the lack of sufficient clarity this is further justification as to why the proposals are not able to be supported at officer level.
- 6.34 In terms of the need for the residential component, although policies CS6 and DP2 detail that housing is regarded as the priority land use of the LDF (paragraph 2.8 of the supporting text), it is also denoted that this does not over-ride, and should be considered alongside, the need for development to respect the characteristics of the area and the site. As discussed elsewhere in this assessment the POS designation, alongside other factors such as the character and appearance of the conservation area, are such matters to be considered alongside the overarching housing policies.
- 6.35 To support the amount of residential development proposed at the site the applicant has submitted a viability assessment on a confidential basis. This considers only two scenarios – one incorporating the 8 residential units proposed with a policy compliant amount of affordable housing (21%) and the other without any affordable housing within the 8 unit scheme. In short it is concluded that only

the non-affordable housing option is viable. This is discussed separately in the affordable housing section below.

- 6.36 The applicant has however not considered in viability terms whether a scheme incorporating a smaller number of units (thereby reducing the amount of development on POS) or one which incorporated residential units within the footprint of the existing MBC clubhouse (whilst retaining the MBC use – thereby on land not designated as POS), as detailed above at paragraph 6.23, would be unviable or not. Only the application proposals have been considered in this regard by the applicant, and thus it has not been sufficiently demonstrated by the applicant whether alternative proposals, comprising a lower amount of development on POS, would serve the needs of the applicant (primarily to retain MBC in active and viable use at the site). Hence it is not considered that the applicant has sufficiently demonstrated that the proposals would involve the least possible development on POS in this regard. In the context of other relevant policies, most notably CS15, it is considered that these serious deficiencies in justifying the loss of the POS outweigh the contribution from the proposed development towards the objectives of housing policies CS6 and DP2 in this instance.
- 6.37 It is concluded that although the applicant has partly, but not entirely, proven a need for a development to take place, though only having regard to the current use of the site. Given the purpose for identifying the greater part of the land within the site as POS, consideration should instead have been given to both the existing site uses, and to such other uses, appropriate for the open, leisure / amenity function of this land, prior to reliance upon the residential ‘enabling’ use now proposed. The proposed development is therefore not appropriate in its current make-up (though a similar mix of use on site could be reconfigured in such a way as to possibly be considered appropriate). Furthermore, based on an independent assessment questions remain about the long term viability of MBC. Officers consider that any proposal should not be at the expense of designated POS of the level, nature and location shown by the proposals, as detailed extensively elsewhere in this assessment. Thus the overall harm to the function of the site as POS caused by the proposals clearly outweigh the need case put forward by MBC.
- 6.38 In addition some public consultation responses have indicated that they have not been able to take a view on whether the applicant has justified demonstrable need for the proposal. This is as the applicant requested that only a redacted version of the financial information be made available for public view during the course of the application and that the majority of the information submitted during the course of the application was on a confidential basis. At pre-application stage officers encouraged the applicant to allow all information to be viewed to allow full transparency. It is noted that English Heritage's guidance on Enabling Development also states that *"if applicants are unwilling to supply the very information that is the foundation of their case for overriding normal planning policies, refusal becomes all but inevitable"*. With the above in mind an informative is to be added to the decision notice recommending that in any future application all information submitted should be publicly available by the applicant.

#### Cumulative impact

- 6.39 It is noted within the planning history that in the late 1960s / early 1970s the Regency Lawn residential properties were constructed on land up until then in use by MBC. Within the Design and Access Statement (section 1.5) the applicant has clarified that an existing clubhouse was demolished and replaced by the 15 Regency Lawn properties, with MBC selling a portion of its own land to fund the now existing clubhouse building at the site. As such Regency Lawn was enabling development for the current site arrangements. A number of the public consultation responses have also highlighted a recurring theme in the current proposal and are also concerned that in the future further proposals to redevelop the site would be forthcoming if the current application is implemented.
- 6.40 In terms of the current proposal being considered alongside the late 1960s / early 1970s Regency Lawn development, the time elapsed since this period and the contrasting policy framework means officers consider that this particular matter should not be cited as a substantial reason for the refusal of the application. In terms of future development of the site should the development subsequently be built, this would be required to be duly considered at this future point in time, in-line with the adopted policies of that time.

Poor quality existing provision?

- 6.41 The applicant has also emphasised the poor quality of the existing POS to assist in justifying the proposals. With regard to the existing value of the POS, policy CS15 is quite clear in stating that *“The poor quality of an open space will generally not be accepted as a reason for its partial development to fund improvements as, once built on, open space is lost to the community for ever”*. In short this is considered to overcome the justification put forward by the applicant in this regard.
- 6.42 Officers consider that the site is an important part of the Open Space network characteristic of this part of the Borough and contributes the Borough’s Green Infrastructure qualities. Vistas across the site from Croftdown Road add to the open character of the area and perception of open space (as detailed in the conservation area appraisal – see paragraphs 1.7-1.8 above). Moreover, based on the public consultation responses received to the application it is evident that many local residents and existing users of the tennis club at the site (proposed to be lost as a result of the proposals) place a considerable value on the existing site. For example Kenlyn Lawn Tennis Club actively uses the two tennis courts at the site and details their value in comparison with other nearby facilities. It was also seen during the officer site visit that a small part of the site (to the north of the tennis courts) was used for allotments, with food evidently being grown at this point. Hence it can be demonstrated that the current private open space has value in terms of health, sport and growing food. This is in addition to the site also providing a pleasant outlook and providing what is considered to be an important break in the area. These factors align with the values mentioned in paragraph 15.5 of the LDF, as detailed at paragraph 6.2 of this report.
- 6.43 Furthermore the recent designation of the site as an asset of community value, as per the Localism Act 2011 (see paragraph 1.11 for more details) also highlights the value the local community places on the site.

- 6.44 As such on this matter it is concluded that the poor quality of the existing space justification put forward by the applicant is of very limited value. Moreover it is evident that the existing space has value in itself, and would provide the opportunity to make some other contribution in line with the purposes of it's identification as POS in some other form, even were it not to include purpose built courts or structures.

#### Impact of the proposed location of the dwellings on the conservation area

- 6.45 A further concern with the proposals is considered to be the proposed position of the dwellings on the site and subsequent impact on the character and appearance of the conservation area, contrary to policies CS14 and DP25. Although it is acknowledged that the proposed location in the north-east corner of the site (generally in the same location as the existing tennis courts) would be less visible than were they otherwise closer to the western boundary or Croftdown Road, it is considered that the dwellings do not relate to the pattern of development in the area which is broadly characterised by linear development along historic road layouts.
- 6.46 At this point it is worth stating that from a design/conservation area perspective the open space which is broadly covered by the car park can be considered to be of lesser value than the existing bowling green and tennis court area. It is not in part of the wider swathe of open space (which is circa 70m in width and 50m in length, equating to an area of 3500sqm) formed with the rear gardens of buildings along Croftdown Road or Dartmouth Park Avenue and has less (though not insignificant) value as 'open' space as well as amenity and biodiversity value.
- 6.47 The proposed residential development would lie within the primary swathe of private open space forming what is considered to be an attractive bowl formation in the landscape (viewed from Croftdown Road), in conjunction with the mature and verdant rear semi rural rear gardens of No's 88-98 Croftdown Road and properties along Dartmouth Park Avenue. Thus it is considered that from a design/conservation area perspective the proposal has not taken sufficient account of the established pattern of development in the area, nor that the re-configuration of the existing clubhouse building (given this is not designated private open space) may have provided a more appropriate opportunity to 'enabling' the continued use on the site. Thus the proposals are recommended for refusal on the basis of the position of built form within the private open space, being within a primary swathe of private open space and thereby causing harm to the established character and appearance of this part of Dartmouth Park Conservation Area.

