**MANSFIELD BOWLS CLUB**

**OUTLINE OF LEGAL ARGUMENT FOR MEETING ON 15/6/16**

1. The Council’s decision notice contains 13 reasons for refusal. Only the first goes to the principle of whether planning permission should be granted. The others relate to matters which the Council says it would like to see in a s.106 agreement / unilateral undertaking.
2. The first reason for refusal is:-

“The applicant has failed to demonstrate that the existing leisure facility is no longer required, that there is no demand for an alternative leisure use of the site which would be suitable and that therefore the loss of the facility would not undermine the range of services and facilities needed to support local communities, contrary to Policy CS10 (Supporting Community Facilities and Services) ) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and Leisure Uses) of the London Borough of Camden Local Development Framework Development Policies.”

1. DP15 is the central policy here since its purpose is to provide specific criteria by which to deliver on the broad objectives of CS10 and, insofar as is relevant, CS19 (see para. 15 of the supporting text to DP15). If there is compliance with DP15, then CS10 and CS19 would also be complied with.
2. DP15 has different criteria depending on the nature of the development proposed. The scheme in the present case is a leisure facility. As to such facilities, DP15 permits their loss if either: *“(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”*.
3. **It is crucial to note that (e) and (f) are expressed to be alternative criteria – i.e. only one of them needs to be satisfied. They do not both need to be satisfied.**
4. In relation to criterion (e), SLC’s report on behalf of Generator as well as KKP’s reports for the Council support the conclusion that adequate alternative facilities are already available in the area, and therefore no shortfall in provision will be created by the development. The Officer’s Report to Committee at para. 6.44 states *“it has been demonstrated that adequate alternative bowls facilities are available in the area and there will be no shortfall in indoor and outdoor bowls”*. That equates to an acceptance that criterion (e)is satisfied.
5. The Council’s first reason for refusal does not purport to rebut this conclusion. Its wording is solely focused on criterion (f). What this overlooks is that it is unnecessary to satisfy criterion (f) if criterion (e) is satisfied. The first reason for refusal is therefore fundamentally flawed.