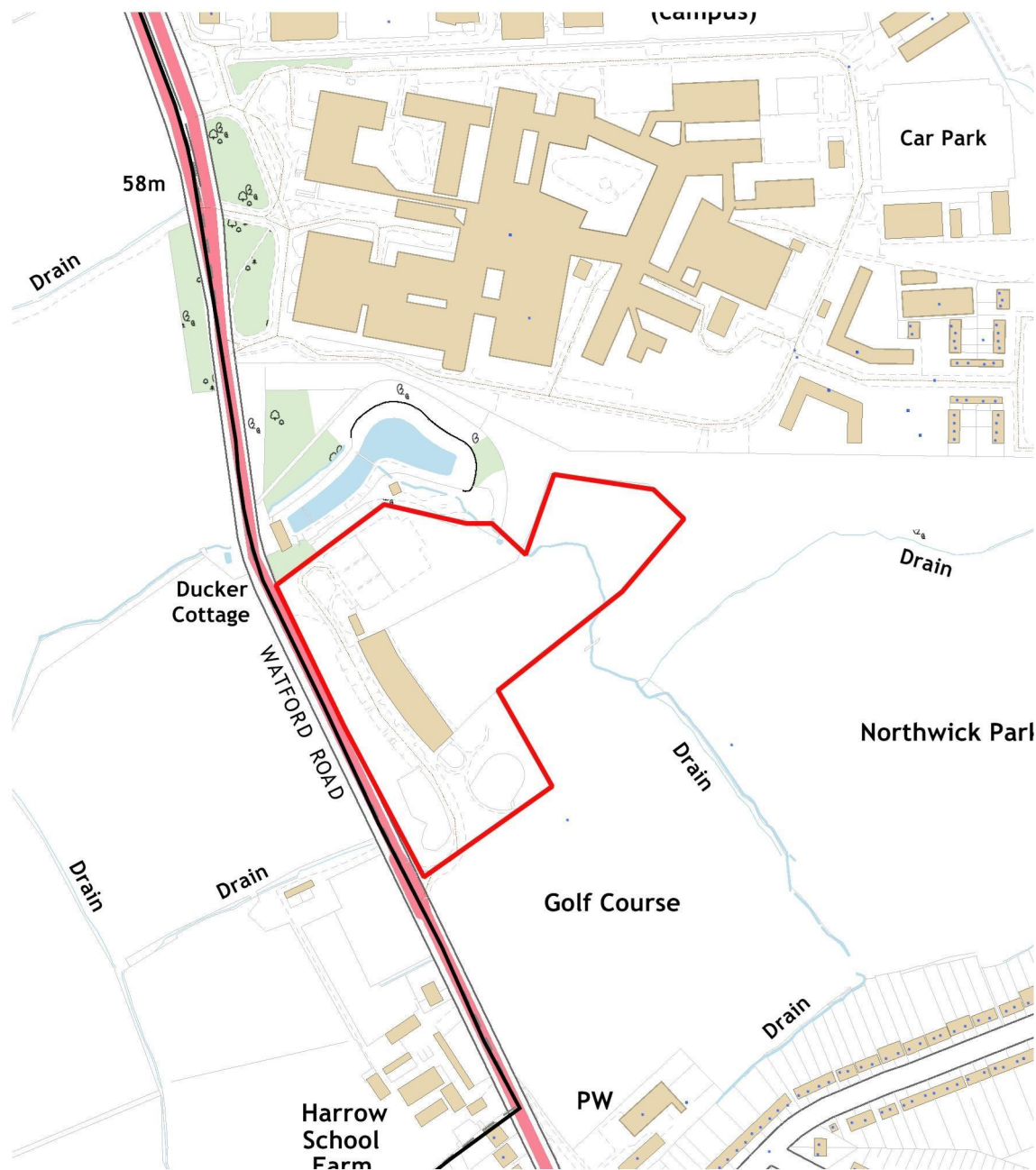
 **Planning Committee Map**
Site address: 280 Watford Road, Harrow, HA1 3TZ
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This map is indicative only.

RECEIVED: 8 February, 2012

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 280 Watford Road, Harrow, HA1 3TZ

PROPOSAL: Internal and external works to the existing golf centre building to enable part of the ground floor to be used as a cafe.