#### London Plan

- 6.48 Turning to consider the primary London Plan policy concerning open space (policy 7.18) this refers to quality matters, which have not been covered above on an existing/proposed comparison basis. The policy states that loss of protected open spaces will be resisted unless equivalent or better quality provision is made.
- 6.49 The value of the existing space has been discussed above at paragraphs 6.41-6.44 of the assessment. In support of the proposals the applicant denotes within the

Open Space Assessment submitted that there will be a 7% increase in leisure and recreation open space at the site, derived from comparing the existing tennis courts (953sqm) with the proposed publicly accessible open space (1018sqm). However, officers consider that the non-inclusion of the existing outdoor bowling green (measured by officers to be 1473.1m<sup>2</sup>) is highly influential in the calculation subsequently made by the applicant. It is assumed that the applicant has not included this area as it is not in active use. The applicant ceased using this space in September 2011, but prior to this it was in active use for many years as an outdoor bowling facility. As such officers consider that the 7% figure is not reflective of the actual change that would occur, and had the bowling green been taken in account the reduction in leisure and recreation open space would be 58% (based on calculations by the applicant and that by the officer for the bowling green).

- 6.50 Moreover the applicant details at length the perceived increase in quality of the open space, most predominantly comprising two spaces of dedicated, publicly accessible space between the existing MBC clubhouse and the rear of the Regency Lawn properties. Hence one of the key benefits of the proposals according to the applicant is the transfer of private open space to publicly accessible open space, thereby providing a wider community benefit to the proposals. The applicant's landscape architect details that these spaces "*provide the opportunity for a number of passive opportunities, areas of lawn surrounded by pockets of planting provide an intimate garden character, whilst providing areas of opportunity for wildlife biodiversity*". The rectangular lawn space is 219sqm in area (15.5m x 14m) and the triangular space is 153.7sqm (21.3m x 13m). Hence the majority of the publicly open space is ma
- 6.51 Officers acknowledge that LDF Policy DP31 states in section 31.10 that the Council will seek opportunities to bring private open space into public use, and although this site provides an opportunity to secure this, officers are also mindful that this should not be at the expense of the loss of a significant part of the open space.
- 6.52 With specific regard to the proposed area of public open space, this comprises only a small proportion (14.76%) of the overall open space designation (figures calculated by the case officer show there to be 1010sqm publicly accessible open space / 6843.5sqm existing POS land = 14.76%). Furthermore the proposed space is considered to be significantly fragmented, by being divided into two parts and connected by a narrow space. This is considered to compromise and limit the overall character and quality of the proposed space. The proposed space is also complemented by significant areas of hard standing (i.e. footpaths providing access) so the overall 'amenity' space is therefore reduced further in quality.
- 6.53 Moreover there has been no evidence that the local community has been involved in the design process of the proposed open space to ensure it meets their needs. This would have been beneficial given the local community are anticipated by the applicant as being primary users of the space. Furthermore the small amount of proposed publicly accessible open space proposed, in this particular part of the site, is relatively concealed from wider public views (and thus awareness), effectively appearing to be left over space, which thereby limits the amount of use and value it would actually encourage and provide. In addition detailed information about the proposed publicly accessible open space is limited, with no information



on times of access, ongoing involvement of the local community and exactly how it will be managed and maintained, beyond it being the responsibility of the future leisure operator. Parks and open spaces, and trees and landscape officers both consider that any proposal at the site should firstly consider the design of any proposed public open space prior to designing any other land use proposed in order to provide meaningful public open space.

- 6.54 Hence it is considered by officers that the proposed publicly accessible open space is not of a sufficient level, nor quality to outweigh the loss of the existing private open space and harm to that space caused by the presence of the proposed residential component of the scheme.

### NPPF

- 6.55 The main open space reference is at paragraph 74, where it is stated that such land (and also sports and recreation buildings/land) shall not be built on unless any one of three matters is satisfied.
- 6.56 The first seeks for any applicant to provide an assessment to demonstrate that the POS is surplus to requirements. In simple terms the existing active use of the tennis club at the site is considered to demonstrate this not to be the case, with this existing use demonstrating a health and sporting function. Furthermore the site is also used to grow food and provide a pleasant outlook and important break in the conservation area, as detailed above at paragraph 6.42. Thus the open space is not considered surplus to requirements. That the external bowling green has been abeyant in the very recent past does not serve to meaningfully demonstrate that this part of the POS is surplus either, given the short term abandonment of active use, and the absence of the consideration of the use of this area for another use appropriate for the POS land designation.
- 6.57 The second consideration is whether any loss would be replaced by equivalent or better provision in terms of quantity and quality. Considering first quantity matters, it has been discussed above (paragraphs 6.19 – 6.23) that the proposed residential component of the scheme would result in a loss of 47% of the designated POS. As such the proposal does not meet this NPPF stipulation. In terms of the proposed quality commentary already outlined in the assessment above raise concerns in this regard. Hence the proposal is not considered to accord with this element of the NPPF.
- 6.58 The third strand revolves around the proposed development being for alternative sports and recreation provision, the needs for which clearly outweigh the loss. First it is questioned whether the proposed publicly accessible open space can be compared against the existing sporting outdoor bowling green and tennis courts, given the inherent differences in such uses. If so, the amount of loss in area terms and questions over the quality of the proposed open space (detailed above) downplays any arguments concerning such a need (given the site is within an open space deficiency area) outweighing the loss.
- 6.59 Therefore the proposed development is not considered to accord with any of the NPPF elements detailed in paragraph 74.

### Overall conclusion on land use matters

- 6.60 On the basis of the above it is concluded that the proposals do not comply with the primary open space policies and guidance at the local, regional or national level. In short the proposals, owing to their scale, nature and location on designated POS would lead to a loss of protected land providing a contribution to the borough in terms of health, sport, recreation and play, which would be diminished by the introduction of a residential use detrimental to the positive open nature of the site and would also be harmful to the character and appearance of the surrounding area and this part of Dartmouth Park Conservation Area.

### **Affordable housing**

- 6.61 Policy DP3 provides a clear rationale for seeking affordable housing in schemes of 10 or more additional dwellings or 1000m<sup>2</sup> of floorspace (gross external area - GEA). In this instance, although only 8 units are proposed, the GEA of these units totals 2070.4m<sup>2</sup>. A contribution to affordable housing is thus triggered. Consequently, applying the sliding scale for the provision of affordable housing, there is a 21% policy requirement. This equates to 434.8m<sup>2</sup> of floorspace, which based on the minimum overall flat size standards within CPG and the London Plan would equate to at least 4 or 5 residential units, but in terms of the 258.8m<sup>2</sup> units proposed at the site this equates to 1 or 2 residential units. Policy DP3 outlines a clear approach that affordable housing is expected on-site, but where it cannot practically be achieved on-site, off-site affordable housing may be accepted or exceptionally a payment-in-lieu.
- 6.62 In short, owing to viability reasons, the applicant does not consider it possible to provide any on-site affordable housing, nor any off-site. Instead the applicant has indicated a willingness to make a partial financial contribution as a payment-in-lieu to direct provision of affordable housing. The payment-in-lieu is only partial (not fully policy compliant), with the applicant outlining that this is limited because of scheme viability. The applicant submitted a viability assessment as part of the application in order to seek to justify the contribution sought to be provided to the local planning authority. The applicant advised that this was submitted on a confidential basis and hence only a heavily redacted version of the viability assessment has been available to third parties. On this basis this report does not detail precise key financial figures. The applicant's planning statement (which the applicant did make publicly accessible) does however detail the offered payment-in-lieu.
- 6.63 As highlighted above, the policy expectation is for affordable housing to be provided on site. The applicant specified that on-site affordable housing provision would not be possible owing to the following practical reasons:
- small number of units – registered providers (RPs) first focus is on site/land-led sites. Where s106 units are concerned a minimum of 10-20 units is generally sought owing to economies of scale and effective management; 1

or 2 units at this site would be too small an opportunity to be attractive or deliverable for a RP.

