DARTMOUTH PARK RESIDENTS CIC

WRITTEN SUBMISSION

Name: Dartmouth Park Residents CIC (previously the Mansfield Neighbours Group)
Address: 35 Dartmouth Park Road, London NW5 1SU
Ref No.: APP/X5210/W/16/3153454
Site address: Mansfield Bowling Club, Croftdown Road, Camden, London NW5 1EP

This written submission has been prepared on behalf of Dartmouth Park Residents CIC.

We are making this written submission in response to the written representations prepared by Iceni Projects on behalf of Generator Developments LLP dated June 2016 (the "**Appellant's Written Representations**"). We have highlighted the sections and paragraphs of the Appellant's Written Representations that we disagree with and have also made a number of other observations and arguments that are relevant to the appeal.

In this written submission, unless the context requires otherwise: (i) any capitalised term is to have the definition set out in the Appellant's Written Representations; and (ii) references to sections and paragraphs are to the specific sections and paragraphs of the Appellant's Written Representations.

We are against the appeal proposals for the reasons set out below.

Contents

		Page
1.	Introduction	3
2.	Response to "Section 2: Factual Background"	5
3.	Response to "Section 3: Planning Policy Context"	8
4.	Response to "Section 4: Response to Reasons for Refusal 1"	11
5.	Response to "Section 5: Response to Reasons for Refusal 2-13"	19
6.	Response to "Section 6: Other Material Matters"	20
7.	Summary	22

Appendices

1. Email from Michael Webb (Principal Officer at LBC)
2. ACV decision letter and nomination form
3. Document referred to in Michael Webb's email
4. Emails from Trampoline Park operators
5. Email from Sport England
6. Email exchange with Nigel Robinson

1. Introduction

This written submission has been prepared on behalf of Dartmouth Park Residents CIC ("**DPRCIC**" or "**we**"). We are a community interest company that has been formed to provide benefit to the residents of Dartmouth Park in London and the surrounding area (the "**Area of Benefit**"). Within the Area of Benefit and to the extent practicable, we wish to ensure that assets of community value are not sold-off, redeveloped or run-down in such a way that the asset ceases to be available to be used by local residents. We believe that by supporting such asset of community value, the physical and mental health and wellbeing of the residents within the Area of Benefit will be improved and there will be more community inclusion and engagement with neighbours.

DPRCIC has been established to represent the area of Dartmouth Park and its environs, an area of around 1,000 homes. Representatives of over 30 households came to support our position at the planning committee meeting on 14 January 2016. DPRCIC has a broad base of regular support from over 50 households, with a steering group of residents representing around 20 households in the following local streets that are adjacent to or within the vicinity of the Appeal Site: Laurier Road, York Rise, Dartmouth Park Avenue, Regency Lawn, Croftdown Road, Dartmouth Park Hill, Chetwynd Road, Woodsome Road and Brookfield Park.

DPRCIC is the successor to the Mansfield Neighbours Group. The Mansfield Neighbours Group was originally established around 2008 to represent the interests of local residents when the Mansfield Bowling Club started the process of applying for permission to build a row of 'executive homes' in its car park, backing on to the garden walls of York Rise. This plan came to nought due to the presence of a tributary of the Fleet River beneath the proposed site. The Mansfield Neighbours Group was marshalled back into action in October 2011 when a letter was delivered to houses on three sides of the Appeal Site (Dartmouth Park Avenue was omitted) saying that Mansfield Bowling Club needed £300,000 for immediate repairs to the clubhouse, another £1.5m to upgrade it and the only option was to build houses on a large portion of the site, including on the courts of the Kenlyn Tennis Club. The letter referred to a pre-planning application meeting with Camden Council in 2010, where they showed a plan to build nine houses on the upper part of the site, furthest away from underground water. This proposal was rejected by LBC. The Mansfield Neighbours Group then acted as a representative of the local community in connection with the enabling development proposed by the Appellant in 2013 (the building of eight four-storey 4-bedroom houses on the outdoor bowling green and the Kenlyn Tennis Club's courts), which was also rejected by LBC.

In the context of the current Planning Application, the Mansfield Neighbours Group/DPRCIC has been very involved from the beginning of the process and has been representing the local community in conjunction with other local groups (such as the Dartmouth Park Conservation Area Advisory Committee and the Tufnell Park Parents Support Group) and local councillors. A representative of the Mansfield Neighbours Group presented to the Council's planning committee hearing on 14 January 2016. Following the refusal of the Planning Application and in preparation for the anticipated appeal by the Appellant, the Mansfield Neighbours Group was incorporated into a community interest company to more effectively co-ordinate the views of the local community and to actively pursue a policy of ensuring that assets of community value in the local area (including the Appeal Site) are not sold-off, redeveloped or run-down in such a way that the asset ceases to be available to be used by local residents.

Over the 8 years, we have leafleted over 400 local homes several times, door knocked all the local streets to canvas opinion, held over 10 local meetings, had our concerns covered by the local press and frequently put up posters informing the local community about the Mansfield Bowling Club ("**MBC**") applications. At the beginning of the process we gathered alternative ideas from the community about how to support MBC, all of which were dismissively knocked-back. More recently, we have done much more thorough and in-depth research into viable sporting uses of

the site that would be appropriate for the local area. We are a local volunteer group but feel that we have gone far further than MBC and the Appellant in consulting with the local community.

This written submission should be read in conjunction with the other evidence, comments and supporting documentation that have been previously provided by the Mansfield Neighbours Group in connection with the Planning Application.

2. Response to "Section 2: Factual Background"

The Appellant's Written Representations at section 2 set out what is stated to be the factual background of the appeal. There are a number of inaccuracies in this description.

Paragraph 2.2

Over recent years, MBC has repeatedly rejected attempts to join by would-be members and offers to help with the upkeep of the site. Scores of applications to funding bodies and corporate philanthropy budgets for financial aid to help with repairs for the site were turned down because MBC is a private company. MBC refused to consider applying for charitable status that would enable grant-making bodies consider providing assistance and would not state its reasons. The unavoidable conclusion is that the financial position of MBC and the consequential poor state of repair of the facilities are part of a plan to run-down the site to support their application for development.

