

1. TRANSCRIPT OF MANSFIELD BOWLING CLUB 2015/1444/P - 14TH JANUARY 2016 MEETING OF DEVELOPMENT CONTROL COMMITTEE

1.1 **Cllr Heather Johnson:** To start, we have what I am sure is going to be a long cold evening ahead of us, here. Ok, good evening everybody my name's Councillor Heather Johnson and I'm the chair of this committee. I'll just do some quick introductions for the people who aren't here regularly so you kind of like know who everybody is. Ok, so to my right is sitting Dan Rodwell who's our committee clerk, he's here too advise me and the committee on procedure and management of the meeting ahead and to his right is Aidan Brookes, who's our legal advisor who's going to be advising us on any points of law that may, may come up. Seated to his right and in the whole of that block are the planning officers who present the applications and other officers including the conservation officer who we might need to call upon for, for advice or information during, during consideration. On my left is; Stuart Minty who is the Head of Development Management and seated to his left and in this block here are the members of the committee who are here to hear and make the decisions on the applications.

1.2 There are spare copies of the reports to be considered this evening outside the council chamber if they haven't already been taken by everybody. And can everybody please note, that the meeting is being webcast, so may I ask speakers including members of the committee to switch on the microphone in front of them when they speak and speak into it every time they speak, and to switch them off when they've finished speaking. Don't hold down the microphone button when speaking, because that it won't work if you do that and your contribution won't be recorded; and can I also ask everybody to turn off their mobile phones as they do interfere with the operation of the microphone system. If you need to have your phone on silent, for some important reason, can you please make sure they're well away from the microphones because they will interfere with the sound system even if they're on silent. Ok, members as you know you need to be present for the whole of an item if you wish to speak and vote on it, and just to say as usual we do have a very full agenda this evening and we are having to put in extra, extra meetings so can I encourage members to keep contributions brief and to the point and reiterate once again that please only ask questions or make points which you consider will affect your decision and questions that haven't already been asked.

1.3 Ok, moving on to apologies for this evening, I have apologies for absence from Councillors Ali, Fulbrook and Rosenberg. Do we have, is that everybody? I think we've got everybody else here. Ok, and can I ask members if they have any pecuniary or non-pecuniary interests they wish to declare. Cllr Vincent.

- 1.4 **Cllr Sue Vincent:** Chair, just too reiterate, my employment is with Urban Design London which is hosted by Transport for London.
- 1.5 **Cllr Heathen Johnson:** Thank you for that, anybody else? Cllr Beale.
- 1.6 **Cllr Danny Beale:** I have received communications from residents with two applications in my wall, Camden Mews and Caversham Road and I've advised them obviously I'm a member of the committee and flagged them up to Cllr Mason.
- 1.7 **Cllr Heather Johnson:** Thank you for that. Anybody else? Cllr Stark.
- 1.8 **Cllr Stephen Stark:** Yes, item 10 is a property which I own.
- 1.9 **Cllr Heather Johnson:** Ok, we'll make you leave then at that point, don't think we will let you stay. Councillor Freeman.
- 1.10 **Cllr Roger Freeman:** Yeah I repeat the same, same comments I made which will be in the draft minutes about Kensington.
- 1.11 **Cllr Heather Johnson:** Cllr Wood.
- 1.12 **Cllr Abi Wood:** Item 3, I have had communications with some residents but also advised that I'm on the committee.
- 1.13 **Cllr Heather Johnson:** Ok, thank you very much for that. I just want to move back on announcements too webcasting, I've got a statement I need to read out to you. 'In the addition to the rights by law that the public and the press have to record/ film public meetings, I'd like to remind everybody present that this meeting will be broadcast live by the council to the internet and will be capable of repeated viewing. Copies of the recording could be made available to those that request them. If you're seated in the chamber, it is likely that cameras will capture your image and you're deemed to be consenting to being filmed and to the use of those images and sound recordings for webcasting and all training purposes.
- 1.14 If you're addressing the committee your contribution will be recorded and broadcasted unless you have already indicated that you do not wish this to happen and nobody has indicated that. If you don't wish to appear on the webcast then I would suggest that you move into one of the upper galleries because they're not part of the webcast. Ok. I don't have any other announcements, I'd like to propose to the committee that we accept the deputation requests and written submissions contained on the supplementary agenda, is that agreed? Thank you very much, I don't have any

items of urgent business so we can go straight into the first item which is Mansfield Bowling Club, Croftdown Road and it's on pages 29-104. Thank you.

- 1.15 **Planning Officer:** Thank you Chair. Good Evening everybody, my name is Gavin Sexton, and I'm a team leader in the Planning Solutions Team. So, as chair has said, the first item tonight is Mansfield Bowling Club on Croftdown Road. Here we have the site in the middle of the image here; and you can see, the site's a back land site, access from this single point here on Croftdown Road and it's surrounded by residential buildings in the main, along York Rise here, Croftdown Road, Laurier Road and Dartmouth Park Avenue.
- 1.16 So generally speaking the neighbouring buildings are semi-detached residential properties with generous front and rear garden spaces with the exception of these properties here which are some Neo-Georgian townhouses on Croftdown Road dated from the 1970s and they were previously part of the Mansfield Bowling Club and that's covered in the site history in the report in front of you. So the site is in the Dartmouth Park conservation area, here's a further view looking west you can see this is the club house here, at the entrance of Croftdown Road. This is the outdoor bowls area, the indoor bowls area was obviously in this large building and this is the tennis court area here. Here's the entrance from Croftdown Road, these are, these are the properties on, this is sorry known as Regency Lawn.
- 1.17 This is a view from within the site, this is back of Regency Lawn and this is the front of the Mansfield Bowls Club building, disappearing into the distance there. Some more images from around the site, this is the outdoor bowling facility, it doesn't look like that anymore, it's been out of use for a couple of years now and it's looking, it could do with more encounter than that; and again a historic image looking across the tennis courts and the bowls facility. Some existing gardens based on the side and inside the property.
- 1.18 Just to give you some background on the designations of the site, so the vast majority of the site is designated as private open space. The one, the exceptional bit, is the un-hashed bit in the middle which is the building footprint and that area is not designated.
- 1.19 So the proposal, well at the moment the site it has a six rink indoor bowling club facility which is not currently in use, it has the outdoor bowling green as I've shown you; it has two tennis courts which are in active use by the Kenlyn Lawn Tennis Club and a small club house. It's got a small allotment area, some areas of hard standing and as I say the outdoor bowling green has been out of use since 2011. The building itself is identified in the conservation area statement as being a negative building which detracts from the character and appearance of the conservation area, and therefore there's no policy of objection to its demolition as such. It's, the site has got a PTAL of three so is moderate so not especially good transport accessibility and the building is on Camden's list of

assets of community value and it has been so since May of 2013 and that's discussed on page 33 in your agenda pack.

- 1.20 So the proposals cover the full extent of the site, this is the existing site and the main, the bowls building, outdoor bowling and tennis; and the proposal is to add a third tennis court here, and to put, well to demolish the existing bowling building and replace it with 21 homes, mixture of market and affordable within the envelope of the existing building, to add a new entrance way pedestrian in the north east corner, too put in a new pavilion club house for the tennis court and to re landscape throughout, dramatically reduce the amount of hard standing and convert, or effectively change what is a private open space to public open space.
- 1.21 You'll note from your report there's been a previous refusal on the site, which was a different arrangement, it was a new building facility supported by, enabling income from 8 houses but with a loss of open space and there were a series of reasons for refusal of that largely related to the loss of the open space. This is the previous refusal, you can see the extent of development on the site: this would be the leisure facility, this would be the housing, much more extensive than what's proposed here. Give you a quick overview, this is the proposal for the site, looking at the north element first, three tennis courts, communal area of garden space, re-landscaping with children's play area, tennis pavilion up here with a new entrance in here; and then to the south, we have the residential element, 21 homes within the footprint of the existing building with some further landscaping to the south and the existing entrance retained.
- 1.22 Quick overview of the houses, basement level for the properties that have basements, ground floor- quite an unusual arrangement of building of structures or dwellings I guess because of them being put in the footprint of the building. So basically, largely two storeys above ground with a third floor on the front where the building is a bit taller. I'm not going to dwell on these in any detail but these are the floor plans going up and a quick overview of the elevations, they're not terribly clear, I'll come onto slightly better illustrations but you a good sense of their, well a contemporary take on the local context brick and render finishes, some sections to indicate where the lower basement level would be; and this is just an indication of how the proposed building would fit within the existing envelope; the red line you can see, the taller element is the taller bit of the building that I showed you in the original photograph of the front.
- 1.23 The structure behind which has the building within it is a pitched roof building at the lower level and these buildings would step down to roughly that level and they take their maximum height from the ridge point, so they're slightly taller where the eaves of the existing building was but overall they'd be no taller than the tallest point of the existing building; and again so the side elevation of the new dwellings, with the existing build envelope outlined in red, on the right, an illustration of the nature of the materials and the design approach, and mimicking the typical building from within the

immediate area of the conservation area, and likewise. And this is a illustrative image of the scheme.