APPLICANT: Play Golf Northwick Park

CONTACT: Maven Plan Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent

EXISTING

Playgolf Northwick Park is a golf centre (6-hole golf course with associated driving range) situated on Northwick Park, accessed off Watford Road. Northwick Park is designated in the UDP as Metropolitan Open Land (MOL), a site of nature conservation importance, and public open space.

There is also an adventure (mini) golf course and a baseball batting court on the site, along with associated access roads and parking areas, a drainage ditch and ponds (water hazards) and maintenance areas.

The golf centre has an existing two-storey clubhouse. The upper level comprises a lobby, restaurant (396sqm) and golf shop (478sqm) while the lower level has a gym (392sqm), meeting rooms and associated staff and storage areas. Along the eastern side of the building are two levels of covered driving bays which open out onto the netted floodlit driving range.

PROPOSAL

Internal and external works to the existing club house building to enable part of the ground floor to be used as a cafe.

HISTORY

The golf course and driving range is located on former playing fields owned by the Council and Brent remains the freeholder of the land. Planning permission for a golf course was first granted in 1993.

In 2001 planning permission was granted for the construction of a golf centre comprising a two-storey clubhouse, floodlit driving rang, new 9-hole golf course and ancillary fencing, landscaping, car-parking and access roads (Planning Ref: 99/2397).

The new golf centre was opened in 2005 by Play Golf Ltd. However, the development was not carried out entirely in accordance with the terms of the planning permission. Additional uses and development had taken place beyond what had been approved in 2001 permission. These included the inclusion of additional uses within the building (restaurant, shop, gym, conference facilities), the provision of a baseball batting cage, an overflow car park and a mini golf course (Adventure Golf) and the erection of higher than originally approved net fencing around the driving range. The golf course had also been laid as a 6-hole rather than 9-hole course. A number of enforcement actions and planning applications followed seeking to regularise the situation.

Permission to retain the adventure golf facility (Ref: 06/0769) and the overflow car park (Ref: 06/0768) was approved by the Council in 2006. Permission to retain the higher safety netting around the driving range was approved in 2007 (Ref: 07/0172). The Council refused permission for the retention of the baseball batting cage but this decision was later overturned by the Planning Inspectorate in 2007 following an appeal (Ref:

06/0762). Permission for the retention of the gym (Ref: 07/2630) was granted in 2008 and retention of the restaurant (Ref: 07/2629) in 2009.

The golf centre was bought by Leisure Golf Ltd in 2010.

The most recent planning decisions relating to this site are set out below:

- 29/08/2012 Details submitted pursuant to Condition 3 (laying of topsoil and grass); Condition 4 (details of landscaping) and Condition 6 (parking management plan) of planning permission dated 22/12/2006 (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking (**Ref: 12/2110 - recommended for approval on this committee agenda**).
- 21/05/2012 Planning application submitted for the reinstatement of public right of way (PROW 34) across the driving range, including raising a protective embankment along one side of the footpath and the installation of protective netting over the footpath (**Ref: 11/3341 - recommended for approval on this committee agenda**).
- 11/05/2012 Details submitted pursuant to condition 6 (details of landscaping) and condition 15 (landscape management plan) of full planning permission 06/0768 dated 22/12/2006 for Retention and modification of hard surface and lighting to the north of the clubhouse to create an overflow car-park for 40 cars and a grassed area of special-events parking, with two lighting columns and associated landscaping (**Ref: 12/1215 - recommended for approval on this committee agenda**).
- 22/09/2011 Details approved pursuant to part of condition 2 (green roof- materials) (Ref: 11/1970). These details were submitted following an enforcement investigation (Ref: E/11/0504).
- 27/05/2011 Details approved pursuant to conditions 1(i)(d) (paint floor of baseball cage) (Ref: 11/0628).
- 11/04/2011 Details approved pursuant to conditions 6 (details of landscaping) and 15 (landscape management plan) (Ref: 11/0420).
- 30/07/2009 Breach of condition 9 of planning permission reference number 99/2397 which required that the driving range and flood lights not be used before 0700 hours or after 2200 hours on any day, apart from one floodlight which may be used up until 2230 hours to aid ball collection. (Ref: E/07/0804). After repeated evening visits by members of the Council's planning enforcement team it was agreed that the breach had ceased.
- 01/05/2008 Planning permission granted for the retention of existing gymnasium at the Playgolf Northwick Park Golf Centre (Use Class D2) (Ref: 07/2630).
- 24/04/2009 Planning permission granted for the retention of existing restaurant (Use Class A3) subject to a Deed of Agreement dated 22nd January 2009 under Section 106 of the Town and Country Planning Act 1990, as amended (Ref: 07/2629).

