

The London Borough of Ealing
(The Green, Southall)
Compulsory Purchase Order 2021

Acquiring Authority Statement of Case

**Rule 7 of the Compulsory Purchase Order (Inquiries
Procedure) Rules 2007**

**Planning Reference: APP/PCU/CPOH/A5270/3289084 -
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Contents

1.	INTRODUCTION	3
2.	THE ENABLING POWERS FOR THE COMPULSORY PURCHASE ORDER	5
3.	BACKGROUND	8
4.	DESCRIPTION AND LOCATION OF THE ORDER LAND AND SURROUNDINGS	11
5.	EVOLUTION AND DESCRIPTION OF THE SCHEME	14
6.	THE PLANNING FRAMEWORK AND PLANNING STATUS OF THE ORDER LAND	17
7.	DELIVERY STRUCTURE AND FUNDING	27
8.	THE PURPOSE AND JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS	31
9.	EFFORTS TO ACQUIRE LAND BY AGREEMENT	36
10.	THE COUNCIL'S RESPONSE TO OBJECTORS	42
11.	THEME OBJECTION RESPONSES	48
12.	HUMAN RIGHTS	59
13.	PUBLIC SECTOR EQUALITY DUTY	61
14.	SPECIAL CONSIDERATIONS	63
15.	ASSOCIATED ORDERS AND CONSENTS	64
16.	CONCLUSION	65
17.	OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER	66
18.	INSPECTION OF THE ORDER AND ORDER DOCUMENTS	67
19.	RELEVANT DOCUMENTS FOR INQUIRY	68

THE LONDON BOROUGH OF EALING
(THE GREEN, SOUTHALL)
COMPULSORY PURCHASE ORDER 2021

STATEMENT OF CASE FOR THE MAKING OF THE ORDER

1. INTRODUCTION

- 1.1 This document is the Statement of Case (“Statement or Statement of Case”) in pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (“the Rules”), produced by London Borough of Ealing Council (“Acquiring Authority” or the “Council”) explaining the reasons and justification for making the London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 (the “Order”).
- 1.2 This Statement has been prepared in accordance with the Ministry of Housing, Communities and Local Government Department for Communities and Local Government “Guidance on Compulsory Purchase Process and The Crichel Down Rules July 2019” (“the MHCLG Guidance”). It sets out the reasons why the powers of compulsory purchase contained in the Order are necessary and why there is a compelling case in the public interest for the Order to be confirmed by the Secretary of State. This Statement of Case is a statutory document and seeks to supplement to the Council’s Statement of Reasons dated 22nd November 2021.
- 1.3 On 22nd November 2021, the Council made the Order. The Order was made pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) (“the 1990 Act”), the Acquisition of Land Act 1981 (“the 1981 Act”) and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).
- 1.4 The purpose of the Order is to enable the Council compulsorily to acquire the land and new rights over the land included in the Order (the Order Land) to facilitate the delivery of comprehensive mixed use redevelopment at The Green and the surrounding area, ‘the Scheme’.
- 1.5 The Scheme will be delivered by redevelopment proposals comprising a high quality mixed use development providing flexible commercial, employment and community floorspace and residential units together with improved public realm (the Development). The Council, as local planning authority resolved to grant planning permission (215058FULR3) on 20 October 2021 subject to conditions, completion of a section 106 agreement and referral to the Secretary of State and a Stage 2 referral to the GLA.

- 1.6 The Development is described more fully in Section 5 of this Statement. The development proposals will assist in the regeneration of Southall, acting as a catalyst for future development and will provide significant economic, social and environmental benefits to those living, working in and visiting Southall.
- 1.7 Both the Council and the Mayor of London have aspirations for the redevelopment of the Southall area and have put in place planning policies to support and underpin the regeneration of Southall as an Opportunity Area. Further details on the relevant planning policies underpinning the Development are in Section 6 of this Statement.
- 1.8 The Development will be delivered by The Council's chosen development partner, Peabody Developments Limited. Further details are set out in Section 7 of this Statement.
- 1.9 Negotiations to acquire the third party freehold and leasehold interests in the Order Land commenced in advance of the Order being made. Details of the purpose of the Order are included in Section 8 and a summary of negotiations to date are set out in Section 9 of this Statement. Whilst discussions with some of the third parties are at an advanced stage, it has not been so far possible to acquire the rights and interests required to deliver the Development by agreement within a reasonable timeframe.
- 1.10 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, the MHCLG Guidance acknowledges that, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Compulsory purchase powers therefore need to be exercised now in order to ensure the timely delivery of the Development in the event that all necessary interests cannot be secured by agreement. However, attempts to acquire by agreement will continue to be made, with regular contact being made with all owners who have yet to engage fully or agree a negotiated settlement.

2. THE ENABLING POWERS FOR THE COMPULSORY PURCHASE ORDER

- 2.1 By virtue of section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) the Council has the power to acquire land compulsorily for "development and other planning purposes" if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land. The Council in exercising its power under section 226(1)(a) however must not exercise this power unless (section 226(1A)) the Council thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.2 The Council considers that the use of section 226(1)(a) is appropriate having regard to the objectives which will be achieved through the delivery of the Scheme. The Council is satisfied that the use of the powers contained in section 226(1)(a) will contribute to the development, redevelopment or improvement of the Order Land. The Council is further satisfied that the redevelopment of the Order Land will contribute to the promotion and improvement of the economic, social and environmental wellbeing of those living in, working in and visiting the Southall area, and more widely the Borough.
- 2.3 Under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 the Council has the power to compulsorily acquire new rights over land. The rights sought are specified in the Schedule to the Order and summarised in Section 3 below.

Justification for the exercising of these enabling powers

- 2.4 The exercise of the above powers is appropriate and proportionate in order to facilitate the delivery of the Scheme. The MHCLG Guidance and makes clear that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 2.5 The MHCLG Guidance at Tier 1, paragraph 2 sets out that acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. It requires that the reports seeking authorisation for the compulsory purchase order should address human rights issues. This has been addressed through the Council's Cabinet reports dated 14 March 2017, 10 July 2018 and 16 June 2021 and an Individual Cabinet Member's Decision dated 10 November 2021. Section 10 of this Statement sets out further consideration of human rights.
- 2.6 Tier 1, paragraph 2 of the MHCLG Guidance also sets out that acquiring authorities are required to demonstrate that they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. The Developer has sought to acquire the interests by agreement and is

continuing to do so alongside the making of this Order. Further information is set out in Section 9 of this Statement.