- 1.24 So the units, the 21 units be a good mix of sizes, policy compliant affordable housing provision, and in terms of the amenity it would be sufficiently far away from neighbouring properties on all the sides, so ensure there should be no significant impact on amenity from overlooking or privacy. And the scheme would also significantly reduce the dependency on private vehicles with reduced parking facilities on site. So, at this point I was going to turn to land use, this is probably what's on most people's minds, there are two elements to the land use policy discussion, the first relates to the open space and the second relates to the use on the space. So from the perspective of the open space, the policy presumption, policy CS15, is against the development on open space. I need to be clear that this building, would not be on designated private open space.
- 1.25 The proposal would lead to a slight increase to the building footprint across the site, mostly accounted for by the new tennis club house, but there would also be a significant increase in the total open space on the site, especially green space and a change of most of the retained open space from private to public accessibility; and that's set out in table 6.10 on page 52 of your agenda. So the development associated with the replacement building would only marginally infringe on the designated open space, in the form of car parking to the south and of course the additional tennis court, it's access and parking arrangement would be within the existing private open space but it can be argued that those are ancillary to the uses that are retained on the site, the leisure uses and of course overall, the scheme involves considerable enhancement to the open space and a change to becoming public.
- 1.26 So overall, it is considered that the proposals broadly comply with the open space policy CS15. So to move on then to leisure use, again the policy presumption in this case of policy DP15 is against the loss of existing leisure facilities unless adequate alternative facilities are already available or the leisure facility is no longer required and it can be demonstrated that there's no demand, of an alternative leisure use on the site, which would be suitable.
- 1.27 So as we're aware, the bowling club seized operation in March 2014, and the building is in some state of disrepair. The tennis courts are used by the club members only. The development would result in the demolition of the existing bowls club house, which is a Class D2 use, so leisure use, and the replacement building would be residential, therefore the leisure use within that part of the site would be permanently lost. The scheme however does include significant improvements to the open space, and the quality and the amount of leisure facilities which would be provided by the tennis club.
- 1.28 The applicants have sought to justify the loss of the leisure use within the building through a report prepared by SLC, which looked at suitability which is the term in the policy, supply, demand and

viability and it looked at a number of alternative leisure facilities both sports and non-sports related and these are summarized in the report. The planning service then commissioned KKP, to review that report: they found that the methodology was acceptable, with, it was in accordance with the Sport England guidance. They agreed, that bowling no longer remains a straight forward, viable proposition for the site. They also agreed that the tennis facility improvements would likely enable a sustainable future for the tennis club on the site, so it stacked up with a business plan; and KKP have also advised subsequently that a sports hall on the site which is an option that's been talked about, to some extent, would need, health and fitness facilities in order to be able to provide enough financial support to maintain the hall, but in their view, KKP have found that there's sufficient of these in the area already and without it a community sports hall would not be viably sustainable on the site.

- 1.29 So drawing this together, officers have drawn on two different reports to conclude the assessment on the leisure side. The first is KKP's independent assessment of the Applicant's report, and the second is a further report prepared by KKP, which was prepared for our sports colleagues, to inform the council on decisions related to the delivery of facilities across the Borough as a whole and the evidence gathered by KKP to inform that emerging facilities strategy that actually doesn't identify this location as suitable for a sustainable and viable sports hall and this is not an optimal location to meet unmet demand.
- 1.30 There is clearly a local desire to retain leisure uses on the site and that is obvious from the representation and the consultation responses; and there is evidence of local need and clearly as shown by the asset of community values association of the site. The site is clearly valued for its contribution to the community, and so having regard to the fact that there is some this unexplored final possibility that an alternative leisure use might be provided in a mixed residential and leisure use building. If that was, sorry, that's the unexplored possibility of whether that can be proposed on the foot print of the bowling club.
- 1.31 We have sought a financial contribution of £600,000 towards extending or enhancing other local indoor sports facilities and that figure has been arrived at, following work with colleagues in the culture and sports service, and it's been established that this amount could support provision of new and improved facilities elsewhere. For instance, to upgrade Highgate Newtown Community Centre, or potentially Talacre Sports Centre. So, and the decision on how that money obviously would be used, and how it would be most effectively used to serve local people would be made in due course, by the relevant Cabinet member in discussion with Ward Councillors. So the Applicant has agreed to provide that contribution by way of Section 106 obligation.
- 1.32 So finally, in conclusion having regard to the detailed study of the sports use which the Applicant undertook, in combination with the agreed contribution to either extend or enhance other local sports facilities. The overall proposal is on balance, sufficient to address the requirements of DP15,

to compensate the permanent loss of sports and leisure use on the site. I'm happy to take any questions.

- 1.33 **Cllr Heather Johnson:** Thanks for that, if we just get the lights up and then we have, first of all we have Keith Northrup, I don't know where you are, speaking against the application from the Mansfield Residents Committee. Mr Northrup, you have five minutes in which to speak, I'll tell you when you've had four, when you're a minute away, ok? So, start whenever you like.
- 1.34 **Objector (Mr. Keith Northrup):** So we wholly endorse the Dartmouth Park Conservation Area Advisory Committee's submission which provides more comprehensive grounds for refusal. We would also like to emphasize this is simply, it's simply not correct to say that the proposed housing is within the footprint or the envelope of the present building. In fact, it exceeds it considerably allowing for the creation of an extra storey, this is illustrated on the drawings that we've submitted and I have copies here if you need them.
- 1.35 This whole site is, has a long standing leisure designation including the building, having been in continuous sport and leisure use for almost 100 years. For a change of policy, including the buildings being pointed out, the policy DP15 must be satisfied and it hasn't been. Firstly, the Officers Report recognizes the local demand for sport and leisure facilities, not least from the local schools and that the local community values the site hence it's designation as an asset of community value.
- 1.36 Secondly, even the Applicant's own report acknowledges that demand exists for a sports hall facility on this site. Thirdly, the officers state that a leisure facility with an enabling development on the buildings footprint was a viable option. Sport England, strongly objected to the application citing the lack of clear evidence demonstrating that the site is surplus to requirements, likening this to an objection from English Heritage, the officers say that they haven't seen this in Camden for at least the last ten years. They are the leading body in this area and have a thorough understanding of needs and provision in Camden. Indeed, the officers confirmed just recently as July, that Sport England's position was a major obstacle to obtaining planning approval.
- 1.37 Sport England has come under considerable pressure to withdraw their objection including the threat of cost; but despite this they've held to their position. They did offer to review this, if evidence could be provided of other sites that met perceived current and future demand in the area. This list was not provided and therefore their objection stands. The unfinished and unapproved Camden report on provision makes no difference to this.
- 1.38 According to the Officers Report, what has made a difference to their position is the payment in lieu of £600,000. It's worth emphasising that this has come out of the blue without any consultation or hint as to how it has been calculated. It's come as a surprise to residents and our Councillors alike.

This of course a buyout of DP15 (f), and the obligation to demonstrate that there is no demand for an alternative leisure use. To quote, 6.46 of the report, 'Having regard to the fact that there remains a possibility that an alternative leisure use may be provided if a mixed residential and leisure use building is proposed on this footprint of the bowls club building, the Council has sought a financial contribution.' In rejecting this logic, the principle Planning Manager from Sport England response was immediate and clear. 'Either the site is not wanted for sport and leisure, in which case there is no basis to pay the £600,000 or it is wanted, in which case DP15 is not satisfied and change of use rejected.'