- Mix of private and market units at the site would not be conducive to effective management and thus impractical
- High capital values mean the units are unsuitable for intermediate housing
- Adverse impact on private sales values caused by provision of on-site affordable housing.

6.64 The applicant denoted that these factors were mentioned in their conversations with registered providers. During the course of the application officers sought for the applicant to confirm this in more detail, specifying which registered providers these discussions had been held with. The applicant replied stating this was not possible as they were *“requested by a number of those contacted that their feedback remain anonymous in order to protect their relationship with LB Camden”*.

6.65 Given the policy priority for on site affordable housing officers have engaged RPs to seek whether they would be interested in a single or two units at the site. At a meeting undertaken by a Housing Commissioning & Partnerships officer with RPs A2 Dominion, Circle, Octavia, Genesis, Origin, One Housing Group all were willing, generally, to consider development of even the lowest number of units. In response to the points raised by the applicant the small number of units was confirmed by RPs not to be a barrier to this being considered a suitable site. In terms of the mix of tenure this was not perceived to be an issue owing to each of the proposed properties being semi-detached units. Regarding high capital values this is not considered to be a primary reason for not considering the site for affordable housing. Thus the rationale put forward by the applicant can be discounted to an extent by officers separate discussions held with RPs.

6.66 However DP3 also denotes that financial viability is a consideration which will be taken into account when determining whether an affordable housing contribution should be sought. The viability assessment submitted has been subject to independent assessment for the local planning authority by BPS. The viability assessment considers two scenarios – one incorporating the 8 residential units proposed with a policy compliant amount of affordable housing (21%) and the other without any affordable housing within the 8 unit scheme. The 21% affordable housing scheme would generate a negative residual value of £582,787, whereas the wholly market scheme (that proposed) would generate a positive residual value of £826,677.

6.67 In terms of BPS’s review of the appraisal input, the private residential sales values were considered to be broadly reasonable in the context of local evidence provided by the applicant and separately researched by BPS. The build costs were considered by the cost consultant of BPS to have been overestimated by £350,853. BPS reported that this was due to excessive overheads & profits and design development risks. More specifically it was concluded:

*“In conclusion the estimate prepared by RLB is in sufficient detail for us to check and benchmark. The level of detail enables us to determine differences to benchmark levels and make a judgment of whether we*

*consider the allowances reasonable. In general we do consider them reasonable with the caveat that there are high levels of specification in the housing estimate that we would expect to see reflected in equivalent sales values. We do consider the levels of OHP to be too high for both the refurbishment and new build works, and the level of risk too high for the refurbishment element. The total value of these reductions would be £350,853”.*

- 6.68 Upon providing this feedback to the applicant a response has been provided which seeks to address the concerns raised by BPS in this regard. In short RLB disagrees with BPS’s cost consultant on points in relation to the percentage levels of overheads & profits and design development risk (owing to minimal M & E and structural design work has been undertaken, thereby meaning potentially significant cost risk remains). BPS has confirmed that *“RLB are effectively disagreeing with our cost consultant on these points”*, but then go on to state that *“In that the scheme has yet to go to tender it appears sensible to give these issues the benefit of the doubt until such time as a construction tender has been sought and to recoup any potential surplus through means of a viability review mechanism”*.
- 6.69 BPS also originally questioned the inclusion of developer’s profit, stamp duty and other acquisition costs in the viability assessment given that the site owner MBC is the applicant and the enabling nature of the development (and that English Heritage’s guidance note on enabling development specifically details that developer profit should not be included in any viability assessment). The applicant subsequently provided information to demonstrate that MBC is not a developer and is working alongside a specialist developer (Generator Group LLP), which is funding and managing the planning application on behalf of MBC. Hence after the submission of additional information in this regard BPS considers that the relationship between MBC and Generator Group *“should be viewed as a commercial arrangement as opposed to one specifically for the benefit of the club... Consequently the profit allowances included in the original appraisal seem both justified and reasonable”*.
- 6.70 In light of offices discussions with RPs and the independent assessment by BPS on scheme viability, officers conclude on the affordable housing matter that insufficient justification to demonstrate the provision of an appropriate contribution towards the supply of affordable housing has been provided. Considering first on-site provision the BPS assessment concludes it would not be financially viable to provide on-site affordable housing on the proposed scheme. This is considered to be sufficient by officers for the purposes of this application. However, in light of any possible future proposal at the site (which may include an entirely different quantum of residential accommodation), officers discussions with RPs should be duly noted by any applicant and hence any future scheme would need to consider this in full.
- 6.71 In terms of off-site provision of affordable housing the applicant has indicated this is not possible following discussions with RPs and local agents. There is similarly considered by officers to be no feasible alternative nearby sites and hence the absence of an off-site option is accepted at this point in time.

- 6.72 Turning to a payment-in-lieu financial contribution, the applicant is willing to make a contribution of £826,677. This is the residual value deduced by the viability assessment of a wholly market scheme at the site. The contribution required in line with the CPG8 formula amounts to £1,152,220. As such the contribution offered by the applicant is £325,543 below that required to accord with policy. Given that the proposed build costs were considered by the cost consultant of BPS to have been over-estimated to the sum of £350,853 it is considered that there is scope for the applicant to provide a greater contribution towards affordable housing than that being offered at present. It is acknowledged in BPS's follow up advice that the overestimation of build costs could be given the benefit of the doubt given the pre-tender stage of the scheme.
- 6.73 In addition a S106 Legal Agreement would have been sought for the financial contribution to have been secured and this consequently is also referred to within the recommended reason for refusal. In addition it is also worth mentioning that BPS referred to the local planning authority could have sought to "*recoup any potential surplus through means of a viability review mechanism*". This in practice relates to a deferred contribution to affordable housing, which are considered to be lawful (within the wording of Section 106 (1) (d)) and supported by policy (by both the London Plan & Housing SPG and the LDF, within CPG). Had officers accepted that the maximum reasonable financial payment-in-lieu to affordable housing had been provided by the applicant (the £826,677 offered) at the application stage, the shortfall in complying with policy (£325,543) would have been expected to be recouped via a deferred contribution (which would have been secured via S106 Legal Agreement). As part of the submission by the applicant no deferred contribution to affordable housing was offered. Hence officers consider that there would be scope for the applicant to provide the full payment-in-lieu contribution to affordable housing and by not doing so the scheme is not demonstrating the maximum reasonable contribution at present. This, therefore, along with the absence of a completed agreement, forms a reason for refusal of the application, being contrary to policy DP3.