Paragraph 2.3

The statement made by KKP is inaccurate because the Kenlyn Tennis Club has not closed: it is operational. Tennis is played regularly on the courts in all hours of daylight in all seasons, the club had a strong core membership and is constantly attracting new members. This is supported by the SLC Report at paragraphs 4.2.6 – 4.2.9. We would also wish to highlight that the club has a substantial programme of children's tennis coaching, including school holiday camps. This reinforces the comment in the SLC Report (paragraph 4.2.9) that the club is highly valued by the local community, a comment that we endorse.

Paragraph 2.5

The new proposal (i.e., this appeal scheme) has not responded to local views and aspirations. The local community is overwhelmingly against the development. Further, as has been evidenced by the fact the Planning Application was rejected by the planning committee of LBC, it is false to state that the new proposal is "wholly compliant with the Council's development plan policies".

Paragraph 2.11

The Appeal scheme has not taken into account the community feedback. The community is against a residential development of any kind, but would support a development that aims to improve the leisure, sports and community facilities on the site.

The Appellant and the owners of the site have alienated the community and been dismissive of the concerns raised. The consultation process that the Appellant has run with the local community has been severely flawed: 'public meetings' have been held with inadequate or no notice provided to local residents and have been more akin to presentations of the Appellant's proposals rather than consultations; local schools (including La Sainte Union School, which is located opposite the entrance to the Appeal Site) have been left frustrated because no responses have been provided to enquiries and comments from the schools; and two of the top 'beacon sports clubs' in Camden (for fencing and gymnastics) were not consulted. Some residents have concluded that there has been an intentional attempt by the Appellant to frustrate meaningful input from the local community. It is also worth noting that the current appeal was launched the day after the school holidays started with the period for objections for the appeal running up to the end of August. This appears to be an attempt to run the period exactly over the summer holidays when it is more difficult to get responses from interested parties such as local residents and local schools. This is a pattern that the Appellant has followed at previous stages of the Planning Application process.

Paragraph 2.12

In relation to the proposals for the tennis facility, we would highlight that this is not covered by the Section 106 agreement, so there is no certainty that this facility would be implemented. In

discussions with the Kenlyn Tennis Club, the Appellant has suggested a 21 year lease of the land, but this fails to provide any security of tenure for the tennis facility. As a result of these concerns, a recent EGM of the Kenlyn Tennis Club voted overwhelmingly to end its support for the Planning Application. In supporting the position of the residents, Kenlyn Tennis Club recognises that it is of paramount importance that there should be no change of use of any part of the site and that it should remain designated for leisure.

Paragraph 2.19

We dispute that the leisure facility is no longer required. Camden's various leisure reports (notably the Camden Open Space, Sport and Recreation Study (Atkins) from June 2014) make it clear the leisure facility is required. For example, the Borough needs a 1400sq.m indoor sports hall and the building on the Appeal Site is 1435sq.m. This report states that within the Borough, the existing insufficient capacity to meet demand identified in 2011 will become even greater, with just 51% of all demand met by 2025.

These reports state that ownership of such facilities is not the issue; the assessment of facilities in the Borough looks at school sports halls, private gyms etc., as well as the LBC's own facilities. Camden does not have the budget to buy or create the required facility, but would be perfectly content if its stated requirements were fulfilled at no public expense.

Paragraph 2.20

In response to the Brexit-inspired economic uncertainty, it was announced suddenly in July 2016 that the redevelopment plans of Highgate Newtown Community Centre have been placed on hold. In relation to this proposed redevelopment, some of our members are on the Project Champions committee and this committee is currently in conflict with the developers of Highgate Newtown Community Centre, leading to the conclusion that the current proposals may be turned down. In this light, the redevelopment plans of Highgate Newtown Community Centre should not be taken into account when considering the current appeal. Meanwhile, sports clubs that were regular daily users, such as the children's football school, had had their arrangements terminated in preparation for the centre's closure, and are without indoor practice facilities.

Other Material Considerations

This Planning Application should be viewed in the context of the long-running saga between the Appellant/Mansfield Bowling Club on the one hand and LBC and the local community on the other hand over whether there should be a residential development on the Appeal Site. As a group that represents the local community, for the last eight years (from the start of the proposals to build houses on the Appeal Site) we have been very concerned about any development that results in land designated for leisure use being lost to residential development. Our motives are the opposite of Nimbyism as, contrary to the aims of the Appellant, we want *more* people to benefit from the site, not fewer. If this residential development is permitted, 20 families would benefit from the new homes versus (for example) hundreds of visitors a year to a sports facility. Further, we know that in an urban context there is a great need for more leisure and community facilities and there is a very limited amount of land in our local area that is available for those types of use. If this particular site is lost for leisure and community use because houses are built on the land, then it is gone forever.

We wish to highlight four further points on the factual background to this Planning Application, all connected to the meeting of the planning committee on 14 January 2016. The minutes and the transcript of the meeting are set out at appendices 6 and 7 respectively to the Appellant's Written Representations.

(1) The Planning Application was overwhelmingly rejected by the members of the planning committee at its meeting on 14 January 2016 (7 votes against, 3 abstentions and 0 votes in favour).

(2) A concern that has been raised by members of the local community throughout the process is that the Planning Application involves a change of use from Class D2, which would result in the site ceasing to be protected as an area for leisure use ("once lost, its lost forever"). At the planning committee meeting, a number of councillors raised concerns that the Planning Application could be being used as an attempt to change the D2 designation, then future amendments to the Planning Application could result in increased residential development and a reduction in the leisure and community use of the site (see paragraphs 1.82 – 1.83 and paragraphs 1.172 – 1.173 of the transcript of the planning committee meeting, and the record in the minutes of the meeting stating "The Committee also expressed concerns about setting a precedent regarding housing being on-site should they be minded to grant the application, and a future revision due to viability be presented"). As a local community, this is a point we are gravely concerned about and would suggest that the Class D2 designation should not be changed when there is such overwhelming opposition to a residential development such as the Planning Application.

(3) Concerns were raised throughout the planning committee meeting regarding the nature of the open space that was proposed in the Planning Application. After questioning, it was admitted by the planning officer that part of the open space referred to in the Planning Application was actually fenced off and gated and that the green space figure included little triangles of land within the car parking area and "odd shaped areas" (see paragraphs 1.93 – 1.97 and paragraphs 1.169 – 1.170 of the transcript of the meeting).