1.39 The developers ignored the prospect of mixed use and went ahead instead with plans of packing as many properties as possible on to the, on to the site. They clearly believe it is worth paying the £600,000 if this means that they can build more houses and make more profit. This is simply wrong. The officers say that the payment will be part of the S106 obligation, however Sport England consider this to be an incorrect use of this provision.

1.40 **Cllr Heather Johnson:** You have a minute left.

1.41 **Objector (Mr. Keith Northrup):** Right. I have provided you with an email to me from the principle Planning Manager pointing out why this is so, in short it does not comply with the test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 204 of the NPPF. These policy protections are vital to the preservation of sport and leisure facilities such as this; to allow buy outs to put the price on their heads leaves them at the mercy of any developer willing to pay the going rate.

1.42 As is attempted here, such sell off would take place without any community involvement. This land is precious to our community, and now represents a golden opportunity to provide sport and leisure facilities in particular to local schools who are crying out for space of this kind. This is in line with the latest policy statement, relating to youth welfare and participation. It is not to be sacrificed for any payment in lieu. Once lost, it is lost forever. Thank you.

1.43 **Cllr Heather Johnson:** Thank you for that. Can I, can I ask people please to be quiet we've got a lot of business to get through tonight so we don't have time for standing ovations I'm afraid. Ok, now we have David Churchill from the agent speaking and also Geoffrey Nowell Smith, club captain speaking in support. Now I understand Mr churchill, I don't know where you are Mr Churchill that you'll want three minutes and Mr Nowell Smith is going to have two. So I will tell you when your thirty seconds away from your three minutes okay? Thank you.

1.44 **David Churchill, Planning Consultant on behalf of the Applicant:** Thank you Madam Chair. After many months of negotiation with officers, we're pleased to present an application that complies with the development plan.

- 1.45 Our proposition is simple and officers have responded with a balanced report, in complying with the development plan, the requirements of the MPPF paragraph 14 are engaged mainly the presumption in favour of sustainable development applies and there's a requirement to build the relevant proposals that accord with the development plan without delay.
- 1.46 The applicant has discharged all the relevant duties relating to the asset of community value, equally there's been no failing in the consultation undertaken by the applicant as is clearly set out in the Statement of Community Engagement and officers report.
- 1.47 The position adopted by Sports England acting as a non-statutory consultee has been addressed by the Applicant and independently audited by the Council. The audit concluded that the site is unsuitable to provide a community sports hall regardless of available capital funding.
- 1.48 The proposals are supported by Kenlyn tennis club, there are no technical reasons to object to the proposals; all officers of the council support the proposals, there are further material considerations that support the proposals even if the council deems that proposals do not comply with the development plan, a point that we reject entirely.
- 1.49 As is evidenced by the report of officers, they do too; and the extent of contributions sought by the council in negotiation is capable of being viewed as a material consideration that outweighs any perceived lack of compliance. The residential use proposed is outside the private open space designation as per the officers recommendations, any changes to the profile of the club house are minimalist.
- 1.50 In appropriate of land use terms, it provides a mix of uses across the site, and the benefits are clear; we're proposing to provide public open space in place of private, children's play space in an area of recognised deficiency, creation of a genuine community asset with meaningful community space, significantly expanded and improved tennis facilities, tennis being a priority sport for Camden, and tennis facilities would be available for use by the local schools and the local community.
- 1.51 We're proposing a high proportion of affordable housing, we're proposing to exceed the relevant housing standards and we're proposing fundamentally to replace a negative contributor in the conservation area with a high quality building that would preserve and enhance the conservation area. The site will make a significant contribution to the infrastructure facilities.
- 1.52 **Cllr Heather Johnson:** Thirty seconds left.
- 1.53 **David Churchill, Planning Consultant on behalf of the Applicant:** Thank you. In the surrounding area, and we trust that you agree with your officers recommendations and conclusions

and grant the planning permission; and with that I'll hand over to Mr Nowell Smith on behalf of Kenlyn Tennis Club. Thank you.

- 1.54 **Cllr Heather Johnson:** Thank you for that and I'll give you a sign when you're thirty seconds away. Ok.
- 1.55 **Kenlyn Tennis Club Captain, Geoffrey Nowell Smith:** Hi, I have four points to make in two minutes I believe. Three points in direct support of the application and the fourth in support of Camden officers recommendations for the Council.
- 1.56 First point, amenity; the current state of the site is disgraceful, it is ugly, neglected and deserted and Kenlyn's two undersizes courts are the only part of the site in any form of sporting use and then for only half the year. The new courts, gardens and play area will be a tremendous improvement in amenity terms.
- 1.57 Second point, tennis, three all-weather courts will more than double available playing time on the courts enabling us to develop as a Centre where players of all kinds can enjoy themselves and build up skills.
- 1.58 Third- community, the new courts will not just be for club members and dedicated tennis players, the all-weather surface will open them up for school groups all year round, it would even do so in winter evenings if we were allowed to have flood lights which however, we are not asking for because we don't want to alienate the neighbours. Sorry. But, oh yeah I know. But for this to happen, the but point, Kenlyn will need secure guarantees as under S106 agreement that A- the relevant parts of the sites are safeguarded in perpetuity for tennis and other outdoor recreation and B- that our conditions of tenure must lead to legal and financial security, to offer excellent affordable facilities now and in the future. This is unequivocal, and I am therefore appealing to the committee to help ensure that the underlying principle.
- 1.59 **Cllr Heather Johnson:** Thirty seconds left.
- 1.60 **Kenlyn Tennis Club Captain, Geoffrey Nowell Smith:** Are locked into a S106 agreement from the outset, and if that happens, and I'm sure it will, we look forward to detailed negotiations towards the future, how this can be achieved and we look forward to a bright future. And that's it, thank you.
- 1.61 **Cllr Heather Johnson:** Thank you very much for that, I'm sorry this isn't the kind of meeting where that behaviour is acceptable. You're here too observe not to shout out when other people are speaking and I ask you not to do anymore of that. Ok now we've got three ward councillors want to speak. I've got you down as Councillor Berry then, Councillor Gimson, then Councillor Lewis but if you want to do it in a different order, say that again. Oh well you choose. Okay.

- 1.62 **Cllr Sian Berry:** Ok well thank you for letting me speak, I'm here to oppose these proposals as Councillor for the ward. I know that the fate of the site is a great concern, locally and that the vast majority of residents backed up by the protective planning status of the site want it retained as sporting facilities. I want to draw your attention to 6.1 of the officers report, and the policy for private open space first of all. Every aspect of Camden's policy described in this section applies to the mansfield bowling club, our community lacks suitable sporting facilities and open space in the area around the bowling club, and if kept as an open space and reinvigorated for sporting use, it would contribute significantly to our communities health and well-being.
- 1.63 The community I represent really values this space, as shown by their attendance here, the deputation made and the many objections. As well as the fact they've designated it an asset of community value. The objectors include Sport England, who state clearly that the proposal does not comply with their land use planning policy statement. The conditions for development in section 6.2 of the report are not met by this proposal. Particularly where these state, that the place should not be developed unless it is for limited development ancillary use taking place on the land which there is a demonstrable need.
- 1.64 The current proposals can in no way be described limited, and the current club house building is ancillary, clearly contributes directly to the sporting use of the open space and is not a free pass for a change of use to other kinds of development as claimed by the applicant. Similarly the current car parking is clearly there to support the sporting use, whereas most of the new parking will be for residents of the new building, and cannot count as ancillary to the sporting use in any definition.
- 1.65 Another important planning point is in section 6.24 of the officers report that states that the planning policy DP15 on sports means that the applicant is required to demonstrate that the facilities are no longer needed and that there is no demand for a suitable alternative use on the site. To the contrary, there is a very strong desire locally and strong demand for new sporting facilities. There's been at least one offer to purchase the site for the community to use and throughout the report there is clear evidence of interest from other parties including the schools in maintaining this as an open space for sports. Section 6.37 confirms all this saying that, the objections and evidence received does indeed demonstrate that there is demand for alternative sporting facilities amongst the local community.
- 1.66 In terms of the ACV, the asset of community value, it also appears that the October 2013 notification of sale made to the council has now expired and that a new notification and potential moratorium period for the community purchase is needed. I think this will be very likely to result in more proposals coming forward.
- 1.67 Finally, the financial contribution is derisory; section 6.46 of the report says that the decision on using the money would be made in discussion with local councillors. No one has asked me yet, but

I would like to offer my opinion now; as I have been involved in the plans for the nearby Highgate Newtown Community Centre and I know how much these things cost. I can confidently state that £600,000 would go no way towards enhancing sporting facilities on the tiny Highgate Newtown Community Centre site that could in any way compensate for the loss too our area, of the Mansfield Bowling club Site and that there are no other sites of open space nearby that could be built upon or used to compensate either.