### **Housing Density**

- 6.74 Policy DP2 seeks to maximise the supply of additional homes in the borough and expects the maximum appropriate contribution to the supply of housing on sites that are underused or vacant. The supporting text goes on to state (paragraph 2.10) "*In the interests of mixed and inclusive communities, the Council seeks a range of dwelling sizes, and does not favour concentrations of very large homes. Therefore, when using the London Plan density matrix, the Council will refer primarily to dwelling densities, measured in units per hectare.*"
- 6.75 London Plan Policy 3.4 'Optimising Housing Potential' refers to table 3.2 (Sustainable residential quality density matrix) and states that "*Development proposals which compromise this policy should be resisted*". The supporting text to the policy does however also state that "*A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local*

*context, design and transport capacity are particularly important, as well as social infrastructure, open space and play”.*

- 6.76 The application site is considered to be within an urban setting (defined as areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes). Given the high number of habitable rooms (per dwelling) proposed and the site PTAL rating of 3, the density of built development within the footprint of the site should accord with the 45-120 units per hectare (ha) range within the London Plan matrix.
- 6.77 In calculating the footprint figure that the proposals should be considered against paragraph 3.31 of the supporting text to London Plan policy 3.4, which states that *“Residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces”*. This is reaffirmed within the London Plan Housing SPG at paragraph 1.3.14. With this guidance in mind it is considered that the houses themselves should be calculated together with the associated private amenity space, new access road and associated parking space and the areas of what the applicant refers to as ‘maintained landscaping’ adjacent to the residential access road and residential dwellings. The area calculated totals 3226sqm (0.3326 ha). For clarification the calculation does not include the area the applicant denotes as ‘leisure and recreation open space’ or the hardstanding or ‘maintained landscaping surrounding the bowling club structure.
- 6.78 Therefore it is shown that the proposal of 8 residential units within a footprint of 0.3226ha equates to 24.8 units / hectare. This figure is lower than any unit density of any site within any setting in the London Plan (lowest is 35 units per hectare where the PTAL rating is 0 to 1) and significantly below the minimum 45 units per hectare within the urban setting / PTAL 2-3 category the site is considered to properly fall within. Hence, had the principle land use issue been able to be supported by officers, the scheme would not have been supported owing to it representing an underuse of the developed part of the site. It should be noted that this low density of development does not serve to offset the harm arising from the loss of POS or to the character of the surrounding area to any meaningful degree. The application is therefore contrary in this regard to LDF policies CS6 and DP2, as well as London Plan policy 3.4.
- 6.79 It is acknowledged that the London Plan and the corresponding Housing SPG comments on various factors which may influence density figures, such as viability (linked to the NPPF core principle). As such, although the applicant hasn’t specifically focused on the low density of dwellings within their submission, similar arguments outlined in the land use section above regarding the enabling development nature of the proposals, the circumstances of this site and scheme viability apply and have been duly considered by officers. In addition the Housing SPG makes specific reference to developments below the density ranges, such as this proposal, and states at paragraph 1.3.44 that *“proposals for development below the ranges should be addressed as exceptions to policy and tested rigorously to ensure that they meet the requirements of Policy 3.4 and wider concerns, especially those to make the most effective use of land and meet local*

*and strategic housing requirements*". With this in mind it is considered that the proposals would not maximise the supply of additional homes in the borough and are significantly below the lowest range of the London Plan density matrix. Putting aside the principle land use objection, were housing of this mass and location to be supported, the density and thus use of the site for housing could certainly be raised without increasing the amount of development on the private open space by altering the size, and thus mix and number of units. This subsequently forms a reason for refusal of the application.

- 6.80 It is also worthwhile to mention that it may appear counterintuitive for officers to seek to refuse the application for not maximising the supply of housing, given the fundamental objection to the proposals on the basis of its scale, nature and location on private open space. As such it is clarified that the density reason for refusal is on the basis of the scheme on its own merits and is notwithstanding the open space concerns. Thus should the open space concerns for whatever reason be overcome officers would expect the capacity of the site to contribute to maximising the supply of new homes, appropriate to the site.

### **Housing Mix**

- 6.81 Each of the eight market residential units proposed includes four bedrooms. Policy DP5 sets out that *"the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes"* by seeking to *"ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table"* and by expecting *"a mix of large and small homes in all residential developments."* The proposals include no variation in dwelling size.
- 6.82 The dwelling size priorities table accompanying policy DP5 identifies 2-bedroom units as the highest priority for market housing, with an aim of 40% of new units to meet this size. In contrast 4-bedroom units are identified as being only in medium demand. Paragraph 5.6 of the supporting text to the policy states that *"the Council acknowledges that it will not be appropriate for every development to meet the aims set out in the Priorities Table. However, we consider that each (emphasis added by officer) development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall"*. Furthermore it is also acknowledged that flexibility is offered at paragraph 5.7 *"the mix of dwelling sizes appropriate in a specific development will be considered taking into account the character of development, the site and the area"*. The policy at part e) also outlines that account will be taken of the economics and financial viability of the site, including the demand for homes of different sizes.
- 6.83 The applicant considers that the wider objectives of the proposals should override the particular policy requirements of DP5. More specifically the applicant's planning statement, within both sections 5 and 6, outlines the enabling nature of the residential component of the scheme results in a particular quantum of development and value being achieved. Thus the applicant considers that providing 2-bed units would not achieve the required value to fund the wider works at the site, which the applicant considers would in-turn require a greater amount of

development on private open space, which would be even more objectionable in regard to POS policy.

- 6.84 Furthermore, after initial officer feedback to the applicant that the scheme would not be supported on the basis of an inappropriate mix of units being created, further reasoning has been put forward by Jones Lang LaSalle (JLL) on behalf of the applicant. Commentary provided states that there are viability and demand reasons to explain why the proposals do not accord with policy. More specifically, JLL provide commentary stating there is greatest demand for houses rather than flats in the area and that sales values for 4x2 bed flats and 6x4 bed houses would reduce the sales values and in-turn hinder viability and financial contributions towards affordable housing for the council. However, no actual re-appraisal detailing this scenario has been provided to demonstrate this in full (or been confirmed by independent verification).
- 6.85 With the above in mind, officers acknowledge the site characteristics and the purported enabling nature of the proposed residential element. However, in overall terms when all factors are considered it is deemed that the requirement to provide a mix of unit sizes, in order to contribute to the creation of mixed and inclusive communities, should be seen as a prerequisite to any proposals at the site. Hence this need is considered to outweigh the weight attributed to the insufficiently detailed information presented by the applicant regarding demand (which does not accord with the dwelling size priority table within the LDF) in the local area and viability (bearing in mind the interlinked density conclusions outlined earlier in the report). Further, it has not been proven sufficiently that alternative layouts, providing a mix of large and small units (which could be achieved without compromising the, albeit unacceptable in regard to the POS impact, amount of development on site) could not have been achieved on site. In short, the mix of units proposed does not reflect the Council's dwelling size priorities nor the policy requirement to provide a range of unit sizes in order to support mixed and inclusive communities. The application is therefore recommended to be refused on this basis.

