

FORMER STANMORE AND EDGWARE GOLF CENTRE,

BROCKLEY HILL, STANMORE, HA7 4LR

**AN APPEAL UNDER SECTION 78 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

APPEAL REFERENCE: APP/M5450/W/22/3299650

Proof of evidence of

RICHARD HENLEY BA (Hons) TP B.PL MRTPI

on behalf of

SAIRAM (Holdings) Ltd

SEPTEMBER 2022

Table of Contents

1.0	NAME AND QUALIFICATIONS.....	3
2.0	INTRODUCTION	5
3.0	DEVELOPMENT PLAN POLICY AND OTHER MATERIAL CONSIDERATIONS.....	13
4.0	THIRD PARTY REPRESENTATIONS.....	22
5.0	PLANNING BALANCE	26
6.0	CONCLUSIONS AND SUMMARY.....	34
	Appendix 1 - Sequential Site Assessment.....	39
	Appendix 2 – Appeal decision (ref: APP/ N0410/W/21/3270138).....	40

1.0 Name and Qualifications

- 1.1 My name is RICHARD JUSTIN HENLEY, and I am an Executive Director of hgh Consulting.
- 1.2 I am a Chartered Town Planner having become a member of the RTPI in 1996 and hold a Bachelor of Arts in Town & Country Planning and a Masters in Planning from Manchester University, England.
- 1.3 Having joined Chesterton plc. in 1994 as a planner, I have over 25 years' experience working as a town planner in the private sector specialising in new settlements, strategic land promotion and residential and mixed use development in urban, rural and Green Belt locations across London and the South East. Following promotion through to Associate Director I left Chesterton in December 2001.
- 1.4 In January 2002, I joined Preston Bennett Holdings Ltd, a residential estate agency and land development company, in Stanmore, North London, to set up an in-house town planning consultancy, advising public and private developers, landowners and charitable organisations on their land and property assets, the planning process and land agency.
- 1.5 My role includes advising clients on development prospects / site appraisals, public consultation, land promotion through the local plan process, securing planning permissions for large and small scale residential and mixed use developments and the sale and marketing of land with and without planning permission.
- 1.6 In January 2014, Preston Bennett Holdings Ltd was acquired by Hamptons International, part of Countrywide plc. following which I remained as Planning and Development Director at Preston Bennett Hamptons. In February 2016, I was appointed to Group Planning and Land Director of Countrywide Plc, until I left in December 2016.
- 1.7 In January 2017, I joined H & G Planning, based in Welbeck Street, London, an independent town planning consultancy, which was subsequently re-branded to hgh Consulting. As a founding Director of hgh Consulting, now an Employee Ownership Trust, I maintain my principal planning consultancy role advising clients in the residential, care, education and leisure sectors.
- 1.8 In this latter capacity, I was instructed in September 2019 by the Appellant to advise on the planning aspects of a proposed banqueting facility on the now former Stanmore and Edgware Golf Centre and lead on the appointment of the technical team and co-ordination of the pre-application discussions, submission of the planning application and subsequently on the subject appeal.
- 1.9 Having worked at Preston Bennett for over 14 years in Stanmore, and since this time on numerous applications within Harrow Borough I have considerable local knowledge and understanding of the Appeal Site. Consequently, I am very familiar with the Appeal Site and its environs.

1.10 The evidence set out in this Proof is factually correct to the best of my knowledge. My evidence has been prepared and presented on the basis of the ethical codes of my professional institution, The Royal Town Planning Institute, and the opinions expressed are my own based upon my experience over 25 years in town planning and development consultancy.

2.0 Introduction

- 2.1 At this public inquiry, I represent Sairam (Holdings) Ltd, the Appellant.
- 2.2 Sairam (Holdings) Ltd own the Appeal Site which they purchased in 2019, with the purpose of redeveloping the site for a banqueting facility to replace the 'Premier Banqueting' facility located in Harrow, which was owned and operated by the Appellant.
- 2.3 Until very recently, 'Premier Banqueting' was located on Canning Road, Harrow, catering for large celebratory events, mostly weddings and pre-wedding events, predominantly for members of the Borough's South Asian and other ethnic communities. However, Premier Banqueting had to close due to the proposed construction of the Council's new Civic Centre on the site of the adjacent Peel Road public car park which was extensively used for events at Premier Banqueting. The Council announced its plans to re-develop the Civic Centre including the demolition of the Peel House car park in 2015.
- 2.4 Premier Banqueting has operated in Harrow since 2008, with the business relocating in 2012 to Canning Road to meet the growing demand for events.
- 2.5 The large events held at Premier Banqueting were mainly South Asian weddings and other events associated with the build-up to the wedding event. The common feature of all events is that they catered for larger numbers than would normally be associated with equivalent events in Western culture and require typically higher floor to ceiling heights to accommodate the wedding canopy (mandap), staging and decoration. Details of the Premier Banqueting operation, including the nature of the types of events that were held at Premier Banqueting, are contained in the written statement of Mr Ravi Ruparelia.
- 2.6 Prior to the purchase of the Appeal Site, the Appellant undertook an extensive site search to find an alternative venue, details of which are within the written statement of Mr Ruparelia and the Sequential Site Assessment (CD 52).
- 2.7 The Appellant engaged in pre-application consultation 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 the Council's Design Review Panel ("**DRP**"). The scheme was also presented to local ward Councillors and the Brockley Hill Residents Association prior to submission of the application.
- 2.8 As the proposed highways works to improve the existing site access on Brockley Hill 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.
- 2.9 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**").

2.10 Engagement with the Council continued throughout the determination of the application. These discussions shaped and informed the design proposals resulting in the appeal scheme. Full details of the process are in Section 4 of the Planning Statement (August 2020) (CD 43) and in section 5 of the Statement of Common Ground (“**SoCG**”).

2.11 A detailed summary of the various pre-application meetings and discussions and how this ongoing dialogue resulted in scheme amendments is contained in the Planning Statement (August 2020) (CD 43). The pre-application meetings that were held with the Council are listed and key points summarised below

Pre-application meeting 1 (3rd March 2020)

2.12 Background information on Premier Banqueting, the need for the relocation of the facility, the appellant’s brief for the proposed banqueting facility and the initial design concept were presented to officers. The initial scheme design proposed an increase in footprint of 65.4% and an increase in floorspace of 29% when compared with the buildings then on the Appeal Site (which were then fully intact).

2.13 Officers advised that the footprint of the proposed building should be in the area of previously developed land. Officers considered that the proposed increase in footprint was too large for this site within the Green Belt.

Pre-application meeting 2 (17th March 2020)

2.14 In response, the built form was re-sited forward onto the previously developed areas of the site that comprised the building and raised terrace, without encroaching onto the car park. The entrance to the building was moved to the east elevation. The scheme was reduced in size in terms of both footprint and floorspace.

2.15 Officers enquired whether the opportunity could be taken to incorporate sports facilities as part of the overall scheme which would address an identified need in the borough.

Pre-application meeting 3 (4th June 2020)

2.16 The Appellant made enquiries of local sports clubs and identified interest from a Harrow-based table tennis club and an archery club.

2.17 An amended scheme was sent to officers which included facilities for table tennis use within the banqueting hall, and a separate sports pavilion to store archery equipment.

2.18 The footprint of this scheme was 40% larger than the existing building.

2.19 In light of the increased metrics, officers requested the outline of a ‘*very special circumstances*’ case to justify the proposed development in the Green Belt. They also advised that the scheme needed to be considered by the Council’s Design Review Panel (“DRP”) and by the GLA as a referable scheme.

