

Stanmore and Edgware Golf Centre

Statement of Case of the Local Planning Authority

Appeal reference APP/M5450/W/22/3299650

August 2022

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Appendices

APP/1 Copy of Committee Reports, minute and addendum reports relating to application reference P/3088/20

1.0 Introduction

- 1.1 This Statement of Case has been prepared to describe the Case of the Local Planning Authority in respect of appeal reference APP/M5450/W/22/3299650. This appeal relates to the refusal of Planning Permission by the Local Planning Authority for a single and two storey building for a banqueting facility together with associated works.
- 1.2 This Statement has been prepared with reference to the requirements of the Planning Inspectorate Procedural Guide April 2022.
- 1.3 The Statement begins by describing the site and its planning history before summarising the proposals that are the subject of this appeal. It describes the planning application process and sets out the reasons for which the Local Planning Authority refused planning permission, before setting out the planning policy context within which that decision was made, and other material planning considerations.
- 1.4 Section 5 describes the Local Planning Authority's Case for this appeal as it will be presented in written evidence, to assist the Inquiry. It then provides commentary on the in relation to planning conditions and planning obligations related to the appeal development.

2.0 The appeal site and its planning history

The appeal site and surrounding area

- 2.1 The appeal site relates to a former golf centre and driving range located on the west side of Brockley Hill. The application site is located 1.3km to the north east of Stanmore Town Centre.
- 2.2 The wider site (not the application site itself) comprises a broadly rectangular site. The wider site comprises a former 9-hole par-3 golf course and driving range. The golf course is situated around the edges of the driving range.
- 2.3 The application site relates to an irregular shaped plot of land located towards the centre of the wider site and contains the main golf building, a hard surfaced car park and an area of soft landscape directly in front of the golf building which was previously used as a driving range. The overall site area is 1.63 hectares.
- 2.4 Vehicular and pedestrian access is from Brockley Hill and is located towards the east of former golf building.
- 2.5 The former golf club building on the application site has been subject to an extensive fire at the end of June 2020 which has destroyed much of the original building, leaving only part of the original frame and area of hardstanding in place.
- 2.6 Prior to the fire the main building on site had linear form and was part single storey/part 1.5 and two storeys in height.
- 2.7 The former building contained a golf retail shop, the reception for the golf course and various office and storage areas at ground floor level. The first floor of the building contained office space and a flat for staff use.
- 2.8 To the south east of the main golf building is a hard surfaced car park which is approximately 3000m² in area.
- 2.9 A wire fence of approximately 5 metres in height has been erected around the former driving range. This is secured by a number of metal pylons running around the perimeter of the

- range at a distance of approximately 15 to 20 metres apart. There is also a substantial earth bund around the driving range covered by grass.
- 2.10 The area of land surrounding the driving range comprises the golf course and appears as a managed landscape with man-made features including green, bunkers and tee boxes.
- 2.11 There are significant level differences across the application site and immediate adjoining land with levels declining in height from north to south.
- 2.12 The site is screened by mature trees and hedges to the entire perimeter of the site.
- 2.13 The application site is situated within the Green Belt and is within the Harrow Weald Ridge Area of Special Character.
- 2.14 The application site lies partially within an Archaeological Priority Area. This area relates to a strip of land which runs through part of the car park and golf course and on the other side adjacent to Brockley Hill.
- 2.15 The application site has a PTAL rating of 1a which is low. The nearest bus stop to the site is located to the south of the site on Brockley Hill approximately 300 metres away. The bus stops are served by the 107 bus service between New Barnet and Edgware via Elstree and Borehamwood.
- 2.16 The site is located around 1500 metres east of Stanmore underground station.
- 2.17 Part of the site in front of the main golf building lies within surface water flood zone 3a/3b as identified on the Local Area Map (2013).
- 2.18 The immediate locality of the wider application site comprises a mix of residential and leisure uses.
- 2.19 The London Borough of Barnet adjoins the site to the east, the borough boundary line runs along Brockley Hill. There are a number of residential streets to the south east within Barnet's boundary which are located approximately 240 metres from the site entrance. The closest residential streets include Grantham Close, Pipers Green Lane and Brockley Avenue.