POLICY CONSIDERATIONS

The relevant planning policies are set out under the Brent Core Strategy (2010) and the saved policies of the Brent Unitary Development Plan (2004), as summarised below:

Brent Core Strategy (2010).

CP1 Spatial Development Strategy
CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

Brent Unitary Development Plan (2004)

BE1 Urban Design Statements
BE2 Townscape: Local Context and Character
BE9 Architectural Quality
EP2 Noise & Vibration
TN22 Parking Standards – Non-Residential Developments
TRN34 Servicing in New Development
OS1 Designation of MOL
OS2 Acceptable Uses in MOL
OS3 Development on MOL
OS6 Public Open Space
OS12 Development on Sites of Borough Grade 1 Nature Conservation Importance
OS15 Species Protection

The London Plan (2011)

Policy 2.18 Green infrastructure: the network of open and green spaces
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.19 Sports facilities
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting local open space

CONSULTATION

Local residents and businesses:

4 objections have been received from local residents and users of the golf course. The concerns raised are summarised as follows:

- Non-golfing use no longer the pre-dominant use and the building has become substantially retail in nature which is not appropriate on Metropolitan Open Land and Public Open Space.
- This is a further intensification of the use and will generate additional traffic and demand for car parking that cannot be accommodated within the existing car-parking areas.
- This proposal will add to the existing problem with food refuse generated by the existing restaurant.
- If granted the cafes opening times should be restricted to only those times that the driving range and golf course is open. It should not be allowed to open when the existing restaurant is open.
- The existing restaurant already has an area set aside as a cafe which contradicts the applicant's planning statement inference that the restaurant only caters for formal meals.
- The continued failure of the Golf course operators to comply with outstanding conditions and other breaches of control such as unauthorised signage and overspill parking by the side of access roads.

An objection has also been received from Harper Planning Consultants Ltd on behalf of Blue Ginger Bar and Restaurant Ltd who operate the existing restaurant on the site. Their concerns are summarised as follows:

- Under the terms of their lease agreement with Playgolf Northwick Park Ltd the operators of the existing restaurant have exclusive rights to be the sole caterers in respect of the application building and that no other caterers are permitted to use any part of the building.
- They also wish to point out that, contrary to the assertions made in the applicant's Planning Statement, there are existing informal dining facilities on the premises.
- Permission was only granted for the existing restaurant on the basis that it was small in scale and required to preserve or enhance activities associated with the golf course.
- It has been established by relevant case law that planning permission should only be granted if there

is a 'reasonable prospect of the development being implemented. Since Blue Ginger Bar and Restaurant Ltd has exclusive rights to operate catering facilities in the building and already provides refreshment facilities to serve the needs of the primary use, the additional café is not necessary and would be contrary to the development policies seeking to protect Metropolitan Open Land.

- The issue of pre-emption may be a material consideration when assessing applications for competing uses. The issue of the timing of decisions taken on rival applications was considered in *Chieftain Construction Ltd v Liverpool City Council* 27/03/06, which established that where similar planning applications on differing sites come forward at different times and where there is only scope for one permission in a local area due to other policy constraints, the development control system should operate on a "first come-first served" basis.
- The previous application granted permission for the existing restaurant on the basis that the use was an ordinarily incidental use of the golf centre that would be unlikely to attract further clientele or create a significantly greater parking demand or transport effects.
- The applicant has provided no evidence to support the assertion that the existing facilities are insufficient to meet the needs of the golf centre. The proposed additional catering are not necessary nor would these facilities be wholly ancillary to the golf centre use, and as such the proposals are contrary to development plan policies seeking to protect MOL.
- The proposed catering facilities will attract additional passing trade and contrary to the assertions in the applicant's Planning statement that there is surplus capacity in the existing car park the objector maintains that parking demand exceeds existing provision and that, on occasions, there is no spare car parking capacity leading to car parking on the access road. The proposals will inevitably generate some additional parking demand from passing trade – this demand cannot be accommodated within the existing car parking provision and may result in further inappropriate overspill parking on the access road contrary to highway safety. Incidental ad hoc car parking will also detract from the character and visual quality of the MOL.
- UDP policy TRN1 requires developments having a potentially significant impact on the transport network should be accompanied by a Transport Assessment (TA). This should incorporate proposed traffic reduction measures by the developer (e.g. Green Transport Plan). In this case, the applicant has not submitted a TA nor has a Green Transport plan been submitted with the application. Planning permission should not be granted in the absence of such information to ensure that there is no adverse impact on the highway safety.
- The proposed drawings do not show the existing restaurant entrance door this amendment to the layout has not been agreed by the operator.