- 2.7 Tier 1, paragraph 6 provides guidance on how the Public Sector Equality Duty should be taken into account when making a compulsory purchase order in accordance with the Equality Act 2010. Section 11 of this Statement provides further information on how the Council has taken this into account throughout the process.
- 2.8 Tier 2, (paragraphs 94-106) provides specific advice on the making of orders under s.226 of the 1990 Act. Paragraph 95 states that the powers under section 226 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan. It refers to the powers being used to assemble land for regeneration.
- 2.9 Paragraph 97 of Tier 2, section 1 refers to s 226(1)(a) of the 1990 Act enabling acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. Paragraph 103 of the same section refers to s226(1)(a) being restricted under section 226(1A), providing that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental wellbeing of the area for which the acquiring authority has administrative responsibility. It makes clear that the benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase power as the concept of the wellbeing is applied to the whole (or any part) of the acquiring authority's area.
- 2.10 Paragraph 104 of Tier 2, section 1 sets out further information on the justification required to support an order to acquire land compulsorily under section 226(1)(a) of the 1990 Act. This includes:
- Programme of land assembly to be set within a clear strategic framework;
 - Such a framework needs to be founded on an appropriate evidence base and to have been subjected to consultation processes;
 - The planning framework should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the Scheme;
 - Consideration of the National Planning Policy Framework as this is a material consideration in all planning decisions.

2.11 Paragraph 106 of Tier 2, section 1 further provides that in making a decision on whether to confirm an order under section 226(1)(a), the Secretary of State will take into account the following factors:

- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework;
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired;
- The potential financial viability of the Scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is reasonable prospect that the Scheme will proceed. The greater the uncertainty about the financial viability of the Scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important.

2.12 Tier 2, section 19 (paragraphs 245 to 254) of the MHCLG Guidance is also relevant as it provides guidance on the compulsory purchase of new rights including under the 1976 Act. Paragraph 248 sets out that there should be a description of relevant powers and purposes.

2.13 In summary, the Council has taken the MHCLG Guidance into account in making the Order and the enabling powers referred to above are the most appropriate powers to use. The Council is utilising section 226(1)(a) powers of the 1990 Act because the Scheme will facilitate comprehensive redevelopment of the Site and surrounding area, acting as a catalyst for wide-scale redevelopment and regeneration of Southall. The Scheme will significantly contribute to the improvement of the economic, social and environmental wellbeing of the Council's area. The use of section 13 of the 1976 Act is necessary to acquire rights to enable the redevelopment to be delivered. Further explanation as to the justification for the use of compulsory purchase powers is set out in the subsequent sections of this Statement.

3. BACKGROUND

- 3.1 The Scheme is intended to contribute to the regeneration of The Green and the surrounding area by creating affordable new homes and new workspace and community space and by addressing issues of poor quality public realm, anti-social behaviour and littering and severance across the site. As such it would contribute to the Council's key priorities of creating good jobs, tackling the climate crisis and fighting inequality. The Scheme would contribute significant investment and complement the existing retail and service offer at the local centre.
- 3.2 The Site is located in Southall within the south western part of the London Borough of Ealing. The Green is located to the south of the major town centre of Southall Broadway and Southall Rail Station which offers Overground and National Rail services with Elizabeth Line services due to commence early 2023. The site forms part of Southall The Green district town centre and is identified for development in the Ealing Local Plan sites DPD 2013 as part of the allocated site known as 'SOU8'. The site is in fragmented ownership apart from a large Council land holding and forms back land to the town centre street frontage. The site is opposite the only Grade II* listed building in Southall and the local open space at Southall Manor House Grounds. As such it is considered suitable for a comprehensive redevelopment. There is no prospect of the fragmented sites in private ownership being brought forward in a comprehensive Scheme without use of CPO powers.
- 3.3 The Council's Cabinet considered the site at meetings in March 2017, July 2018 and June 2021. At those meetings it was noted that the scheme offered significant regeneration benefits and that CPO powers may be required to assemble the full site.
- 3.4 The Council has three overarching strategic priorities as set by its Cabinet in 2021, which are:

- Creating good jobs – the Scheme supports this objective by providing business space for approximately 90 new jobs
- Tackling the Climate Crisis - the Scheme supports this objective by reducing car parking provision, promoting active travel, use of sustainable design and construction technologies, the provision of 215 new trees and habitats for biodiversity and carbon offset contributions
- Fighting inequality – the Scheme supports this objective by providing affordable homes for people on low incomes, which are disproportionately required by members of Black, Asian and other ethnic minority communities, offering homes suitable for wheelchair uses, offering an inclusive environment and public realm and by the provision of new community space for the area.

Southall Opportunity Area

3.5 Southall is designated as an Opportunity Area in the London Plan, which is an area considered suitable for accommodating large-scale mixed use development. The Site forms part of a wider site designation in the Development Sites DPD known as “SOU8 – The Green”. This includes the Site as well as land to the north (up to the railway line) and land to the west (up to Gladstone Road and Harrington Road). Site Allocation SOU8 supports the following: “Mixed use development appropriate to the town centre, with continued protection of existing industrial uses on Featherstone, Dominion and Suterwalla estates as a Locally Significant Industrial Site (LSIS) and retention of the Dominion Arts Centre”.

The need to redevelop The Green

3.6 The Green Southall, designated as SOU8 was identified for redevelopment in the Ealing Sites DPD 2013. While there is existing employment on site the employment density is low and the quality of the existing built form is poor. Historically the area has suffered with some episodes of crime and anti social behaviour and there is also a reputation for fly tipping in the area. Around 1/3 of the total site area is formed by a surface level Council car park which is often under utilised and also does not benefit from any passive surveillance. Severance across the site means that users of the local shops and services have to take a circuitous route from the car park down Featherstone Road and back up The Green to get to their destinations.

3.7 The Green local centre is popular and busy and has benefited from recent public sector investment in the public realm including a scheme to invest in shop fronts on the main high street (The Green), the provision of a new public square opposite those shops creating a new setting for the war

memorial and the Grade II* listed Manor House. In addition there were recent public realm improvements outside the Dominion Centre and St Anselm's Catholic Church. Despite this investment, the area retains a rundown feel due to quality of the building stock in the back land of the town centre and poor quality public realm there. The lack of routes through the site create cul-de-sacs and un overlooked spaces where fly tipping and anti-social behaviour can occur.