(4) In connection with the proposed £600,000 contribution, at the planning committee meeting Nigel Robinson (head of sport and physical activity for LBC) provided some information that an extra £600,000 investment in the Talacre Sports Centre (the Camden sports centre in Kentish Town) would increase visits by 250,000 per year, representing 5,000 – 7,000 extra patrons. When challenged on this after the meeting, Mr Robinson stated "I am unable to provide detailed evidence of my claim" and "[the Appellant's] proposed contribution would not be sufficient to generate this impact. I estimate that a total cost of improvement works at Talacre Sports Centre would be closer to £1 million". Further details are set out in section 4 below.

3. Response to "Section 3: Planning Policy Context"

The Appellant's Written Representations at section 3 set out the Planning Policy Context. This is deficient in the following respects.

<u>Paragraph 3.4</u>

We accept that DP15 is an important policy to consider, but we are surprised by the lack of attention given by the Appellant to CS10 and CS19. For the reasons set out below, we would suggest that both these policies should be considered in respect of this appeal. In particular, DP15 should be interpreted with reference to the general policies set out in CS10, which the Appellant has failed to do in the Appellant's Written Representations. This is dealt with in more detail below.

<u>Paragraph 3.5</u>

When describing the relevant provisions of the London Plan, the Appellant's Written Representations have taken a highly selective approach. Due consideration should also be given to the following.

(1) London Plan Policy 3.16 (Protection and enhancement of social infrastructure). In respect of planning decisions, this sets out that proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for reprovision should be resisted. Also, the suitability of redundant infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. The supporting text (see paragraph 3.91 of the London Plan Policy) highlights that voluntary and community groups often find it difficult to find premises suitable for their needs and so unused or underused facilities should be brought into use as much as possible to help address their accommodation needs. Social infrastructure is described as covering a wide range of facilities including community, cultural, play, recreation, and sports and leisure facilities.

(2) London Plan Policy 3.19 (Sports facilities). This notes that development proposals that result in a net loss of sports and recreation facilities will be resisted.

In connection with the above, LBC has noted that, amongst other things, there is a defined need for indoor sports facilities, local parks (as opposed to metropolitan open space) and children's playgrounds. The SLC Report itself highlights that the Appeal Site is in an area where there is a deficiency of access to open space (paragraph 5.2.8) and children's play facilities (paragraph 5.3.12).

When these London Plan Policies are taken into account, any planning decision in connection with the Planning Application is entitled to resist the application if the planning application results in a net loss of sports and recreation facilities. As the Planning Application clearly does result in such a net loss, the members of the Camden planning committee were entirely justified in rejecting the application. Further: (i) the Appeal Site consists of social infrastructure; (ii) there are clear defined needs within Camden; and therefore (iii) the suitability of other forms of social infrastructure (including community uses for which there is a defined need) should be assessed before alternative developments are considered. As noted below, the clear evidence is that the planning committee was entirely justified in concluding that other relevant forms of social infrastructure have not been properly assessed (for example and as noted in more detail below, the SLC Report was restricted to leisure use rather than community use; it did not adequately consider a mixed-use site; the types of use it considered were very narrowly defined; and the financial analysis to determine suitability was restricted to commercially viable privately-owned facilities rather than also looking at grant-maintained or charitable status facilities).

Paragraph 3.8

There are further core planning principles of the NPPF that should considered, in addition to those set out at paragraph 3.8 of the Appellant's Written Representations, including:
- empowering local people;
- supporting local strategies to improve health, social and cultural wellbeing for all; and
- delivering sufficient community and cultural facilities and services to meet local needs.

Paragraph 3.9

In the Appellant's Written Representations, a selective approach has been taken regarding the summary of paragraph 70 of the NPPF. A further material consideration is to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The NPPF also highlights (at paragraph 73) that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Further, the NPPF (at paragraph 74) sets out a test to determine when building on a site such as the Appeal Site should be refused. Paragraph 74 states that:

> "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
> - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
> - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
> - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

When applying this test to the Planning Application:

(i) an adequate assessment has not been provided by the Appellant to **clearly** show that the open space, buildings and land on the Appeal Site are surplus to requirements. Note that, to satisfy the test in the NPPF, such an assessment should not be restricted to whether the facilities are surplus to requirements for the current specific use (in this case, indoor or outdoor bowling): paragraph 74 of the NPPF refers to the space, buildings and land rather than the specific use. So, what is relevant for the assessment is determining if the space, buildings or land in general are surplus to requirements rather than specifically for indoor or outdoor bowling. From the evidence, it appears that the contrary is true because there is a publicly-acknowledged need in LBC for open space, sports and recreational buildings and land such as that available at the Appeal Site. The assessment undertaken by the Appellant may well demonstrate that the facilities are not required for indoor or outdoor bowling (because there is suitable provision for that activity elsewhere in the area), but they have not **clearly** shown that the open space, buildings or land are surplus to requirements. For this reason, the first limb of the test set out in paragraph 74 of the NPPF has not been satisfied;

(ii) the Appellant is not proposing as part of the Planning Application that equivalent or better provisions would be made available, so the second limb of the test set out in paragraph 74 of the NPPF has not been satisfied; and

(iii) the proposed development is for residential units rather than alternative sports and recreational provision, so the third limb of the test set out in paragraph 74 of the NPPF has not been satisfied.

From the foregoing, it is clear that that the test set out in the NPPF has been failed with respect to the Planning Application of the Appellant and, therefore, this appeal should be refused.

Other Material Considerations

In the Appellant's Written Representations, there is a failure to mention that the Appeal Site has been designated by LBC as an asset of community value ("**ACV**"). Historically, the Appeal Site has been used for community purposes and the facilities have been used to support a number of community groups and activities. Mansfield Bowling Club has also previously stated its visions and aspirations as providing a flexible indoor space to allow for a variety of different users, thereby delivering enhanced leisure and community facilities. When LBC decided to designate the Appeal Site as an ACV, the decision was based on the evidence that Mansfield Bowling Club itself provided to demonstrate the community use of the Appeal Site. Please see Appendix 1: Email from Michael Webb (Principal Officer at LBC), Appendix 2: ACV decision letter and nomination form, and Appendix 3: document referred to in Michael Webb's email.

