

Statement of Case
**Former Stanmore and Edgware Golf
Centre**

Relating to site at
Former Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore,
HA7 4LR

May 2022



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Contents

- 1.0 Introduction 3
- 2.0 Appeal Site and Surroundings 6
- 3.0 Planning History..... 6
- 4.0 The Appeal Scheme 6
- 5.0 Planning Policy 7
- 6.0 The Case for the Appellant..... 11
- 7.0 Planning Balance..... 20

Appendices

- 1. List of plans, drawings and documents
- 2. Committee report (17th November 2021 incorporating report from 30th June 2022)
- 3. Decision Notice
- 4. Former Stanmore and Edgware Golf Centre, Assessment of Need (Turley)
- 5. Appellant’s Case for the Inquiry Procedure (Annex K Statement)

1.0 Introduction

- 1.1 This Statement of Case (“**SoC**”) has been prepared by hgh Consulting in support of an appeal made by Sairam (Holdings) Ltd (“**the Appellant**”) against the decision of the London Borough of Harrow (“**the Council**”) to refuse to grant planning permission (LPA ref: P/3088/20) for a proposed banqueting facility at the former Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore, HA7 4LR.
- 1.2 The Appellant appointed hgh Consulting in September 2019 as its planning consultant to provide all necessary planning consultancy advice and services in respect of the project. The practice has been retained to prepare and present evidence in respect of this planning appeal.
- 1.3 The description of the proposed development as cited on the Council’s decision notice is:
- “Demolition of existing 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.”*
- 1.4 The application subject to this appeal was supported by a comprehensive suite of technical documents and was registered by the Council on 1st September 2020. These documents were supplemented by revised and additional documents in January 2021 and September 2021 (see Appendix 1 for a full list of plans, drawings and documents).
- 1.5 The application was considered at the Council’s planning committee on 30th June 2021 where members voted to defer the determination of the application to enable to the Appellant to provide additional information to aid the decision-making process. The application was then considered by members at the Council’s planning committee on 17th November 2021 (see Appendix 2 for full committee report) where members voted to refuse the planning application. The decision notice (Appendix 3) was issued on 26th November 2021 and the reasons for refusal are as follows:
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 CS1F of the Harrow Core Strategy (2012), and policy DM16 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 development, 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 (2021) 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 DM42 E and F and DM 43 B and C of the Harrow Development Management policies Local Plan (2013)."*

1.6 The Appellant submits that the Council was wrong to refuse planning permission for these reasons.

Procedural Note

1.7 The decision notice cites three reasons for refusal, but two reasons for refusal have both been numbered as '2'. For the purposes of this Appeal, the third 'transport' reason for refusal will herein be referred to as 'reason for refusal 3'.

Engagement with the Council and other consultees

1.8 The Appellant engaged with the Council from September 2019 until the application was submitted in August 2020. A total of five pre-application meetings were held with officers at the Council and the initial scheme was presented to Council's Design Review Panel ("**DRP**"). The scheme was also presented to local ward Councillors and the Brockley Hill Residents Association.

1.9 As the proposed development comprises a scheme that is referable to the Mayor of London, a pre-application meeting was also held with Greater London Authority ("**GLA**") officers and an officer from Transport for London ("**TfL**"). As the proposed highways works to improve the junction from Brockley Hill into the site are on highways land under the jurisdiction of the London Borough of Barnet, a pre-application meeting was also held with Barnet's highways department. Engagement with the Council continued throughout the determination of the application. Full details of the process are in section 4 of the Planning Statement (August 2020) and in section 5 of the Statement of Common Ground ("**SoCG**").

Structure of the Statement of Case

- 1.10 This Statement of Case includes the main case for the Appellant and identifies the key matters of dispute. It is structured as follows:
- **Section 2:** outlines the Appeal Site and its context within the surrounding area, with further detail provided in section 2 of the SoCG submitted with the appeal;
 - **Section 3** refers to the planning history of the site;
 - **Section 4** provides a summary of the Appeal Proposal, with further details included at section 4 of the SoCG;
 - **Section 5** outlines the planning policy framework for the Appeal Proposal, with further details included at section 6 of the SoCG;
 - **Section 6** sets out the Appellant’s case on the main issues;
 - **Section 7** sets out the Appellant’s conclusion on the planning balance.
- 1.11 This SoC is supported by and should be read in conjunction with the accompanying application drawings and reports (see full list at Appendix 1) and the SoCG. Further documents have also been prepared to accompany the appeal submission. These include:
- Appeal form, prepared by hgh Consulting;
 - Assessment of Need, prepared by Turley (Appendix 4); and
 - Proposed Site Section AA: MP 05 1200 Rev 1 (to replace plan number MP 05 1200 Rev 0).