3.8 Southall is one of the most deprived areas in the London Borough of Ealing and is the location for a station on the new Elizabeth Line service. It has experienced some property speculation and investment recently by developers wishing to take advantage of the new rail links to central London. However, the Council's focus is on creating areas where local people can live and work and experience high quality local environments. In providing a significant proportion of affordable housing (50% by habitable room) and new commercial space as well as community space, this Scheme seeks to ensure that local people are able to benefit from new development and that the Scheme facilitates local working and supports the local economy. The Scheme seeks to support the viability of the existing town centre by re-providing sufficient public car parking to meet local needs while at the same time making better and more intensive use of the land close to the railway station.

4. DESCRIPTION AND LOCATION OF THE ORDER LAND AND SURROUNDINGS

The Order land and its location

- 4.1 The Order Land comprises approximately 19,077 square metres of land in Southall, excluding where rights will be acquired to carry out works on and to the land.
- 4.2 The Order Land includes; car parking, industrial, employment and event space and related access and servicing. A full description is set out below and described within the schedule to the Order (the "Order Schedule") and shown on the Order Map.
- 4.3 A large part of the Order Land is a public car park which provides 140 spaces owned by the London Borough of Ealing. Immediately next to the public car park is a private car park of 39 spaces for use by staff and visitors of the neighbouring Dominion Centre which provides a community centre, library and health centre
- 4.4 The remaining area of the Order Land comprises a mix of uses including a number of industrial units typically associated with vehicle repairs around Dilloway Yard, a dairy distribution site, and two banqueting suits (Monsoon Banqueting and Milan Palace). The majority of these premises appear dated with safe and secure vehicular and pedestrian access being a particular constraint for many of these.
- 4.5 Prior to July 2020, the development required acquisition and demolition of the Tudor Rose. However following consultation, a number of objections to the demolition of the Tudor Rose were received relating mainly to the loss of what is clearly considered to be an important cultural and community asset. The Developer and Council officers carefully considered the impact of removing the Tudor Rose from the Scheme and Council officers representing the Council's interests as landowner recommended that the building be retained, although some improvements to disabled persons access, its setting and façade would be welcome to enhance the success of the Scheme and to benefit the building itself.
- 4.6 Following this review, the Development no longer requires acquisition of the Tudor Rose, but various rights to carry out works to the exterior of the building will be required. This is reflected in the Order Map and Schedule, showing the Tudor Rose shaded blue, with rights only required.

Explanation of the CPO Map and the interests being acquired

- 4.7 The Council and Developer have jointly ensured that the appropriate preparation has been carried out in advance of the making of the Order. In accordance with best practice and the MHCLG Guidance, specifically Tier 1, 20 which emphasises the importance of making sure that a CPO is made correctly including recording the names and addresses of all those with an interest to be

acquired, a specialist land referencing company has been appointed by the Developer to carry out all the required due diligence prior to making of the Order. Specialist company TerraQuest has carried out extensive due diligence on behalf of the Council and the Developer to obtain accurate information on the land ownership of the Order Land and surrounding properties.

- 4.8 This has included: obtaining Land Registry title information; site visits; and issuing of requisitioning notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The most recent work was carried out from July to October 2021 including verification of information. The Council is satisfied that all the required due diligence has been carried out to establish ownership of the Order Land.
- 4.9 The detailed boundary of the Order Land is shown on the Order Map. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire all third party proprietary interests and existing rights. The land coloured blue identifies the land where new rights over land are to be acquired.
- 4.10 The Order Land comprises the following key interests (Table One below) as set out within Table 1 of the Order Schedule.

Table One: Key interests within the Order Land

Property	Description
Featherstone Terrace Car Park	Approximately 4,095 sqm of car park
Car Park to the rear of the Dominion Centre	Approximately 1,452 sqm of car park and accessway
Monsoon Banqueting, 100 The Green	Approximately 881 sqm of building and premises currently operating as a banqueting suite
Medina Dairy	Approximately 1,967 sqm of distribution site, building and premises
Milan Palace, 68 The Green	Approximately 1,265 sqm of building and premises currently operating as a banqueting suite
Dilloway Yard	Approximately 3,816 sqm of industrial units, yard and accessway.
St Anselm's Church	Approximately 51 sqm of access and car park

- 4.11 Details of all parties with an interest in the Order Land are set out in the Order Schedule. Table 1 of the Order Schedule interests are summarised above and Table 2 of the Order Schedule includes

all interests where the Council, Developer and their advisors have identified that there could be a potential claim for compensation due to a right affected by the Scheme underpinning the Order.

4.12 Section 9 of this Statement sets out further information on the efforts that have been made to acquire the third party interests by private treaty. Negotiations are on-going.

5. EVOLUTION AND DESCRIPTION OF THE SCHEME

- 5.1 Southall is designated as an Opportunity Area and therefore considered appropriate for large-scale mixed-use development. The development site subsequently forms part of a wider designation in LB Ealing's Development Sites DPD known as SOU8 The Green.
- 5.2 Section 3 (para 3.6-3.8) sets out the need for redevelopment of the Site and the Council's ownership of part of the Site.
- 5.3 In 2018 LB Ealing sought a Development Partner for the development site who had requisite skills and experience to deliver the following objectives:
1. Achieving a mixed-use town centre development consistent with the Site's district town centre designation of sustainable, inclusive design;
 2. Achieving a significant upgrade in quality of place and public realm
 3. The continued provision of public car parking
 4. Achieving a minimum of 35% affordable housing
 5. The provision of new walking and cycling routes together with additional vehicle permeability
- 5.4 The subsequent approval of Peabody as the selected Development Partner in 2018 and planning and design process that followed over the time period 2018-2021 has ensured that the Development meets the objectives set. The meeting of these objectives underpins the Council's promotion of the Order.
- 5.5 The Development involves the demolition of all existing buildings on the site with the new development comprising three urban blocks varying in height, ranging between two and 19 storeys. The development will be mixed use comprising 2,922 sqm of flexible use classes (Class E, F1 & F2) and 564 residential dwellings.
- 5.6 The development will deliver 50% affordable housing on a habitable room basis. This will be secured by 60/40% split between affordable rented accommodation and intermediate accommodation. The development will be tenure blind and all tenures will have the same access to the respective amenity space promoting inclusivity and helping to foster balanced and mixed communities.
- 5.7 The affordable housing will be delivered as London Affordable Rents (as set by the GLA) and Shared Ownership, with the tenure split set out below in Table Two.