In determining that the Appeal Site is an ACV, LBC has already settled a key issue in determining that it is realistic to conclude that the Appeal Site can continue to be used for the social wellbeing and social interests of the local community (see section 88(1) of the Localism Act 2011: "a building or other land in a local authority's area is land of community value if in the opinion of the authority: (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and (b) 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").

The community use of the Appeal Site and the fact that it has been designated an ACV should be taken into account when determining the appeal in respect of the Planning Application.

Paragraph 3.14

As a result of the above omissions when referring to the planning policy context, paragraph 3.14 of the Appellant's Written Representations is misleading and should be disregarded.

4. Response to "Section 4: Response to Reasons for Refusal 1"

We believe that the Appellant's arguments in respect of Refusal 1 are deficient and ill-founded.

Paragraphs 4.2 – 4.4

The key argument proposed by the Appellant is that, when considering DP15, parts (e) and (f) are alterative criteria. This is an incorrect and misleading interpretation of DP15. Evidence for this can be found in the explanatory text of DP15, in particular paragraph 15.9. This states:

> "The Council is **opposed to any reduction** in the provision of leisure facilities because of their contribution to our quality of life and to Camden's cultural character. Where a replacement leisure facility is to be provided, the applicant should demonstrate to the Council's satisfaction that the replacement facilities are at the same standard or better than those lost, and that the new location will be easily reached by the users of the facility. Proposals involving the loss of a leisure facility should demonstrate that adequate alternative facilities are already available in the area, and therefore that no shortfall in provision will be created by the loss. **They should also show** that the site cannot be used for an alternative leisure use, either because there is no demand, or because the location is no longer suitable." (emphasis added)

Based on the above, it is clear that the criteria set out in parts (e) and (f) of DP15 should be read as cumulative criteria and that an applicant (including the Appellant with respect to the Appeal Site) is required to demonstrate that both criteria are satisfied.

Support for the above interpretation of DP15 can be found in both CS10 and paragraph 74 of the NPPF. Further, we would argue strongly that if there is any ambiguity about how DP15 should be applied, then DP15 should be read and its intention understood by referring to the general principles set out in CS10 and the NPPF. We would highlight the following:

- Part (f) of CS10 states that the Council will "support the retention and enhancement of existing community, leisure and cultural facilities"; and
- Paragraph 10.19 of the supporting text to CS10 states the following: "We recognise that increasing the number of community, and some leisure, facilities in Camden will be difficult due to competition from other, higher value land uses and due to the pressure on existing facilities to be redeveloped for more profitable uses. Therefore we will seek to protect existing community facilities where they are necessary to support the local population".
- The first limb of the test set out in paragraph 74 of the NPPF ("an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements") is looking at whether the space, buildings or land are surplus to requirements rather than whether there is adequate provision in the local area for the existing use.

Any planning decision that is based solely on whether the loss of the facility would create a shortfall in provision for the current use would not in any way address the general principles referred to above.

We would also note that this view appears to be the one accepted by LBC. The KKP Review sets out the questions asked by Camden Council (see page 1 of the KKP Review), which include the following: "(c) based on [the two previous questions asked], whether the evidence submitted is considered to satisfy **both** LDF policies DP15e **and** DP15f" (emphasis added). As the Appellant did not challenge how this question was framed in the context of the original review or the Planning Application, it is to be inferred that the Appellant also accepted that they had to satisfy both parts of DP15.

There is further support for this position by the designation of the Appeal Site as an ACV. When determining if land or buildings are an ACV, the local authority is required to determine if the use can continue to further the social wellbeing or social interests of the local community "whether or not in the same way" as the actual current use of the land or buildings (see Section 88(1)(b) of the Localism Act 2011 (set out above)). This must mean that, under statute, potential alternative uses of the land or buildings are taken into account when deciding whether the site in question is an ACV. To decide in favour of a planning application that would remove the community use of an ACV by only considering whether a shortfall in the existing use is created would run counter to the clear statutory intent of Section 88 of the Localism Act 2011.

On the basis of the above, it is clear that both national policy and Camden's own policy is not simply to determine planning applications on grounds of whether a shortfall may be created by the loss of facilities, but that there is an active policy to retain, enhance and protect existing facilities. This position is reflected if DP15(e) and DP15(f) are read as cumulative criteria and this appeal should not be allowed unless the Planning Application satisfies both such parts of DP15.

<u>Paragraph 4.5</u>
In the Appellant's Written Representations, support for the position taken by the Appellant is sought from a prior decision taken by an Inspector regarding a development at Lambs Squash Club, 1 Lambs Passage, London EC1Y 8LE. With respect, we disagree that the approach taken by the Inspector in the Lambs Squash Club gives any support to the appeal in connection with Appeal Site.

The appeal in respect of the Lambs Squash Club turned on the requirements of Planning Policy Guidance Note 17 (PPG17), which set out two steps that should be considered for planning applications (paragraph 10 of PPG17), as follows: "In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them". The Inspector found that both these steps had been complied with, that is an independent assessment had been carried out and the local community had been consulted (see paragraphs 10 and 11 of the Inspector's decision). The decision did not turn on whether one or more of alternative criteria had been met. To the contrary, the Inspector categorically found that both steps had been complied with. The Lambs Squash Club case also noted that although there had been a consultation there was very little engagement from the local community. This is clearly not the case with the Appeal Site where the local community has clearly been very vocal in its opposition to the Planning Application.

<u>Paragraph 4.6</u>
We agree that the proper interpretation of development plan policy is a question of law. However, for the reasons set out in this written submission, we disagree that the interpretation of DP15 as set out in the Appellant's Written Representations is correct. It is therefore misleading and wrong for the Appellant to bluntly suggest that a contrary interpretation of DP15 would be susceptible to challenge in the High Court.