- 1.68 The proposed contribution would mean less that nothing in the context of the loss for this site. All this shows there is clear justification within the officers report, for a decision not to approve the proposal, to maintain the protection by following Camden's planning policies and not to overturn the additional protection of its ACV status. I urge the committee to make the right decision and reject the application.
- 1.69 **Cllr Heather Johnson:** Thank you Sian.
- 1.70 **Cllr Oliver Lewis:** Thank you Madam Chair. I also oppose this application. Members the starting point for you is that the space should be retained as sports use and I want to suggest that the case abandoning that principle is not made out by the evidence and I want to make three points. But before I do, it's right that you've seen from the pictures that not very long again Mansfield was a pristine and immaculate lawn, well used and yes it's in a disgraceful state now and that's because it's been deliberately run down by the owners.
- 1.71 But my first point is about schools, now the applicants produced a sports report- SLC report, but neither it nor the Camden response discuss local schools, four of our secondary schools are within about half a mile, several primary schools are nearby, none had to my knowledge have been asked about their existing facilities or needs. Schools in the area including the state school La Sainte Union have since positively said that they would make use of facilities and you only need to look at the supplement agenda page 29 to see that there was an email sent by La Sainte Union school saying just that and they didn't have a response.
- 1.72 I've been asked to say on behalf of Brookfield governing body that that school has limited space for fitness and PE for its pupils and would positively welcome the opportunity to use any of the facilities on the site to enhance the site.
- 1.73 And I should say that the suggestion that an extra tennis court at a private tennis club would satisfy community needs for sports provision is somewhat wide of the mark, and it's a pity in my view that the applicant did not come up with a more creative and inclusive proposal. A suggestion is made in the SLC report that demand for other sports use is low, well the responses from residents tell you that cannot be right and indeed that is acknowledged in paragraph 6.37 in the main report and implicitly by the applicants offer of a payment in lieu of leisure provision.

- 1.74 My second point is about Highgate Newtown Community Centre, because the reports also fail to address the situation there, that site is due for redevelopment as the facilities there are increasingly in need of sustainable replacement; and the very fact that there has been ongoing discussion between the applicant and Camden about a possible deal to effectively swap the sites to allow community and sports use to transfer, to the more suitable space offered at Mansfield tends to suggest that the applicant is well aware of the need for sports facilities in the area and the fact that the applicant has said that those discussions can resume at the conclusion of this process does tend to undermine any suggestion that the site is not suitable for a community sports hall.
- 1.75 Third point, Camden's own sports assessment, the KKP report about indoor facility strategy says that demand for indoor sports hall facilities cannot be met by existing supply in the Borough. So in other words, there's not enough sports halls in Camden, this is Camden's own report. The report also shows that Highgate is particularly short of those sorts of facilities and that totally contradicts any suggestion that the area is well catered for in terms of health and fitness facilities.
- 1.76 Sport England say that the case is not made out for a loss of sports facilities on the site, add in the residents responses, a very different picture emerges. So, for officers to say as they do at 6.39 and 6.46 that they acknowledged that the evidence reveals the demand for sports facilities is in Highgate, for their own commissioned report to describe a shortage of sports facilities in the borough, and where Camden's own policy objectives are to promote healthier lifestyles and protect community and leisure- DP15. To then conclude that this space already designated for sports use can be lost for sport and leisure does not with greatest respect make a compelling case.
- 1.77 So, your starting point, the space is designated sports and leisure use should remain that way unless there's good evidence to conclude otherwise. I suggest that the evidence fails to demonstrate a lack of need or demand for sports and leisure facilities; indeed the opposite is shown to be true. Sport England, local schools, local residents all provided ample evidence that there is such a demand, the application should be refused.
- 1.78 **Cllr Heather Johnson:** Councillor, Councillor Gimson
- 1.79 **Cllr Sally Gimson:** Thank you. I too want to lodge my strong objections to this application, this is a luxury housing development complete with car parking on space that's designated as all of my colleagues have said, designated for leisure use and that's why I urge you not to support it.
- 1.80 There's no justification for this loss of leisure facility, the community believe that very strongly - that's why they've designated the site and assets of community value and that's why a number of them have clubbed together to put in an offer to buy this. But let me ask you as Keith has done, if the developers and indeed the planners really do think that there is no need for leisure facilities on this site, why is there £600,000 on the table to mitigate its loss?

- 1.81 Either there is no loss, which point there should be no mitigation or else there is a loss at which point you have every justification in turning down the application. But let's have another look at this application and the car parking, a lot of luxury housing and car parking. The kind of houses, likely to make millions of pounds to the developer. But Generator, the developer has been incredibly generous, they are offering affordable housing, there have been extravagant promises to the tennis club for which you have seen no detail as it doesn't exist in written form and you should consider that; and then there's that rather arbitrary £600K.
- 1.82 You might like to ask why, why is it that the developers Generator have said they will do anything, absolutely anything to be allowed to build housing on that site. Well I might be a little naughty, I might suggest that Generators primary interest here is to establish the principle that housing can be built here, but in the end they have absolutely no intention of actually building this scheme.
- 1.83 May I suggest to you that in a year or twos time, you well might find another let us say more realistic application on the table; complete with viability assessment which you will note is missing here suggesting that actually all these lovely things; the tennis club, the affordable housing, the £600K are simply not possible anymore because the financial situation has changed and the building costs have got incredibly high and you will not be able to stop that second proposal because you will have already seeded the principle that this land can have houses built on it and is not of any use for leisure.
- 1.84 So please, consider what the community wants, consider what the community needs and my colleague and Oliver have talked to you in detail about what the schools say they want. Consider what Sports England have said, and consider that contradictory position that we are being asked to sell out leisure use for a miserable £600,000 while also being told there is no leisure use. So I urge you, as would my colleagues to turn this down as smartly as you did last time when it was on the table.
- 1.85 **Cllr Heather Johnson:** Thank you for that, I turn over to the committee now for questions and comments. Can I suggest that we maybe deal with the land use issues first and then come on to any other issues, and I should point out that we do have officers here from the sports department that we can question if we want to about the decision on the requirement for sports use. Councillor Jones and then Councillor Vincent.
- 1.86 **Cllr Phil Jones:** Thanks chair. Clearly this is a much valued facility by the community and it's going to turn on whether we think it's needed for sports use or not is the key issue. I was interested in Councillor Lewis' point around the schools have expressed a clear desire that they can use it in this way and I wasn't really clear where that fits into the assessments that have been made.