Appeal Procedure

- 1.12 The Appellant requests that the appeal is considered under the public inquiry procedure given:
- The detail and complexity of the need case, raising important issues relating to diversity and the social dimension of sustainable development;
 - The unusual facts pertaining to the Green Belt issue, given that the buildings currently on the site have been heavily damaged by fire;
 - The consequential complexity of the “very special circumstances” test, in light mainly of the above factors; and
 - The substantial local interest.
- 1.13 The Appellant’s case for an inquiry procedure was submitted to the Planning Inspectorate on 5th May 2022 and is set out in detail at Appendix 5.

2.0 Appeal Site and Surroundings

- 2.1 The details of the Appeal Site and surroundings are set out in section 2 of the SoCG.
- 2.2 The relevant planning and environmental designations present at or near to the site are also a matter of common ground and are covered in section 2 of the SoCG.

3.0 Planning History

- 3.1 The relevant planning history for the Appeal Site is agreed and set out at section 3 of the SoCG.

4.0 The Appeal Scheme

- 4.1 Section 4 of the SoCG provides a full description of the Appeal Scheme.
- 4.2 In summary, the Appeal Scheme includes:
- The demolition of the remains of the existing golf centre building and structures;
 - Removal of areas of hardstanding relating to the site's former use as a golf centre;
 - Construction of a new banqueting facility (with a footprint of 1,108sqm, floorspace of 1,458sqm and maximum height of 106.55m) that will target BREEAM Excellent;
 - New landscape, and improvements to the existing landscape surrounding the main building, including areas of wildflower planting, a secret garden and a pond, generating a biodiversity net gain of 20%;
 - Alterations to the vehicular access to Brockley Hill to enable coaches and refuse vehicles to safely access the site;
 - Adjustment to the internal vehicular and pedestrian layout to facilitate turning by coaches and refuse collection vehicles, and also to ensure safe pedestrian access to and around the site;
 - 21 cycle parking spaces for guests and staff along with showers and changing facilities;
 - 84 car parking spaces;
 - Dedicated servicing and deliveries area to the rear of the back-of-house element of the scheme;
 - Sustainable drainage, including the new pond mentioned above.

5.0 Planning Policy

- 5.1 The statutory development plan and other material planning considerations, such as policy guidance, are considered to be a matter of common ground and are set out in section 6 of the SoCG.

Statutory Development Plan

- 5.2 The development plan for the Council comprises:

- London Plan (March 2021)
- Harrow Local Plan Core Strategy (February 2012)
- Harrow Development Management Policies Local Plan (July 2013)
- Harrow Site Allocations Local Plan (July 2013)
- Harrow Adopted Proposals Map

- 5.3 Other material planning policy and guidance that are relevant to this appeal includes:

- National Planning Policy Framework (July 2021)
- National Planning Practice Guidance

London Plan (March 2012)

- 5.4 Policy GG1 (Building strong and inclusive communities) confirms that good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality and help deliver strong and inclusive communities, those involved in planning and development must, amongst other things: provide access to good quality community spaces, services, amenities and infrastructure that can accommodate, encourage and strengthen communities, increasing active participation and social integration, and address social isolation; seek to ensure that London continues to generate a wide range of economic and other opportunities, that everyone is able to benefit from, to ensure that London is a fairer, more inclusive and more equal city; and support and promote the creation of an inclusive London where all Londoners, regardless of their religion and race can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities that they face.
- 5.5 Policy S1 (Developing London's social infrastructure) Part C advises that development proposals that provide high-quality social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. Supporting text in para. 5.1.1 confirms that social infrastructure covers a range of services and facilities that meet local and strategic needs and contribute towards a good quality of life and include community, recreation and faith facilities.