Table Two: Tenure Schedule for The Scheme

No of Units	1 bed	2 bed	3 bed	4 bed
London Affordable Rent	63	56	28	10
Shared Ownership	54	48	10	0
Private	142	140	13	0

5.8 Through the Development, the Scheme will deliver:

- 564 new homes, 50% affordable housing making a positive contribution to the housing need of Ealing and Southall assisting the Council to meeting its housing targets
- Tangible economic benefits through both the construction phase and end user phase
 - Local employment of 30% of the workforce
 - Modern apprenticeship programme in construction, project management, administration, and IT
 - Liaison programmes with local schools and colleges for work experience and student visits
 - Employment and Training Opportunities for the long term unemployed
 - The creation of approximately 90 new FTE jobs across a variety of uses. This may include creative workshops, studio space, light industrial space, alongside office, retail and community space.
- Provision for the accommodation of local community who occupied part of the site in its existing state, futureproofing their continued presence.
- Significant financial contribution secured via the S106 to assist with local infrastructure including transport network, education and health.

- The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- Tangible environmental improvements including new tree planting, signification ecology benefits through bio-diversity net gain, surface water run offs, and carbon reduction methodology.

Planning Application

5.9 In October 2021 the Council resolved to grant planning permission for application 215058FULR3 (the Scheme). The following section outlines the planning framework and policy principles that underpinned the Council's approval.

6. THE PLANNING FRAMEWORK AND PLANNING STATUS OF THE ORDER LAND

- 6.1 Tier 2, Section 1, paragraph 104 of the MHCLG Guidance requires that any programme of land assembly needs to be set within a clear strategic framework and that this is particularly important when acquiring land under section 226(1)(a) of the 1990 Act. It requires that the planning framework providing the justification for an order be as detailed as possible in order to demonstrate that there are no planning or other impediments to its implementation. Tier 2, Section 1, paragraph 106 of the MGCLG Guidance refers to the Secretary of State being expected to take into consideration whether the purpose for which the land is being acquired fits in with the adopted Local Plan and the National Planning Policy Framework.
- 6.2 The local planning authority resolved to grant outline planning permission for the Scheme on 20 October 2021 and in doing so confirmed that the Scheme accords with the contemporary planning framework. A comprehensive appraisal of the Outline Planning Permission and all relevant planning policy at the time of decision is set out in the Officer's report to the Council's Planning Committee. The Council sets out below the policy framework and the ways in which the development delivers key planning policy objectives and the Scheme objectives.

Planning Framework

- 6.3 There is a clear planning framework for the Scheme, which has been founded on an appropriate evidence base and has been subject to consultation. The key components of the planning framework are the statutory development plan and a range of other policy material considerations:

The Statutory Development Plan

- 6.4 The statutory development plan for Ealing comprises the following documents (together with an associated Adopted Policies Map):
- the London Plan (2021);
 - Development (or Core Strategy) DPD (April 2012);
 - Development Sites DPD (December 2013);
 - Development Management DPD (December 2013);
 - Joint West London Waste Plan (July 2015); and
 - Planning for Schools DPD (May 2016).
- 6.5 Key Policy Material Considerations

- The National Planning Policy Framework 2021 ('the NPPF'); and
- Southall The Green SPD (2017); and
- Southall Opportunity Area Planning Framework (adopted by Ealing Council on 15 July 2014 as a Supplementary Planning Document (SPD) to Ealing's Local Plan and adopted by the Mayor of London on 16 July 2014 as Supplementary Planning Guidance (SPG) to the London Plan).

6.6 The following paragraphs summarise how the Scheme delivers the key planning policy objectives for the area and that it is set within a clear policy framework.

Principle of the development – Mixed use development in Southall

6.7 The principle of mixed-use development on previously developed land is strongly supported by the planning framework at national, regional and local level. National policy in the NPPF seeks to ensure sustainable development within three key dimensions; economic, social and environmental. It seeks to achieve positive improvements to the quality of the built, natural and historic environment, as well as people's quality of life. The NPPF places a strong emphasis on the creation of mixed-use development and the development of previously developed land or "brownfield" land to promote the principles of sustainable development and effective use of land to meet objectively-assessed needs.

6.8 Likewise, the London Plan 2021 encourages the re-use of previously developed land and seeks to optimise sustainable development within London's opportunity areas and intensification areas. London Plan Policy SD1 (Opportunity Areas) emphasises a drive for housing and employment in Southall Opportunity Area which has an indicative employment capacity of 3,000 jobs and indicative housing capacity of 9,000 additional new homes.

6.9 London Plan Policy GG2 (Making the best use of land) promotes sustainable mixed-use places that make best use of the land. It encourages development of brownfield land, particularly in Opportunity Areas such as Southall and on sites which are well-connected by existing or planned public transport. It identifies the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Southall is, of course, on the Crossrail line 1 corridor.

Residential Use and Residential Quality

6.10 The NPPF notes the Government's objective of significantly boosting the supply of homes (paragraph 60). The London Plan also seeks to significantly increase housing supply (Policy H1) as does Ealing Core Strategy Policy 1.1.

- 6.11 The development of both affordable and market housing in the Borough is strongly supported at all levels of planning policy, particularly given the pressing need for new homes in London. This Scheme will make a significant contribution to addressing the need for new homes.
- 6.12 The Scheme has been designed so that all residential units meet or exceed the Nationally-Described Space Standards (NDSS), Building Regulations, GLA and LBE policy standards for internal living space, adaptability (where relevant including 10% wheelchair access) and accessibility. The total net area required (NDSS) is 34,815 sqm, and the proposed net total area adds up to 37,506 sqm. This exceeds the required minimum standard by 7.7%.
- 6.13 In terms of aspect and orientation, 76% of flats are dual aspect. The remaining 24%, single aspect flats, face east or west. None are north facing only.
- 6.14 Development plan policies and guidelines relating to privacy seek minimum distances of between 18 and 21m. Flank to flank residential separation is generally in excess of 20m with the exception of Block A towers, which are 15m and 16m but the opposing rooms are secondary windows to living rooms or to bedrooms. Separation distances to the presbytery, the Southall Working Men's Club development, housing in Gladstone Road, and the flats above premises in Featherstone Road and The Green all meet or exceed the separation distances and therefore the orientation of the development will not give rise to an unacceptable loss, or the perception of loss, of privacy or amenity between existing and proposed residential accommodation.
- 6.15 The elevated position of the roof terrace / amenity areas to Block A could allow, or give a perception of, overlooking by residents utilising the terraces that could harm the enjoyment of existing residents' homes or gardens. A condition for boundary screens to control and minimise this potential impact addresses this.
- 6.16 57 (10%) of flats will be wheelchair accessible, located at lower levels. All will have level access and balcony space of between 6.4 – 8.2 sqm, in excess of the GLA 5 sqm minimum.
- 6.17 In addition, the occupiers of each block will have access to the same amenities in that block regardless of tenure and without additional service charges. This includes amenity and play areas, shared lift cores, flats specifications, aspect and orientation and balcony space. Residents of Block C will also have access to amenity space facilities in Block B.
- 6.18 100% of new dwellings are provided with private amenity space (in the form of a balcony or terrace) in accordance with the Mayor's Housing SPG standards. Private balcony amenity space equates to 7.35 sq m per unit for all tenures of flats, which is 2,820 sqm more than the minimum 5 sqm required to meet Housing SPG standards.