Presentation to a Design Review Panel (25th June 2020)

2.20 The latest version of the scheme was presented to the Council's DRP on 25th June 2020. Comments from the DRP included the following:

- An exemplary architectural, landscape and sustainability response is required and the BREEAM rating should be 'Excellent'.
- The proposed development is successful in reducing its visual presence in the surrounding context, being less longitudinal and more compact in plan than the current building.
- The DRP questioned the arrangement of the buildings and suggested re-siting to take advantage of views / aspect to the south and west.
- There should not be different material palettes for each section of the building, but a single palette of material creating a more cohesive building.
- The DRP welcomed the intention to minimise the building footprint.
- The DRP suggested that the applicant considers creating a more processional linked collection of buildings with a courtyard, reflecting a common typology in rural settings.
- The DRP suggested exploring how the architecture could support wedding photography by creating a series of special moments or memory points.
- Further justification was required for the separation of the sports pavilion from the rest of the building.
- The DRP suggested reviewing the relationships between the entrance, reception foyer and the banqueting area to define ceremonial processional routes more clearly.

Pre-application discussion with the Council – Very Special Circumstances (VSC) case and form of building (June 2020)

2.21 Following the DRP meeting, a further discussion was held with the Head of Development Management at the Council to review the advice of the DRP and to consider the issue of VSC. The officer advised that the Council wished to continue to work with and support the applicant in terms of the proposals. However, the case presented at that time was not considered to demonstrate that there were very special circumstances that outweighed the harm that the proposed building would cause to the Green Belt.

2.22 The officer advised that the footprint, floorspace and volume of the proposed building would need to be taken into account which should be no greater than 30% of the existing building; then the development could be considered to be appropriate development in accordance with the Framework and VSC would not need to be demonstrated.

2.23 The officer advised that the provision of indoor table tennis and archery was not a recognised deficit in the Borough and was not considered to contribute towards the VSC case.

2.24 The officer also advised the developer to continue to progress the design of a consolidated and compact development to reduce the scale and form of the building in the Green Belt, contrary to the alternative approach suggested by the DRP of processional linked buildings with a central courtyard.

Response to the DRP and the Council

2.25 In response to the comments made by the DRP and the Council's Head of Development Management, the following changes were proposed:

- The building was reduced in size to a footprint increase of circa 30%, resulting in a building that would not be materially larger than the one it replaced. Consequently, a VSC case was not required to justify the proposed development in the Green Belt.
- The proposed sports facilities were omitted to reduce footprint and remove operational conflicts mentioned by the DRP.
- The three principal elements of the building were re-sited to provide a single celebration space/reception area, leading to a new landscaped 'secret' garden, to optimise views / aspects to the south and west of the site.
- To enhance the reception space the service yard was relocated adjacent to the back-of-house facilities on the eastern side, in close proximity to the entrance on Brockley Hill. A living wall was proposed to screen the back of house and servicing area, doubling as a backdrop to a processional route to the entrance into the reception area and into the banqueting hall.
- It was decided to target a BREEAM 'Excellent' rating. A Lifecycle Assessment was submitted to the Building Research Establishment (BRE)
- A reduced materials palette was proposed to make the single building appear more cohesive.
- A Landscape Strategy was proposed identifying a number of memory points and new planting supporting a 20% biodiversity net gain.

2.26 Between the DRP meeting on 25 June 2020 and the GLA meeting on 29 July 2020, the building was severely damaged by a fire.

GLA Pre-application meeting (29th July 2020)

2.27 Officers from the Council confirmed that it was supportive of the principle of the proposed development.

2.28 GLA officers were supportive of the proposals to increase biodiversity on the site and the sustainability credentials of the proposed development. Officers requested that a noise assessment be undertaken.

2.29 The GLA's Design Officer had a positive view of the design of the proposal.

2.30 TfL's officer requested that there were separate accesses for vehicles and pedestrians, a reduction in car parking and for the application to be accompanied by full 'Healthy Streets Transport Assessment'.

Pre-application meeting 4 (6th August 2020)

2.31 In response to the GLA and TfL a pedestrian route separated from the vehicular access was proposed.

2.32 Officers considered that the scheme came under a relevant exception to the definition of inappropriate development in the Green Belt under paragraphs 145 and 146 of the NPPF (2019).

2.33 Officers advised that the applicant should undertake a Sequential Site Assessment to demonstrate that there are no alternative sites in the Borough in urban locations or with a higher PTAL.

2.34 Officers confirmed that they agreed with the alterations to the proposed layout of the building.

Other pre-application discussions

2.35 In addition to the pre-application meetings with planning officers at the Council and the GLA, there were a number of other technical discussions between members of the consultant team and their counterparts at the London Borough of Harrow and the London Borough of Barnet. Discussions took place with highways officers at the London Borough of Harrow and London Borough of Barnet, and with the infrastructure (drainage) team and the ecology officer at the London Borough of Harrow. Full details of these discussions are included within the application documents.

Consultation with ward councillors (24th August 2020) and the Brockley Hill Residents Association (7th September 2020)

2.36 The design team presented the scheme proposals to the Canons Ward Councillors. The Councillors were supportive of the need for the banqueting facility for the community of Harrow; the proposed design and the process of design evolution to reduce the size of the scheme; and the engagement that had been undertaken to reach the latest proposal.

2.37 The Councillors sought clarification and reassurance on the proposed parking numbers and raised concerns regarding the risk of overspill parking on local residential roads and noise impact. The Councillors were advised that a Noise Impact Assessment had been carried out and informed about the proposed noise attenuation measures.

2.38 On 7th September 2020 a virtual Zoom consultation was carried out with representatives of the Brockley Hill Residents Association. Matters relating to the proposal being for development in the Green Belt, noise and overspill parking were raised.

2.39 The above demonstrates the extensive and positive pre-application engagement by the Appellant and consultant team with officers, consultees and local stakeholder interests to inform substantial amendments to the scheme prior to the submission of the planning application.

2.40 The planning application was submitted on 27th August 2020 and found to be valid on 1st September 2020. Following the submission of the application, a further party obtained an interest in some of the land within the planning application boundary. The planning application form was amended and an additional Certificate B was served on the new party with an interest in the land.

2.41 In January 2021, the Appellant submitted minor amendments to the scheme to address comments made by statutory consultees and to amend the planning application boundary and site area. Following this re-submission, the Council re-consulted on the planning application for a further 21 days.

2.42 Following the submission of additional information, the Council was made aware of an appeal decision at Lanbrook, St Mary's Lane, Hertingfordbury, SG14 2LD (PINs ref: APP/J1915/W/20/3254917) where planning permission had been sought for a 5 bedroom, two storey detached house, following the complete demolition of the existing building after a fire.

2.43 The Council considered that the reasoning in the appeal decision altered the basis for assessing the proposed banqueting scheme in the context of the fire-damaged building. The Council no longer considered it appropriate to determine the application in accordance with the exceptions criteria in paragraph 145 of the Framework (2019) and that very special circumstances needed to be demonstrated.

2.44 Following further consultation, the application was considered at the Council's Planning Committee on 30th June 2021 (Officers report to committee: CD 71). The officer's recommendation was to refuse the application for the following reasons:

1. *The applicant has failed to demonstrate that the proposed development would not 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 (2019), 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 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 (2019), 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 polices Local Plan (2013).*
3. *The proposed development by reason of inadequate archaeological evaluation of the application site, has failed to demonstrate that potential archaeological assets of significant importance would not be harmed and impacts minimised through appropriate design and construction. The proposal would therefore fail to comply the National Planning Policy Framework (2019), policy HC1 C and D of The London Plan (2021), policy CS1 D of the Harrow Core Strategy (2012) and policy DM 7 A, B and H of the Harrow Development Management Polices Local Plan (2013).*
4. *The proposed development, in the absence of adequate Ecological Assessment which fails to address the sites strategic Green Belt location and the sites boundaries including its close proximity to the adjoining Pear Wood and Stanmore Country Park Site of Importance for Nature Conservation, fails to demonstrate that biodiversity value of the surrounding area would not be harmed, protected or enhanced, contrary to the National Planning Policy Framework (2019), policy G6 of The London Plan*

(2021), policy CS 1 E of the Harrow Core Strategy (2012) and policies DM 20 and DM 21 of the Harrow Development Management Policies Local Plan (2013).