- 5.6 There are a wide variety of providers delivering these services, including private institutions, specialist providers and individuals. It is noted that many service providers may operate from or require other types of space, for example cultural facilities. Para. 5.1.2 adds that social infrastructure plays an important role in developing strong and inclusive communities and can provide opportunities to bring different groups of people together, contributing to social integration.
- 5.7 Policy G2 (Green Belt) requires Green Belt to be protected from inappropriate development. In accordance with national policy, development proposals that would harm the Green Belt should be refused unless there are very special circumstances.
- 5.8 Policy T4 (Assessing and mitigating transport impacts) requires transport assessments to be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Travel Plans, Parking Design and Management Plans, and Delivery and Servicing Plans will be required having regard to TfL guidance. Where appropriate, mitigation will be required to address adverse transport impacts that are identified. Development should not increase road danger.
- 5.9 Policy T6 (Car parking) part J requires a Parking Design and Management Plan to be submitted with all applications which make provision for car parking, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

Harrow Local Plan Core Strategy (February 2012)

- 5.10 Policy CS1.B requires development to respond positively to the local context in terms of design and reinforce the positive attributes of local distinctiveness whilst promoting innovative design.
- 5.11 Policy CS1.F states that the quantity and quality of the Green Belt shall not be eroded by inappropriate uses or insensitive development.
- 5.12 Policy CS1.R advises that parking for new development will be managed to contribute to the delivery of a modal shift from private car to more sustainable modes.

Harrow Development Management Policies (July 2013)

- 5.13 Policy DM1 (Achieving a high standard of development) requires all development to achieve a high standard of design and layout. The assessment of the design and layout of proposals will have regard to a number of matters including massing, bulk, scale and height of proposed buildings in relation to location, appearance, provision and enhancement of landscaping and the convenience and safety of internal circulation, parking and servicing of a development.
- 5.14 Policy DM1.C requires development proposals to achieve a high standard of privacy and amenity and D(h) requires the assessment of privacy and amenity to have regard to the impact of the proposed use and activity upon noise.

- 5.15 Policy DM16 (Maintaining the Openness of the Green Belt and Metropolitan Open Land) states that proposals for inappropriate redevelopment, or which for other reasons would harm the Green Belt, will be refused in the absence of clearly demonstrated very special circumstances.
- 5.16 Policy DM 42 (Parking Standards) Part E requires the design and layout of parking areas to be safe, secure and fit for purpose. Part F states that proposals that would result in inappropriate on-site parking provision, having regard to the criteria in the policy, and those which would create significant on-street parking problems will be resisted.
- 5.17 Policy DM43 (Transport Assessments and Travel Plans) Part B requires proposals for major development to satisfactorily mitigate the impacts identified in the Transport Assessment and any others arising from the Council's assessment of it. Mitigation measures will be required to contribute to the desirability of achieving a modal shift away from private car use and should include the preparation and implementation of Travel Plans. Part C states that proposals that fail to satisfactorily mitigate the transport impacts of development will be resisted.

Other policies cited in the reason for refusal

- 5.18 London Plan Policy D1 (London's form, character and capacity for growth) is cited in the second reason for refusal, however this policy provides guidance to Boroughs on undertaking area assessments and preparing development plans. This policy is not considered to be relevant to this appeal.

National Planning Policy Framework (July 2021)

- 5.19 There are sections of the NPPF that are more up to date and relevant to the appeal than policies dealing with similar subject matters in the development plan.
- 5.20 Paragraph 8 sets out the three overarching objectives of sustainable development: economic, social and environmental. The social objective seeks to support strong, vibrant and healthy communities by fostering well-designed, beautiful and safe places, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.
- 5.21 Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters: plan positively for the provision and use of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities; take into account and support local strategies to improve health, social and cultural wellbeing for all sections of the community; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 5.22 Paragraph 111 makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.23 Paragraph 112 states that applications for development should give priority to pedestrian and cycle movements; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; and allow for the efficient delivery of goods, and access by service and other emergency vehicles. All developments that will generate significant amounts of movement should be required to provide a travel plan (paragraph 113).
- 5.24 Chapter 13 sets out national Green Belt policy. The fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and permanence (paragraph 137).
- 5.25 Paragraph 138 sets out the five purposes of the Green Belt: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into each other; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.26 Paragraph 147 states: *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 5.27 Paragraph 148 states: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 5.28 Paragraph 149 confirms that the construction of new buildings should be regarded as inappropriate development in the Green Belt and sets out a number of exceptions to this.
- 5.29 The NPPF also contains policies relating to design. It is assumed that the Council did not consider it necessary to cite these policies in its reason for refusal given that they are consistent with equivalent policies in the development plan and do not add materially to their content.