<u>Paragraphs 4.7 – 4.16</u>
We accept as valid conclusions that there has been a decline in demand for bowling, alternative bowling facilities are available and, therefore, there may be no shortfall created for bowling. However, for the reasons set out above (the proper interpretation of DP15 and the wider planning policy requirements), we do not agree that this is the only consideration to be taken into account when determining if criterion (e) of DP15 has been satisfied.

We would also challenge the Appellant's assumption that the Appeal Site should only be viewed as a bowling facility. When assessing if there are "adequate alternative facilities" available, the

Appellant has only considered whether there are alternative bowling facilities available and therefore whether the loss of the site creates a shortfall in bowling facilities. This is a misinterpretation of the criterion (e) of DP15, which refers to "leisure facilities" more generally and is not restricted to the specific existing use of the site. This is also the case in LBC's other leisure reports and policy statements where, for example, facilities are defined by size, type of surface, whether they are outdoor or indoor. If the Appeal Site is viewed as a sports hall (rather than focusing narrowly on indoor bowling), Camden has clearly set out that there is a requirement for more sports hall space in this area. The test is also whether such a facility is "already available", which rules out from consideration of this test any possible future developments on other sites. Therefore, it can be argued that there is no adequate alternative facility (e.g. sports hall space) already available in the area. The foregoing position is supported by London Plan Policies 3.16 and 3.19 and also by the test set out in paragraph 74 of the NPPF. Further, the SLC Report at paragraph 6.13.4 notes that demand would exist for a facility of this type.

Paragraphs 4.17 – 4.24

The Appellant's case is heavily reliant on the report prepared by SLC (which the Appellant commissioned, determined the terms of reference of and paid for). We believe that the SLC Report took a narrow interpretation on what alternative uses should be considered and what would be suitable. Where relevant, this critique has also taken into consideration the revised SLC Report dated March 2016 (the "**Revised SLC Report**") that is set out at appendix 1 to the Appellant's Written Representations.

1. The list of alternative leisure uses that are included in the SLC Report have no bearing to what people in the local community may want or need. There was no consultation with the local community to determine what alternative uses should be explored. As a result, it is no great surprise that the SLC Report concluded that most of the alternative uses it considered were unsuitable (few people in the local community would have any interest in using the facilities for: athletics, a BMX track, a cinema, a cricket pitch, a music venue, a rugby pitch, an outdoor table tennis facility or a theatre).

2. The use of a facility as a sports hall/multi-use indoor space has been swiftly and summarily dismissed in both the SLC Report and the Revised SLC Report. It appears from both reports that the only grounds for rejecting this option is on the basis of presumed financial viability and sustainability. No evidence has been provided for reaching this conclusion, either in the SLC Report or the Revised SLC Report, other than statements of opinion from the authors of the reports. The obvious point here is that the authors of the reports cannot possibly come to their conclusion on sustainability without having conducted the supply and demand analysis. Without that analysis, the assertion at paragraph 6.13.3 of each report is a complete nonsense. Each report makes an assumption that the revenue from the use over the lifetime of the facility has to pay for the construction and/or refurbishment of the facility. However, depending on the type of development pursued, it is also possible to apply for grants. Andy Sutch, a member of The London Council for Sport and Recreation and the London Mayor's Sports Board, looked around the site with Ronald Velden (founder of the Camden Fencing Club) and confirmed to a local resident during the course of various phone calls and emails that he could assist in locating pots of grant money and statutory funding for the purchase of the site for sporting purposes.

3. In the Revised SLC Report, a further assumption is made that the only option to ensure a sports hall/multi-use facility can cover the capital outlay is to use a residential (enabling) development. This is clearly a blinkered viewpoint. As noted above, other sources of capital may be available. Also, a mixed-use site, offering for example community facilities alongside a multi-use sports hall, would be far more preferable (and in keeping with the current class of use for the site and the planning policies) than a residential development.

4. As a local community group, we have approached a number of providers of multi-use leisure facilities. For example, GLL (the group that operates the Better leisure centres across London, including in Camden) have expressed an interest in the site. Our view is that this is just scratching the surface of what is possible, and demonstrates the lack of depth in the SLC Report when analysing options. In the local area, there are waiting lists for the use of existing sports halls (such as in Highgate Newtown, Parliament Hill School and Acland Burghley School), which demonstrates the demand for these types of facility.

5. As noted above, the SLC Report did not properly examine a number of obvious sporting uses for the site, for example the Camden Fencing Club and the Camden Gymnastics Club. Whilst fencing and gymnastics are referred to as part of the possible uses for a multi-use space, the SLC Report failed to even consult with these clubs. To take the Camden Fencing Club as an example: it is very keen on the site; it has approximately 150 members with aspirations to expand limited by availability of premises; LBC has funded it as a Centre for Excellence; four of the club's current coaches are Olympians; and the club has provided classes for many local schools, e.g. over ten primary schools including Torriano, Brookfield and Gospel Oak.

6. It does not take too much imagination to come up with other suitable sports activities that could be considered, either as part of a multi-use space or as free-standing options. A squash club would be an obvious complementary facility for the existing tennis club, but was not considered at all in the SLC Report. Recently, local dance studios have lost their space due to residential development being carried out on Highgate Road. It is also worth noting that indoor climbing/bouldering, which already has a thriving club scene in London, is due to become an Olympic sport in 2020, so is also likely to see demand grow (bouldering does not require high fixed ropes, but is a low-level activity using crash mats).

7. Trampolining is a growing sport amongst children and adults; following Team GB's silver medal at the Olympics in Rio de Janeiro, it can also be reasonably expected that interest will grow. We have therefore contacted over 10 different companies that operate trampoline parks. A sample of the emails that we have received back is attached as Appendix 4. As a summary: (i) there was universal initial interest from the companies in the Appeal Site for a trampoline park; (ii) the Appeal Site is considered suitable for a trampoline park; (iii) the operators believe a trampoline park would be a viable option for the site; and (iv) the view expressed is that the site could be developed quickly and with little negative impact on the local environment. Simply based on this evidence, we as a local community are incredulous that the Appellant could reach a conclusion, as set out in paragraph 4.21 of the Appellant's Written Representations, that "there is no demand for an alternative leisure use that would be suitable for the site". Such a conclusion is entirely unjustified.