- 6.19 Play space will be provided at podium level in two blocks. Whilst there will be play space at ground floor level in the third block this is not dedicated play space which contributes to an overall shortfall. However, a financial contribution towards improved off-site play space is being made, also bearing in mind that there is already a variety of facilities within reasonable walking distance of the site including open space and MUGAs within 400m of the site at Manor House Grounds, and within an 800m radius of the site at Southall Park, Bixley Field, and Southall Recreation Ground,
- 6.20 Taking account of Design Review Panel (DRP) comments there are facilities available for older children, in the form of open space and MUGAs within 400m of the site at Manor House Grounds, and 800m radius of the site at Southall Park, Bixley Field, Southall Recreation Ground, all of which are within reasonably level walking distance.
- 6.21 Overall, therefore, the Scheme will represent a good quality living environment.

Affordable Housing

- 6.22 Core Strategy Policy 1.2(a) and DMD Policy 3A seek affordable housing at a level equivalent to 50% of new residential development on public land. The GLA's strategic target is also 50%. The GLA operates a fast-track route whereby applications are not required to be accompanied by a Viability Assessment where a Scheme exceeds certain threshold levels for affordable provision. The standard threshold for public sector land it is 50%. The Scheme proposes 51% by habitable room.
- 6.23 The Council's housing supply team carefully considered the tenure and unit mix proposed and concluded that the affordable element of the Scheme will satisfy the criterion of "genuinely affordable" as it will comprise a 62% / 38% split of London affordable rent (LAR) and intermediate homes on a habitable room basis. It also observed that even though it is not precisely the generic 60:40 tenure split sought by policy, the bias towards LAR is particularly welcome in this case as better reflecting local need. As a consequence, it strongly supported the application.
- 6.24 38 of the 157 LAR units would be larger family homes of 3 bed and above (24.2% of the LAR homes provided). This will help to address the severe shortage of larger, family sized homes for affordable rent. The affordable provision will also include 10 larger family homes (3 bed, 5 person) for shared ownership, with a bias overall of shared ownership to family housing, comprising 51.8% of this tenure in the Scheme.
- 6.25 Overall, the significant number of family-sized units and the tenure of those units will make an important contribution to the delivery of mixed and affordable family housing in this sustainable location.

Employment Uses

- 6.26 Core Strategy Policy 1.1 seeks to promote business and enterprise by securing the stock of employment land, encouraging regeneration and renewal and being responsive to market demands. London Plan Policy E2 seeks the provision of a sufficient supply of business space of different types, uses and sizes and Policy SD6 says that town centres should be the primary locations for commercial activity beyond London's Central Activities Zone and are important contributors to the local as well as London-wide economy.
- 6.27 2,922.8 sqm of flexible business and commercial, non-residential floorspace is distributed to the ground floors of the blocks in a range of unit sizes between 89 sqm and 394.5 sqm. It is intended that this space will be directed towards SMEs and other small businesses, as well as cafés, restaurants or other retail uses that will help to activate the area and assist the needs of new and existing local businesses and the night time economy, thus also positively contribute towards supporting Southall's cultural and creative industries and attractions.
- 6.28 Whilst this represents a reduction of about 500 sqm when compared with existing employment space (about 3,400 sqm) by virtue of the size and quality of replacement space being provided the estimated number of jobs is expected to rise from 66 at present to 90 FTE as a minimum and without regard to the multiplier effect in retention in other businesses locally such as administration, cleaning etc. There will also be an environmental dividend from these new uses, removing for example a number of non-conforming industrial businesses in Dilloway Yard that will benefit St Anselm's Church and rectory.
- 6.29 A small part of the site approx. 364 sqm is designated as LSIS. This comprises a private coach park that falls in Class B8. It does not contain any floorspace, nor does the site appear to provide jobs. Council Officers consider it to be a Proposals Map mapping error in that the area in question is physically and functionally separated from the LSIS and does not provide any industrial capacity. In any event its loss does not have any wider or strategic implications for the rest of the LSIS in this location.
- 6.30 Thus the new commercial and employment space accords with the objectives of SOU8 and does not undermine LSIS policy objectives by reason of the loss of this small area of land used as a coach park.

Community Space

- 6.31 The proposals involve the loss of the Milan Palace and Monsoon banqueting suites albeit it should be noted that the owners of Medina Dairy and the Milan Palace/ Monsoon banqueting suites

wishing to promote an alternative development over the land they own, which may involve the removal of these facilities.

- 6.32 However, these are not the only banqueting, community or faith facilities currently available in Southall. Locally, there is the Dominion Centre, Tudor Rose and The Manor House and The Southall Community Centre/Banqueting Centre in Merrick Road. In addition, there is St Anselm's Church (which also carries out a range of social and community services such as a Food Bank and homeless support service) as well as other faith Resource Centres nearby on Featherstone Road. The use of these facilities will not be affected by the development.
- 6.33 The Scheme includes 106.9 sqm of flexible commercial / community space (Use Class F2) at ground floor level which is intended to provide a replacement for the four community groups to be relocated from Featherstone Terrace, including the Somali Youth Helpline, and a further 313.8 sqm of flexible commercial / child care nursery space.
- 6.34 Overall, and bearing in mind the inclusion of these facilities, it is considered that the proposed development does not have a significant negative impact on local community groups with a protected characteristic nor upon the wider community in consideration of the Equalities Analysis Assessment.
- 6.35 Furthermore, the Dominion Centre forms a key anchor to the southern part of the site and the established hinterland. Increased footfall past the Library and Centre will inevitably increase its attractiveness and should help to encourage more use of shared community space in the building such as hiring rooms for clubs and events. The Scheme positively encourages new public access into and within the development and will form a 'hub' to the long term delivery of the allocation.