6.0 The Case for the Appellant

6.1 This section sets out, in summary, the evidence to be provided by the Appellant in support of the proposed development.

The Significant Need for a Banqueting Facility Suitable for Harrow's South Asian Communities and other Ethnic Communities

6.2 Until very recently, the Appellant had a banqueting facility – ‘Premier Banqueting’ – on Canning Road, Harrow, catering for large celebratory events, predominantly for members of the Borough's South Asian and other ethnic communities. However, Premier Banqueting has been forced to close due to the proposed construction of the Council's new Civic Centre on the site of the adjacent public car park which was extensively used for events at Premier Banqueting. Premier Banqueting has operated in Harrow since 2008, with the business relocating in 2012 to Canning Road to meet the growing demand for events.

6.3 The large events held at Premier Banqueting were mainly weddings and other events associated with the build-up to weddings. The common feature of all events is that they cater for larger numbers than would normally be associated with equivalent events in Western culture. Details of the Premier Banqueting operation are provided in section 4 of the Planning Statement (August 2020) and will be presented in evidence along with further details of the nature of the types of events that are held.

6.4 The Appellant has commissioned the consultancy, Turley, to undertake research to establish the demographics of the South Asian communities in Harrow; the local (Harrow) and sub-regional catchment area of the customers of Premier Banqueting; and the supply of similar venues in the area to identify the scale of need for a purpose-built banqueting facility. An Assessment of Need, prepared by Turley, is attached at Appendix 4. Evidence will be presented in respect of:

- The nature and extent of the local market for such venues in the Borough of Harrow, drawing on demographic data about ethnicity, religion and marital status.
- The sub-regional market area for the type of large-scale celebration venue operated by Premier Banqueting, drawing on the residential addresses of those who hosted events at Premier Banqueting between 2017 and 2020.
- The type of venue and related event offer which the target market regards as important, drawing on a survey of individuals who previously enquired about hosting an event at Premier Banqueting.
- Alternative venues available within Harrow and the sub-regional market area which align with these requirements.

- 6.5 Highly bespoke venues are required for weddings and other celebratory events held by members of South Asian communities (and some other ethnic communities) that must usually satisfy a number of criteria, including: capacity for over 300 guests; a floor-to-ceiling height that allows a stage and arch for Hindi celebrations (Mandap); the ability to segregate guests for religious purposes; and the need to cater for specific religious dietary requirements. Further details of these matters will be provided in evidence.
- 6.6 An analysis of data from the Premier Banqueting operation in Harrow between 2017 and 2020 confirms that around one third (29%) of those hosting events there resided within the Borough of Harrow.
- 6.7 The recent closure of Premier Banqueting and the closure of a similar facility, the VIP Lounge in Edgware, means that the two main facilities in the Borough that served the South Asian and other ethnic communities for large celebratory events have both closed.
- 6.8 There is therefore a substantial and pressing need for a large facility in Harrow to host weddings and other celebrations for these local ethnic communities as there is now no directly comparable alternative facility in Harrow.
- 6.9 Reference will be made to Harrow's high concentration of residents of South Asian descent, those of Hindu or Muslim faith, as well as the above average propensity for marriage among the Harrow community. Despite this, there is an insufficient number of appropriate alternative venues across the sub-regional market geography.
- 6.10 The sub-regional market geography covers the authorities of Harrow, Hertsmere, Watford, Brent and Barnet, accounting for almost two thirds (59%) of Premier Banqueting's customers. Across this geography there are only 7 venues which can be considered comparable.
- 6.11 This lack of supply (indeed, absence of supply in Harrow) means that some couples are compelled to hold their event some 100-300km away from their preferred location of Harrow Borough in other areas of the country. The majority (84%) of those surveyed who made enquiries with Premier Banqueting but held their event elsewhere indicated that Harrow Borough was their preferred location, however 88% ultimately held their event outside of the Borough. Those who did hold their event in Harrow Borough did so at VIP Lounge which is now closed. This is not socially sustainable as all residents of Harrow Borough, irrespective of their ethnic background, should be able to celebrate major life events within the Borough without having to travel elsewhere due to a lack of facilities.
- 6.12 The research demonstrates that there is significant demand for this type of facility. With no other comparable facilities in Harrow Borough and a limited supply of alternative venues in the sub-regional market area, there is an identified exceptional need for the proposed banqueting facility.