### **Quality of residential accommodation**

#### Floor space, room size and living conditions

- 6.86 For potential future occupiers it is considered that the proposed development would provide a high quality of residential accommodation. In terms of the minimum floor space and room size standards the proposed units fully comply with the minimum standards outlined in both CPG, and the more stringent London Plan requirements. Moreover the proposed residential units far exceed these standards, providing expansive units totalling 258.8sqm (GEA) across basement and three upper floors.
- 6.87 In addition each semi-detached dwellinghouse includes regularly sized and orientated rooms with floor to ceiling heights above 2.3m, dedicated storage spaces, natural ventilation and access to natural daylight and private external amenity and terrace spaces. In terms of privacy between the proposed residential units, the distance between the two adjacent blocks of four dwellings is 15m at ground floor and above, 3m below the minimum 18m guidance figure. This distance



is however between the front elevations, which are typically found to be more public in nature, and open to viewing from a communal or public domain, and such a distance is not entirely uncommon between opposing building frontages across narrower streets. As such this particular element is considered to be adequate.

#### Lifetime homes

- 6.88 The applicant has submitted a comprehensive report and drawings detailing how the proposed dwellings will comply in full with the required lifetime standards, in line with DP6. The access officer has confirmed that all requirements have been achieved and had the scheme been able to be supported this would have been secured via condition.

#### Waste and recycling

- 6.89 The proposals detail that external space is provided for each of the eight residential units sought to be created. Each space is positioned at ground floor level and is suitably sized for the intended use. Furthermore there is a dedicated collection point for vehicles adjacent to the off-street parking spaces. Level access between the external bin storage area for each unit and the collection point is provided. Such a provision is considered satisfactory in terms of CS18 and CPG1. Full details to ensure the implementation and retention of these facilities would have been secured via condition had the proposals been supported at officer level.

#### **Quality of non-residential accommodation proposed**

- 6.90 Considering the refurbished clubhouse building in itself and notwithstanding the commentary provided within the land use section above, the proposed space would represent an improvement in quality of indoor club provision for members of MBC, although the number of rinks would be decreasing from 6 to 4. In addition members would benefit from the refurbished supporting services when compared with the current outdated and poorly maintained facilities on offer at the site.
- 6.91 The new leisure use shown on the proposed plans, the gym facility, would take place from the existing footprint of the bowling club building. Thus in strict land use terms there would be no change of use taking place at this point, given both uses are within the Class D2 use class. As such the local planning authority is considered to have limited control over the provision of a gym utilising existing Class D2 floorspace at the site, given that this in-itself does not require planning permission. It is acknowledged that specific concerns have been raised in the public consultation process in respect of the quality of the gym facility being proposed. In particular, as noted at in section 4, objection has been raised in respect of elements such as its small size, lack of facilities (e.g. swimming pool) and backland location / lack of accessibility. The business plan submitted has been subject to independent assessment by BPS, with the conclusion raised in respect of the health and fitness club element of the proposal being that:

*“Based on the detailed information provided in the Business Plan there is no reason to doubt the overall income and expenditure projections relating to the Health and Fitness Facility. This in turn leads us to conclude that*

*this aspect of the overall operation is sustainable for the foreseeable future. Indeed, it is somewhat improbable that a National Leisure based operator would contemplate running the facility and make a significant up-front capital contribution if it had any doubts about long term profitability of such an operation”.*

- 6.92 Furthermore, from a purely sports and physical activity perspective, the proposal (in regard only to the upgrade of internal facilities, and not in regard to the loss of POS which would significantly reduce the opportunity for structured outdoor sports and physical activity on site) is considered to align with ProActive Camden Sport & Physical Activity Strategy. More specifically the sports and physical activity offer would be accessible to concessionary users through a pricing policy similar to Camden’s. Elements of the offer would also be targeted at priority groups, including children and young people, people with disabilities and inactive populations. Sport and Physical Activity officers also agree with the conclusion of BPS that this element of the Business Plan is sufficiently robust.
- 6.93 With the above context in mind it is considered that there is limited scope to sustain the refusal of the application on the basis of the quality of the proposed gym facility, in particular owing to the change of use to this facility from the existing MBC building could take place without the need for planning permission.
- 6.94 In terms of access to the leisure and indoor bowling facility, Approved Document M of the Building Regulations (ADM) applies alongside LDF policy DP29. The access officer has confirmed that the proposed drawings indicate that a reasonable level of access will be achieved within the refurbished building and the access levels have been improved where required to facilitate access to all areas.
- 6.95 With regard to refuse arrangements for the non-residential element of the proposals, a dedicated external location is shown in the south-west corner of the site. Access to this space for waste and recycling vehicles would be possible via the car-park associated with this part of the site, including a refuse turning area. Such provision is considered to be satisfactory for the proposals and had the scheme been supported at officer level full details would have been secured via planning condition.

#### **Other design matters**

- 6.96 Notwithstanding the design/conservation area comments in the land use section above, in regard mainly to the open characteristics of the site, the wider tranche of POS, and to the pattern of local development, in respect of the new dwellings in isolation, the proposed design, scale and materials are considered to be of a high quality. However, such matters are not considered to outweigh or overcome the substantive concerns raised elsewhere in this report. Had the proposals been able to be supported at officer level numerous design matters associated with the new dwellings would have been secured via planning condition.
- 6.97 In terms of the existing club building, from purely a design perspective it is acknowledged that in itself the existing indoor bowling arena building is poorly built

and unattractive. In addition it is reaffirmed that it is specifically identified as a negative contributor within the Conservation Area Statement. In this specific regard proposals to re-clad the building in timber and generally improve the condition of the structure are considered in themselves to enhance the character and appearance of the building. This would, in-turn independently enhance the character and appearance of the conservation area. However, such matters are not considered to outweigh or overcome said substantive concerns. Similar to the previous paragraph, had the proposals been able to be supported at officer level numerous design matters associated with the refurbished clubhouse would have been secured via planning condition. This would have included for example details of the entrance gate to the clubhouse building on Croftdown Road, for which no elevational plans were submitted by the applicant.

### **Other trees/landscaping matters**

- 6.98 With regard to specific trees and landscaping matters, the applicant has submitted an Arboricultural Implications Assessment, Arboricultural Method Statement and accompanying Tree Protection Plan. During the course of the application works to the TPO Lime were omitted in response to officer comments. In overall terms the trees and landscape officer considers that the impact of the proposals on trees is generally considered appropriate, with the majority of the large boundary trees retained. Regarding the Birch tree, concerns are raised over whether this could in-fact be retained owing to a change in levels, but had the scheme been supported at officer level a condition could have secured a suitable replacement at this point. A number of other conditions would also have been secured, such as the biodiverse roofs, landscape design and details and full details of tree protection during construction.

### **Nature conservation**

- 6.99 Aside from the overarching open space matters discussed earlier in this report, the applicant has also submitted a Phase 1 Habitat Survey and Reptile Survey in support of the proposals. The Council's specialist Nature Conservation Officer has duly considered the protected and priority species and habitats elements of the proposals. The survey was completed in line with CPG3 and considered to be satisfactory in overall terms. In terms of species it is accepted that there is limited potential for bats within the main building, that there is unlikely to be reptiles such as slow worms and common lizards (based on summer 2012 surveys) and that some measures could be incorporated to support and enhance recordings of hedgehogs and common toads in the local area. In terms of habitats, the conclusion that the existing site is not of particular value is accepted.
- 6.100 The report submitted includes a number of recommendations to enhance the biodiversity value of the site through appropriate landscape design and species features. Had the application been able to be supported enhancements would have been secured via planning conditions. These would have included: the timing of vegetation clearance; precautionary additional reptile survey (if two years had passed between the most recent reptile survey and the commencement of demolition and/or construction) and details of biodiversity enhancement.