2.45 Prior to Committee, Officers proposed an additional reason for refusal that was included in the Planning Committee Addendum dated 30th June 2021 (CD 72):

5. *The proposed development, in the absences of the assessment which clearly shows that the existing sports and recreational land or facilities to be surplus to requirements for provision of alternative sports and recreational provision at the local and sub regional level taking into account the borough's assessment of need, fails to comply with the National Planning Policy Framework (2019) and policy S5 of the London Plan (2021).*

2.46 Following representations by the Appellant prior to Committee, Members resolved to defer the planning application to allow the Appellant to submit additional information in respect of the proposed reasons for refusal. The information was required to be submitted by early August in order for the application to be considered at the early September 2021 Planning Committee meeting.

2.47 The Appellant requested an extension of time to prepare and submit the additional information given the need to undertake additional technical assessments. Members agreed to this request at the Council's Planning Committee on 1st September 2021 and agreed to defer consideration of the application until the 17th November 2021 Planning Committee.

2.48 In September 2021, the Appellant submitted the requested additional information to the Council in respect of the proposed reasons for refusal.

2.49 The application was considered again at the Council's Planning Committee on 17th November 2021 with an officer recommendation that the committee refuse the application for reasons relating to Green Belt and car parking as set out in the Decision Notice (CD 81). The Planning Committee resolved to refuse the application for these two 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 The London Plan (2021), Core policy CS1 F 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 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).

2.50 Following discussion at the Planning Committee, members added an additional reason for refusal that related to the design and form of the proposed building that is listed as reason for refusal 2 on the Decision Notice (CD 81).

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 and policy DM1 of the Development Management Policies (2013).

2.51 The remainder of my Proof is structured as follows:

Section 3 appraises the proposals against the development plan policies and other material considerations cited in each of the Council's reasons for refusal.

Section 4 addresses comments made by third parties in response to the appeal proposals.

Section 5 sets out my analysis of the planning balance;

Section 6 sets out my conclusions in relation to the appeal proposal and provides a summary of my proof.

2.52 My evidence is supported, where relevant, by my expert witness colleagues, as set out in their proofs of evidence.

3.0 Development Plan Policy and Other Material Considerations

3.1 Section 70(2) of the Town and Country Planning Act 1990, read with s.38(6) of the Planning and Compulsory Purchase Act 2004, requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2 I therefore appraise the Appeal Proposal, with reference to Proofs of Evidence from Expert witness colleagues, against the development plan policies and other material considerations cited in each of the reasons for refusal which form the areas of disagreement with the Council. I consider whether the scheme complies with the development plan as a whole and whether other material considerations support or weigh against the scheme.

3.3 The statutory development plan comprises:

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

3.4 I consider that other material considerations include:

- The National Planning Policy Framework;
- Planning Practice Guidance;
- The Harrow Planning Obligations and Affordable Housing Supplementary Planning Document 2013.

3.5 Although not cited in the reasons for refusal, I note that the Council in its Statement of Case (CD 84), also considers the following to be material considerations:

- The National Design Guide 2021;
- London Plan Guidance: Characterisation and Growth Strategy (February 2022 Consultation Draft); and
- London Plan Guidance: Optimising Site Capacity: a design led approach (February 2022 Consultation Draft).

Reason for Refusal 1: Green Belt

- 3.6 The policies cited in reason for refusal 1 on the decision notice (CD 81) are: National Planning Policy Framework (2021); policy G2 of the London Plan; Core Policy CS 1 F of the Harrow Core Strategy (2012); and policy DM 16 of the Harrow Development Management Policies Local Plan (2013).

Other material considerations: National Planning Policy Framework (2021)

- 3.7 As demonstrated in section 5 of this evidence, I consider that very special circumstances exist and therefore the development should be approved. This is because the harm to the Green Belt by reason of inappropriateness and the limited spatial harm to the openness of the Green Belt is clearly outweighed by other considerations. As such the proposals are compliant with the Framework.

London Plan Policy G2 (London's Green Belt)

- 3.8 London Plan Policy G2 is consistent with the Green Belt policy in the Framework. As I demonstrate in section 5 of this evidence, I consider that very special circumstances do exist and therefore the proposals are also compliant with London Plan Policy G2.

Harrow Core Strategy (2012): Harrow Core Policy CS 1 F (Open Space, Sport and Recreation)

- 3.9 Harrow Core Policy CS 1 F is inconsistent with the Framework and provides no option to consider very special circumstances. The policy simply seeks to prevent all development in the Green Belt. Given this glaring inconsistency, this policy should be afforded no weight in the decision.

Harrow Development Management Policies Local Plan (2013): Policy DM 16 (Maintaining the openness of the Green Belt)

- 3.10 Parts (A) (B) and (C) of Policy DM 16 relate to the redevelopment and infilling of previously developed sites and are more consistent with the predecessor to the Framework: Planning Policy Guidance 2. Part (D) of the policy has some inconsistency with the Framework in that it concerns proposals for inappropriate redevelopment rather than inappropriate development in the Green Belt, advising that "*inappropriate redevelopment would be refused in the absence of clearly demonstrated very special circumstances*". Unlike the Framework the policy does not go on to explain what is needed to demonstrate very special circumstances. Given this inconsistency, this policy should be afforded limited weight in the decision, with primacy given to Green Belt policy in the Framework and London Plan Policy G2.

Reason for Refusal 2 (Character and Appearance)

- 3.11 The policies cited in the second reason for refusal on the decision notice (CD 81) are: policies D1 and G2 of the London Plan (2021); policy CS1. B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

London Plan Policy D1 (2021)

- 3.12 The Council in their Statement of Case (CD 84) has now agreed with the Appellant that they do not consider London Plan Policy D1 to be relevant in this case.

London Plan Policy G2 (London's Green Belt)

- 3.13 As I have considered above, Policy G2 is consistent with Green Belt policy in the Framework which requires the refusal of development proposals that harm the Green Belt, except where very special circumstances exist. As demonstrated later in this evidence, I consider that very special circumstances do exist to approve the appeal proposals and therefore the proposals are compliant with London Plan Policy G2.

- 3.14 Green Belt policy is simply a spatial policy designation which places restrictions on the types of development that are permitted in the Green Belt unless very special circumstances exist. Whilst matters such as design, and impact on the character and appearance could be considerations under the "other harm" element of the overall Green Belt planning balance, they are not matters that are regulated by national or regional Green Belt policy; other policies in the development plan regulate those matters. The objective of Policy G2 is to control development in the Green Belt and the policy contains no reference to preserving or enhancing the special character of the area.

- 3.15 I therefore do not consider that this policy is applicable to the second reason for refusal.

Core Strategy Policy CS 1 B (Local Character)

- 3.16 Core Strategy Policy CS 1 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.

- 3.17 Mr Hughes and Mr Thornton both demonstrate in their evidence that the objectives of the policy have been achieved by the appeal scheme. I agree with Mr Hughes and Mr Thornton. I consider that the appeal proposal complies with the objectives of Policy CS 1 B and responds positively to the local context in terms of design, siting and spacing, reinforces the positive attributes of local distinctiveness and promotes innovative design.