Compliance with the Development Plan

- 6.13 It will be agreed with the Council in the SoCG that the proposals comply with the majority of policies in the London Plan and Harrow Local Plan. Where the parties disagree about policy compliance, the Appellant will provide evidence to demonstrate compliance with those policies and to show that the proposal would have a number of social, environmental and economic benefits.

Compliance with the Framework

- 6.14 The Council suggests in its first and third reasons for refusal that the proposal is contrary to policies in the NPPF. The appellant will demonstrate through evidence that the proposed development complies with the NPPF and will result in significant social sustainability benefits as well as benefits to the local economy and the environment of the Appeal Site.

Response to the Reasons for Refusal

- 6.15 The Appellant's case in response to the three reasons for refusal is outlined below.

1. Green Belt

- 6.16 The Appellant accepts that the proposal is in policy terms 'inappropriate development' in the Green Belt as none of the exceptions in paragraph 149 of the NPPF apply.
- 6.17 However, evidence will be presented to demonstrate that very special circumstances exist to justify the development in the Green Belt. In particular, it will be shown that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations in accordance with paragraph 148 of the NPPF.

Previously developed land

- 6.18 The Appeal Site constitutes previously developed land and this is not contested by the Council. In accordance with the definition in the NPPF, the land was previously occupied by a permanent structure in the form of the clubhouse building which incorporated the driving range (refer to photographs in Appendix 1 of the SoCG). Remains of the main clubhouse building and the associated fixed surface infrastructure still exist following the fire in June 2020 (refer to photographs in Appendix 2 of the SoCG). As demonstrated within the Supplementary Openness and Landscape Appraisal (CLPD 036 R01c) and the Landscape and Visual Appraisal (CLPD 036 R02b), the site is now derelict in its appearance and comprises built form, hardsurfacing, and other urbanising features consistent with previously developed land.

Purposes of including land within the Green Belt

- 6.19 The Appellant will provide evidence that the Appeal Site makes no more than a limited overall contribution to the five Green Belt purposes, as demonstrated within the Supplementary Openness and Landscape Appraisal.

Impact on the openness of the Green Belt

- 6.20 Within reason for refusal 1, the Council claims that the proposed development would have “a greater impact on the openness of the Green Belt than the existing development on the application site”.
- 6.21 As the Court of Appeal held in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 446, the concept of openness is “not narrowly limited to [a] volumetric approach” but one which is “open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case” (para 14). This approach to openness is now reflected in the UK Government’s Planning Practice Guidance for England which confirms that assessing the impact of a proposal on the openness of the Green Belt requires a judgement to be made based on the circumstances of the case. The Courts have identified matters which may need to be taken into account in making the assessment including: the spatial and visual aspects of openness and the degree of activity likely to be generated by the proposed development.
- 6.22 The Appellant has undertaken assessments of the spatial and visual aspects of openness.
- 6.23 Although the Appeal Scheme would be larger in some spatial terms (footprint, floorspace and volume) than the structures currently on the site (see below), the Appellant will present evidence which will demonstrate that the proposed development will not result in greater harm to the visual openness of the Green Belt. The evidence will comprise the documents and assessments relevant to this issue that were submitted with the planning application, as well as an updated assessment of matters relating to the physical and visual openness of the Appeal Site in the context of the adjacent land within the former golf course.
- 6.24 The Appellant’s evidence will make reference to the following documents:
- Supplementary Openness and Landscape Appraisal (CLPD 036 R01c) dated Sept 2021
 - Appendix 1: Landscape and Visual Appraisal (LVA) (CLPD 036 R02b) dated Sept 2021

Spatial impact of the proposed development on the openness of the Green Belt

- 6.25 The evidence will confirm that, in narrow spatial terms, the proposed development would result in an increase in footprint, floorspace and volume compared to the development that formerly and currently exists on the site.
- 6.26 However, the Appellant also will demonstrate that the proposed development will have a positive impact on openness in terms of height and quantum of hardstanding in comparison to the existing development.