- 2.20 To the south is Brockley Park an area of public open space including a small lake. The park abuts a residential cul de sac which links to the wider suburban area to the north of London Road.
- 2.21 Adjoining the wider application site to the north and west is Stanmore Country Park, this comprises a continuous open space of some 31 hectares of woodland and meadow.
- 2.22 Adjoining the wider application site to the north, Pear Wood comprises an area of ancient woodland of around 14 hectares which abuts Wood Farm to the west. The land opposite the application site on the eastern side of Brockley Hill is a large green space with mature trees.

Planning history

- 2.23 A full schedule of the planning history for the appeal site is set out at Section 3 of the Local Planning Authorities Committee Reports relating to the planning application, which is provided at APP/1.

3.0 The appeal proposal, the planning application and the reasons for refusal

The appeal proposal

3.1 This appeal relates to a development proposal for:

Demolition of former golf club buildings and construction of a single and two storey building for a banqueting facility; widening of existing vehicular access from Brockley Hill, car and cycle parking, waste/recycling storage, landscape enhancement and associated works

The planning application

3.2 The planning application was submitted to the Local Planning Authority and was validated on 18th September 2020. The Council's officers considered the planning application and recommended that planning permission was refused. The Council's Planning Committee considered the proposals at the Committee on the 30th June 2021. Council Planning Committee members deferred the decision to enable the applicant to provide additional information on some of the issues raised at the meeting. The case was presented again to Council Planning Committee members on 17th November 2021 and members agreed with the overall recommendation but added an additional reason for refusal on design grounds. The application was refused planning permission on 26th November 2021. The appellant has exercised their right of appeal against that decision.

The reasons for refusal

3.3 Planning permission was refused for the following reasons:

1. The proposed development would have a greater impact on the openness of the Green Belt than the existing development on the application site. The proposed development would therefore constitute inappropriate development in the Green Belt, to the detriment of the character, appearance and openness of the Green Belt, contrary to the National Planning Policy Framework (2021), policy G2 of The London Plan (2021), Core policy CS 1 F of the Harrow Core Strategy (2012), and policy DM 16 of the Harrow Development Management Policies Local Plan (2013), and no very special circumstances have been demonstrated by the applicant whereby the harm by reason of inappropriateness is outweighed by other considerations.

2. The proposed building, by reason of its design and form, would appear as unsympathetic and obtrusive in an open setting, to the detriment of the character and appearance of the locality within the context of a Green Belt site, contrary to policy D1, G2 London Plan (2021), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Development Management Policies (2013).

3. The proposed development, by reason of failure to provide adequate on-site or off-site car / coach parking and lack of integrated drop off facilities to serve the proposed banqueting facility, would significantly intensify site usage and generated trips. The associated likely on site congestion and parking overspill into the London Borough of Harrow and the London Borough of Barnet, with particular reference to the residential streets to the south-east of the site, is therefore considered to be detrimental to highway and pedestrian safety, and the amenities of neighbouring occupiers, contrary to the National Planning Policy Framework (2021), Policy T4 of The London Plan (2021), and policies DM 42 E and F, DM 1 B (f) (C) and D (h), policy DM 42 E and F and DM 43 B and C of the Harrow Development Management policies Local Plan (2013).

4.0 The Development Plan and other relevant policy and guidance

The Development Plan

4.1 Section 38 (6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan against which the appeal proposals are to be considered comprises:

- The London Plan 2021;
- The Harrow Core Strategy 2012;
- The Development Management Policies Local Plan 2013;
- The Site Allocations Local Plan (2013)
- Local Plan Policies map

4.2 The relevant policies of the Development Plan are consistent with the National Planning Policy Framework and is otherwise up to date. Copies of those Development Plan policies where the Local Planning Authority has identified a conflict have been provided to the Inspector.

Other material considerations

4.3 The Council's evidence will rely, where appropriate, on the following, which it considers are material to the determination of this appeal.

Other relevant material considerations

4.4 Other planning considerations that the Council considers are material in the determination of this appeal include:

- The National Planning Policy Framework (2021)
- The National Planning Practice Guidance (NPPG);
- The National Design Guide 2021;

- London Plan Guidance: Characterisation and Growth Strategy (February 2022 Consultation Draft)
- London Plan Guidance: Optimising Site Capacity: a design led approach (February 2022 Consultation Draft)
- The Harrow Planning Obligations and Affordable Housing Supplementary Planning Document 2013 (Provided at APP/3);
- Case law and appeal decisions where they are relevant to the matters presented by this appeal.