## **Sustainability and Energy Strategy**

### Code for Sustainable Homes (CfSH)

- 6.101 The applicant has submitted a CfSH pre-assessment in relation to the residential component of the scheme. Given the Class D2 element is not a new element, with the building instead being refurbished and not increasing in floorspace there is no requirement in this regard. The CfSH pre-assessment details that in overall terms the proposed scheme will achieve Code Level 4 (overall score of 73.61%). This complies with CS13, DP22 and CPG3. In respect of the specific energy, water and materials categories the proposals adhere with the 50% CPG3 targets for energy (68%) and water (67%), but are slightly short of the standard in terms of materials (46%). Given the overall score anticipated this is not however considered to constitute a substantive reason for the refusal of the application. Nevertheless, as the design stage and post-construction review of the CfSH assessment would in an acceptable scheme be secured via the S106 Legal Agreement, this forms an 'in the absence of' reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

### Energy Strategy

- 6.102 The applicant has also submitted an Energy Strategy, in line with LDF policies CS13, DP22 and DP23 and CPG3. The three steps of the energy hierarchy of 'be lean', 'be clean' and 'be green' have been considered. Considering first the 'be lean' measures, a variety of passive measures are proposed through u value targets to improve thermal efficiency, controlling domestic hot water, low energy internal lighting and movement detectors added to external lighting, provision of energy display devices and natural cooling methods. The be lean measures result in a reduction of 10.8% of the regulated carbon dioxide emissions (compared with Part L 2010 Building Regulations). Turning to 'be clean' measures, these have been duly considered but it has been concluded that these are not feasible in this particular instance owing to the location of the site and the context of the proposals. This is considered a reasonable conclusion in this instance.
- 6.103 Finally, with regard to be green measures the applicant is proposing to incorporate both photovoltaic's (array of 0.4kWp) and solar water heating (area = 6sqm) at roof level of the proposed residential dwellings. The other technologies have been considered but discounted in this instance for a variety of feasibility and viability reasons. The 'be green' measures result in a reduction of 17.2% of the regulated carbon dioxide emissions. In overall terms the total regulated savings will be 26.2%. Given the context of the proposals, although the 'be green' reduction is below 20%, the overall saving of over 25% is considered sufficient and satisfactory. All of the energy measures detailed would have been secured via S106 Legal Agreement. Hence this forms a further 'in the absence of' reason for refusal of the application.

### **Amenity**

6.104 In terms of the proposed residential accommodation and its impact on existing nearby residential occupiers, it is considered that the proposals in this regard would not lead to any significant losses of amenity which would warrant a reason for refusal of the application.

#### Overlooking / loss of privacy

6.105 Windows are proposed on the (eastern) side elevation of the residential dwellings facing the rear of Dartmouth Park Avenue properties. However the significant distance between the windows facing one another, at over 30m, is sufficient to ensure that no material loss of amenity would occur.

6.106 In respect of the reconfigured bowling club building, it is acknowledged that the fenestration would be increased at both ground and first floor level on the west elevation, facing towards the rear of the existing Regency Lawn properties. However, a minimum 22m distance between the buildings results in no significant adverse overlooking concerns are envisaged at this point. On the remaining elevations the distances and windows proposed are such that no significant loss of amenity is expected at these points either.

#### Daylight / sunlight

6.107 In support of the proposals the applicant has submitted a daylight assessment, which follows the principles outlined in the BRE guidance. An initial test prior to vertical sky component, average daylight factor and no sky line tests being required to be carried out involves the height of the existing building and the distance to neighbouring buildings. Loss of light to existing windows need not be analysed if the distance of each part of the new development is three or more times its height above the centre of the existing window. The applicant has applied this initial test and shown that the existing nearby buildings are beyond 22.5m from the proposed dwellings and thus the loss of light would be small and unlikely to be significantly affected by the proposals. In terms of sunlight similar conclusions are considered to be reached as a consequence of the substantial distances between the proposed residential buildings and nearby existing properties. As a result sufficient information has been submitted by the applicant to demonstrate that the proposals would have not significantly harm the amenity of nearby occupiers in terms of daylight/sunlight considerations.

#### Outlook / sense of enclosure

6.108 Owing to the significant distances outlined in the sections above, the proposed development is not considered to result in a loss of outlook or create an undue sense of enclosure to any existing nearby occupier. Significant distances, all in excess of the minimum 18m, between existing neighbouring buildings and those proposed would remain. Furthermore CPG6 outlines that the specific view from a property is not protected and this is not a material consideration. As such no issues are raised in this regard.

#### Noise and disturbance

- 6.109 The location, orientation and size of the private amenity spaces associated with the residential component of the scheme are such that significant noise and disturbance to existing nearby occupiers is not envisaged. At roof level it is shown that although these spaces will be flat roofed in nature, they will all incorporate solar and PV panels and green roof space in the remaining area. Therefore it is not envisaged that such spaces would have been used by future occupiers for roof terraces. Had the application been supported at officer level a condition specifying that the flat roof areas would be used solely for maintenance purposes would have been added. This would have ensured that no undue noise and disturbance would have occurred for nearby occupiers.
- 6.110 The reconfigured bowling club building is shown to include both an internal plant room at second floor level and an air handling unit at rooftop level. As such the applicant has submitted an Environmental Noise Survey report in support of the proposals, including a four day noise survey to illustrate the existing background noise levels at the site and nearby. This has been duly considered by specialist Environmental Health officers, who are satisfied with the level of information submitted subject to a number of conditions. Had the application been supported at officer level these would have been secured, seeking fuller details of the precise plant and details concerning a strategy for sound insulation of the proposed gym use. With such conditions it is considered that the residential amenity of existing and future occupiers would have been able to have been secured. Hence this element of the proposals is considered to be satisfactory.

#### Light pollution

- 6.111 The proposals incorporate external lighting to serve the proposed development, comprising a combination of 1m high bollards (fitted with a 18w LED shielded light source) and 5m poles (fitted with 26w LED with anti-glare glass). More specifically this would be shown to incorporate the following locations/numbers: residential vehicular access (2x5m poles) and parking area (7x5m poles), communal area adjacent to residential entrances (4x1m bollards), the two areas of proposed public open space (15x1m bollards) and the reconfigured vehicular parking for the indoor bowling club and leisure and fitness facility (10x5m poles). The residential units and reconfigured bowling club building also proposed large areas of glazing.
- 6.112 In support of this element of the proposals the applicant has submitted an external lighting impact assessment, in line with the relevant LDF and CPG (with DP26 in particular noting that poorly designed or excessively used lighting is a form of pollution which can harm quality of life, wildlife and waste energy). It is considered that any proposal of the nature sought will inevitably require some external lighting in order to serve residents and visitors and maintain security of the spaces. The applicant has provided visual modelling information and commentary detailing the lighting levels, all with the aim of demonstrating that light spillage will be limited and would not significantly harm the amenity of existing nearby and future residential occupiers. It is considered, on the basis of the information submitted that this has been sufficiently shown. Moreover, commentary in the assessment submitted details that a series of dimming controls could be activated to the car park areas in order to provide a lower level of lighting after 11pm. Had the scheme been able to

be supported at officer level a condition securing full details of the precise lighting strategy would have been secured.

