



Dartmouth Park Conservation Area Advisory Committee

Mansfield Green Space

Your planners have done a complete and wholly unjustified U-turn.

Notwithstanding that this development includes development of open space for luxury housing development, this U-turn is almost exclusive based around the provisions of DP15:

“The Council will protect existing leisure facilities by resisting their loss unless:

e) adequate alternative facilities are already available in the area, and therefore no shortfall in provision will be created by the loss; or

f) the leisure facility is no longer required and it can be demonstrated that there is no demand for an alternative leisure use of the site that would be suitable;”

Exceptionally Sport England, the national body charged with these matters, has supported the objectors and opined that there would be demand. Rejecting that advice, as your Officers invite you to do, would be the sports equivalent of rejecting the advice of Historic England (English Heritage as was).

The main basis for your Officers inviting you to do so is an incomplete report being prepared within the Council which has not only not yet been adopted even for the purpose of being consulted upon but is secret and not available to objectors (not even Sport England). Much of the argument is built around on an added layer of highly contentious stuff about viability not called for by the LDF. The applicant is arguing precisely the opposite of what they argued in the application you rejected.

The risk of Judicial Review apart the whole argument has in any event been wholly undermined by the Applicant’s last minute concession that there might be a viable alternative leisure use if supported by an enabling development and offers a compensatory payment of £600k. This, it is suggested, might be used in Kings Cross. There is also a gratuitous throw away reference possibly being used to subsidise the redevelopment of the Highgate Newtown Community Centre site. This not only fatally undermines the main case under (f) but entirely fails to bring the application under (e).

On top of all this the Applicant has always conceded that some form of leisure building is anyway required for the proper use of the land not included in this luxury housing development, it is just that they, in the teeth of the provisions of the LDF, want you to agree to it being built on designated open space rather than within the footprint of the existing building. The Council’s Development Policies in relation ancillary buildings on open spaces, which expressly require the previous history of the development of ancillary buildings to be taken into account, plainly requires that this purported replacement can’t require the loss of further open space.

Finally, you are reminded that in making the unchallenged determination that the site is an Asset of Community Value the Council has already settled the key issue here as this is formulated in S88 of the Localism Act, viz

it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.”

There is no possible basis here for rejecting the views of the objectors including Sport England. An appeal based on these arguments wouldn’t survive a moments consideration.

In for a penny in for a pound, your Officers have argued that the current inadequate LDF provisions preclude insisting on a car free development. **That, however, is not the issue here.** What you are actually being asked to allow is the development of private

roads and private parking for luxury housing on designated open space. Again at the last minute the number of spaces has been reduced but what is proposed is abhorrent and plainly contrary to the provisions of the LDF. Allowing designated open space land to be used for private car parking associated with a luxury housing development would be criminal. No development on this site, not even a much smaller enabling development, should include private roads which access private residential parking.

For the record, over the months and months it has taken to try to find reasons to support this in the end untenable case for allowing this development the application has changed a great deal but there has been no further consultation. The subsequent rush to determine the application just before Christmas exacerbates the problem.

Even if one accepts the notion of a luxury housing development, and a possible enabling development apart we don't, there are already much less intrusive proposals available.

The Development Control Committee should not need reminding the fundamental purpose of this application is to establish consent for a luxury housing development on this massive scale. Having achieved this, there is no obligation on the Applicant to proceed with it or its attendant inducements. If, having established in principle that a luxury development is acceptable, they, or more likely a successor, do not return with further applications which whittle away the inducements, we will eat this submission. We are anyway unconvinced that the mechanisms for delivering these even within the present application are fit for purpose.

This isn't an application to redevelop on the footprint of the clubhouse plus indoor bowling facility. It requires substantial designated open space to be developed.

Your Officers have uncritically adopted the risible argument of the Applicant with regard to the Council's designation of the whole site as an Asset of Community Value. That designation is alive and well and is a material consideration which weighs against approval. Despite the earlier legal manoeuvring of the Applicant, this is true even of the statutory right to bid.

Allowing further erosion of the Mansfield open space by allowing a further substantial housing development would do considerable harm to both the character and appearance of the site and, as important, the Conservation Area. Consequently, the proposal would be contrary to Policy CS14 of the Camden Core Strategy, 2010-2025; and Policies DP24 and DP25 of the Camden Development Policies, 2010-2025.

In our view the harm done to the Conservation Area as a whole would be substantial and is therefore also contrary to the relevant provisions of the NPPF.

Substantial or not, the claimed housing supply benefits even if delivered are vastly outweighed by the harm done. Particularly so since the housing isn't of the type which is most needed. Even if delivered in full any non-housing benefits claimed are derisory particular given the site's potential. The claims made aren't more significant just because of their prominence in the short description.

The character of the Conservation Area is the product of both function and appearance of, inter alia, the buildings, within it: see Development Plan (DP) at para 25.2.

DP25 (paragraph 25.8) further requires that, even where a building makes little or no contribution to the character and appearance of a conservation area, demolition consent should still be refused unless "any replacement building enhance(s) the conservation area to an appreciably greater extent than the existing building". What is proposed doesn't. For this reason too, granting permission would be contrary to DP25.

The provisions of the Development Plan relating to open space must be read in the context of the Conservation Area designation ie the open space is not merely important in itself but because of the substantial contribution it makes to the character of the Conservation Area. Allowing yet further encroachment into the open space is plainly precluded by not only the provisions set out earlier but also by specific Development Plan policies summarised at 13.13 of the Core Policies.

....We will continue to protect our open spaces and other green spaces, where possible and seek to create additional open spaces.

and set out more fully at CS15 which clearly preclude granting permission for a

development which involves a further loss of open space on the Mansfield site and the application should be refused on this ground too.

Indeed, the Council's Development Policies extend further (see, for example para 31.10 :)

The Council will seek opportunities to bring private open space into public use and for development sites adjacent to existing open space to increase the size of the open space, where practicable.

The LDF also asserts that at least the fact that some of the land designated as open space has been damaged, in this case tarmacked for leisure parking does not, as a matter of policy, make it less worthy of protection. Once a green space is lost to a housing or whatever development it is lost whilst tarmac can be removed.

Amongst others a benefit of open space identified in the Development Plan which is of particular importance in respect of this application given the known continuing flood risk in the immediate area is set out at CS para 15.5

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 to reduce flood risk by retaining rain water.... (emphasis added)**

The open space and leisure policies of the Development Plan, which itself does already refer to the concept of 'green spaces', must not only be read and understood in the context of the Conservation Area designation but also in the light of the more recent paragraphs 76 and 77 of the NPPF and the guidance issued under those provisions.

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

These aptly describe the Mansfield Site which will, as the next generation of Local Plans, including the Neighbourhood Plan, come to fruition, receive the relevant corrected designation. An inappropriate consent now which pre-empts this would be highly objectionable.

For obvious reasons given the above the associated guidance refers to the strong possibility that designated 'green spaces' would also be designated as Assets of Community Value. In the case of the Mansfield site our Asset designation has merely come first.

As your Officers have until now agreed, the case for rejecting this application is unanswerable.