5.0 The Local Planning Authority's Case

5.1 In the following section of this Statement we describe the Council's Case, as it will be presented in written evidence to assist the Inspector at the Inquiry.

Impact on the Green Belt (Reason for refusal 1)

5.2 It is agreed between the parties that the proposed development amounts to inappropriate development in the Green Belt as none of the exceptions identified under paragraph 149 of the NPPF apply (paragraph 6.16 of the appellants Statement of Case).

5.3 The appellant considers that very special circumstances exist to justify the proposed development and that the potential harm to the Green Belt by reason of inappropriateness, and any other harm is outweighed by other considerations in accordance with paragraph 148 of the NPPF (paragraph 6.17 of appellants Statement of Case). The Council considers that the proposed development would result in harm to the Green Belt as it would result in a greater impact on openness of the Green Belt and does not accept that Very Special Circumstances exist to justify the development.

5.4 The appellants have identified within their Supporting Supplementary Openness and Landscape Appraisal that the development would make a limited contribution to the purposes of including land within the Green Belt. The report outlines that the majority of the site is previously developed land and is derelict. The boundary vegetation at the edges of the site, including Stanmore Country Park to the west and the presence of Brockley Hill to the east, protects the land from further encroachment (Paragraphs 4.3 and 4.4). Nevertheless, the report identifies that the application site makes a limited contribution to purpose 3 and 5 outlined under NPPF paragraph 138 (C) *“to assist in safeguarding the countryside from encroachment”* and (e) *“ to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”*.

5.5 The Council consider that although, the application sites contains urban features including hardstanding and a derelict structure, there are open views of the landscape, north and south of the application site. The Council will demonstrate the proposed building will have a more urbanising presence, thereby reducing the sense of openness that currently exists.

- 5.6 The Council will refer to caselaw including *Turner* and *Samuel Smith* for the approach to openness, as an open textured assessment including visual and spatial matters.
- 5.7 The Council will set out that the proposed development will have a greater impact on the openness of the Green Belt both spatially and visually in relation to the existing site circumstances. The Council's evidence will demonstrate that the existing site circumstances is the starting point for the assessment. Based on the existing site circumstances, the remains of the fire damaged structure has no footprint, floorspace or volume and will therefore clearly have a greater spatial impact on the openness of the Green Belt.
- 5.8 The Council consider the development would be clearly visible from a number of viewpoints from within the site. The appellants Supplementary Openness and Landscape Appraisal (Sept 21) fails to provide any visualisations of the proposed building in comparison to the existing site circumstances. Although there are limited wider viewpoints from outside the application site along Brockley Hill to the east (as identified in the Landscape Appraisal), the openness of the Green Belt from within the site is also of great importance, having regard to the immediate setting adjacent to the SINC, woodland views to the north and west and the sites designation as an Area of Special Character. The Council will set out that the impact on the visual openness of the Green Belt due to the solid built form of the structure, will have a greater impact compared to the remains of the existing structure on site, even despite the more compact building form.
- 5.9 At the time officers considered the application prior to the Council's Planning Committee in June, the applicant had not presented a case for 'Very Special Circumstances' (VSC) outlining "The building was reduced in size so that it has a footprint of circa 30% of the footprint of the existing building, resulting in a building that is not materially larger than the one it replaces and hence a VSC case is not required to justify the proposed development in the Green Belt". Following the deferral of the decision on the application by committee members, the applicant presented a case for VSC to justify a departure from paragraph 149 of the NPPF. This was provided within the Planning Statement and a Supplementary Openness and Landscape Appraisal. The appellant contends that VSC exist and would outweigh the limited harm to the Green Belt for the following reasons:

- a. The building would replace a fire damaged structure with a new building of significantly higher quality and appearance which would secure the long-term future of the site
- b. The need to relocate the banqueting business in the borough where there is an absence of any alternative sites that could accommodate the facility
- c. The need for a banqueting facility to support the diverse, multi-ethnic communities of the borough
- d. Biodiversity net gain
- e. Benefits to the local economy

5.10 The Council's evidence will explain that 'Very Special Circumstances' do not exist. Although, the Sequential Site Assessment, showed there was a lack of availability of other sites for new development, the Council do not accept that the level of need is not capable of being met in Harrow and the sub regional market area from existing facilities. Moreover, even if there was such a need this would not outweigh the harm that would be caused to the Green Belt and any other harm.