Harrow Development Management Policies Local Plan: Policy DM1 (Achieving a high standard of development)

- 3.18 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.

- 3.19 I agree with the evidence presented by Mr Thornton that the proposal does represent a high standard of design and layout which is fully in accordance with Policy DM1.

Additional development plan policies and material considerations introduced by the Council

- 3.20 The Council in its Statement of Case (CD 84) has introduced new policies that it now contends the appeal proposals would conflict with. These are: policy D3 of the London Plan (specifically paras D(1), (11) and (12) are referenced in the Council's Statement of Case); policy CS 7A of the Core Strategy and policy DM 6 of the Harrow Development Management Policies Local Plan.

- 3.21 The Council in its Statement of Case (CD 84) now also states that the proposals are in conflict with paragraphs 126, 130 (a), (b) and (c) and 134 of the Framework. These were not cited on the decision notice.

London Plan Policy D3 D(1), (11) and (12) (Optimising site capacity through a design led approach)

- 3.22 Policy D3 D(1) states that development proposals should *“enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions”*.

- 3.23 The evidence from Mr Thornton concludes that the design of the proposals is compliant with this policy,

- 3.24 Policy D3 D(11) states that proposals should *“respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character”*.

- 3.25 Mr Hughes in his proof of evidence identifies the characteristics and features of the Harrow Weald Ridge Special Character Area, concludes that the appeal site does not share any of these characteristics, and demonstrates that the proposals, which include a Landscape Strategy, offer benefit and enhancements to the local landscape, reflecting the guidelines and design cues for the Barnet Plateau NCA.

- 3.26 Policy D3 D(12) states that proposals should *“be of a high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well”*.

3.27 The evidence from Mr Thornton demonstrates that the proposal will be of a high quality and that there is attention to detail across the design of the building, from the proposed layout and use and functionality of the building to the proposed materials. Mr Thornton's evidence and the Design and Access Statement (CDs 48 – 51) explain how the functional needs of a bespoke banqueting facility (including the need for the building to be flexible to accommodate different requirements) was considered from the outset and throughout the design process. A complementary pallet of natural materials is proposed as shown in the Supplementary Design and Access Statement (CD 57), final details of which will be secured by a condition. Mr Thornton concludes that the design complies with this policy.

3.28 I agree with the evidence from Mr Thornton and Mr Hughes, and I consider that the design of the proposal is fully in accordance with policy D3 parts (1), (11) and (12).

Core Strategy Policy CS 7A (Stanmore and Harrow Weald Ridge)

3.29 The policy states that development will be managed to maintain the special character and identified views of Harrow Weald Ridge.

3.30 Mr Hughes in his proof of evidence concludes that the appeal proposals would not impact upon the woodland, skylines or views identified as the characteristics and qualities of strategic importance within the Area of Special Character that the policy seeks to preserve. Therefore the proposal is in compliance with Policy CS 7A.

Harrow Development Management Policies Local Plan: Policy DM 6 (Areas of Special Character)

3.31 Part A of Policy DM 6 states:

- “A. Proposals affecting an area of special character will be considered having regard to:*
- a. the impact of the proposal upon the strategic value of the area of special character’*
 - b. the desirability of preserving or enhancing the environmental, architectural, historic and landscape features that contribute to the area of special character;*
 - c. the protected views to and from areas of special character.”*

3.32 Part C of Policy DM 6 states that proposals “that would substantially harm an area of special character, or its setting, will be refused”.

3.33 The evidence from Mr Hughes concludes that the proposals respect and preserve the characteristics of the wider Area of Special Character that are identified as being of strategic value and offer opportunities to retain and enhance characteristic woodland planting and biodiversity features. The proposal would not adversely impact on the ridge and wooded backdrop or identified key views to or from the Harrow Weald Ridge Area of Special Character. Mr Hughes therefore considers that the proposed development accords with the requirements of Policy DM6.

Other material considerations: National Planning Policy Framework

3.34 Paragraph 126 of the NPPF states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities and other interests throughout the process.”

3.35 Paragraph 130 adds:

“Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change [...]”

3.36 Paragraph 134 of the NPPF states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

3.37 The design policies of paragraphs 126, 130 and 134 are dealt with by Mr Thornton in his proof of evidence. Notably, the proposal achieves the innovative design quality sought by paragraph 134(b) of the Framework. As a replacement for the burnt out building which is now severely detrimental to the character and appearance of the Harrow Weald Ridge and Green Belt, significant weight should be afforded to this benefit.

Other material considerations: The National Design Guide 2021

3.38 The National Design Guide provides planning practice guidance for beautiful, enduring and successful places. The purpose of the National Design Guide is to illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

3.39 Mr Thornton deals with the criteria in the National Design Guide in his proof of evidence.

- 3.40 The proposed banqueting facility has a bespoke design, developed specifically for its purpose and function with the highly experienced operator of Premier Banqueting to create a welcoming space for members of the South Asian and other ethnic communities.

Reason for Refusal 3 (Transport)

- 3.41 The policies cited in the third reason for refusal on the decision notice (CD 81) are: National Planning Policy Framework (no specific paragraphs cited); policy T4 of the London Plan; and policies 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.

Other material considerations: National Planning Policy Framework (2021)

- 3.42 The Council in their Statement of Case (CD 84) suggest that the appeal proposals will conflict with paragraphs 110(d) and 111 of the NPPF.
- 3.43 Paragraph 110(d) states that in assessing specific applications for development, *“it should be ensured that... (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”*. Paragraph 111 adds 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”*.
- 3.44 Mr Bird’s Proof of Evidence demonstrates that with the implementation of measures set out in his proof, including a reduction in speed limit, a left in / left out junction arrangement, a Travel Plan, a Car Park Management Plan and an Event Management Plan, the appeal proposals will result in no unacceptable impacts on the transport network, the road network or on highway safety. The proposals do not conflict with paragraphs 110(d) and 111 of the NPPF and are in compliance.

London Plan policy T4 (Assessing and mitigating transport impacts)

- 3.45 Policy T4 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.
- 3.46 As demonstrated in Mr Bird’s evidence the potential impacts on the capacity of the transport network have been fully assessed. This work has identified the need for the implementation of measures including off-site highways works, a Travel Plan, Car Park Management Plan and Event Management Plan, to ensure that there will be no adverse transport impacts as well as providing safety benefits. Mr Bird’s Proof of Evidence therefore demonstrates that the appeal proposals comply with London Plan Policy T4.

3.47 Harrow Development Management Policies Local Plan: Policy DM 1 B(f), C and D(h) (Achieving a High Standard of Development)

3.48 Proposals must achieve a high standard of layout. Part B(f) of the policy requires the assessment of the design and layout of the proposals to have regard to the functionality of the development, including but not limited to, the convenience and safety of internal circulation, parking and servicing (without dominating the appearance of the development).

3.49 In his proof of evidence Mr Bird has demonstrated that the proposed layout of the car parking would be appropriate and could safely accommodate coaches and taxis (including areas for safely turning and drop off and pick up points). The use of a professional event management company will lead to the efficient and safe use of the car parking spaces. The proposal therefore achieves a high standard of layout in accordance with Part B(f) of policy DM1.

3.50 Part C of the policy advises that all development must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted.

3.51 Part D(h) of the policy advises that the assessment of privacy and amenity considerations will have regard to the impact of the proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution.

3.52 Mr Bird in his proof of evidence confirms that car parking for a 500 guest event can be accommodated on the appeal site and it is highly unlikely that there would be any parking overspill into adjacent streets. However, out of an abundance of caution, off-site overspill parking locations will be identified and agreed with the Council prior to larger events by way of backup. The appeal proposal would therefore not result in any detrimental impacts on the privacy and amenity of neighbouring occupiers and would be in accordance with parts C and D of Policy DM1.