A letter of support has been received from a local resident.

Brent's Highway and Transport Delivery Team

Car parking consists of 60 spaces within the main car park to the front of the site, plus an additional overspill parking area for about 50 cars at the northern end of the building, accessed via a priority left-in/left-out junction onto Watford Road.

This application proposes internal alterations to the layout of the clubhouse to accommodate a café with seating for about 70 patrons, partly through the more efficient use of space and partly through a reduction in the size of the golf shop to 397m². No alterations to access or parking are proposed.

On-street parking along Watford Road is prohibited at all times, with the road consequently being generally lightly parked. Public transport access to the site is moderate (PTAL 2), with five bus services within 640 metres.

This proposed café facility is intended to be ancillary to the primary use of the site as a golf centre. As such, the proposed café use should not attract significant numbers of visitors to the site in its own right and thus should not have a significant impact on trip generation to the site (although it may extend visitation hours slightly and thus increase parking demand, but there is now an overspill parking facility to cover this eventuality). In addition, the café will partly occupy space currently taken by the golf shop, which should also help to minimise the net impact of the proposal.

Deliveries to the café will be able to make use of the service yard at the northern end of the building, which is

acceptable.

Highway and Transport Delivery note that there have been concerns raised by local residents about the site access arrangements and the U-turns that periodically take place in Watford Road to circumvent the ban on right-turning movements. However, this proposal is not considered significant enough to warrant the securing of funds towards major changes to the site access layout.

There are no objections on transportation grounds to this proposal.

Sport England

Do not object to the proposal.

REMARKS

Introduction

There are four applications relating to Playgolf Northwick Park on this committee's agenda:

- 12/0316** Planning application for internal and external works to the existing club house building to enable part of the ground floor to be used as a cafe.
- 12/2110** Details submitted pursuant to Condition 3 (laying of topsoil and grass); Condition 4 (details of landscaping) and Condition 6 (parking management plan) of planning permission dated 22/12/2006 (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking
- 12/1215** Details submitted pursuant to condition 6 (details of landscaping) and condition 15 (landscape management plan) of full planning permission 06/0768 dated 22/12/2006 for Retention and modification of hard surface and lighting to the north of the clubhouse to create an overflow car-park for 40 cars and a grassed area of special-events parking, with two lighting columns and associated landscaping.
- 11/3341** Planning application for the reinstatement of public right of way (PROW 34) across the driving range, including raising a protective embankment along one side of the footpath and the installation of protective netting over the footpath.

All four applications are recommended for approval.

Proposed new café

The site is within in an area of Metropolitan Open Land and a Site of Nature Conservation Importance and Public Open Space under the Brent Unitary Development Plan.

In 1993 planning permission was granted to redevelop the site as a golf course and a further permission was granted in 2001 for the erection of a clubhouse and golf driving range. The consented clubhouse building included a coffee shop of approximately 420sqm which was ancillary to the principle use of the site as a golf centre. However this was later replaced by a restaurant/bar (A3) of some 395sqm in 2008.

The proposal involves alterations to the existing building to allow part of the ground floor to be used as a cafe. The cafe would have an area of 177sqm and would occupy part of the ground floor currently used for circulation space, bathrooms and a small element of the pro-shop. In addition to the new cafe, the existing bathrooms would be repositioned and the reception relocated in front of the main entrance with seating areas opposite. Externally the only changes would be the insertion of a graphic infill wall to replace the existing brickwork on part of the frontage and two new doors to link the cafe to the upper level driving range bays. The existing ball and drinks dispensers would also be repositioned.