5.11 The Council consider there are a number of other existing venues within both Harrow and the sub regional market area which would be suitable to hold events for weddings for the South Asian community and other ethnic groups. The Council consider that whilst the proposal may increase choice for communities, this is not the same as meeting unmet need.

5.12 The social and economic benefits of the proposal are not considered to be so significant so as to justify a departure from policy.

5.13 The Council acknowledge the ecological benefits but give these limited weight.

5.14 The Council's evidence will explain that the existing poor state of the land as a result of fly tipping on the application site and the unsightly state of the fire damaged structure does not provide justification for development which is inappropriate development in the Green Belt. The Council accepts that the current state of the land is unsightly but will explain that other legislation exists (Section 215 of the Town and Country Planning Act 1990 (as amended) to enable land or buildings to be cleaned up if its "condition adversely affects the amenity of

an area”. Moreover, the Council will set out how the building does not respond positively to its Green Belt context and is not of sufficient high quality for its setting.

Character and Design (Reason for refusal 2)

- 5.15 The Council’s evidence will explain that high-quality design requires an understanding of, and an appropriate response to the context of a site and its local character and identity. In this case, the appeal site’s context includes tranquil Green Belt land which is comprised of open fields, a designated Site of Importance from Nature Conservation (SINC), and woodland views and mature trees within its immediate setting. Significantly, the entire sites lies within the Harrow Weald Ridge Area of Special Character. This is an area of high ground above the predominantly suburban development of the central lowland area and is considered to be of strategic importance to the character and distinctiveness of the Borough.
- 5.16 The development proposal, which comprises a series of single and two storey elements would respond very poorly to the sites surrounding context and the identity of the locality. The development site is situated on a large area of open land and would be highly visible within the immediate open landscape and its appearance would be at odds with the surrounding semi-rural environment. It is considered that the development would appear highly conspicuous and intrusive within the landscape and would appear more prominent in public views from the entrance at Brockley Hill compared to the existing circumstances. The Council will outline how the design and form of the development proposal, including its mass, bulk and shape would cause harm to the character and appearance of the locality including the strategically important Area of Special Character.
- 5.17 The appeal development, with particular regard to its design and form would represent poor-quality design that would cause harm to the character and appearance of the area within the context of the sites Green Belt setting and would fail to respond to the sites existing local character and identity, in conflict with the paragraphs 126, 130 (a), (b) and (c) and 134 of the National Planning Policy Framework (2021), policy G2 and D3 (1), (11) and (12) of the London Plan (2021), policy CS1 B of the Harrow Core Strategy (2012) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013). Whilst the Council did not identify a conflict with Policy D3 (Optimising site capacity through a design-led approach) of the London Plan (2021), policy DM 6 (Areas of Special Character) of the Harrow Development Management Policies Local Plan (2013) and policy CS 7A of the Harrow Core

Strategy (2012) in its second reason for refusal, it does consider these policies to be relevant and that the appeal scheme would conflict with them. Additionally, the Council did outline a conflict with policy D1 in reason for refusal 2, however it considers this policy not to be relevant in this case.

Transport Impacts (Reason for refusal 3)

- 5.18 The Council's evidence will explain that the car parking demand generated by the proposed development, in relation to large scale events, will result in congestion overspill into the surrounding residential streets causing harm to highway and pedestrian safety and detrimental impacts to the residential amenities of the surrounding neighbouring occupiers. The appellant has outlined that there is significant demand for this type of facility in Harrow and that the venue is needed specifically to cater for large capacity numbers. The Council's evidence will demonstrate that that large capacity events will occur often.
- 5.19 Due to the nature of events, the overwhelming majority of guests are likely to travel by car or coach. The Council will explain that this is more likely based on travel patterns associated with Premier House in Wealdstone, the former location for the banqueting facility. Officers will demonstrate that drop off facilities for coaches and taxis have not been effectively integrated into the parking layout which will cause overspill parking. Additionally, whilst policy seeks to encourage more sustainable modes of travel, the location of the development and the nature of events will make this much more difficult to achieve and as such implementation of a Travel Plan cannot be relied upon to mitigate the impacts.
- 5.20 The pre-existing venue at Wealdstone (Premier House) had access to a 257 space multi storey car park and alternative public parking options that would be unlikely to cause inconvenience to local residents or safety concerns for the highway. It was common for the banqueting suite to book around 100 spaces in the existing multi storey car park and 200 plus spaces at some larger events. The Council will explain why an overflow parking provision is considered necessary to make the development acceptable in transport terms but that the proposal has failed to provide an acceptable and workable solution.
- 5.21 The appellant contends that a parking management plan will be able to effectively manage any overspill parking in relation to larger events which they suggest would only occur once