Harrow Development Management Policies Local Plan: Policy DM 42 E and F (Parking Standards)

3.53 Policy DM 42 E requires the design and layout of parking areas (including those for scooters, motorcycles and bicycles) to be safe, secure and fit for purpose. Access to and from the public highway should maintain and, where necessary, improve safety and give priority to the convenience of pedestrians and cyclists.

3.54 Policy DM42 F advises that proposals that would result in inappropriate on-site parking provision, having regard to the criteria in this policy, and those which would create significant on-street parking problems, prejudice highway safety or diminish the convenience of pedestrians and cyclists, will be resisted.

3.55 In his proof of evidence, Mr Bird demonstrates that the design and layout of the parking areas are safe and fit for purpose. The proposed works to the entrance of the site, including a new

pedestrian access, will improve pedestrian safety into and out of the site. The evidence also demonstrates that car parking demand from a maximum 500-person event can be accommodated on-site and it is not anticipated that there would be any parking overspill into adjacent streets. The appeal proposal therefore complies with policy DM42 E and F.

Harrow Development Management Policies Local Plan: Policy DM 43 B and C (Transport Assessments and Travel Plans

- 3.56 Policy DM43 B states that proposals for major development will be required 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 modal shift away from private car use and should include the preparation and implementation of Travel Plans.
- 3.57 Policy DM 43 C states that proposals that fail to satisfactorily mitigate the transport impacts of development will be resisted.
- 3.58 As explained in the proof of Evidence of Mr Bird, a comprehensive Travel Plan will be implemented that will encourage guests and staff to use sustainable modes and assist in managing car parking demand. Mr Bird demonstrates through the measures set out in his proof that any transport impacts of the proposals can be satisfactorily mitigated and the appeal proposal is compliant with policy DM 43 B and C.

Summary

- 3.59 I have demonstrated above that the appeal proposal is compliant with the policies in the development plan and I have identified no incompatibilities. The appeal proposal clearly complies with the development plan read as a whole.
- 3.60 The question then arises: are there any other material considerations which would point in a different direction? I have identified none. Indeed, the other material considerations I have discussed above all point in a favourable direction.

4.0 Third Party Representations

4.1 A number of third party representations have been made in respect of this appeal. Where these go beyond the matters raised by the Council, I summarise and provide my response below.

The proposed use is not an essential community facility

4.2 The Framework requires the planning system to provide the social and cultural facilities that the community needs and to require planning to positively plan for the provision and use of community facilities and other local services to enhance the sustainability of communities. The Framework cites examples of different types of community facilities. This list is not exhaustive, but includes local shops and public houses, neither of which are facilities run by public bodies; they are run by private operators. Furthermore, supporting commentary to London Plan policy S1, in para 5.1.1 advises that “*Social infrastructure covers a range of services and facilities that meet local and strategic needs and contribute towards a good quality of life.*”

4.3 As referred to in the written statement of Mr Ruperalia, South Asian and other ethnic weddings are community events and they cannot be undertaken at places of worship.

4.4 As highlighted in Ms Gilham’s Proof of Evidence, South Asian and ethnic events and weddings have specific cultural and religious requirements. These requirements are met through the specific design of buildings and internal spaces and through the bespoke services they offer.

4.5 The proposed banqueting facility will provide an essential community facility for the South Asian and other ethnic communities, providing a facility for them to celebrate life events. There is a substantial unmet need for such facilities given the absence of suitable event venues in Harrow and a demonstrable under-provision in the sub-region area.

Alternative sites in the town centre have not been considered

4.6 As explained elsewhere in my proof of evidence and in Ms Gilham’s Proof of Evidence, the proposal for a banqueting facility to serve South Asian and other ethnic communities has a particular set of characteristics. An extensive and updated Sequential Site Assessment (Appendix 1) has been undertaken which concludes that there are no sequentially preferable sites in or on the edge of Harrow Town Centre or within other town centres within a 5 mile radius from the former Premier Banqueting site that are suitable and available to accommodate the proposals. The Council accepted the findings and conclusions of the original assessments.

The Sequential Site Assessment has failed to take account of: Indian temples and Muslim mosques in Harrow; Indian community centres; private school halls

4.7 The purpose of the Sequential Site Assessment and supplementary assessments (CD’s 52, 55 and 70) is to identify whether there are any suitable and available sites that could meet a number of criteria and could accommodate the proposal. An updated Sequential Site Assessment has been undertaken and is attached at Appendix 1.

4.8 The site has to be available for purchase by the Appellant and then for operation by the Appellant solely as a banqueting facility. None of the examples provided would meet those criteria. Furthermore:

- Indian Temples and Mosques are not dedicated banqueting facilities and have other functions. As confirmed by Mr Ruparelia in his written statement, places of worship do not provide for weddings and associated events.
- Ms Gilham in her Proof of Evidence has investigated the various Indian Community Centres in Harrow, none of which provide the same services and facilities as a dedicated banqueting facility as is proposed.
- Private school halls are not purpose-built facilities for banqueting and would not be available on demand and in the run-up to the wedding/celebration to accommodate activities such as food tasting and wedding planning.

The facility will make no contribution to the night-time economy in the town centre

4.9 As detailed in Mr Ruperelia's written statement, South Asian and other ethnic weddings and celebrations are all contained within the banqueting facility and guests would not go to other venues in the town centre.

4.10 As identified in Ms Gilham's proof of evidence, a high proportion of guests who have travelled from further afield stay overnight in Harrow and this will continue with the relocated facility at the appeal site. Guests who travel longer distances will have a higher spend in the local economy.

Loss of outdoor sports facility

4.11 The lawful use of the appeal site is as a golf centre comprising a golf course and driving range which closed in 2019. As explained in the Supplementary Planning Statement (September 2021) (CD 74), the former clubhouse building is no longer useable and the vast majority of the land that made up the former golf centre is outside the appeal site and will still remain in sports and recreation use. The Statement (CD 74) concludes that there will be a very small loss of sports land.

4.12 An assessment (CD 74) of whether alternative sports provision could be accommodated on the appeal site was undertaken following deferral of the application at the June 2021 Committee. This concluded that the appeal site would not be suitable for the provision of outdoor or indoor sports facilities that have an identified need in Harrow. The Council accepted this position and decided not to pursue a reason for refusal on this issue.

The site has a PTAL of 1a requiring car and coach trips

4.13 The Appellant's former Premier Banqueting facility was located in Harrow Town Centre which had a PTAL of 5. However, very few guests travelled to the site by walking, cycling or public transport. The majority of guests travelled by car, coach or taxi due to the fact that they were in

their wedding attire. Notwithstanding this point, the Appellant is committed to promoting travel to the site by sustainable means. Measures to encourage sustainable travel will be contained in a Travel Plan that is to be secured through the s.106 agreement. Further details are set out in Mr Bird's Proof of Evidence and in the draft s.106 agreement.

Noise and disturbance: impact on the amenity of neighbouring properties

- 4.14 A Noise Impact Assessment was prepared by Noise Solutions Limited (CD 61) to provide an assessment of operational noise resulting from the proposed development. The assessment concludes that predicted breakout music noise levels from the banqueting suite, when all external windows and doors are closed, are significantly below the lowest background sound levels measured in the period to midnight and are therefore below the No Observed Adverse Effect Level. No specific measures are required to mitigate noise from that source.
- 4.15 The assessment also concludes that noise from people talking at the rear of the banqueting hall is not likely to be audible at any of the identified receptors and that noise from the use of the car park, and from the arrival and departure of taxis, is not likely to lead to an adverse noise impact.
- 4.16 The Council's Environmental Health department had no objections to the proposals. They confirmed that licensing of the premises would require doors and windows to remain closed and connected to a limiter to prevent noise break out.
- 4.17 The hours of operation, deliveries and servicing will be controlled by a planning condition.