Social infrastructure

- 6.36 The introduction of new homes in this location will introduce new users of social infrastructure such as healthcare services and schools alongside providing housing options for existing Ealing residents. As such, the development will contribute to any required social infrastructure enhancements by way of s106 financial and non-financial obligations. These will directly contribute to health services, education, child play space, green infrastructure, sustainability, leisure facilities, apprentice schemes and more. In addition to financial contributions, Southall's primary schools, who currently have a net surplus of 14% spaces, will benefit from the increased child numbers generated by the development, which in turn will generate more funding for the schools. Peabody will also look to provide an exclusive marketing period of affordable housing to health workers in the Southall area. Lastly, the development will also deliver an increase of 90 FTE employment opportunities as well providing community facilities that can provide services including but not limited to welfare advice, employment skills and education services.

Urban design

- 6.37 There is a very strong policy imperative to make best use of previously-developed / brownfield land for housing and to deliver mixed-use schemes in the interests of place-making.
- 6.38 The Scheme is a good example of optimisation; the Scheme balances policy, amenity and site constraints, whilst maximising the potential for additional mixed affordable and market housing.
- 6.39 Whilst the larger scale of the development is reflective of the Opportunity Area and town centre location, it successfully responds to the generally lower scale and character of the existing surrounding context. The final proposal was the outcome of detailed iterative consultation with Council Officers, GLA Officers, Historic England and the Design Review Panel (DRP).
- 6.40 The Scheme's high-quality and contemporary design and appearance is a qualitative improvement when compared with the existing situation. The blocks have been designed to respond to a number of urban components in the historic Manor House and gardens and other listed and locally listed buildings like St Anselm's Church. The external appearance aims to respond to the context but also enable the blocks to work together as a coherent development.
- 6.41 On the ground floor the buildings incorporate commercial / employment / community space to positively integrate the blocks with existing town centre uses.
- 6.42 Overall, the blocks will positively contribute to the skyline without causing substantial harm to the settings of designated heritage assets. Collectively the building forms and typology throughout the Scheme secure an exemplary design that respond positively to their location and positively contribute to the character of the area, enabling the Scheme to achieve the potential of a high level of quality and outstanding quality and meet sustainable development objectives, on its merits and having regard to the NPPF and development plan policies.
- 6.43 The site is not in a location allocated in the development plan for tall buildings (albeit the site is considered to have scope in the SPD).
- 6.44 Development Strategy DPD Policy 1.2(h) and DMD Policy 7.7 and London Plan Policy D9 state that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. The quality of the design, especially in relation to context and accessibility are the overriding considerations.
- 6.45 The NPPF, in conjunction with policy guidance on design quality and related criteria, supports site optimisation and the efficient use of land particularly in accessible locations. Development Plan Policy states that tall buildings are acceptable where they contribute positively to the local context

and do not cause harm to heritage assets. The quality of the design, especially in relation to context and accessibility are the main considerations.

- 6.46 The Officer's Report sets out at length the detailed supporting material in the planning application relating to the tall buildings and the detailed scrutiny that the proposed tall buildings were subjected to before Officers could conclude that they could recommend approval having taken account of potential visual, functional and environmental effects. The Officer's report also highlights that GLA Officers in pre-application consultation and in knowledge of the emerging policy position of the new London Plan towards locations tall buildings, raised no 'in principle objections' to the provision of new tall buildings on the site, and nor did the DRP or Historic England.
- 6.47 The design of the buildings has been brought forward hand in hand with proposals for hard and soft landscaping. At present there are 25 individual trees and three groups of trees on the site. Other than the street trees to Dominion Road, within the public car park or flanking the rectory in Dilloway Yard, there are none that make any particular contribution to the character of the area and only 3 achieve Category B quality. There is considerable scope therefore for new greening within the site. The tree planting strategy includes 215 new trees along with amenity and other planting in the public realm and residents' spaces.
- 6.48 The Urban Greening Factor (UGF) is 0.38, which is just below the London Plan target of 0.4 for mixed developments. The scope for improving the UGF has been explored during the design development, taking account of the site's urban location, regeneration and land use priorities and the multiple functions of the proposed public realm. All reasonable efforts have been made to maximise the UGF and the Scheme is a substantial improvement on the current site characteristics which make little or no significant urban greening contribution.

Heritage Assets

- 6.49 There are no heritage assets on the site. There are designated and non-designated heritage assets close to the site. The effect of the Scheme on these was fully assessed in light of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.50 In respect of the setting of the nearby Grade II* Manor House, Historic England concluded that 'Whilst the proposals are likely to be visible within the context of the Manor, these views are not considered critical to the setting or significance of the manor. We are therefore unlikely to raise any concerns or objections to the proposals if they were submitted for planning permission.'
- 6.51 The GLA has also advised that the Scheme would not result in substantial harm to designated heritage assets.

- 6.52 The Heritage and Townscape Visual Impact Assessment (HTVIA) that was submitted with the application demonstrates that the Scheme will not dominate or have a significant detrimental impact on the setting of designated heritage assets. Instead, this is a high-quality development that integrates well in relation to these assets, as well as positively in the area. In respect of designated heritage assets, therefore, is appropriate therefore to follow the national policy test and balance the less than substantial harm with the benefits of the Scheme.
- 6.53 It is proposed to demolish the small substation building and the low wall and piers at the church car park entrance shown below, along with a modern galvanised steel barrier and hedge lying behind the substation. The low boundary wall, barrier, hedge and piers have no discernible heritage significance and their removal will have no significant harmful effect on the setting of St Anselm's Church and in many respects will improve it by opening this part of the site to public view, where the building can be better appreciated in a more open and accessible environment. Demolition of the substation would, additionally, further open views and appreciation of the Church.
- 6.54 The entry in the Local Heritage Register for the sub-station says: 'Works, formerly stable and coach house opposite Osterley Park Road' indicating that its original purpose may have been different and possibly related to the industrial units in Dilloway Yard when they were originally stables. It is included in the Local List as a 'Landmark', architectural interest as a 'Type of Building' and 'Local Historical Association' of social, economic, cultural, military interest.
- 6.55 In light of these characteristics, its demolition to provide an improved pedestrian and vehicular access to The Green has been considered in the context of the wider planning balance per paragraph 203 of the NPPF. Overall, the benefits of the Scheme clearly outweigh the loss of this non-designated heritage asset.

