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| **PINS Ref** | APP/M5450/W/22/3299650 |
| **Site** | Former Stanmore and Edgware Gold Centre, Brockley Hill, Stanmore, HA7 4LR |
| **Appellant** | Sairam (Holdings) Ltd |
| **Local Planning Authority** | London Borough of Harrow |

**OPENING SUBMISSIONS FOR THE APPELLANT**

1. When making decisions, the local planning authority, Harrow Council (**“the Council”**), has a legal duty to have due regard to the need to advance equality of opportunity between people of different races and/or different religions: s. 149(1)(b), Equality Act 2010. This means, amongst other matters, asking: what steps do we, as a local planning authority, need to take to make sure that the different needs of people of a particular race and/or religion are met? (s. 149(3)(b), Equality Act 2010).
2. This appeal is necessary because the Council has failed to comply with this duty – the public sector equality duty – in this case.

*Background*

1. As is well known, the London Borough of Harrow has one of the largest populations of people who identify as Asian or Asian-British in the United Kingdom. According to the results of the 2011 Census, over two-fifths (42.6%) of the Borough’s population belong to these groups. This is very substantially higher than the equivalent percentage for Greater London as a whole (18.5%).
2. As many as one in four of the Borough’s residents identifies as Hindu (25.3%). Again, this is considerably higher than the equivalent figure for Greater London (5%).
3. It follows that when the Council makes decisions that relate to meeting the needs of its residents, it is required, by law, to pay due regard to ensuring that the particular needs of people in these communities are met. The Equality Act 2010 does not seek to define or limit what is meant by the “needs” of people of a particular race or religion. The lack of definition reflects Parliament’s intention that the word should be interpreted broadly. But there can be no doubt that the “needs” of the Borough’s Asian – predominantly South Asian – communities, include their need for access to appropriate spaces and services that enable them to hold and celebrate important life events.
4. It is clear from the NPPF that the UK Government interprets the “needs” of particular communities to include their need for appropriate social, recreational and cultural facilities and services. Paragraph 93 of the NPPF states that “planning decisions” should “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”. Similarly, Policy GG1 of the London Plan is emphatic about the importance of “inclusive growth” which means that “those involved in planning and development must… provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities” (para. C, emphasis added). Policy S1.C of the London Plan is similarly supportive of development proposals that provide “high-quality, inclusive social infrastructure that addresses a local or strategic need”.
5. In view of the fact that over half the Borough’s Indian, Pakistani and Bangladeshi households include a married couple (53.8%), demonstrating a higher propensity for marriage than the Borough’s households taken as a whole (39.6%), it is plain that meeting the needs of the Borough’s South Asian communities means ensuring that they have sufficient access to community facilities that enable them to hold and celebrate weddings that are appropriate to their religions and cultures.
6. In practical terms, this means ensuring access to venues that are larger than those typically associated with weddings in Western culture. Whereas the average Western wedding in the United Kingdom will be attended by 80 guests, South Asian weddings are usually much larger affairs. It is not uncommon for a South Asian wedding to be attended by 300 to 400 guests, and sometimes more. Moreover, unlike weddings in Western culture, the celebrations associated with a South Asian wedding can extend over several days, involving more than one event. A venue catering properly for such weddings needs to have the capacity and flexibility to accommodate this.
7. In addition, some cultural and religious ceremonies require spaces of particular minimum dimensions that are not commonly found in venues used for holding Western weddings. For example, Hindu wedding ceremonies require the use of a mandap (a tall, covered structure with pillars) which serves as the stage for the main wedding proceedings. Rooms with elevated ceilings are required to accommodate it.
8. Some faiths also require gender segregation for some elements of a ceremony or celebration, which usually rules out a venue which allows other uses to continue in the same building while the ceremony is being held. Catering food properly for South Asian weddings also presents different challenges: some South Asian cultures have very specific rules about the handling of food (for example, halal food) that require specialist caterers.
9. This wide range of cultural and religious characteristics that are particular to South Asian weddings mean that there is a specific market for such weddings. Historically, the difficulties experienced by the UK’s South Asian communities in finding suitably large venues for weddings has necessitated the use of certain types of public building that would not normally be considered appropriate for weddings in Western culture, such as leisure centres and school halls. Today, there is a growing recognition that true equality of opportunity means ensuring that everyone, irrespective of their race or religion, has access to modern and attractive spaces for wedding celebrations that enable the ceremonies to be conducted with dignity and comfort. If most couples searching for a venue for a Western wedding in the UK would not expect to have to resort to a leisure centre or a school hall for their special day, it is neither fair nor sustainable, by today’s standards, to expect this of couples who want to honour their South Asian heritage during their wedding.
10. The Appellant recognized this in 2008 when it started operating its ‘Premier Banqueting’ business in the Borough.