- 1.87 So I'd appreciate some information on that, because it seemed to me that there is a contradiction here between all the evidence that's been cited about the demand for this to be used and then the reports saying well we can justify losing this, because clearly once it's lost, it's gone and I think that we're all aware of that. My second question was related to that if we do this £600,000, why £600,000? Why not £500,000? Why not £700,000? I fear that Councillors were correct when saying that £600,000 is better than nothing but what that actually buys you, delivers you in terms of you know we could repaint Talacre or something like that but it's not going to compensate for the loss of the actual space that we have currently have protected; and clearly just on Councillor Gimson's point, clearly the committee has to consider every case in its merit and hypothetical situations not relevant and we will not take that into consideration but in terms of what she said about the loss of the principle here, she's right isn't she?
- 1.88 **Planning Officer:** Ok, thank you, I'll start at the beginning with the schools. The point about the schools has been raised and it's discussed on page 61 of the report, oh sorry of your agenda section paragraph 6.36, which acknowledges, well it identifies that the schools were approached. In some cases, no evidence of them taking up the opportunity for them to meet and it's acknowledged that as we have heard that Brookfield school have acknowledged, have confirmed that the use of the site would greatly enhance their physical education offer.
- 1.89 It's true that, this ward is clear that there is evidence of local need and there is evidence of local attachment to the site. The assessment that the applicant undertook looked at a range of sports and leisure options and what the policy test is to find the use, an alternative use that would be suitable, and suitable covers a range of criteria. It relates to whether it's an activity that the site could support, what would it impact on local amenity of residents and so on be, we've heard their concerns, mention of floodlights etc. It also relates to the sustainability of the proposals. If a leisure facility is to come forward then it depends, well depending on who ends up managing it, it needs to be something that is sustainable.
- 1.90 So I think, as far as we have seen, the applicant has attempted to gauge from schools what the use and interest in the site would be, and the SLC report itself established that the continued use of the site for sport use would require significant investment.
- 1.91 But, I guess no firm proposals, show the clarity of what that use would, the demand would be has come forward. In terms of the £600,000, we had discussions with officers who have been looking at the Highgate Newtown proposals as they're emerging and they're in fairly early stages of development and the figure came from an estimate of costs related to enhancing or refurbishing the sports facilities on that site, so the £600,000 is not envisaged to deliver a whole new leisure facility but too extend or too enhance existing ones; and finally on the matter of principle, yes is the answer.

- 1.92 **Cllr Heather Johnson:** Councillor Vincent.
- 1.93 **Cllr Sue Vincent:** Thank you very much chair. Before I go in to my substantive questions please, Councillor Jones brought up the failure to engage with local schools, to respond to local schools. It seems the local community as well by the number that are here, could we just take a look at I think it was the second slide, where it showed the north part of the site with the tennis courts and that's no go, it was a plan form. No, it's showing the proposal, so go forward please, so it shows you the proposal, again, stop. Yes, I think if you go the next one, can you just tell me in the box sort of to the left there between the tennis courts and that road. Is that a gate that's there that I can see?
- 1.94 **Planning Officer:** There, yes it is.
- 1.95 **Cllr Sue Vincent:** I think chair, it's sort of confirms a feeling that I have, this certainly is a sort of separate use and it has potential to be portioned off into fields for tennis and a commercial housing, land space only. If we go on to the slide that shows you the breakdown of the actual land use, I think the concern, no not, it's the colour slides, you had a coloured key with yes the path on the right.
- 1.96 So the green space at the bottom, which is this green space below the parking and those squares are all part of the sort of housing development and are you including those green squares and the triangles, very odd shapes areas as part of the actual green space overall figure? Because they certainly can't be used as green spaces can they?
- 1.97 **Planning Officer:** Well I'm not sure how firm the landscaping proposals for them are, but yes they have been included in the total.
- 1.98 **Cllr Sue Vincent:** Those small, little squares in between the parking lot. Ok, no sorry please, let's. I mean there's a couple of things, as I was reading the report, the first thing was the status of the MBC as proposed, because you talk about Mansfield Bowling Club, then on page 60, suggest it's actually not on the site. So the Mansfield Bowling Club (1920 limited), is this the sort of the private club now that has a very low membership and doesn't accept membership, and I wondered on that because the, it's a private open space, did the officers look at the caveat, it's on the existing land use from that very amazing person called, I will find it, since 1981 when it was given over by, I do apologise I can't see it Chair, but there was a woman who actually gave this over in the 1800s and I think, yeah yeah yeah that's it.
- 1.99 I just wondered if anybody had sort of investigated what the caveat, the legal caveat were on on this, in terms of the use, just on then, sorry to go on to the substantive DPF15 about the demand for alternative, it obviously seems that we don't, don't seem to have justified there's a, there is a

demand for this. But also, my reading of 6.13, page 53, about the established ancillary use, surely this can't be policy compliant.

1.100 **Planning officer:** Ok.

1.101 **Cllr Heather Johnson:** Is it sensible, would it be sensible if I took some more questions, rather than going backward and forward because I think lots of people want to speak. If I take Councillor Woods and then Councillor Beale and then we'll come back to you then.

1.102 **Cllr Abi Wood:** Thanks very much, I wanted to ask about the report that hasn't been published yet, the Indoor Facility Strategy. I'm just really concerned that it seems like there are probably going to be recommendations in that had it already been published would have a bearing on this application and I'm really concerned that the committee could end up making a decision, this report is published in a few weeks' time and subsequently will regret the decision that we make on that, so I'd like to hear officers thoughts on that and also perhaps from Aidan on whether there are any legal implications of that if this were to go to appeal.

1.103 The other thing I wanted to raise, was the choice of increased tennis facilities in the area, I think it's quite clear that there are an awful lot of tennis courts already around Highgate and it just feels like a bit of a shame that the developers weren't a bit more imaginative and could of come up with a scheme that might have contributed to more diverse provision.

1.104 **Cllr Heather Johnson:** Councillor Beale.

1.105 **Cllr Danny Beale:** Thank you chair - on the land use issue, I wonder obviously Sports England is a well-respected organisation and it seems to have quite a clear view to me about this. I was just wondering, what weight this committee should give to such an expert group and why the officers feel that the application can be recommended for approval despite that view.

1.106 On the point made, I think by a number of deputies, if we're suggesting there isn't demand, isn't demand for the use, per say accepting the £600,000, is there a contradiction. I don't know if the officers have any comments about that and whether the £600,000 is likely to adequately pay for that demand. I would like a comment on that.

1.107 Then my third question was about the sports and leisure report discussed on page 55, to be honest I found the report quite, quite strange when reading the justification which on various sports usage to disqualify them as viable, football pitches were not viable because parking would be required for instance but parking is on site already and is on the new site. The lighting was seen to be an issue by a number of sports users because this is a residential area but Councillors, gardens in my own ward which has flood lit pitches is just as proximate to residential use as this would be and if

anything we're increasing residential nature of this development with the sports usage so I just found a number of the justifications for discounting sports usage quite odd and I think both the football pitch, multi-use games area and a sports hall, I think, I think seem to me to have some legitimate basis for consideration and I just wondered if you could touch upon that as well.

- 1.108 **Planning Officer:** That's quite a lot of questions. If I can start perhaps at the beginning with the queries about open space, in terms of the legal caveats on the use, I'm not aware that the officers have looked back at the legal history of the site that would be a largely private matter. We've focused on the land use designations in terms of the local plan so the open space designation which doesn't include the building itself.
- 1.109 **Legal Advisor:** If I could just confirm that obviously what members are being asked to do is consider the application against our planning policies, there's no duty to investigate the title and Members aren't concerned about whether or not the application can be built out in landownership terms, it's just something we don't know and it maybe that there are covenants on the title but it's not something that the committee would be concerned about.
- 1.110 **Planning Officer:** And then the second query if we can from Councillor Vincent, was it about I think paragraph 6.13, the policy compliance CS15. CS15 has two elements to it, development on open space which is strongly resisted and then development which is adjacent too which is what this would be here and so in the general sense, the development which is taking place, adjacent to the space would be proportionate to the size of the existing building and so on, which is the considerations within CS15 so if there was extensive development on the open space itself it would need to be ancillary to the use, development which is adjacent which is in this case here because it's not on the designated land then the caveats are less restrictive, more in how it relates to volume and size in the space.
- 1.111 To move on to Councillor Woods queries about the indoor facility strategy, excuse me, how that would have a bearing on this decision tonight. I'm not really in a position to comment on that strategy as the chair has said, we have Nigel Robinson here this evening who's the head of sport and physical activity and I believe, well it's his service which has commissioned the KKP report and he may be able to give you more clarity on that.
- 1.112 **Legal Advisor:** And if I just comment on Councillor Woods question, about whether it would be taken in to account in any subsequent appeal - Any subsequent appeal would be considered against the policies in place at that time. So if a subsequent version came out of it then that is what would be taken into account, but the point I would make is that it's not a planning policy, it's a sort of background policy that goes to demand, so whether that would lead to a different outcome of not I don't, it's fairly difficult to anticipate and I agree with Gavin that Nigel Robinson's from the Council's leisure department, it may be helpful for him to comment.