The proposal does not demonstrate that the biodiversity of the surrounding area would not be harmed, protected or enhanced

- 4.18 Tyler Grange undertook an Ecological Assessment of the Appeal Site (CD 58). The assessment acknowledged that the Appeal Site is located approximately 30m from Stanmore Country Park Local Nature Reserve (LNR), however it concluded that the proposals would not have any negative impacts on the designated site. In addition, the proposals are not considered to have any impacts on Stanmore Common LNR, Bentley Priory LNR and SSSI or any of the ten SINCs within a 1km radius of the site.
- 4.19 The subsequent Technical Note prepared by Tyler Grange (CD 75) confirmed that whilst the boundary of the site is c.30m of the Pear Wood and Stanmore SINC boundary, the building is approximately 60m away. The intervening area between the proposed building and the SINC boundary/woodland edge is identified for new habitat planting which includes proposed wildflower grassland, tree planting and an attenuation pond. Furthermore, the potential for impacts on Stanmore Country Park LNR and Pear Wood and Stanmore Country Park SINC from additional visitors using the LNR and SINC for recreation are negligible as visitors to the site will be contained within it and only use the proposed facility for discrete periods of time.
- 4.20 The biodiversity of the surrounding area would not be affected and there is no requirement in policy or legislation to enhance the biodiversity of the surrounding area that is outside of the Appeal Site boundary.

4.21 The Ecological Assessment concludes that with the implementation of the mitigation (including measures in a Construction Management Plan) and enhancements described in section 4 and shown on the Landscape Strategy Plan for habitats and fauna, the proposed development would conform with relevant planning policy and legislation.

The application fails to demonstrate that biodiversity net gain can be achieved on site.

4.22 As I set out in section 5 of this evidence, the proposal would result in a biodiversity net gain of 20% (refer to Ecological Assessment (CD 58) and Biodiversity Net Gain calculation (CD 59)). That is well in excess of the minimum 10% threshold set by the Environment Act 2021, providing environmental benefits for the Appeal Site.

4.23 A planning condition to secure the preparation and implementation of a detailed soft landscape proposal and Landscape Environment Management Plan (LEMP) will ensure that the output of the metric is realised.

5.0 Planning balance

- 5.1 The site is in the Green Belt. The proposal would be 'inappropriate development' in the Green Belt as none of the exceptions in paragraph 149 of the Framework apply.
- 5.2 The main considerations are:
- (a) The effect of the proposal on the openness and purposes of the Green Belt; and
 - (b) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Effect on openness and purposes of the Green Belt

- 5.3 The Court of Appeal held in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 446 that 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's 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.
- 5.4 The proposal would provide a replacement building on previously developed land in the Green Belt. The banqueting facility would have a floor area of 1,458 sqm with a maximum height of 8.93m on the first floor of the proposed building. The existing car park at the site would be used for car parking and coach / taxi drop off.
- 5.5 With regards to the spatial element of openness, I consider 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.
- 5.6 Mr Hughes confirms that the proposed development will have a positive impact on openness in terms of height in comparison to the existing development.
- 5.7 The spatial harm from the overall bulk and massing of the proposal would cause limited harm to openness.
- 5.8 However, in visual terms, the evidence from Mr Hughes, on visual openness, concludes that the proposed development will result in no greater harm to the openness of the Green Belt compared with the existing development and I agree with his conclusion.

Purposes of the Green Belt

- 5.9 Of the five purposes of the Green Belt set out in paragraph 138 of the Framework, the Council in its officer's report to committee (CD 71), and Mr Rob Hughes in his evidence, are in agreement that the appeal proposals would not conflict with any of the five purposes of the Green Belt.

Other harm

- 5.10 As demonstrated in the suite of planning application documents and the officer's report to committee (CD 79), the proposed development would not result in any harm in respect of the following planning considerations and technical matters, including: suitability of the location of the proposed development outside of a town centre; design; residential amenity (including noise); highways and transportation matters; biodiversity; landscaping; trees; archaeology; energy and sustainability; flood risk and drainage; accessibility and fire safety.
- 5.11 As I, and the Appellant's other expert witnesses have further demonstrated, the proposed development would not result in any harm to the character and appearance of the area, car parking, highway safety or the amenities of local residents.

Other considerations

The significant need for a large banqueting facility in Harrow for Harrow's South Asian population and other ethnic communities

- 5.12 The proposed banqueting facility is to provide a replacement for the Appellant's former banqueting facility, Premier Banqueting, that was located on Canning Road, Harrow which has been forced to close due to the proposed construction of the Council's new Civic Centre on the site of the adjacent car park which was used for events at Premier Banqueting. This catered for large celebratory events, predominantly for members of the Borough's South Asian and other ethnic communities.
- 5.13 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 that would not normally be associated with the equivalent events in Western Culture. Details of the Premier Banqueting operation are provided in section 4 of the Planning Statement (CD 42) and in the Written Statement prepared by Mr Ravi Ruparelia.
- 5.14 I refer to the proof of evidence prepared by Ms Amy Gilham that concludes that there is irrefutable evidence of market demand for this form of community infrastructure that caters for the different cultural and religious requirements of the South Asian and other ethnic communities and a scale of need that is unmet. There are now no banqueting facilities in the London Borough of Harrow, and across the sub-regional market area of five local authorities there are only 5 venues that meet the requirements of South Asian and other ethnic communities.
- 5.15 The central thread running through the Framework (CD 1) is that the planning system should contribute to the achievement of sustainable development (paragraph 7). Achieving sustainable development means the planning system has three overarching objectives, the second of which

is “b) a social objective to support strong, vibrant and healthy communities by amongst other things 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”.

5.16 Paragraph 93 is clear that to provide the social and cultural facilities and services that the community needs planning decisions should take into account a number of considerations including guarding against the unnecessary loss of valued facilities and services.

5.17 Policy GG1 of the London Plan (CD 2), which sets out the first objective of the plan, states: “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.....

(C) provide access to good community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation; and

(I) support and promote the creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class, or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face”

5.18 Policy S1 of the London Plan states clearly:

“Development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported.”

5.19 An objective of the Harrow Core Strategy (CD 4) is to ensure that growth is matched by enhancements to social infrastructure, including cultural facilities, with an overarching policy objective of Policy CS1 being to “enhance residents’ access to community facilities”. Policy CS1 advises that the development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing or proposed development or required to meet projected future requirements. The loss of community facilities will be resisted unless adequate arrangements are in place for their replacement or the enhancement of other facilities.

5.20 The development plan therefore has clear objectives to: deliver strong and inclusive communities; provide and enhance access to community infrastructure that will strengthen communities and increase active participation and social integration; and promote the creation of an inclusive London. The policies of the development plan support development proposals that provide high quality, inclusive social infrastructure that addresses a local or a strategic need.

5.21 I wholly support Ms Gilham’s conclusion that at every level of relevant policy, from the national to the local level, there is an imperative to provide sufficient social and community facilities to meet the needs of those with protected characteristics.