### **Basement excavation**

- 6.113 The proposal incorporates a significant amount of excavation given that the 8 residential units each comprise a level of basement accommodation. Given the semi-detached layout of the proposed units this effectively results in four separate areas of excavation, each measuring 13.3m in width, 15.3m in length and 3.75m in depth (based on the plans submitted, although other information submitted by the applicant suggests excavation will be “just under 4m deep”). As such the applicant has submitted a basement impact assessment (BIA) with view to providing sufficient justification for the excavation works in line with predominantly policy DP27 of the LDF.
- 6.114 The BIA follows some of the basic stages outlined in CPG4, namely the initial screening and scoping requirements. During the course of the application officers advised the applicant that there were inaccuracies and inconsistencies in some of the screening answers provided. For example, trees are proposed to be felled as per the arboricultural report, but the response is ‘no’ in the screening report of the BIA. Furthermore, on some matters the screening responses provide no commentary to clarify the answers provided (for example when answering the question regarding changes in surface water flow rate onto neighbouring land the answer provided is simply ‘no’), contrary to paragraph 2.15 of CPG4 which details that “no” answers will require written justification. In response the consultant has indicated that the BIA will be updated, but this has not been submitted at the time of writing.
- 6.115 Moreover, the BIA itself (as submitted by the applicant) considers and recommends that further work is required to be undertaken at the site prior to any construction, namely a geotechnical site investigation. More specifically the BIA submitted states that *“before construction can commence a site investigation will be required to establish: i. The depth of any made ground mantle and any perched water table on top of the London Clay; ii. The strength/depth profile of the London Clay for the design of the concrete box; iii. Any water bearing issues within the London Clay; iv. The root action of trees along the eastern boundary”*.
- 6.116 Policy DP27 is quite clear that the Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. As such, information in this regard is required at planning application stage prior to a decision being made by the Council. Such matters are unable to be adequately reserved to be addressed or controlled via planning condition. Officers therefore have advised the applicant of this. In response the consultant of the applicant has indicated that it is the intention of the applicant to expand on the BIA, that on site investigations were being commissioned and that they would be submitted to the Council as soon as possible. At the time of writing no such additional information based on on-site investigations has been submitted for consideration.

- 6.117 Furthermore, the consultant who has undertaken the BIA does not hold the CGeol (Chartered Geologist) qualification, as required by paragraph 2.10 of CPG4 in terms of subterranean (groundwater) flow. The consultant instead holds a CEng (Chartered Engineer, FIStructE (Fellow of The Institution of Structural Engineers) and FICE (Fellowship of the Institution of Civil Engineers), which is sufficient for surface flow and flooding and land stability matters. In response to this the consultant considered that as a member of FICE who has worked in site investigations and has presented a paper on hydrology and slope stability his expertise has not been questioned previously. CPG4 is however explicitly clear that the Council will only accept a hydrogeologist with the CGeol qualification.
- 6.118 For the above reasons therefore it is considered that the applicant has not yet provided the level of information required by DP27 (and the accompanying policies and guidance) to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Such information is required prior to the determination of any application at the site. Therefore, on the basis of being in the absence of the submission of sufficient information by the applicant, the proposed development has failed to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Consequently this forms a further reason for the refusal of the application.

## **Transport**

### Vehicular parking

- 6.119 In terms of the residential element of the proposals, the scheme originally sought to provide a total of 10 on-site car parking spaces (including 2 designated disabled spaces) for future occupiers of the 8 residential units. Owing to the PTAL rating of the site only being 3 (moderate) and the Highgate Controlled Parking Zone not indicating a sufficiently high enough level of parking stress, it is not considered appropriate to insist of securing the residential units as car-free. However officers advised the applicant that strictly no more than 1 space per residential unit would be considered appropriate.
- 6.120 Therefore during the course of the application the level of on-site parking has been reduced to 8 (including 2 designated disabled spaces). In line with CS11, DP18, DP19 and CPG7 the residential units would have been secured as car-capped, thereby limiting access for occupiers to on-street parking permits in the future. It is acknowledged that despite this measure Blue badge permit holders (residents and visitors) would be permitted to park on the surrounding highway network. However, transport planning officers do not anticipate this having any noticeable impact on the operation of the public highway in the vicinity of the site (e.g. availability of on-street car parking spaces). This car-capped development of the residential units would have been secured via S106 Legal Agreement. Therefore in the absence of an acceptable scheme, this forms another reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.



- 6.121 Turning to the on-site vehicular parking considerations associated with the existing/proposed Class D2 uses, the existing site provides a total of 68 spaces. It is proposed to reduce the on-site provision for the proposed Class D2 operations to 36 spaces (including 2 designated disabled spaces). With the existing parking rights in mind, the significant reduction in on-site parking spaces is welcomed in principle. However, it is noted within paragraph 19.14 of the supporting text to LDF policy DP19 that, reductions in off-street parking is only generally welcomed providing that the removal of spaces would not displace parking to controlled parking zones.
- 6.122 In this instance it is therefore important to consider the impact the proposals could have on the operation of the public highway in the vicinity of the site. For example the impact on the availability of on-street car parking spaces and traffic congestion are material considerations. Given the CPZ operates between 1000 to 1200 Monday to Friday, visitors to the application site could legitimately park on the public highway outside these times, potentially having a significant impact on parking stress in the vicinity of the site. Thereby the proposals could potentially be contrary to DP19. However, transport officers consider that this could be overcome by amending the hours of operation of the CPZ in close vicinity of the site, with the applicant funding by way of a financial contribution the costs associated with any subsequent changes to the CPZ hours of operation, as secured via a S106 Legal Agreement. Therefore in the absence of such an acceptable scheme, this forms another reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

#### New access from Croftdown Road

- 6.123 The proposals also incorporate the addition of a new vehicle access point from Croftdown Road, for the sole use of the residents at the eight proposed residential units and the servicing of those units.
- 6.124 On reviewing the acceptability of an additional access to the site, one consideration is the impact of the proposal on road and pedestrian safety. Transport planning has considered this in detail and concluded that the new access would not be anticipated to create substantial harm in terms of road safety. Any new access at this point would be designed by the Council's Transport Design Team had planning permission been supported at officer level. In this instance it would have been designed as a vehicular crossover rather than a junction as vehicular traffic flows would be relatively low (as detailed within the Camden Streetscape Design Manual). Entry / exit speeds from this point would similarly be low as a result and therefore the road and pedestrian safety concerns outlined in the public consultation process are not envisaged to be of a level or nature that would warrant a reason for refusal of the application on this basis.
- 6.125 Another consideration is the parking implications associated and the amenity of the site under its proposed uses. The proposed access is likely to result in the loss of 2 on-street car parking spaces. Such a loss of on-street parking is generally unacceptable in transport terms, in line with predominantly policy DP21. However, the parking stress in the area is 0.66, meaning that there are more spaces than

permit holders and therefore there is a relatively low stress on parking in the area. It is therefore felt that this loss is acceptable and will have a minimal impact on the surrounding area.

- 6.126 A further consideration from an amenity perspective is that it is best practice to keep Class D2 and Class C3 uses separate in terms of vehicular access where practicable to do so. With this and the aforementioned matters in mind the proposed new access is considered appropriate in principle to transport planning.

#### Cycle Parking

- 6.127 In terms of cycle parking for the residential component of the proposals, it is stated that 32 spaces are to be provided for the 8 residential units created. This is double the minimum requirement for 4-bedroom units (2 spaces per unit). However, there is no information regarding the exact type of cycle storage to be implemented. Had the application been able to be supported such details would have been secured via condition. In terms of the Class D2 component of the proposals, a minimum of 10 spaces are required in line with TfL standards. The applicant is proposing 10 covered sheffield cycle stands, providing 20 spaces. The level of provision (double the minimum) would have been welcomed and secured via condition had the application have been supported.