a month. The Council will demonstrate that larger events are quite likely to occur. The appellant suggests the following measures could be implemented:

- Concierge parking service
- Some cars moved off site to Elstree Manor Hotel in Elstree
- Arranging parking to ensure maximum site capacity is used

5.22 However, the Council will set out that the suggested parking management plan approach is flawed and cannot be adequately managed and mitigated through a section 106 agreement.

5.23 The Council will explain that the likely congestion and overspill parking will be pushed onto the surrounding residential streets which could be anywhere in the vicinity which is unrestricted. The most likely locations people will choose to park includes Brockley Hill (Harrow/Barnet) and Grantham Close, Pipers Green Lane, Brockley Avenue, Newlands Close and Hamlyn Close (London Borough of Barnet). The coming and going of vehicles within the proposed operational hours will cause harm in relation to both road/pedestrian safety and disturbance to the amenities of the surrounding residents, particularly taking account of the narrow, calm and suburban nature of the closest streets from the application site. The Council's evidence will explain that the proposals would compromise highway and pedestrian safety as a result of parking on Brockley Hill which is a very busy road and parking will increase the risk of accidents due to overtaking. Moreover, there are concerns parking congestion will lead to obstructive parking in the vicinity which in turn could have road safety implications.

5.24 The Council will demonstrate that the transport impacts of the appeal proposal would conflict with the National Planning Policy Framework (Paragraphs 110 (d), 111) (2021), Policy T4 of The London Plan (2021), and policies DM 42 E and F, DM 1 B (f) (C) and D (h), policy DM 42 E and F and DM 43 B and C of the Harrow Development Management policies Local Plan (2013).

Other material considerations

5.25 The Council's evidence will acknowledge that the appeal development would deliver a number of benefits, including social benefits and economic benefits and some limited

environmental benefits, but it will explain that these benefits would not outweigh the various harms caused by the proposals. The Councils evidence will confirm that there is harm to the openness of the Green Belt and that Very Special Circumstances do not exist to outweigh that harm.

6.0 Planning conditions and planning obligations

Planning conditions

- 6.1 The Local Planning Authority's Case is that planning conditions would be required in the event that the appeal is allowed. The Council will seek to agree a schedule of conditions with the Appellant and will include those in the Statement of Common Ground.
- 6.2 In the event that some or all conditions cannot be agreed, the Council's evidence will describe why it considers that conditions that have not been agreed should be imposed on any planning permission, and how they would meet the relevant tests.

Planning obligations

- 6.3 The Council and the Mayor of London have Community Infrastructure Levies (CIL) in place and the appeal development would be liable for both.
- 6.4 The Council's Case is that planning obligations will be required to mitigate some of the impacts of the development on existing local infrastructure in the event of an approval. The Local Planning Authority will seek to agree these with the Appellant through the Statement of Common Ground.

7.0 Conclusions and Planning Balance

- 7.1 The Local Planning Authority has considered the Appellant's Case as presented in their Appeal Statement and is of the opinion that it made the correct decision in refusing planning permission for the reasons set out in the Decision Notice.
- 7.2 The Council will seek to narrow or resolve issues in dispute where possible through the Statement of Common Ground with the Appellant. Where such matters cannot be agreed, the Council will address this in its evidence.
- 7.3 In light of the policy conflicts presented by the proposals, the appeal scheme is not in accordance with the Development Plan, when read as a whole. The starting point, pursuant to s.38(6) PCPA is that permission should be refused. In this case, and whilst the appeal development would bring forward benefits, there are no material considerations of sufficient weight to justify a departure from the Development Plan.
- 7.4 Accordingly, the Local Planning Authority will respectfully request that this appeal is dismissed.