Given the relatively small scale of the proposed café and the fact that the applicants are willing to accept conditions restricting its operation to only when the golf centre is in operation officers are satisfied that it would be an ancillary use unlikely to attract customers other than patrons of the golf centre. The proposal does not increase the built foot print of the site and is therefore considered not to contravene policies seeking to protect Metropolitan Open Land which state that new development on MOL should be small in scale and required to preserve or enhance activities associated with the particular open space.

Concerns have been expressed by objectors that the existing car parking on the site is already often at capacity resulting in parking over access road kerbs. As stated previously the proposed café is not expected to generate significant additional visitors and is therefore unlikely to add to this problem. Physical measures to prevent cars from mounting the access road kerbs have been agreed as part of the submission of details submitted pursuant to Condition 6 (parking management plan) of planning permission dated 22/12/2006 (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking. These details are being considered under planning reference 12/2110 on the committee agenda.

Other objections state that the new café is unnecessary and that the existing restaurant use already caters for patrons seeking refreshment. However officers do not consider this to be a material planning consideration and it is not for the planning system to intervene in matters of commercial competition. It is proposed that a number of conditions be imposed on the new café restricting access, hours of operation and the type of refreshment offered. These are intended to ensure that the use is ancillary to the golf centre and enhances the existing uses available within the site, as required by policy on appropriate development on MOL.

It has been stated that under the terms of its lease Blue Ginger Bar and Restaurant Ltd has exclusive rights to operate catering facilities in the building and already provides refreshment facilities to serve the needs of the primary use. It has also been stated that it has been established by relevant case law that planning permission should only be granted if there is a reasonable prospect of the development being implemented. However there is no physical or, in officers view policy impediment to the proposed café use being implemented. The legal restriction alone does not mean that there is no reasonable prospect of the development being implemented. Leases can be surrendered, altered or bought out. Officers do not consider that the grant of planning permission would prejudice the existing restaurant operator from enforcing the terms of their lease.

Since Blue Ginger Bar and Restaurant Ltd has exclusive rights to operate catering facilities in the building and already provides refreshment facilities to serve the needs of the primary use, the additional café is not necessary and would be contrary to the development policies seeking to protect Metropolitan Open Land.

The objector has cited case law stating that where similar planning applications on differing sites come forward at different times and where there is only scope for one permission in a local area due to other policy constraints, the development control system should operate on a "first come-first served" basis. However officers have already expressed the view that there is no policy constraint to both uses operating together.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
London Plan 2011

CONDITIONS/REASONS:

- (1) The restaurant use hereby approved must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday and Saturday, or at anytime the existing driving range or golf course located within the site are not in operation unless agreed in writing by the Local Planning Authority.

Reason: To ensure the use remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- (2) The only entrance to the cafe that customers may first enter or leave the premises shall be the main entry to the golf centre building, via its main reception area, near the centre of its western elevation.

Reason: To ensure that access remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- (3) No private functions, that exclude any member of the public or any golf centre user, or require purchase of a ticket to enter may be held in the cafe.

Reason: To ensure the use remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- (4) The premises shall be used only for the serving of hot and cold drinks and cold or reheated snacks only and for no other purposes within Use Class A1, A2 or A3 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended unless otherwise agreed in writing by the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the area and conforms with Council's policies.

- (5) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (6) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s)

557/01 - Site Plan
557/04 - Existing Sections
557/05 - Existing & Proposed Rear Elevations
557/07 - Existing Ground Floor Plan
557/11 (Rev C) - Proposed Ground Floor Plan
557/16 - Detail of New Graphic Wall
557/17 - Alcove Detail

Planning, Design & Access Statement by Maven Plan Ltd

Reason: For the avoidance of doubt and in the interests of proper planning.

- (7) The proposed cafe use shall not commence until all the works agreed under planning reference number: 12/2110 as part of the submission of details pursuant to conditions Condition 3 (laying of topsoil and grass); Condition 4 (details of landscaping) and Condition 6 (parking management plan) of planning permission dated 22/12/2006 (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking, have been fully implemented to the satisfaction of the Council.

Reason: To ensure that the parking arrangements are properly managed and in the interests of proper planning.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
The London Plan 2011

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243