- 1.113 **Planning Officer:** Further on, we also have David Mckendry here from KKP, who may be able to answer questions specifically on the report. In terms of then, the increased amount for tennis use on the site and why not something more imaginative, I mean I guess as set out in the report they did look at a fairly broad range of sport and non-sport activities, some of which were clearly unsuitable for the site.
- 1.114 There's clearly evidence that tennis is a viable option on the site, and that's supported by KKP's assessment from the applicant of the SLC report. They found that increasing the size of the space, and increasing the size of the tennis facilities would likely be a sustainable option on the site, notwithstanding the number of other tennis courts locally.
- 1.115 Then to move to Councillor Beales, the weight of this Sports England review, in this case Sport England, they're not a statutory consultee on this site because there would be no loss of playing fields so their view is obviously helpful and they're clearly experienced in this field and that's partly why the council engaged KKP to do an independent assessment using their own expertise of the SLC report. So I think, obviously the Sport England advice is advice, it's not a direction. In terms of the demand for the £600,000, I mean again, maybe well I'm not sure, I'm not aware of the details of the Highgate Newtown Centre proposals and what that would get within that, it may be that Nigel could comment more on that.
- 1.116 Then finally on the sports and, sorry on the SLC report and as you say a number of the proposals that came forward from them that are covered in the report were effectively discounted by them for various reasons. So pages 55-58 are, is a summary of the SLC findings. It's not a summary of our assessment of their findings. So they use their expertise to put together their own assessment of these options, clearly flood lighting, I mean I guess there, it depends on where the flood lighting is, how it's arranged and how close it is to neighbouring houses and so on. But I guess they've used their experience of stuff like the kind of traffic that playing fields generate, which you come to some conclusions, again that's why we used KKP with their experience of the same field to assess whether the conclusions that were drawn were reasonable and they found that they were. I think that's all the questions covered.
- 1.117 **Cllr Heather Johnson:** Ok, would it be helpful for members to hear from Nigel about, about what we're anticipating in the report and on the various questions that they asked about, kind of local use.
- 1.118 **Nigel Robinson Head of Sport and Physical Activity at LBC:** Thank you Madam Chair, I am Nigel Robinson, head of sport and physical activity for Camden and I am very proud to do so. If I had it my way, I'd put sports facilities all over Camden but that's just a fantasy.

- 1.119 And returning to the question in hand, I want to be clear that the document that the Council referred to and the work that's been done is an audit, it's an audit of existing provision, the quality of the existing provision, the range of publicly accessible existing provision and any gaps in provision. It's my job to turn that significant data, and other data that we use including Sport England's facilities planning model and turn that into a strategy, and that will consist of the following: the priorities will be to ensure that, the priority will be existing facilities are existing portfolio of indoor leisure facilities are sustainable going forward in the long term and that means continual reinvestment in the assets, in order for them to continue to be viable, and to meet need which they do significantly in the borough. Over 2.5 million visits a year, one of the busiest in the country.
- 1.120 The second priority will be to deliver on existing commitments, capital projects that have already been approved, such as a new sports hall at Kings Cross, which is an area in significant sporting need. Any new investment or my strategic support for investment outside of Camden or external investment will need to meet significant tests and those tests include a facility where the located need is greatest, and by greatest I mean it will tackle inactivity.
- 1.121 Camden's got, 30% of the adult population is active for a health benefit, 30%; and that we're the second highest in London and the top band nationally. So there's work to do. Where residents and non-residents alike will flock to, and aside of investments or buildings or assets that require no subsidy, that they are self-sustaining; and perhaps most importantly of all, where the impact is greatest on inactivity and by that I mean pound for pound is proportional to the investment. Chair.
- 1.122 **Cllr Heather Johnson:** Ok, shall we move on, Councillor Pietragnoli wanted to speak I think.
- 1.123 **Cllr Sue Vincent:** Because Councillor Beale raised an issue that I had circled - is why football, MUGA and sports or motor use all have to have a required parking but tennis doesn't?
- 1.124 **Cllr Heather Johnson:** Can anybody answer that? Why we think that football, five a side and that needs parking but tennis doesn't. No.
- 1.125 **Cllr Sue Vincent:** Yes, the gentlemen at the back there, page 57.
- 1.126 **Cllr Heather Johnson:** That's why I am asking. The question has been answered. Can you answer that.
- 1.127 **KKP Independent Consultant :** I think one of the key aspects in terms of when you're looking at intensity of use, so in an area the size of tennis courts you generally have 2-4 people playing and that change over so at any one time there's eight people per court on a change over on that instance where you're looking at issues such as five a side football, or in a sports hall, in a sports hall you can have probably 16 people playing at any one time if all badminton courts are full which

means you get a get a changeover then of 32 people at that particular change over time. So your intensity of use is much greater for those particular sports than for tennis which is a larger area, with two or four people playing.

- 1.128 **Cllr Heather Johnson:** Ok, I think that, I'm sorry this is not, this is not a time for you to be chipping in, for anybody here or in the gallery. Members need to concentrate on their questions and the answers they're getting. That's obviously a view and members can deal with that, as they, as they see fit. So can I move on then to Councillor Pietragnoli and Councillor Harrison and then I will come to the back row.
- 1.129 **Cllr Lazzaro Pietragnoli:** I have a question for the developers actually, we may be persuaded by your. I'll come up here, it's easier. Wrong one, okay fine.
- 1.130 You might be persuaded by your sport and leisure report, that there is no need for a facility in that area, but clearly you show the popular response and you show the people around here have different feelings, so my question is why you don't have explored the possibility of a mixed development with the leisure and sport facilities at the lower ground and housing at the upper grounds because you came here with a very generous offer of a lot of social housing and I'm absolutely sure that many of committee would approve a more realistic scheme with possibly less social housing but keeping the sporting facility, so my question is why don't you have explored that.
- 1.131 **David Churchill, Planning Consultant on behalf of the Applicant:** I'll attempt to answer that, obviously what we've presented to you here is a scheme that covers the whole site, we're not talking about one element and the scheme that covers the whole site includes an area of housing, includes a significant area to be set aside for a community tennis club.
- 1.132 So in that sense the proposals as a whole must be read as a whole and clearly what we've put forward in professional evidence that supports the application has been audited by the Council, as being through several iterations in the pre-application discussions and indeed we've also built on our experience of the previous application where members of the tennis community were objecting to the proposals and we listened to that, we took on board the feelings of the local community, the feelings of the tennis community.
- 1.133 We took on board the guidance from officers and we've prepared this scheme that we feel captures the essence of a mixed use development that provides a genuine use for the community and provides a mixture of sporting and residential facilities.
- 1.134 **Cllr Heather Johnson:** Ok, Councillor Harrison.

- 1.135 **Cllr Adam Harrison:** Thank you, my first question is about the public open space and to ask whether there's anything in the proposals to secure it as public open space in perpetuity, and my second question is to ask whether this site benefits, forgive me if I've missed it, benefits from any sort of site allocation or designation. So a bit like what we've seen in an area action plan where we've seen specific sites we've known to come forward for development, and we say this is what we as community and the local Councillors and whoever aspire have on this site and that helps us make the decisions.
- 1.136 It seems like I haven't been able to spot, if we've had a real process that goes to what extent this is a feasible site to have sports facilities on and if so what else will you have on the site to help fund that or whether you will go for funding elsewhere. It feels like were sitting here trying to determine if there is demand and whether there isn't and this that and the other and we shouldn't really be doing this here, feels like we should be in the process taking place elsewhere and slightly following on from that, I mean I do slightly feel that what I've understood from the report that there is a lot of reasons to say no it's too difficult to have this type of, all sorts of various sports facilities and I can't see anything to say that there is a demand. There seems to be some demand, I'm not sure it's, if the schools were to use it, I would prefer to see something further from individual schools or from Camden Schools department but I wouldn't want to rule out losing that opportunity either.
- 1.137 **Planning Officer:** In terms of allocation and designation, the designation of the site is that it's private open space, and because of the strength of the policy on that which effectively precludes the development on within in that space, then I don't think it's been considered there's any need for further site allocation or site designations associated with the site.
- 1.138 So it's not covered by any other designation that I am aware of. In terms of whether the open space would be secured as such, the third head of term in the legal agreement in sections, in paragraph 7.2 page 76, is a management and maintenance plan for the site including the open space, it's not specific there but it could.
- 1.139 **Legal Advisor:** That would secure the cover as public space going forward, quickly usable space going forward.
- 1.140 **Planning Officer:** Ok, well there's the answer to that, and finally on the demand as I was, as I've said there is an acknowledgement that there is local demand and that there is a local need it's a matter of what is the best solution for the site, again let's go back to the wording of the policy, let's see, sorry, the suitability, well the suitability of it an alternative leisure use on the site, obviously we've heard that there are some concerns about the nature of what the SLC report considered and some of their conclusions about parking and so on, obviously there are, well one of the key reasons behind the requirement for this £600,000 contribution is in acknowledgement that not every conceivable option for site has been looked at such as a mixed use building.