*Premier Banqueting*

1. With a background in running Asian restaurants in Harrow, the Appellant was receiving an increasing number of requests to provide specialist, on-site catering for mainly Hindu and Muslim wedding celebrations that were being held in leisure centres and school halls in the Borough. Premier Banqueting quickly established itself as the leader in this market in the Borough and relocated to Canning Road, Harrow, in 2012 with the intention of providing a “one-stop” venue for South Asian weddings. The ethos of the business was to try to reduce the historically enormous cost of hosting a South Asian wedding in the area by taking on responsibility itself, in-house, for all the catering and décor arrangements that would otherwise require the use of separate external suppliers as well as an expensive event management company to coordinate the various events. The business was hugely successful, making high-quality but affordable South Asian weddings accessible to many in the Borough for the first time. It is no exaggeration to say that Premier Banqueting considered itself to be providing an essential social and cultural service for the Borough’s South Asian communities.
2. Against this background, the Council’s announcement in 2015 that the Peel House car park used by guests of events at Premier Banqueting would be demolished as part of the Council’s plans to redevelop the Civic Centre, was a surprising and devastating blow. It was felt not only by the Appellant itself, but also by the 120 people employed by Premier Banqueting at the time and the many hundreds of young South Asian couples in the area who had hoped that Premier Banqueting would still be available for their wedding in years to come. One local Councillor (Councillor Susan Hall) was quoted in the Harrow Times at the time as saying that the Council’s actions amounted to the removal of “one of the best businesses in Harrow”. In response, the Councillor who had the planning portfolio at the time, Councillor Keith Ferry, told Harrow Times that “the council had been helping the owners find new premises in the borough”.
3. As it turned out, the Council failed to make good on its undertaking to help Premier Banqueting “find new premises”. It might have been thought that the Council’s enforced closure of a business providing an essential social and cultural service for its sizeable Asian communities would lead it to have a positive approach when making planning recommendations and decisions about its relocation. Unfortunately, there has been scant evidence of a positive approach in relation to the proposed relocation site on Brockley Hill, despite the Council accepting the results of the Appellant’s extensive sequential sites assessment that shows that there is no other sequentially preferable site in any town centre within a 5-mile radius of the former site on Canning Road.