8. Whilst the SLC Report analysed the suitability of outdoor football, the report did not consider or consult on the use of the site for indoor football. The organisation, Fair Play Football is interested in the site, having lost the use of a venue in Highgate Newtown this year.

9. Mansfield Bowling Club itself has considered installing a Multi-Use Games Area (MUGA) and has stated that there is strong demand within LBC for such a facility (see the document at Appendix 3, page 3). It appears this was ruled out simply because of light and noise pollution, but if this is a concern then presumably a MUGA does not need floodlights and could be restricted to day-time and weekend use (in the same way the existing tennis courts are used). There could still be demand for this level of activity, for example through use by local schools.

10. A mixed use site should be given greater consideration. The SLC Report focused on a possible multi-use indoor space but failed completely to consider the whole site being used for a number of different activities (for example an indoor space providing sports and community facilities, tennis courts, squash courts and an outdoor MUGA/outdoor football facility). The Revised SLC Report has attempted to address this failure, but again it has taken a very narrow viewpoint and has provided no evidence to back up the statements made. Throughout section 6.17 of the Revised SLC Report, it refers to a mixed use site as being a combination of residential housing and leisure use, but it is not clear why they are focused on housing as being part of the mixed use. If the land costs are reduced because residential development is ruled out, there are lots of possible sport, leisure and community uses that could combine to make a viable and sustainable facility.

11. As noted above, the consultation process did not adequately explore what local schools would use in terms of sports facilities. With such an obvious gap in its analysis, the SLC Report is deficient. To quote Nigel Bannerman (Chair of the Premises Committee, Brookfield School, a local primary school which is a 5 minute walk away from the site): "Enhanced sports and leisure facilities on the site would potentially allow the school to expand our physical educational offering. In addition, enhanced sports and leisure facilities would also allow the school to expand the out of hours activities that we would be able to offer students particularly in terms of physical education". We would also note that we are aware there is a great deal of interest from local private schools for local sports provision. Private schools obviously have more capital than state schools to pay for sports facilities. There is also a well-established and successful model of co-funding between private schools and local community sports use e.g. Mallinson Sports Centre at Highgate School and Charteris Sports Centre in Kilburn.

12. Under DP15(f), the test to be satisfied is that there is no demand for an alternative leisure use on the site that would be suitable. Whilst both the SLC Report and the Revised SLC Report have demonstrated that some of the uses referred to in their report would be unsuitable, both reports fail to prove that there is **no** demand. The evidence in the reports is that there would be demand for each of a health and fitness facility and a children's soft play facility and these are only ruled out because SLC state there is adequate supply elsewhere, but this is not the test that has to be satisfied under DP15(f). Further, as noted above, both the SLC Report and the Revised SLC Report only cover a narrow view on possible alternative (and suitable) uses, so the reports have not sufficiently demonstrated that the test is satisfied.

13. The SLC Report does not fulfil the criteria set out in paragraph 74 of the NPPF and does not show that the open space, buildings and land on the Appeal Site are surplus to requirements.

Paragraph 4.19

We disagree with the conclusion in the SLC Report that there is no demand for any sustainable alternative leisure uses of the site, with the exception of enhanced tennis provision. To demonstrate that this conclusion is incorrect, we would highlight the previous report written by SLC and commissioned by the Appellant dated November 2012. This report was commissioned to support the enabling development planning application in 2013. At pages 63 to 69 of that earlier report, SLC set out detailed analysis of the demand for and the provision of indoor health and fitness facilities around the Appeal Site. This earlier report concluded that there is high local demand for indoor health and fitness facilities and "market demand for a gym of up to 70 stations" at MBC. Further evidence for this is set out in MBC's own document to support the enabling development (see the document at Appendix 3, page 3, which describes the local demand). We do not believe that anything has changed since 2012 and the Appellant has not provided any

evidence to demonstrate any change from these earlier conclusions. We, therefore, do not see how the Appellant can validly claim there is no longer a demand for leisure facilities on the site.

Paragraphs 4.25 – 4.32
We have alerted Sport England to the appeal. They have noted their previous representations/objections to the Planning Application and confirmed that Sport England's position has not changed with regard to the proposed development. Please see Appendix 5.

Paragraphs 4.33 – 4.39
One of the most incredible parts of the Planning Application is the Appellant agreeing to pay £600,000 to LBC as compensation to mitigate the loss of leisure on the site, whilst at the same time stating that the Planning Application only has to satisfy DP15(e) by demonstrating that no shortfall in provision will be created by the loss. As noted by Cllr Sally Gimson at the planning committee meeting on 14 January 2016: "either there is no loss, at which point there should be no mitigation, or else there is a loss at which point you have every justification turning down the application" (see paragraph 1.81 of the transcript of the planning committee meeting set out at appendix 7 to the Appellant's Written Representations). To put it another way, the response of the Principal Planning Manager at Sport England was: "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 the change of use rejected" (as quoted at paragraph 1.38 of the transcript of the planning committee meeting set out at appendix 7 to the Appellant's Written Representations).

It is irrelevant whether this concept or the amount was suggested by the Council or by the Appellant: the fact is that the Appellant has agreed to make this payment if it helps to get the Planning Application approved. Effectively, it is being used as a buyout mechanism, to avoid compliance with parts of public policy that are required to protect sports and leisure facilities. This is not only inappropriate, but also runs contrary to the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (and, consequently, paragraph 204 of the NPPF), which states that a section 106 planning obligation may only constitute a reason for granting planning permission if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. This test is clearly not satisfied. If any planning obligation could be addressed by the payment of an agreed sum, the relevant public policies are left to the mercy of any developer willing to pay the going rate.

Even if the concept of a payment to compensate for mitigation of loss is accepted, the amount appears to be completely arbitrary. It was not the basis of any form of consultation and came as a surprise to local residents and councillors alike. When asked to explain what could be achieved with this amount at the planning committee meeting on 14 January 2016, Nigel Robinson (head of sport and physical activity for LBC) gave some proposals as referred to in paragraph 4.37 of the Appellant's Written Representations. However, when subsequently asked to justify his comments, Mr Robinson painted a rather different picture: "Dear Councillor Gimson, Thank you for your email. I am unable to provide detailed evidence of my claim. It was not based on any detailed financial modelling but an on the spot response, based on my experience and a quick calculation in my head. I also said that it related to a "mature year" of the new business. It may take 5 years plus to build up to the figures I quoted. It would be dependent on a range of factors including the design of any improvements at Talacre [Camden's sports centre in Kentish Town], demand, pricing policy and any emerging local competition. I should have also pointed out (but didn't have the opportunity) that the developer's proposed contribution would not be sufficient to generate this impact. I estimate that a total cost of improvement works at Talacre Sports Centre would be closer to £1m. I am currently exploring external sources of capital funding, including Sport England." (See email exchange set out at Appendix 6.)