Transport, servicing and accessibility

- 6.56 The Council resolved to see this land developed in accordance with the SOU8 allocation and application involves the re-provision of 90 parking spaces for the existing 140 space car park. Whilst representations objected to its loss, pre-Covid surveys show that the car park did not function at full capacity on a day to day basis. Further, for the past several months a substantial part of the car park has been used as a Covid testing centre, which is expected to continue for several more months. This has not resulted in significant numbers of complaints about the loss of local parking.
- 6.57 Whilst the Scheme has a modest amount of residential parking, its location is such that it presents an opportunity to encourage car-free lifestyles; as well as being within easy walking distance of Southall National Rail station (which will be served by the Elizabeth Line), there is a good range of buses that stop close by and which provide access to important destinations and employment hubs

such as Heathrow Airport. Particular attention has been paid designing a development that encourages active travel, not least on foot, and by creating a logical street pattern that developers of adjacent sites can connect into and thus facilitate a much more wide-ranging regeneration of Southall based on strong sustainability principles.

The Planning Permission for the Development

- 6.58 The Developer submitted a full planning application to the Local Planning Authority on 23 July 2021 (215058FULR3). An Environmental Impact Assessment Environmental Statement formed part of the application. Consultation was carried out on the planning application from June 2020 to October 2020.
- 6.59 The Council's Planning Committee resolved to grant planning permission, subject to conditions and completion of a s106 agreement subject to referral to the Secretary of State and the Stage 2 referral to the Mayor of London. The full planning application for the Development is described below;
- 6.60 *Demolition and mixed-use redevelopment (phased) to provide 3 urban blocks comprising residential units (Use Class C3), flexible commercial, employment and community floorspace (Use Classes E, F1 and F2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas, and access arrangements.*

7. DELIVERY STRUCTURE AND FUNDING

- 7.1 As set out in Section 5 above, and following a competitive tender process, the Development will be delivered by Peabody, a leading housing association based in London and the South East. Peabody has been developing affordable housing for 160 years and following its merger with Catalyst now has over 104,000 homes and 220,000 residents, including 20,000 care and support properties.
- 7.2 Peabody delivers up to 3,000 new homes each year. These range from small sites in central London to wide ranging master-planning and regeneration projects in outer London Boroughs.

Recently completed developments include –

- St Johns Hill Phase 1, Clapham Junction - forms part of a wider regeneration of a 1930s Peabody estate. Phase 1 was completed in 2016 and delivered 153 homes, 61% of which are affordable. The total scheme will see the number of homes increase from 353 to circa 599, all with balconies or gardens. The scheme features high-quality landscaping, a wild garden, vegetable beds, play area and a new community centre. Phase 1 was awarded the Sunday Times 'Development of the Year' in 2017.
- Motion, Lea Bridge Rd, Waltham Forest – a joint venture with Peabody and Hill Partnerships that has delivered 300 new homes. The scheme comprises nine residential blocks up to 18 storeys set around a landscaped central courtyard, as well as 18,000 sq ft of commercial space and a gym. The scheme includes a mix of apartment sizes with two thirds of homes suitable for families, reflecting the local requirements. The development marks the beginning of the next phase of regeneration of Lea Bridge and Leyton, key areas of Waltham Forest's Economic Growth Strategy. The scheme was awarded Silver for WhatHouse 'Best Partnership of the Year' in 2020.
- Upton Village, Newham – completed in May 2016, the 100% affordable scheme delivered 168 homes for affordable rent, market rent and shared ownership on the former Plaistow Hospital site. The development comprised a sensitive refurbishment of five Victorian hospital buildings as well as new-build flats and houses, including almost 40% family housing. The scheme has won several awards including 'Best Design' at the National Housing Awards 2017, 'Best Affordable Housing Development' at the London Evening Standards New Homes Awards 2017 and 'Best Affordable Housing Development' at the Inside Housing Awards 2017.
- Wharf Road, Islington – completed in March 2019, the canal side scheme delivered 98 new homes, 80% of which are affordable. The development comprises of a mixture of apartments, maisonettes and family houses arranged around two communal 'wharf' gardens. The scheme

was highly commended for 'Best Apartment' at the Evening Standard New Homes Awards 2019.

7.3 Recent developments in the pipeline include –

- Holloway Prison, Islington – acquired March 2019, planning application sought for the delivery of up to circa 1,000 new homes including 60% affordable housing. Peabody and Islington Council are also proposing a Women's Building to offer support services and provide a fitting legacy for the site.
- Dagenham Green, Barking & Dagenham – hybrid planning application sought for the delivery of circa 3,500 new homes, a secondary school, up to 4,400 sqm of flexible non-residential floorspace, up to 5,000 sqm of flexible industrial floorspace and associated infrastructure, new streets, open spaces, landscaping and public realm.
- Southmere – Southmere Village is the first phase of the Abbey Wood and South Thamesmead Housing Zone which will deliver more than 1,600 homes across four sites as part of the wider Thamesmead regeneration. The plans include the development of local amenities including a new public plaza, civic centre, library and lakeside improvements and will join the future Abbey Wood Crossrail station with South Thamesmead.
- Fish Island, Hackney Wick – delivery of approximately 600 new homes through a Joint Venture with Hill. The scheme also includes 5,300 sqm of workspace, of which 4,500 sqm will be affordable workspace operated by The Trampery, a London-based social enterprise that designs and operates spaces to drive entrepreneurship, creativity and innovation. Phases 1 and 2 are complete and sold out, and Phase 3 is expected to complete at the end of 2021. Fish Island Village was highly commended for Best First Time Buyer Home, at the London Evening Standard Awards on 17th May 2019. The development was awarded the Evening Standard's Grand Prix Winner 2020 and WhatHouse Best Regeneration 2020.

7.4 The key consultant team members appointed for the design of the Scheme and the production of the planning application documents are –

- Hunters Architects – Lead Architect
- Montagu Evans – Planning & Heritage Consultants
- Silver – Pre-Planning Project Manager, Employers Agent and Quantity Surveyor
- Turkington Martin – Landscape Architect

7.5 The Scheme's viability is underpinned by the income the new homes across all tenures will generate.

7.6 GLA grant funding secured through Peabody as a GLA Strategic Partner in the Affordable Housing Programme 16-23 will aid the delivery of the 50% affordable housing secured through the planning permission. A start on site will need to occur by the end of March 2023 in order this funding to be secured.