- 1.141 There obviously is a larger question there of if there is such a facility could be included within the built envelope of the existing building or whether it would be something larger and therefore whether it would introduce a whole range of other considerations about development on the site.
- 1.142 **Cllr Heather Johnson:** Ok can I move on now, Councillor Leyland, Councillor Stark, Councillor Freeman, can I just take all your questions and then if are they still all about land use?
- 1.143 **Cllr Leyland:** No, mine links a little bit to the consultation, I just wanted to explore how concerned we should be by the statements in the report that meetings have been offered and the clear evidence of emails and supplementary that schools had tried to engage and that that was not followed up. So we don't have a clear sense of engagement with schools and as I say as a Camden authority that's a concern for us but I wondered if officers could speak to the discrepancy as a first part and then as a second part.
- 1.144 **Cllr Heather Johnson:** Well, I mean I think that's something we might want to take outside it, but I think you can take what you take from what you take from it that obviously there is a difference of opinion as to whether they were contacted or not and I think officers can't say any more than that the schools have now said they have got uses for the space, I mean you take what you want too from that evidence, I don't think it's you know that, always that matter to make a decision yourself.
- 1.145 **Cllr Leyland:** I suppose in my mind it speaks to the decision we have to make regarding land use in the area but if you want me to do that without that feedback from officers that's fine. My second point was, I'm curious with this report coming out and a clear running passionate response from the members of the council and sporting department, how much liaison there was between officers and other parts of the council, obviously we work best when we work as a team that puts our residents at the heart of everything we do.
- 1.146 It doesn't really look as though the passion and forbear for increasing use and engaging residents in sporting activity has really been captured in the report and I'm just a little bit curious how much contact there was between the different layers of the council in coming to the conclusions, where the expertise of our paid staff to start are able to influence the recommendations made by others parts of our paid staff.
- 1.147 **Cllr Heather Johnson:** Ok, can I take the rest of the questions and then I'll come back to talk to about all the consultation, the talking between the departments and the others. Councillor Stark.
- 1.148 **Cllr Stephen Stark:** Well my one actually was related to my colleague here and I wanted to understand more clearly about this consultation with the schools with and about whether there is a natural process and was it followed correctly and did Camden see sight of it and was there a desire for the schools to purchase it.

- 1.149 **Cllr Heather Johnson:** Councillor Freeman.
- 1.150 **Cllr Roger Freeman:** Getting back to Andrew, I have to say once my questions been asked can I ask for your indulgence to have a slight break in proceedings whilst I have a comfort break, I'm sorry about that. There is a bit of a read across, between this and the Mornington sports hall at the back of Camden town, Marks and Spencers in Camden Town. Obviously that was closed, on the basis that with Talacre, Swiss Cottage and with Prince of Wales Road, there was quote on quote deemed to be enough indoor sports facilities and obviously that is close to where the report shows that where the deficit of indoor sport facilities are the greatest, i.e. in Summers town. Now obviously the criteria that the council used in coming to that decision in Mornington is slightly different than the criteria that we're looking at today.
- 1.151 Which is, I just kind of want to give that as back drop, my reading and perhaps either Francis or Stuart or somebody else has information on this is that Camden sold the site to a private developer for housing but my understanding here going through the Camden planning records is that no planning application has been submitted by the site, I want to make it quite clear that there is consistency between any decision that is made here on the closure of sports halls for the private housing and any that may be made with the Mornington, ex Mornington Sports Centre.
- 1.152 **Cllr Heather Johnson:** Sorry about that. Before a break, can you deal with those questions?
- 1.153 **Planning Officer:** Ok, if I take the most recent first perhaps. I'm afraid I can't really comment on Mornington, I don't know whether; let's come back to you. Well as Aidan says, each case in its merit. I'm afraid I don't know the background to that and I'm not sure how it would be directly relevant to this assessment today.
- 1.154 In terms of the consultation process and talking and working between departments, as far as I'm aware, these proposals did come forward, certainly the assessment of these proposals come forward with input from the sports and physical activity service, obviously KKP have worked both for us and for them in some capacity so there's been some consistency of approach there, but to the best of my knowledge there has been close working between us; and obviously the way in which the applicant was advised to undertake the needs assessment and the justification for the site will have drawn on our experience in the sports side as well.
- 1.155 In term of the schools, I'm afraid I don't have anything more to add than what's set out on page 61 paragraph 6.36. I'm not aware of any specific process to answer Councillor Starks question about how the schools would be engaged, there's no specific requirement, obviously we expected the local need and demand to be carefully and comprehensively examined and as I can say, I'm not aware of any desire for the schools to purchase this site I'm afraid.

- 1.156 Obviously the committee report mentions that there has been a local offer to purchase the site although I'm not aware of how those negotiations have gone and from what I understand the fact of the site remains an asset of community value notwithstanding one previous marketing attempt to sell it is likely to mean that any future attempt to sell the site would again have to through the same moratorium of local groups to be consulted. The advice I've got from our officer who manages the ACVs, is that the legislation is a bit ambiguous but in his view there's no reason to believe the same moratorium wouldn't apply next time round.
- 1.157 **Cllr Heather Johnson:** Thank you for that. I've been asked by a couple of members if we can take a very short break, it is freezing in here and I think that is leading to everyone needing to take a short comfort break. Can I, we are adjourning this matter, so can I ask everybody here, this is not a time to grab Councillors to have a chat with them. Alright, they're kind of like in purdah as it were, like a jury service so do take a comfort break yourself can we convene in five minutes. Everybody.
- 1.158 **Cllr Heather Johnson:** We are back, thank you for your indulgence on that one. Ok, members I want to move us on, so I want to ask if anybody has any other questions they want to ask or comments they want to make on anything other than land use that we've been dealing with. Is there anything, alright, ok Councillor Freeman.
- 1.159 **Cllr Roger Freeman:** Yeah, I just want to make a comment, I thought the bid on sustainability was very weak, 6.79. It says we've got a problem with sustainability, mentions some compensation that was being done but there was no indication whether that brings us back on board, I know recent regulations; mean that we can't kind of discuss the sustainability so much. I couldn't for the life of me understand, find out how deep the basement is and which I think we need to know and I must say I got slightly confused by 6.9, as to the difference between public space and the community garden and when it should be fenced off.
- 1.160 **Cllr Heather Johnson:** Councillor Woods you had something.
- 1.161 **Cllr Abi Woods:** Yeah I wanted to ask about the parking, I mean why apart from the disabled parking isn't this development car free.
- 1.162 **Cllr Danny Beales:** This is just to follow on from the parking point really, you read the PTAL description which says Tufnell Park is 750m and there's two underground stations 850m, there's four nearby bus routes. I just wondered how we got to that PTAL score, I mean it seems quite well connected and I understand that the draft local plan which I'm not sure exactly where it's at, is it out for consultation now suggests a more restrictive view of parking and when can we start taking considerations, I know we can't say it's full adopted the policy but when can we start considering sort of weighting for that future policy coming in because that is much more strict and I imagine we'd have a different view of this as well.