On the basis of the above, it is clear that an amount of £600,000 is rather meaningless and would not be sufficient compensation for the loss of use of the Appeal Site as a leisure facility. Paragraph 4.37 of the Appellant's Written Representations should, accordingly, be disregarded.

Other Material Considerations

In the Appellant's Written Representations, the Appellant has failed to address the community use of the Appeal Site. Refusal 1 makes it clear that the Planning Application was also refused because "the applicant has failed to demonstrate that…the loss of the facility would not undermine the range of services and facilities needed to support local communities". LBC has also designated the Appeal Site as an ACV. Further, as part of the previous development proposed by the Appellant in 2012/2103 (the planning application for which was ultimately rejected by LBC), the Appellant has made it clear that there has been a community use of the Appeal Site in the recent past (see the document at Appendix 3, page 2, which sets out the community groups and activities supported by MBC).

In light of the above, we would strongly argue that the Appellant should also demonstrate that parts (c) and (d) of DP15 have been satisfied. These criteria are as follows:

> "The Council will protect existing community facilities by resisting their loss unless:
>
> (c) a replacement facility that meets the needs of the local population is provided; or
>
> (d) the specific community facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing".

The Appellant has clearly been aware of for these criteria because the Planning Application sets out its purposes as including: (i) the provision of a new community garden; (ii) an intention to replace existing buildings and structures to provide community and leisure space; and (iii) in an attempt to address part (d) of DP15, the provision of affordable housing.

It is clear that the Appellant is not providing a replacement facility that meets the needs of the local population. Instead, the facility is being replaced by residential dwellings. Any suggestion that a community garden or "pocket park" (which, under the Planning Application, will be fenced and gated) is in any way a replacement facility is misconceived. Similarly, any improvements offered to the existing tennis courts cannot be used to justify the replacement of lost community facilities because the tennis club is already on the site and so cannot be seen as a replacement facility. So part (c) of DP15 has not been satisfied.

We accept the evidence that the facilities are no longer required in their current use, but the consequence of this is that the Appellant must demonstrate that there is no demand for other suitable community use on the site. It is clear that the Appellant has failed to demonstrate this and therefore part (d) of DP15 has not been satisfied.

As evidence to support the above statements, we would note the following:

1. As a community group that is backed by a wide range of local residents, we are well placed to confirm there is demand for other community use. This could range from childcare facilities, a children's playground, dance studios, community offices, workshops and work studios. As part of the Planning Application, a number of local schools also noted that they would be interested in using the site for sports activities.

2. As a community group, we have also reached-out to a number of providers, who have all expressed a keen interest in the site. Due to the high land-cost if a site permits residential development and because the owners of the Appeal Site have granted an option over the land to the Appellant, these groups cannot currently justify the expenses involved to start any formal negotiation in connection with the site. However, we are confident that if a residential development is permanently ruled out then these options for continued community use would become much more realistic. Examples of the organisations we have engaged with are:

- GLL – a group that run community services and spaces, including running the Better leisure centres across London, including in Camden;
- over 10 separate operators of trampoline parks;
- Gambardo – a company that offers children's indoor play venues;
- Third Door – a nursery and workhub service; and
- Monty's Montessori school (seeking new, larger premises).

We would also highlight that LBC's Core Strategy Policy CS10 clearly states that multi-use venues are to be encouraged, which would further improve the likelihood that suitable community uses could be found for this site and that there would be demand for such facilities. CS10 states that the Council will "facilitate the efficient use of community facilities and the provision of multi-purpose community facilities that can provide a range of services to the community at a single, accessible location.

In light of the above, the Appellant has failed to satisfy the relevant criteria in DP15 in connection with the loss of community facilities or to justify why this is so. As a result, the appeal should be rejected on these grounds.

5. Response to "Section 5: Response to Reasons for Refusal 2-13"

We have not been given the opportunity of reviewing the draft section 106 agreement and therefore cannot provide any detailed comments on this section.

However, we would like to note that the Appellant claims to offer to develop the Kenlyn Tennis Club as part of the Planning Application, but we are not aware of any binding commitments to stand by this and our understanding is that it does not form part of the section 106 agreement. There is, therefore, no certainty that the proposed community tennis club will be implemented and the obvious fear is that either the Appellant (or another developer, if the site is sold with planning consent) will have no responsibility to uphold the loose offers that have been made around the tennis facilities.

6. Response to "Section 6: Other Material Matters"

We would make the following comments on the information set out by the Appellant in section 6.

Paragraphs 6.3 – 6.13 (Provision of a range and choice of housing)
As a local community, we reject overwhelmingly any idea of a residential development either on the footprint of the indoor bowling club or more widely across the Appeal Site. As such, we believe that any consideration of compliance with planning policies is entirely irrelevant.

Paragraphs 6.14 – 6.18 (Provision of affordable housing)
As noted above, the local community is overwhelmingly against the idea of a dense housing development, in contrast to a development that focuses on leisure/community use. We also believe that a development such as the project initially proposed by the Appellant (a limited enabling development that protected leisure use) would be a more understandable than the existing (non-enabling) proposal that covers the whole site.

Paragraphs 6.19 – 6.25 (Enhance the historic environment)
It is accepted that the current site does not enhance the character and appearance of the local area. It is noted that the existing clubhouse has been designated as a 'negative building'. However, we do not agree that the solution to this is the construction of dense replacement buildings that serve no purpose in improving the local community. We would also note that, historically, the site was more obviously open space and community use, so if the historic environment is to be taken into account then the appeal should be soundly rejected.