- 5.22 There is an identified significant need for the proposal which will provide an essential piece of missing infrastructure for the local South Asian and ethnic communities of Harrow, the development of which would assist in furthering social sustainability objectives in the Borough. For this reason, I attach very substantial weight to this matter in favour of the proposals.
- 5.23 In a recent appeal decision that allowed a proposal for a crematorium in Denham, Buckinghamshire, within the Green Belt, to meet the needs of the Hindu community (Appeal reference: APP/N0410/W/21/3270138), the Inspector gave very significant weight to the quantitative and qualitative need for a crematorium that would serve the Hindu community (paragraphs 27 and 31; decision attached at Appendix 2). Whilst accepting that this decision related to a different proposal in a different area, I consider that the Inspector's approach to the need of a particular religious group to have an appropriate facility to mark important life events is highly instructive when considering the issue of need in the present appeal.

Public Sector Equality Duty

- 5.24 Section 149(1)(b) 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”*.
- 5.25 The public sector equality duty must be complied with when planning decisions are made.
- 5.26 As presented in the evidence of Ms Gilham, members of the South Asian and other ethnic communities in Harrow are disadvantaged by being denied the opportunity to have a replacement 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.
- 5.27 The Council failed to comply with its public sector equality duty when it determined the planning application in this case. Had the Council had due regard to the absence of suitable South Asian wedding venues in Harrow, and the paucity of such venues in the wider sub-regional market area, this would inevitably have led it to give substantial positive weight in the planning balance to the need to make good this deficiency to advance equality of opportunity between Harrow's different racial groups. This need to comply with the Public Sector Equality Duty adds a further substantial positive weight in favour of the proposal.
- 5.28 In allowing a proposal for a crematorium to meet the requirements of the Hindu community in the Denham area (Appeal reference: APP/N0410/W/21/3270138), the Inspector in that case

also had regard to the statutory public sector equality duty in paragraphs 32 and 33 of the decision (Appendix 2). The Inspector concluded that the Council had failed comply with its public sector equality duty by denying the Hindu community the opportunity to observe their cultural and religious beliefs in carrying out funerals and cremations. The Inspector considered the unmet need to be “compelling” and gave it significant weight in favour of the proposal.

5.29 As I have explained above, I consider that the same reasoning should apply when considering the unmet cultural need in the present case. I give this unmet cultural need very substantial weight in favour of the proposal.

Alternative sites

5.30 Banqueting facilities that cater to members of the South Asian and other ethnic communities and their major life celebrations have very particular characteristics that differ to venues that hold similar events in Western cultures, details of which are contained in the written statement of Mr Ravi Ruparelia, the proof of evidence of Ms Gilham and the Planning Statement (CD 43). This includes a large banqueting hall with no columns, with a floor-to-ceiling height of 5m to accommodate staging, a mandap and associated kitchens and ancillary facilities on a single floor. A single floor area of at least 1,000sqm is required.

5.31 Prior to purchasing the Appeal Site, the Appellant undertook an extensive site search to find an alternative site/venue that could meet all of the particular requirements of this type of business.

5.32 A Sequential Site Assessment (CD 52) and supplementary assessments (CD's 55 and 70) were prepared to support the planning application and demonstrated that there are no other sequentially preferable suitable or available sites in town centres within a five mile radius of the Premier Banqueting site in Canning Road. These assessments also include details of the Appellant's extensive site search and the reasons that the Appellant discounted those sites. The Council has accepted the methodology and findings of these site assessments.

5.33 Due to the fact that several months have passed since the original site assessments were undertaken, an updated and consolidated Sequential Site Assessment has been prepared (Appendix 1 to this proof). This assessment again confirms that there are no alternative sequentially preferable suitable or available sites in the catchment area that could accommodate the proposal. This should be afforded significant weight in favour of the proposal.

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

5.34 An assessment of the current condition of the site and how the proposal will significantly improve the character and visual amenity of the area is provided in Mr Rob Hughes's proof of evidence.

5.35 Mr Adam Thornton, in his proof of evidence, explains how the proposed development has been designed specifically for its function and purpose, and has been physically and visually integrated into the surrounding landscape to be consistent with, and respond sensitively to, its context and surroundings.

- 5.36 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 as well as securing the long term future of the site.
- 5.37 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, that will secure a long-term future for this previously developed site as well as delivering social, environmental and economic benefits highlighted in the submitted Planning Statements (CD 43, 63 and 74) and elsewhere in my evidence should be afforded very substantial weight in favour of the proposal.

Economic and other social benefits

- 5.38 Ms Gilham in her proof of evidence confirms that the average cost of an Asian or other ethnic wedding is above the national average for all weddings taking place in the UK. Her proof explained that the operation of Premier Banqueting in its previous location brought a range of economic and social benefits to those it employs, and to those in its supply chains with many of its suppliers being local to Harrow. These will also be benefits of the appeal proposal.
- 5.39 The evidence of Ms Gilham concludes that the operation and construction of a venue for Premier Banqueting will also generate a range of benefits for the local economy of Harrow including employment, supporting the ongoing operation of supply chain businesses, Gross Value Added and business rate generation. There is a commitment in the draft s. 106 agreement to use local suppliers and apprentices during the construction of the development and to support local employment and training during the operation of the proposal.
- 5.40 Ms Gilham also concludes that given the nature of Premier Banqueting's business, it supports notable numbers of those with protected characteristics in relation to race. This is evidenced by the ethnic profile of suppliers, employees and guests. The proposal would therefore bring additional benefits in terms of social sustainability.
- 5.41 The Government is committed to securing economic growth in order to create jobs. It states in the Framework that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development through the planning system. In my judgment, at least moderate weight should therefore be applied to the economic and other social benefits in favour of the proposal.

Ecological enhancements and Biodiversity Net Gain of 20%

- 5.42 The Ecological Assessment (CD 58) confirms that the Appeal Site currently has no habitats of any value and has a low level of biodiversity. The proposal would result in a biodiversity net gain of 20% (refer to Ecological Assessment and Biodiversity Net Gain calculation (CD 58 and 59)). 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. In the absence of adopted policy to secure this gain, the significant biodiversity enhancement of the site should be afforded moderate weight in favour of the proposal.

- 5.43 The proposal includes a comprehensive Landscape Strategy Plan (LSP) (CD 40) and mitigation and enhancement recommendations are provided in the Ecological Assessment, including the requirement for a Landscape and Environment Management Plan (LEMP). Compliance with the LSP and LEMP would be necessary and acceptable conditions to ensure that the biodiversity net gain is brought forward.

Green Belt – The Planning Balance

- 5.44 As directed by the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework ascribes substantial weight to the harm to the Green Belt by reason of the proposal being inappropriate development and causing limited spatial harm to openness. However, in visual terms, the proposed development will cause no greater harm to the openness of the Green Belt than the existing development.
- 5.45 As the totality of the Appellant's evidence in this appeal demonstrates, there is *no other harm* resulting from the proposals.
- 5.46 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.
- 5.47 As I have demonstrated in my evidence there are *other considerations* that overwhelmingly, when taken together, clearly outweigh the limited harm identified:
- The provision of a bespoke facility that will meet the substantial and specific 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 their own Borough of Harrow. This would improve the social sustainability of the Borough in compliance with the Council's public sector equality duty. I consider that **very substantial weight** in favour of the proposals should be given to this unmet need and the need to comply with the public sector equality duty.
 - 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 will deliver social, economic and sustainability benefits. I consider that **very substantial weight** in favour of the proposals should be given to the replacement of the building.
 - The lack of any alternative, suitable and sequentially available preferable sites in Harrow Borough and other town centres within five miles of the former Premier Banqueting site

that meet the agreed criteria for the proposal, should be given **substantial weight** in favour of the proposals.

- The provision of economic and other social sustainability benefits during the construction and operation of the proposed development should be given **moderate** weight in favour of the proposals.
- Ecological enhancements to the site and biodiversity net gain of at least 20%, in excess of the 10% minimum set out in the Environment Act, contributing towards environmental sustainable development, should be given **moderate** weight in favour of the proposals.