Visual impact of the proposed development on the openness of the Green Belt

- 6.27 As demonstrated within the submitted Supplementary Openness and Landscape Appraisal Document (September 2021), a comparative assessment of the existing and proposed development was completed which assessed the likely impact on visual openness in views from Brockley Hill, in private views from the north and south outside the Appeal Site, and from immediate views from within the Appeal Site.

Public Views from Brockley Hill

- 6.28 Public views of the site are limited to those from Brockley Hill, at the site entrance and in the form of heavily filtered glimpsed views through trees and vegetation from the roadside pavement. The assessment found that the proposed development will improve public views from Brockley Hill, with detracting features removed, and the vandalised and poor condition golf centre building replaced with a building of high quality located below the tree line and seen against the existing wooded backdrop. The visual openness from public views will not perceptually change as a result of the proposed development.
- 6.29 The assessment concluded that, on balance, the Appeal Scheme will cause no greater harm to the visual openness of the Green Belt as perceived in public views from Brockley Hill.

Private Views from the north and south outside of the Appeal Site

- 6.30 The former golf course to the north and south of the Appeal Site is physically and visually open. The Appeal Scheme will assist in maintaining this visual openness with the proposed building in a more compact and less sprawling form.
- 6.31 The assessment concluded that, on balance, the Appeal Scheme will cause no greater harm to the visual openness of the Green Belt as perceived in private views from the north and south outside of the Appeal Site.

Immediate Views within the Appeal Site

- 6.32 The proposed banqueting facility is to be located in the same position as the existing built form, and its condition and quality will be enhanced. The existing developed nature of the site, with areas of hardstanding, and the detracting and deteriorating condition of the clubhouse which is sprawling in its form, will be replaced with a more compact building.
- 6.33 The assessment concluded that, on balance, the Appeal Scheme will cause no greater harm to the visual openness of the Green Belt as perceived in immediate views within the Appeal Site.

The assessment concluded that overall, on balance, there will be no greater harm to the visual openness of the Green Belt as a result of the proposed development

- 6.34 The Appellant's evidence will expand on the conclusions of the Supplementary Openness and Landscape Appraisal and present evidence which re-affirms those conclusions.
- 6.35 The evidence will provide an updated visual record of the site and will review the current site context with regards to the openness of the Green Belt, taking account of the condition, character and appearance of the site.

Other harm

- 6.36 The Appellant will demonstrate that the proposed development would not result in any harm in respect of the following planning considerations and technical matters including: the location of the proposed development outside of a town centre; a very limited loss of sports land within the Appeal site; residential amenity (including noise); highways and transportation matters (excluding car parking); biodiversity, landscaping, trees; archaeology; energy and sustainability; drainage and flood risk; accessibility; and fire safety.
- 6.37 The Appellant will present evidence to demonstrate that there would be no other harm as a result of the proposed development.

2. Character and Design

- 6.38 The design team undertook a rigorous site assessment and design process, including consultation and discussions with the Council, DRP and the GLA that shaped and resulted in the final scheme design, comprising bespoke architecture for the function and location of the proposed building.
- 6.39 Evidence will be provided to demonstrate that the proposals respect the character and appearance of the area. The landscape and visual effects of the proposals would be limited to the Appeal Site and adjacent land within the extents of the former golf course.
- 6.40 The high-quality design of both the built elements and the landscape scheme will result in a sympathetic proposal that shows a good contextual understanding of the landscape and Green Belt setting. The scale, form, massing, layout and materials of the built development, alongside the proposed landscaping and planting, will both reflect and enhance the landscape and character of the Appeal Site and its surroundings.
- 6.41 The evidence will draw upon the submitted LVA, Openness Appraisal and Landscape Strategy as well as updated assessment and analysis supported by visualisations and photographs.