#### Construction Management Plan

- 6.128 The applicant has submitted a strategic construction management plan (CMP) as part of the application. The development is proposing substantial earthworks and alterations to the existing building, thereby removing a large quantity of soil and debris from the site. The construction length and size is also of a significant nature and would potential have a significant impact on the local highways network and residents. As such the submission of a CMP at application stage is welcomed in principle. The document submitted has been considered by both Transport Planning and Environmental Health officers. During the course of the application feedback was provided to the applicant, outlining the present shortcomings of the CMP submitted. The applicant has clarified some matters raised, albeit in letter form and not within a revised CMP document. Had the application been able to be supported the full CMP including all further/revised details would have been secured via the s106 Legal Agreement. Given that this matter could be secured via S106, the information submitted isn't in this instance considered to be inadequate in its entirety and the nature of the site means it is not considered to be an essential requirement to secure all details at application stage, the lack of the CMP will not from a substantive reason for refusal of the application but will instead be added as an 'in the absence of S106' reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

#### Travel Plan

- 6.129 The applicant has submitted an Events Travel Plan as part of the proposed Class D2 component of the scheme. Transport Planning has commented on the information submitted and considers that it is presently unacceptable in a number

of areas. The applicant has in part responded to some of the matters raised by Transport Planning. Similar to the scenario with the CMP outlined above, it is considered that the Travel Plan would in any event be secured via S106 Legal Agreement, with further details being secured at this stage. Alongside the Travel Plan a financial contribution towards the subsequent review and monitoring of this plan over 5 years would also have been secured, totalling £5,561. Therefore the Travel Plan and associated financial contribution would not constitute a substantive reason for refusal of the application but will instead be added as an 'in the absence of S106' reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

#### Highways works

- 6.130 Turning to consider works to the highway to facilitate the proposed development, a financial contribution would have been secured via S106 Legal Agreement to repave the footway adjacent to the site and to provide the crossover as part of the new access from Croftdown Road. Such works would also cover the costs of any damage caused to the public highways during the construction phase, and would ensure that the footway ties the development into the surrounding urban environment. All works to the public highway would have been carried out by the Council. In the absence of an acceptable scheme, this forms a reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

#### Pedestrian, cycling and environmental improvements

- 6.131 Had the application been able to be supported a financial contribution towards pedestrian, cycling and environmental improvements in the local area. £20,000 would have been secured, based on the proposed trip generation figures for pedestrian, cycling and bus related trips (£4,000) and the additional residential units created on the site (£2,000 per unit). This is in line with CS11, CS19, DP17, DP21, CPG7 and 8. In the submission the applicant indicated a willingness to enter into a S106 on this basis and this was accounted for in the confidential viability information submitted by the applicant. However in the absence of an acceptable scheme, this forms a reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

#### Servicing Management Plan

- 6.132 A servicing management plan has been submitted by the applicant to detail the servicing arrangements for all future uses at the proposal site. This has been duly considered with CS5, DP20, DP26 and CPG7 Ch4 in mind. In short there is considered to be sufficient space within the site, and loading spaces have been adequately incorporated to result in the servicing requirements being considered appropriate. Given all servicing would occur on-site such details would have been secured via condition rather than via a S106 Legal Agreement.

#### **Other matters**

## CIL

- 6.133 The proposal would have been liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. The scheme will be charged at a rate of £50 per m<sup>2</sup>. The CIL charge would have been collected by Camden after the scheme had been implemented and could have been subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. The applicant is already aware of the CIL requirement given that this has been accounted for within the viability report submitted.

## Section 106

- 6.134 Had the application been able to be recommended for approval at officer level the proposals would only have been supported on the basis of the applicant entering into a Section 106 Legal Agreement for various matters (in addition to those already outlined above).

## Educational infrastructure

- 6.135 A financial contribution towards educational infrastructure would have been required, in line with policies CS10, CS19 and DP15 to account for the increased pressure upon education places and costs as a result of the development. In line with the CPG8 formula a contribution of £171,952 (8x4 bed = 8 x £21,494) would have been secured. In the submission the applicant indicated a willingness to enter into a S106 on this basis and this was accounted for in the confidential viability information submitted by the applicant. However in the absence of an acceptable scheme, this forms a reason for refusal of the application. An informative will state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

## Phasing

- 6.136 Owing to the nature of the proposed development, a head of term of the S106 would have been sought to have been secured which would have meant that none of the proposed residential units could be occupied until the proposed works to the existing building (MBC, new leisure facility and all associated works for these elements of the proposals) and proposed 'public' open spaces had been completed, ready for occupation and/or use (as appropriate) and evidence of this had been provided to the local planning authority to demonstrate this. This phasing head of term would have been necessary to ensure that the scheme was not only part implemented (i.e. housing element implemented but all other works not implemented). Put another way it would have ensured, in the context of a scheme considered appropriate, that the wider benefits of the proposals (for example the refurbished MBC building and increased leisure offer as a result; the publicly accessible spaces and associated landscaping) would have been fully implemented to help justify the residential component on POS. In the absence of an acceptable scheme, this forms a reason for refusal of the application. An informative will state

this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

### Open space

6.137 Owing to the applicant denoting that two spaces will be given over to publicly accessible open space (totalling 1010m<sup>2</sup> in area when the totality of the denoted space is calculated, but predominantly one triangular space 153m<sup>2</sup> in area and one rectangular space 219m<sup>2</sup> in area), as part of the development proposals, this means that a financial contribution to public open space would not have been sought had the scheme been supported at officer level. Financial contributions are usually secured on schemes involving this number of residential units, in line with policies CS15 and DP31, as on-site provision is usually difficult to achieve in practice. The proposal in itself however exceeds the 223.2m<sup>2</sup> on site requirement in this case.

## **7. CONCLUSION**

7.1 The proposed development, having duly acknowledged and carefully considered what degree of enabling may arise from the scheme for MBC to continue functioning at the site, is not considered to comply with the primary open space policies and guidance at the local, regional or national level. More specifically the residential component of the scheme, accounting for loss of 47% of the designated private open space, is in no way considered to be limited in its nature (despite the viability case made by the applicant) or ancillary to the existing use. By its scale, nature and location, it would lead to a loss of protected land, which provides benefits to the residents of, and visitors to, the borough in terms of health, sport, recreation and play, and would further have a significantly harmful effect upon the open nature of the site and the contribution this makes to the character and appearance of the surrounding area and this part of Dartmouth Park Conservation Area. Put simply, once built on, the open space would be lost to the community forever.

7.2 Notwithstanding this primary land use concern, had this been considered satisfactory the proposed development is also considered to not provide the maximum reasonable amount of affordable housing, nor seek to provide residential development of a suitable density and mix in line with established policy. In addition, at present insufficient justification has been submitted to justify the basement excavations proposed as part of the residential element. These all constitute substantial reasons for refusal and are complemented by a further eleven reasons for refusal which are owing to the scheme being in the absence of a S106 Legal Agreement. These reasons include: sustainability; energy strategy; education; construction management plan; car-capping; service management plan; highways works; environmental improvements; travel plan; changes to the CPZ; and, phasing.

## **8. LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.