- 1.163 **Transport Officer:** James Hammond. Transport planner, we only seek completely car free sites if the public transport accessibility level is above, is four of about. Whereas this is below that level and that is within our council policies. We have drastically reduced the amount of car parking on the site so that will like reduce the overall demand on the transport network in the local area.
- 1.164 We have also added additional kind of cycle parking, to promote sustainable transport to and from the site. We wouldn't seek it completely car free, because the accessibility level is not that high but as I said there is a big advantage here in this development that it will be reducing the amount of motor vehicles in the surrounding area.
- 1.165 **Cllr Danny Beales:** The question about, is it correct that the new local plan would take a different view and when can we take regard for that. Yeah I think the new local plan is sensible because for me, this is a very well connected site actually in Central London.
- 1.166 **Transport Officer:** Yeah I agree, I think within the new local plan that we're looking in the consultation at the moment isn't it that we're looking getting rid of the concept of relying on the public transport accessibility level, and then making all sites within the borough car free. I don't think we've adopted these policies as yet and we'd like to take them into consideration with transport.
- 1.167 **Legal Advisor:** Yeah I think obviously until it's adopted it can't be given weight to an adopted policy. But I think at least a different weight can be given to it as at this stage, because that plan has been due for submission, also the research underpinning the draft plan is still pertinent. I certainly think some weight could be given to it.
- 1.168 **Planning Officer:** To go back to Councillor Freeman's queries, the basement will be three metres deep, paragraph 6.80 on the sustainability, I think it's not terribly clear but the second to last line indicates that adding on the photovoltaic panels would bring the carbon reduction back up to the required 35%, and paragraph 6.9 is extremely long, I can understand there may be some confusion from this. I'm, I don't know how much detail do you want me to give you on this, I guess it's largely summarised in the table below, there would be a number of different uses within the open space including.
- 1.169 **Cllr Roger Freeman:** I'm still a bit lost, as to when the fence is going to be operating and when it's not going to be operating i.e. people from the Croftdown estate will be able, I mean I suppose the real key is when will people from the Croftdown estate and especially those flats at the top of St Albans Road that don't have gardens be able to use this. I was completely lost.
- 1.170 **Planning Officer:** Ok, probably the best answer I think, I mean I, the best answer from looking at this. So this is the area here, this is the community garden here and the fence to keep it separate, I

think the idea is that the open space would be accessible in the same broad hours as a public park, so it may well be gated just to keep out people in the middle of the night but otherwise it would be open and there's a pedestrian entrance at this point and there's the other pedestrian entrance up through here. So within the hours of daylight, or whatever the convention is for public parks, during that time they would be able to access public areas here through either of those gates.

- 1.171 **Cllr Heather Johnson:** Councillor Pietragnoli do you have another question?
- 1.172 **Cllr Lazzaro Pietragnoli:** It's a doubt more than a question, and it's at the back of my mind and I would like to go back to the principle of the land use and referring to Councillor Gimson's objection. I understand we have processed the application, we have in front of us but at the same time in assessing these applications we can make a sort of balance I could say maybe I wouldn't approve the change of use from D2 to C3 but even the amount of social housing and giving the £600,000 contribution, blah blah blah, I'll approve it.
- 1.173 But at the same time, I'm approving a principle not an application because tomorrow the developers can come here with the viability and say no sorry that is not possible any longer, so my question to Aidan is, is there any possibility of linking the principle of the change of use to this specific application.
- 1.174 **Legal Advisor:** I think as members know, they've got to determine the application that's before them so I suppose the answer to your question is no there isn't but obviously this application has to be decided on its merits and of course Members aren't bound to vote in favour of it if they've got fundamental doubts about any aspect of compliance with policy.
- 1.175 **Cllr Sue Vincent:** Chair shall we move to a vote now?
- 1.176 **Cllr Heather Johnson:** Councillor Freeman.
- 1.177 **Cllr Roger Freeman:** I think I'm telepathic with Councillor Pietragnoli, let's be quite clear, if this was too be passed tonight as is then they say that oops we can't provide policy compliant affordable housing plus the most expensive CIL in the borough plus £600,000 and we've got to make some changes, you know in the, when the next application comes in the change of use paragraph would be the shortest paragraph ever which has said the council has signed the development committee, signed off on this. I mean that's my understanding Aidan, am I right or and I wrong?
- 1.178 **Legal Advisor:** You know we can't anticipate the approach any other application would take but it would be presented on the basis of the you know the situation of financial viability, situation, planning policies, other material circumstances at that time.

- 1.179 **Cllr Heather Johnson:** Councillor Beale.
- 1.180 **Councillor Beale:** It's actually just a restatement of the question I asked initially, probably best directed to, I'm sorry I've forgotten the exact title, from Sport in Camden. Nigel, what would £600,000, in terms of the balance weighing up them decisions, what does £600,000 really get you in your opinion in terms of leisure and sports use?
- 1.181 **Nigel Robinson:** Good question, if I had £600,000 to spend on Talacre Sport Centre, I could use that to increase usage by about 250,000 visits a year. That's a significant number so I think we'd get another 5-7,000 people using, if not 10,000 people in a mature year using Talacre sports centre, which will have a significant on health and physical activity and if I can just pick up one previous point that I did not answer the question, that I didn't really get chance to answer and that is the question about the extent to which I have engaged with developer.
- 1.182 I'm a consultee, so I was asked about my strategic priorities for Camden and why and where the investment priorities lay and what my priorities were in terms of developing specific activities and tennis which is a top priority because we know there is a demand for tennis. So do I think there's a viable business case for an all singing, all dancing sports facility on that site? I don't, based on the evidence before me at the moment.
- 1.183 Do I think that the proposal for tennis, to develop the tennis is appropriate? and I do but it's conditional on Kenlyn developing a true community club, that is what we need in Camden and that is open and accessible especially to young people and that's compliant from our strategy and also with the LTA strategy, if Kenlyn fall in line and are prepared to be formally held to that requirement then I'd be very happy with that.
- 1.184 As for schools, I think it's an interesting debate about whether or not they were consulted or whether they gave their views, but from my experience, schools like to stay home. They want to do their physical activity and sport on their site with the exception perhaps of swimming where there's a long standing tradition of local schools and state schools using off site swimming provision. That's not to say they wouldn't use a facility on that site, they would but don't expect them to pay anything significant because they're on a huge financial pressure. So again, that brings back the question about the viability of a built provision on that site which I'm not convinced by.
- 1.185 **Cllr Heather Johnson:** Ok, can I ask members now to go to the vote on this application; the recommendation is to grant planning permission subject to a S106 legal agreement. Can I see all those in favour of that proposal, that recommendation? Can I see all those against, and can I see extensions. I know, I know, ok, so that application has failed. So, ok, can I ask people who were here for that to please leave as quickly and as quietly and oh god, I forgot to do reasons after we were here for so long. Sorry, reasons for refusal.

- 1.186 **Cllr Sue Vincent:** Chair, very quickly, it doesn't comply with DP15 and that's (e) and (f), it doesn't comply with our core policies DP25 and CS15 and I think that given the time they can be expanded upon, and there is also a concern about the PTAL and the parking and in lieu of the new draft local plan.
- 1.187 **Cllr Heather Johnson:** Ok, let's get Stuart to come back.
- 1.188 **Head of Development Management:** Just to clarify what Councillor Vincent said, something around CS15 and DP15, the applicant failing to demonstrate that the existing leisure facility or use in its current form or any other alternative leisure use are no longer required on the site, so something around that.
- 1.189 **Cllr Sue Vincent:** That's correct.
- 1.190 **Head of Development Management:** As the primary reason.
- 1.191 **Cllr Sue Vincent:** That's correct, that's the priority reason and we feel that there isn't adequate facilities in the area and the loss of them would be unacceptable, but I also think that actually we do need to look at DP25 as well as the parking and I think that all committee members are concerned at the loss of open space from the site.
- 1.192 **Cllr Heather Johnson:** Yeah, I think that those are the strongest reasons and I would be, I don't know what members think but I think that the parking is less strong as it's policy compliant at the moment. So that's, and I think we've got very strong reasons anyway so I'd rather let the committee go with those reasons. Hang on. Councillor Jones.
- 1.193 **Cllr Phil Jones:** I think that these reasons may be the submission draft, new draft local plan has not yet been to Cabinet, has not yet been approved Submission publicly, so I don't know how with the weighting works but until that step's been reached, I'm not sure – given that it is compliant, whether that is adequate, although I do agree with the principle that people are talking about.
- 1.194 **Cllr Heather Johnson:** Let's leave it on the land use issues, ok.
- 1.195 **Cllr Sue Vincent:** If we also just acknowledge how valuable that we see the land as, how we acknowledge that as a community asset that it is important.
- 1.196 **Cllr Heather Johnson:** We can include that all that, all flows from it. Ok, again, I'll say it again. Can I ask people to leave quickly and as quietly as they can as we do need to move on.