*The proposal*

1. It is common ground between the parties that the proposal is for “inappropriate” development, in policy terms, in the Green Belt. This conclusion has been inevitable since the former golf club building on the Site was heavily damaged and hollowed out by fire. This has made it impossible to bring any comparable new building on the Site within any of the exceptions to inappropriate development in the NPPF on the ground that it would not have a greater impact on openness than the structure currently on the Site.
2. However, development that is *prima facie* “inappropriate” can still be permitted in the Green Belt if the benefits of the proposal clearly outweigh the harm by reason of inappropriateness, and any other harm, such that there are “very special circumstances” that warrant the grant of planning permission. This is such a case.
3. The Appellant accepts that policy requires substantial weight to be given to any harm to the Green Belt, including harm by reason of inappropriateness, but by virtue of the proposed building having a more compact form than its predecessor, it will be shown that the proposal would cause only limited harm to the spatial aspect of openness and no greater harm to the visual aspect of openness than the structure that currently exists. Critically, the parties also agree that the proposal would not conflict with any of the five purposes of the Green Belt identified in para. 138 of the NPPF: see para. 7.6, SoCG.
4. Insofar as the Council’s Planning Committee went further than their officers and decided that the Appellant’s planning application should also be refused, separately, on account of the “design and form” of the proposal and its alleged effect on local character and appearance, it will be shown that this poorly explained reason for refusal does not add anything of substance to the Council’s case on openness.
5. Originally, the Council’s third reason for refusal raised a series of issues in relation to parking, traffic generation and highway safety. Most of these have since been resolved by agreement between the Appellant and the Council, including an agreement by the Appellant to contribute towards the costs of introducing parking controls along Brockley Hill in the interests of highway safety.
6. The only aspect of the third reason for refusal that remains in dispute is whether the Appellant has done enough to manage the risk of guests parking in neighbouring residential streets should the car park on the Site reach capacity during large events. The Appellant understands that local residents are concerned about this issue. However, these concerns should be allayed by a combination of further evidence about the likely capacity of the Site for car parking – which is accepted by the Council – and travel survey data about the likely demand for car parking for a 500-guest event based on the Appellant’s former premises on Canning Road. In summary, the larger the event, the more likely it is that guests will travel to the venue by coach, substantially reducing the number of spaces that would otherwise be needed by guests for car parking. Even for a 500-person event, the Appellant’s evidence shows that it is highly likely that all the car parking demand for the event can be accommodated on the Site.
7. A trio of plans that the Appellant will be required to submit for the Council’s approval post-permission provide further assurance on this issue:
8. A Travel Plan will need to be approved by the Council which, amongst other matters, will ensure that all guests are provided with information about different options for travelling to the event, including the option of free taxi travel (funded by the Appellant) between Stanmore Underground Station and the Site.
9. A Car Park Design and Management Plan will need to provide details of how parking spaces and vehicular movements will be managed on site, which must include details of an online system that will be used to enable car parking spaces to be booked in advance, and details of the management company that will be employed to manage parking at all events.
10. An Event Management Plan will then provide details of back-up locations for off-site parking, facilitated by professional valet drivers employed by the management company, in the unlikely event that all the car parking demand for large events cannot be accommodated on site. There is no reason, in principle, why such off-site parking arrangements should not be achievable and there is already evidence of potential interest by a third party.
11. This is a comprehensive package of measures, which the Appellant is content to reinforce further by agreeing to a condition capping the number of guests at events at 500. In view of these measures, it is not tenable for the Council to submit that a significant risk remains of guests choosing to park in large numbers some distance away from the Site on residential streets should the car park on the Site be full. This would mean guests choosing to undertake a 10-minute walk to the Site next to traffic in their formal wedding attire, rather than accept the offer of a professional valet driver parking their car safely in a supervised location nearby and returning it to them on demand. A local planning authority acting positively and reasonably would have accepted long before now that concerns about overspill parking can be satisfactorily overcome by proposing measures of the kind described above.
12. If what remains of the Council’s case on the third reason for refusal has no substance, and the Council’s Planning Committee were wrong to add their spurious complaint about “design and form”, the “harm” side of the Green Belt planning balance is comprised only of the policy harm by reason of inappropriateness and the limited harm to the spatial aspect of openness. Even though substantial weight should be given to this harm to the Green Belt as the NPPF mandates, the Appellant will show that this harm is clearly outweighed by other considerations when taken together in the round. In particular:
13. **The proposal would restore a bespoke facility that will meet, as it did elsewhere in the Borough until recently, the substantial need of the Borough’s South Asian communities to have a specialist, affordable and self-contained banqueting venue for weddings within the Borough.** This need is now even more acute following the permanent closure of Premier Banqueting’s only comparable competitor in the Borough, the VIP Lounge in Edgware, which means that the Borough now has **no comparable banqueting venue specializing in South Asian weddings** despite two-fifths of its residents identifying as Asian or Asian-British. The Council resists the proposal on the basis that, despite the closure of these two leading specialist venues in quick succession, the need can still be met in two other locations within the Borough: ‘The Hive’ in Canons Park, which operates mainly as a football stadium and sports complex; and Harrow School, which has a strong Christian heritage. Whilst these venues and their settings might appeal to some members of the South Asian communities, they are unlikely to be widely regarded within these communities as appropriate settings for weddings. In truth, the Council’s reliance on multi-use sports facilities and school buildings to meet the need for South Asian wedding venues betrays its long-standing failure to have due regard to the need to secure equality of opportunity for its South Asian residents in having venues that enable them to get married with dignity in a culturally appropriate setting. This failure is a clear breach of the Council’s public sector equality duty, which alongside the Appellant’s evidence on need, should be given **very substantial positive weight** in the planning balance.
14. **A second, exceptional feature of this appeal is that granting planning permission would enable an extremely unsightly building, ravaged by fire, to be replaced by a new building of very high design quality that will transform the character and visual amenity of the site and its surroundings.** The Appellant will say that **very substantial positive weight** should be given to this factor also.
15. It is highly relevant that the main parties agree that there is **no sequentially preferable site** in town centres within a 5-mile radius of the Appellant’s former site at Canning Road. This consideration should be given **substantial positive weight** in the planning balance.
16. **Moderate** **positive weight** should also be given to the provision of economic (and related social) benefits during the construction and operation of the proposal.
17. A further **moderate positive weight** should be given to the proposed ecological enhancements that will achieve a biodiversity net gain of at least 20% on the Site, double the minimum of 10% required by the Environment Act 2021.
18. These considerations, taken together, clearly outweigh the substantial weight that should be given to the harm caused reason of inappropriateness and the limited spatial harm to openness. The Council is only able to reach the opposite conclusion by submitting, unrealistically, that only “moderate” positive weight should be given to the Appellant’s need case, a submission only made possible by effectively ignoring its public sector equality duty and dealing with it only as an afterthought at the end of its evidence. This is not what Parliament had in mind when it imposed a duty on the Council to have “due regard” to the need to advance equality of opportunity between people of different races and/or religions.
19. The inspector will be invited to allow the appeal.

**GWION LEWIS K.C.**

**HEATHER SARGENT**

**Landmark Chambers**

**London**

**11 October 2022**