3. Transport

- 6.42 Evidence will be provided to demonstrate that the car parking demand generated by the proposed development can be appropriately accommodated and managed such that it will not have a detrimental impact on the surrounding local highways network or on the amenities of local residents.
- 6.43 The site plans to provide 78 spaces for guests with 6 additional spaces for staff: 84 car parking spaces in total. This will be accommodated without providing additional hardstanding for car parking on the Appeal Site in view of its location within the Green Belt.
- 6.44 The proposed level of car parking strikes a balance between the transport needs generated by the development and the aims of the London Plan to limit parking levels. The Council's local parking policies effectively adopt those of the London Plan.

- 6.45 The choice of transport mode to and from the proposed development will be mainly driven by the nature of the events held at the Appeal Site. Guests are likely to use shared private cars, shared taxis and coaches to travel to the weddings, banquets and other events held at the venue due to sizes of groups attending and their attire for such events.
- 6.46 Survey data from 2019, before the Covid-19 pandemic, shows that the Appeal Site would provide sufficient on-site parking for the overwhelming majority of events, with no need for any overspill parking. In addition, there is flexibility within the site and the proposed car parking layout to open up a significant number of additional parking spaces if required.
- 6.47 In the exceptional case of an event at the site (up to 500 guests) which *could* have the potential to attract a level of car parking exceeding the capacity of the site, there will be a range of management strategies that can be implemented. These include: managed on-site parking services to maximise the use of the hardstanding/parking areas; valet off-site parking on land owned by the Appellant, supported by a shuttle service; and a digital management system to pre-book spaces on the site. As a result of these measures and the distances to surrounding residential roads, there will be no realistic risk of overspill parking occurring in residential areas. As a belt and braces measure, parking restrictions in the immediate vicinity of the site could also be provided if deemed necessary.
- 6.48 The evidence will therefore demonstrate that the proposed layout and management solutions will accommodate and manage the car parking demand for the site.

Other considerations and planning benefits

- 6.49 The Appellant will demonstrate in evidence that there are other considerations and planning benefits of substantial weight that clearly outweigh the Green Belt harm in accordance with paragraph 148 of the NPPF. A summary of these other considerations and planning benefits is set out below and include:
- The significant need for a large banqueting facility in Harrow;
 - Compliance with the Public Sector Equality Duty (Equality Act 2010);
 - Absence of alternative, sequentially preferable sites;
 - The replacement of a fire-damaged building with a building of significantly higher quality;
 - Economic and other social benefits; and
 - Biodiversity net gain.

The significant need for a large banqueting facility in Harrow

- 6.50 Please see paragraphs 6.2-6.12 above where the Appellant's case in relation to the significant need for a large, culturally-appropriate banqueting facility in Harrow is set out.

Compliance with the Public Sector Equality Duty

- 6.51 Section 149(1)(b) of the Equality Act 2010 places a statutory duty on public authorities to have due regard to the need, amongst other matters, to “*advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*”. This is known as the public sector equality duty. Section 149(7) identifies “race” and “religion or belief” as two of the relevant protected characteristics for this purpose. Section 149(3)(b) adds that the duty in s. 149(1)(b) includes having due regard, in particular, to the need to “*take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it*”.
- 6.52 It is the Appellant’s case that the Council failed to have due regard to these matters when it refused planning permission. As a result, the Council made a decision that failed to take steps to meet the needs of members of the South Asian and other ethnic communities in Harrow to have a new venue in the Borough that is suitable to host major life celebrations within their cultures. It is unacceptable that members of these communities should regularly feel compelled to travel outside the Borough to find such a venue when those who are not members of these communities are able to find venues that are appropriate to their cultures within the Borough without difficulty.

Absence of alternative available sequentially preferable sites

- 6.53 Evidence will be presented to demonstrate that the Appellant undertook an extensive site search to find an alternative site/venue that satisfied all the criteria required for this bespoke type of venue and business requirements.
- 6.54 A Sequential Site Assessment and supplementary assessments were prepared to support the planning application that demonstrated that there are no other sequentially preferable sites in town centres within a five mile radius of the Premier Banqueting site in Canning Road (a search area that was accepted by the Council). The Sequential Site Assessment will be updated to confirm that there are no other sequentially preferable sites in this agreed catchment area.