Paragraphs 6.26 – 6.32 (Enhancing leisure, sports and community facilities)
In respect of paragraph 6.26, it is worth noting that the whole of the Appeal Site is designated as an ACV. We would strongly argue that the whole site should ideally be available for community use. Further, the suggested increase in public open space is misleading. What is being suggested is a 'pocket park' that is of little interest to people in the community, that will be fenced and gated and where there is a significant risk that public access will be restricted in the future (we understand that there is precedent for this: the nearby development of Goddard Place off Monnery Road in Islington, London was meant to preserve an area of open space for public use but, within approximately 18 months, gates were installed to keep out non-residents and prevent them from using the space).

In January 2016's planning committee hearing, the Appellant admitted that their calculation of public open space available to the community included odd triangles of grass in the corners of the car parking area and spaces between cars that, in practice, would be worthless and unusable as open space.

Referring to paragraph 6.29, we support proposals that look to significantly enhance the quality of sport, leisure and community space at the Appeal Site. However, we fundamentally disagree that this should be carried out: (i) by way of a residential development; (ii) consequently, by way of a change of use away from the D2 class; and (iii) in such a way to reduce the overall amount of space that is dedicated to sport, leisure and community use. Because the Appeal Site has been allowed to intentionally fall into disrepair, it is easier to suggest that the quality of the space will be enhanced, but the "quantity" of the space being used for sport, leisure and community use is clearly being reduced. Therefore, the appeal should not be allowed because it does not enhance both the quality and the quantity of the sport, leisure and community facilities. It should also be noted that offers to maintain the current outside space (for example, cutting the grass) have been rejected by the site owners.

Paragraphs 6.33 – 6.36 (Increased access to publicly accessible open space)
As noted above, the small area of open space that is being created is sub-standard and little weight should be given to this part of the proposed development.

Further, car parking will be on the open space. The point had previously been made to the Appellant that car parking must be within the footprint of the existing building. However this has been ignored with the result that a considerable amount of open space needs to be sacrificed in order to service the parking needs of 21 properties.

Paragraphs 6.37 – 6.43 (Improving design and townscape)
As a local community, we find it completely disingenuous for the Appellant to state (paragraph 6.40) that the design proposals have evolved following extensive engagement with the local community. Whilst the plans may have changed in order to maximise the number of residential units on the site, this has not been the result of engagement with the local community and any issues that we have raised have not been incorporated into the design. Further, as a local community, we disagree that the form of development would improve the outlook of the site. The views of local residents are that the development would have a material effect or adverse impact on the site's public amenity value and its contribution to the landscape.

We also wish to highlight the following.
- Despite assurances to the contrary, the development does not keep to the present roof line. Because the apex of the present sloping roof is taken as the height of the proposed houses, this means that the height of the side elevations would increase by at least six feet on what they are at present. This of course enables the Appellant to build an extra floor. It also means that the mass of the building is exceeded.
- The proposed increase in height on the side elevations leads to a severe loss of privacy to the surrounding houses as they would be badly overlooked. This also leads to loss of light issues.
- The loss of privacy is exacerbated by the design of the houses themselves in that all external windows for each property face in a single direction.
- We consider that the design is totally out of keeping with the surrounding area and is more about maximising profit than any other considerations, not least the fact that it is to sit in the middle of a conservation area.

Paragraphs 6.44 – 6.47 (Parking)
We remain concerned that a development of this density will lead to greater demand for street parking.

7. Summary

The Planning Application does not meet the criteria set out in Camden Development Plan, or the London Plan Policies. Neither parts DP15(e) nor (f) have been satisfied on an individual basis. However, it is also clear that DP15(e) and (f) should be read as cumulative criteria and, on this basis, the Appellant has fundamentally failed to meet this test. Further, the Planning Application does not attempt to address the requirements of DP15(c) and (d) and there is a failure on the part of the Appellant to demonstrate that the loss of community use of the Appeal Site is justified.

The Planning Application does not meet the criteria set out in the NPPF. In particular, the NPPF sets out a test of when existing open space, sports and recreational buildings and land may be built on. This test is not satisfied by the Planning Application.

For these reasons, the planning committee of LBC was correct to refuse the Planning Application and we respectively request that the Inspector rejects the appeal for the same reasons.

In addition to the failure of the Appellant to address the planning policy requirements, we have highlighted that there are a significant number of alternative leisure uses available for the Appeal Site for this community asset. There is clearly demand from the local community for such alternative leisure uses, and these alternative uses would be more suitable for the local area than the dense residential development that is proposed by the Appellant. Based on the level of interest from the third party providers that we have contacted, there is also good reason to conclude that such alternative uses would be viable and sustainable propositions. As a local community, we would welcome the opportunity to work with the other relevant stakeholders to develop the site in a way that is more suitable and appropriate by focusing on these alternative leisure uses.

In addition to the foregoing, we wish to re-iterate that local residents are overwhelming against this development, which we consider an ill-judged, misconceived proposal that is damaging to the local community. The Planning Application would result in leisure facilities being lost to the community. The designs being proposed do not enhance the local area and are not in keeping with existing housing, so are widely objected to by local residents. Allowing the appeal would also place greater strain on the local area (from parking, to local amenities and services, primary school places and doctor's surgeries) and so negatively impact the area.

As local residents, for over eight years we have been working to protect the Appeal Site from any unnecessary residential development that provides benefit to a few but negatively impacts many within our community. We have demonstrated the strength of our concern by the level of our engagement with this process and the number of objections raised by people in the local area. Whilst we fully accept that the Appeal Site is under-utilised and some development should take place, and we also understand the need for more housing in London, we do not agree that a development of the type proposed by the Appellant, which involves a change of use from Class D2, is appropriate for this site. We know there is a both a requirement and an overwhelming demand for leisure and community facilities within our area. We have also demonstrated that there are other, more suitable, alternative uses for the Appeal Site.

Allowing this appeal would mean that some or all of the site is lost forever as both a community asset and a place designated for assembly and leisure use. Such an outcome is neither required nor justified based on the needs of the local community, the demand for the site to be used for leisure and community purposes, the public policy requirements and the restrictions that are currently placed upon the site. We respectfully implore you to reject this appeal and by doing so contribute to protecting rather than damaging the fabric of our local community.