5.48 When taken together, I consider that these weighty social, environmental, and economic considerations collectively clearly outweigh the harm identified to the Green Belt. As a result, the very special circumstances necessary to justify the proposal in the Green Belt have been demonstrated and in compliance with the Framework, the Inspector is invited to allow the appeal.

6.0 Conclusions and Summary

Introduction and background

- 6.1 The proposals subject to this appeal are for a banqueting facility to meet the irrefutable and significant need of members of the South Asian and other ethnic communities in Harrow.
- 6.2 Until very recently, Premier Banqueting, operated by the Appellant and located in Harrow, catered for large life celebratory events, mostly weddings and events leading up to weddings, predominantly for members of the Borough's South Asian and other ethnic communities. Premier Banqueting had to close due to the proposed construction of the Council's new Civic Centre on the site of the adjacent Peel Road public car park which was extensively used for events at Premier Banqueting.
- 6.3 Prior to the purchase of the Appeal Site, the Appellant undertook an extensive site search to find an alternative site/venue.
- 6.4 The Appellant engaged in pre-application consultation with the Council from September 2019 until the application was submitted in August 2020. This involved pre-application meetings with officers at the Council, officers at Barnet Council in respect of highways, the GLA and presentations to the Council's Design Review Panel, ward Councillors and the Brockley Hill Residents Association. All of these discussions informed and shaped the appeal proposals.

Reasons for refusal

- 6.5 The planning application was refused at the Council's Planning Committee on 17th November 2021 and there were three reasons for refusal. The first (Green Belt) and third (impact on the amenity of local residents as a result of overspill car parking) reasons for refusal were proposed by officers. The second reason for refusal (impact of the design on the character and appearance of the area) was added by members of the Planning Committee.

Reason for refusal 1

- 6.6 My evidence demonstrates that I consider that very special circumstances exist and the development should be approved. This is because the harm to the Green Belt by reason of inappropriateness and the limited spatial harm to the openness of the Green Belt is clearly outweighed by other considerations, including the identified need for a South Asian banqueting facility in Harrow and the Council's derogation of its public sector equality duty; the replacement of a fire-damaged building with a bespoke building of high-quality design; the lack of any alternative, suitable and sequentially available preferable sites; biodiversity net gain enhancement; and economic and other social sustainability benefits. As such the proposals are in accordance with the National Planning Policy Framework (2021) and policy G2 of the London Plan.

Reason for Refusal 2

- 6.7 Mr Thornton in his evidence demonstrates that the appeal proposals represent a high standard of design and layout. The evidence demonstrates that the appeal proposals have responded positively to the local context in terms of design and siting, reinforcing the positive attributes of local distinctiveness. The appeal proposals are therefore compliant with policy CS1. B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 6.8 An assessment has also been undertaken of compliance with other development plan policies not cited on the decision notice but which the Council now contends in its Statement of Case would be breached by the proposal.
- 6.9 Mr Hughes in his proof of evidence identifies the features and characteristics of the Harrow Weald Ridge Special Character Area and demonstrates that the proposals, which include a Landscape Strategy, offer benefit and enhancements to the local landscape, reflecting the guidelines and design cues for the Barnet Plateau NCA.
- 6.10 The evidence from Mr Thornton demonstrates that the proposals will enhance local context by delivering a building with associated landscaped spaces that responds positively to local distinctiveness. The evidence explains that the proposed banqueting facility has a bespoke design, developed specifically for its purpose and function in collaboration with the highly experienced operator of Premier Banqueting to create a welcoming space for members of the South Asian and other ethnic communities. A complementary pallet of high quality materials is proposed.
- 6.11 Notably, the proposal achieves the innovative design quality sought by paragraph 134(b) of the Framework. The replacement of a fire damaged building which is now severely detrimental to the character and appearance of the Harrow Weald Ridge and Green Belt is a significant benefit of the proposal. .
- 6.12 The proposals are therefore fully compliant with policy D3 of the London Plan (specifically paras D(1), (11) and (12)); policy CS 7A of the Core Strategy; policy DM 6 of the Harrow Development Management Policies Local Plan and paragraphs 126, 130 (a), (b) and (c) and 134 of the Framework.

Reason for Refusal 3

- 6.13 Mr Bird's proof of evidence demonstrates that the proposed layout of the car parking would be safe, appropriate and could accommodate coaches. It is also demonstrated that car parking for a 500 guest event can be accommodated on the appeal site and it is highly unlikely that there would be any parking overspill onto adjacent streets. However, in the highly unlikely event of such this happening, off-site overspill parking locations will be identified and agreed with the Council prior to larger events by way of backup and the proposal would not therefore result in any detrimental impacts on the privacy and amenity of local residents.

- 6.14 Mr Bird's proof of evidence demonstrates that with the implementation of the measures proposed, including a reduction in speed limit, off-site highways works, a Travel Plan (to encourage guests and staff to use sustainable modes and assist in car parking demand), Car Park Management Plan (to include the pre-booking of a car parking space and management of car parking on site) and an Event Management Plan, secured by s. 106 obligation, the appeal proposals will result in no unacceptable impacts on the transport network, road network or highway safety.
- 6.15 The proposals are therefore in accordance with paragraphs 110(d) and 111 the National Planning Policy Framework; policy T4 of the London Plan; and policies 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.

Third Party Representations

- 6.16 A number of third party representations have been made in respect of this appeal. Where matters are raised that go beyond those raised by the Council in their reasons for refusal, I have responded to each matter in Section 4 of my proof.

Planning Balance

- 6.17 The site is in the Green Belt. The proposal is 'inappropriate development' in the Green Belt which by definition is harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.18 Paragraph 148 of the Framework ascribes substantial weight to the harm to the Green Belt by reason of the proposal being inappropriate development and causing limited spatial harm to openness. However, in visual terms, the proposed development will cause no greater harm to the openness of the Green Belt than the existing development.
- 6.19 As the totality of the Appellant's evidence in this appeal demonstrates, there is *no other harm* resulting from the proposals.
- 6.20 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.
- 6.21 As I have demonstrated in my evidence there are *other considerations* that overwhelmingly, when taken together, clearly outweigh the limited harm identified:
- The provision of a bespoke facility that will meet the substantial and specific 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 their own Borough of Harrow. This would improve the social sustainability of the Borough in compliance with the Council's public sector equality duty. I consider that **very substantial weight** in favour of the proposals should be given to this unmet need and the need to comply with the public sector equality duty.

- 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 will deliver social, economic and sustainability benefits. I consider that **very substantial weight** in favour of the proposals should be given to the replacement of the building.
- The lack of any alternative, suitable and sequentially available preferable sites in Harrow Borough and other town centres within five miles of the former Premier Banqueting site that meet the agreed criteria for the proposal, should be given **substantial weight** in favour of the proposals.
- The provision of economic and other social sustainability benefits during the construction and operation of the proposed development should be given **moderate** weight in favour of the proposals.
- Ecological enhancements to the site and biodiversity net gain of at least 20%, in excess of the 10% minimum set out in the Environment Act, contributing towards environmental sustainable development, should be given **moderate** weight in favour of the proposals.

6.22 When taken together, I consider that these weighty social, environmental, and economic considerations collectively clearly outweigh the harm identified to the Green Belt. As a result, the very special circumstances necessary to justify the proposal in the Green Belt have been demonstrated and in compliance with the Framework, the Inspector is invited to allow the appeal.

Appendix 1 – Sequential Site Assessment

Appendix 2 – Crematorium Appeal Decision (ref: APP/ N0410/W/21/3270138)

hghconsulting.com