

Mansfield 2022/5320/P – DPCAAC preliminary submission

Not another inch in any direction

So what is this hopefully final battle against the property speculators who want to wrest our open space from us about?

Below you will see an OS map of the original Brookfield site (including the original Mansfield site) shortly after the building of the 'homes for heroes estate' after WW1 on the North Eastern (allotments) end of the site together with a photograph of the land as it was with the original club house.



The first major speculator assault on the site was the building of the Regency Lawn, a low-rise faux Georgian, 'terrace' which enclosed the open space. This was said to be an enabling development although in fact the rebuilding of the club house was anyway necessary to the building of Regency Lawn and they got away with an awful completely inappropriate biscuit tin building which included an in doors bowling facility and therefore arguably in keeping with the site's character and designation but that was as far as it went. Somewhat bolting the stable door after the horse but to protect the site from further speculator encroachment. The site has been designated as open space in successive Local Plans and protecting the open space became part of the mission of the Dartmouth Park Conservation Area.

The biscuit tin building has been demolished and the site is now pretty much as it was before Regency Lawn was built.

Speculators with deep pockets have maintained their assault on what is left. Making the grotesque argument, poorly rebutted by the Council that the biscuit tin site was now a 'brown field site' and declare open season on the open space including particularly the land on which the biscuit tin stood. Sadly successive Governments have put mounting a legal challenge even against as flawed a decision like this one which allowed a wholly in appropriate development which everyone knew would never be built but was merely a place maker for worse to come beyond the pockets of ordinary people.

That doesn't mean we have to repeat the errors this time.

Some key gains were made though and we can bank these. The place maker application not only accepted that permission had to be conditional on the bringing of the remaining open space into proper use. It also included a promise of significant affordable accommodation. The basis on which the placemaker application was won, this highly technical argument about the former club house site being a brown field site, ignores, as the present application does, it was at best a brown field site surrounded by designated open space and is now on the edge of a green space of the status of the green belt. The placemaker application at best only opened the door to a development within the precise curtilage area of the 'brownfield'. Not an inch more and only on the exact space previously occupied by the tin building. It cannot begin to be said to carry with it any implication that what was approved was approved in any broader sense. All the usual considerations about the appropriateness of anything proposed now remains at large.

Dartmouth Park wasn't going to allow itself to be defeated that easily. Our Statutory Neighbourhood plan, approved by the community in a referendum with an 85% yes vote has been brought into play.

First the, remaining open space has been afforded the absolute protection of being designated a green space. It now has the same level of protection as green belt land and the heath. Highly appropriate this because Baroness Coutts opened this edge bit of land around her estate precisely to put an end on Victorian sprawl from encroaching.

What is proposed must by law, see below, not only preserve and enhance not just an open space of many years standing but now one with the same standing as the green belt or heath.

Our Statutory plan like many before it is explicit about the need to continue to protect the site.

"The present status of the site is that an application for planning permission for development was refused by Camden Council but was permitted on appeal (APP/X5210/W/16/3153454). It should be noted that the community does not consider that the then proposed development would be an appropriate development." The Inspector refused to hear argument on the Conservation Area point. "The Plan supports the original refusal given by the Council

The Plan continues "As noted above, the Forum encourages the consideration of the community aspirations set out in this Chapter in any future applications relating to this site...."

As noted above, the community's strong preference is for the Mansfield site to remain wholly in use for sport, leisure and recreation purposes. The Forum is not seeking to allocate the site for development.... “

Editorial note, now here is the rub:

“However, should development proceed on this site, we would support a scheme incorporating the following principles:

The development would be residential only and would not exceed the density provided for in the current consent.

The total footprint of the development would not exceed that of the previous bowling club building and would not intrude into the green space reserved for leisure activities as shown on Fig. 6.”

Actually at the time of the previous application it wasn't, actually, demolished. To this we would add that since that permission turns entirely on the argument that the demolished club house site was or would be a brown field site, that site alone can be claimed to be a brown field site. The open space provisions of the current and all previous plans, continue to apply with full force particularly since they are re-stated in our Neighbourhood plan.

The design of new housing would respond positively to the characteristics of surrounding residential development and will be informed by the terraced typologies that are prevalent in the surrounding area.”

In plain language, any new development must fit in with the buildings around it, to take the nearest and most obvious example, must be the same sort of bulk and height as the neighboring buildings eg Regency Lawn. Obviously all the above will be followed by detailed representations.

“The development will be expected to provide the maximum amount of affordable housing provided for in the Local Plan policies and this Neighbourhood Plan.

Provision should be included for intermediate housing that will help meet the needs of local teachers, nurses.

Any development should be car-free, in accordance with Camden Local Plan Policy T2 (Parking and car-free development).

The part of the site shown in Fig. 6 would be reserved for sport / leisure / recreation purposes and would be publicly accessible.

The developers would put in place procedures to ensure that the open space is sustainably managed and maintained for the future for the benefit of the public....”

The applicant has had absolutely no regard to either the provisions of our statutory plan nor in reality to the fact that he is making an application in a Conservation Area. He simply ignores the constraints imposed by the local plan. Evidence if this is needed that he is still plucking any idea which might attract support from anyone. It is unclear whether he considers his throw away remarks about his luxury home for the uber wealthy providing accommodation for some of those hospitals have been unable to place in care homes. If that is supposed to be a serious alternative to his obligation to provide affordable accommodation he will have to forgive us if such stuff meets with skepticism particular by those who have seen his development in Millionaires Row in Bishops Avenue and wouldn't count unless delivered on tablets of stone.

Any development on this site must be in keeping with and consistent with the character of the site and consistent with the role it plays and contribution it makes to the character of the Conservation Area.

The main issue here is therefore the effect of the proposed development upon the character and appearance of the host site and whether it would preserve or enhance the character or appearance of the Dartmouth Park Conservation Area.

Within the DPCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a designated heritage asset great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194).

That the appeal site contributes to the significance of the DPCA is beyond argument and has been noted as doing since the very first DPCA Strategy documents.

The proposed development would adversely impact upon its significance. Therefore, it would conflict with Policies D1 and D2 of the Camden Local Plan (2017) (the CLP) and Policies DC3 and DC4 of the DPNP. In combination and amongst other things, these policies require that design respects local character and context and preserves or enhances the historic environment. All this is the more true when considered in the context of the neighbouring 'homes for heroes' development which is of traditional very low rise modest buildings in a garden city style.

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If it could be said the proposal will lead to less than substantial harm paragraph 196 of the Framework and Policy D2 of the CLP require that where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits. No one could reasonably suggest that so substantial such a huge building wholly inappropriate in the context does less than substantial harm. Even had the applicant addressed this and convincingly suggested less than substantial harm, less than substantial harm should not be equated with a less than substantial planning objection. Small public benefits do not outweigh the significant harm from the proposal, which attracts great weight. Therefore, the development conflicts with the Framework and Policy D2. The proposed development would be contrary to the development plan and the National Planning Policy Framework. There are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, the application must fail.

The applicant can't be surprised if his every word is met with at best skepticism. He says he is committed to the enabling of the use of the open space. But since the start of this prolonged battle he and his fellow speculators have allowed the open space to fall into dereliction. Space which, during the terrible times we have been through with the Covid Pandemic could have been a boon. End with a simple message, this community will not be bullied.

The planning Authority should retain the services of planning Counsel to settle the terms of refusal.

Patrick Lefevre for
Dartmouth Park Conservation Area Advisory Committee
2/2/23