Replacement of a fire-damaged building with a building of significantly higher quality

- 6.55 The replacement of the fire-damaged building, an unsightly structure in the landscape, with a new, high-quality building would result in substantial planning benefits and visual enhancement. Circumstances beyond the control of the landowner, such as a fire, that have caused an existing building to have a different size and/or appearance than was very recently the case are exceptional and provide important context when assessing the impact of the Appeal Scheme on the Green Belt. The opportunity, in this context, to replace a heavily damaged building with a new building of high quality should be afforded very substantial weight when undertaking the Green Belt planning balance.

- 6.56 The evidence will also demonstrate that the replacement building has been designed to complement and significantly improve the character and visual amenity of the area. The proposed development was designed to be physically and visually integrated into the surrounding landscape to be consistent with, and respond sensitively to, its context and surroundings. The proposal will secure a long-term use for this previously developed site that will deliver social, environmental and economic benefits.

Economic and other social benefits

- 6.57 Evidence will be presented to demonstrate the economic benefits that will arise from the proposed development. This will focus primarily on the supply chain benefits related to Premier Banqueting's suppliers, one in three of which are located in Harrow Borough, as well as expenditure in the local area by those attending events. The average cost of an Asian wedding is above the national average for all weddings taking place in the UK and therefore the supply chain and expenditure benefits can be substantial.
- 6.58 The proposed development will also generate economic benefits during both the construction and operational phases in terms of jobs supported, economic productivity in terms of Gross Value Added and business rates.
- 6.59 There are also further social sustainability benefits such as creating opportunities for young people to gain employment experience, the potential for apprenticeships during construction, and supporting the ongoing operation of local businesses which supply the Asian and other ethnic weddings market.

Biodiversity Net Gain

- 6.60 The Appeal Site currently has no habitats of any value and a low level of biodiversity. Evidence will be provided to demonstrate that the proposals involve new landscaping and other features that will result in a biodiversity net gain of 20%. This is well in excess of the minimum 10% threshold set by the Environment Act 2021, providing environmental benefits for the site and a benchmark project for Harrow.

7.0 Planning Balance

- 7.1 It is the Appellant's case that the Council's assessment of the benefits and harms of the proposal was flawed. This led the Council to the wrong conclusion on whether very special circumstances exist to justify granting planning permission for the development.
- 7.2 The Appellant accepts that the proposed development constitutes inappropriate development, which by definition is harmful to the Green Belt.
- 7.3 In narrow, spatial terms the proposed building will have a greater footprint, floorspace and volume compared with the existing development. Substantial weight should be given to the limited spatial harm to the openness and harm by reason of inappropriateness. However, in visual terms, the proposed development will result in no greater harm to the openness of the Green Belt compared with the existing development.
- 7.4 As set out above and will be demonstrated in evidence, there is *no other harm* resulting from the proposals.
- 7.5 On the other side of the scale, there are *other considerations* and planning benefits that overwhelmingly, when taken together, outweigh the harm to the Green Belt by reason of inappropriateness and the 'technical' spatial harm which are:
- The provision of a bespoke facility that will meet the substantial and specific identified need of the South Asian and other ethnic communities to have a large-scale catering venue which allows couples to get married and celebrate in Harrow where they have a local connection furthering the social sustainability of the Borough in compliance with the public sector equality duty. Very substantial weight should be given to this unmet need;
 - The replacement of the fire-damaged building with a high-quality bespoke building and new landscaping that will significantly improve the character and visual amenity of the area and secure a long-term use for this previously developed site that would deliver social, environmental and sustainability benefits. Very substantial weight should be given to the replacement of the building;
 - The provision of economic and other social sustainability benefits during the construction of the proposed development and during its operation which should be given moderate weight; and
 - Ecological enhancements to the site and biodiversity net gain of at least 20%, in excess of the requirements of the Environment Act 2021, contributing to environmental sustainable development; that should also be given moderate weight.
- 7.6 When taken together, these weighty social, environmental and economic considerations clearly outweigh the harm identified to the Green Belt. As a result, the very special circumstances necessary to justify the proposed development in the Green Belt will be shown. The inspector will be invited to allow the appeal.



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