7.7 The headline delivery programme for the Development is set out below:

Table Three: Headline Delivery Programme for the Development

Milestone	Programme date
Planning Permission obtained	Q4 2021
CPO made	Q4 2021
Vacant possession and start on site	Q4 2022/Q1 2023
Scheme completion and occupation	Completions will be phased, starting from November 2024

7.8 Funds required for the acquisition of the land and construction of the development will be sourced from Peabody's internal funds, including revolving credit facilities.

Update on progress towards scheme delivery

7.9 Since the publication of the Statement of Reasons in November 2021, Peabody has been working with the Council to agree terms of the Section 106 agreement. The Section 106 agreement has now been agreed in principle, including financial and non-financial contributions, and a decision notice has been drafted and agreed. Final points are due to be agreed imminently. A schedule of conditions is being prepared, with a programme for discharge once the permission is received. Neither the Council nor the Developer foresee any reason for these to delay commencement of the development.

7.10 The scheme remains unchanged from that agreed within planning permission 215058FULR3 in October 2021, and Peabody has full board approval for the project, indicating a commitment to the delivery of the scheme.

7.11 Since the publication of the Statement of Reasons in November 2021, Peabody has started the procurement process to select a private sector development partner with a construction arm to assist with delivery of the scheme.

- 7.12 On the 10th of May 2022, Peabody issued a Contract Notice for a joint venture partner with the right skills and expertise to deliver the project in line with the Council's requirements, visions and objectives. The Selection Questionnaire period closed on 13th June, and submissions will now be evaluated and shortlisted with up to 3 bidders due to be invited to tender. The invitation to participate in dialogue will be issued to those short-listed bidders with a contract award in December 2022. Procurement is being carried out in accordance with the Competitive Dialogue procedure as set out in Regulation 30 of the PCR 2015.
- 7.13 The identified partner will form a joint venture partnership with Peabody to help guide the scheme through detailed design and into construction. Deliverability will be supported by the additional benefit of access to the chosen partner's supply chain, construction management expertise and open market sales experience.
- 7.14 The Council has been consulted throughout the procurement process, ensuring that Peabody is aligned on all Council requirements and objectives. In identifying a partner, the procurement questions have been specifically designed to:
- Deliver a scheme aligned with Peabody's design and quality aspirations
 - Contribute towards placemaking of both the subject site and Southall town
 - Optimise the design to drive value
 - Provide value engineering opportunities that support quality, place-making and affordable housing provision
- 7.15 The scheme is currently programmed to start on site Feb 23, Peabody has secured grant funding for the project under the Affordable Housing Programme 2016-2023, further affirming its commitment to the scheme's timely delivery.

8. THE PURPOSE AND JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 8.1 The Council is committed to securing the regeneration of the Site, Southall, and the wider Ealing Borough. Likewise, the Developer is committed to working with the Council to improve and redevelop the Order Land in order to advance the regeneration of the area.
- 8.2 The Council has followed a transparent and objective decision-making process in making the decision to exercise its compulsory purchase powers to ensure delivery of the regeneration proposals and in doing so improve Southall. This has included carrying out all the necessary due diligence such as land referencing as well as working with the Developer to ensure that reasonable efforts to acquire by agreement are being carried out. The Council's Cabinet resolved, in principle, to the use of its statutory compulsory purchase powers on 16 June 2021, and subsequently resolved to make the Order on 10 November 2021.
- 8.3 The need to regenerate Southall and specifically the Site has consistently been promoted and recognised in the Council's policies as summarised in section 2 of this Statement. In addition, the Scheme will deliver the planning framework and the requirements of the development plan, as summarised in section 5 of this Statement.
- 8.4 The section below sets out the purpose and justification of the use of compulsory purchase powers to facilitate the carrying out of development. It explains how the Scheme will improve environmental, social and economic wellbeing. The Council believes that the use of compulsory purchase powers is necessary to facilitate the Development and that the delivery of the Scheme will result in improvements to environmental, social and economic wellbeing of the area.

Facilitate the carrying out of development

- 8.5 The Order is needed to facilitate the Development. The need for comprehensive redevelopment is supported by adopted planning policy documents including the London Plan, The Southall Opportunity Area Framework, Ealing Development Sites DPD. The Scheme will deliver the aspirations and policy requirements of the strategic planning framework including the NPPF, as well as wider Council policies and priorities. Further information on how the Scheme delivers the Council's policies and how it is consistent with the strategic planning framework is set out in section 6 of this Statement.
- 8.6 The Developer has sought to acquire as much of the Order Land as possible by negotiation and is continuing to seek to acquire as many as possible of the remaining interests by negotiation alongside the making of the CPO. This is consistent with paragraphs 2 and 17 of Tier 1 of the MHCLG Guidance. Further information is set out in Section 9 of this Statement.

8.7 Acquisition of all of the land and rights within the Order Land is necessary to deliver the Scheme and implement the Planning Permission, which in doing so will facilitate the much needed regeneration of the area. Careful consideration has been given to every parcel of land and right included in the Order and the Council is satisfied that all of the Order Land is required to enable delivery of the Scheme.

Social, environmental and economic wellbeing

8.8 The Council considers the following to be the key wellbeing benefits:

Social wellbeing

8.9 The Scheme will provide a mixed use development with a range of different uses including new homes, flexible commercial, non-residential institutional/ local community and employment floorspace (Use Classes E, F1 & F2) and improved public realm. All of these different uses will contribute positively to the social wellbeing of the area.

8.10 The Scheme will provide 564 new homes, providing 50% affordable housing on a habitable room basis. This will be secured by a 60/40 split between affordable rented accommodation and intermediate accommodation. All of the proposed tenures will have the same access to the respective podium gardens to ensure inclusivity and help foster mixed and balanced communities. 10% of the units (57 units) will be built to be capable of being adapted for wheelchair users should demand arise.

8.11 The eventual mix of homes will be in accordance with the Council's strategy and planning policies for housing mix which will include a range of housing types. The provision of a large number of mixed homes will provide significant positive impact on social wellbeing. The Borough, and indeed wider London, has a much documented need for more homes and more affordable homes and this Scheme assists greatly in delivering a large number on site.

8.12 The Scheme will provide high quality flexible commercial and employment workspace, which as well as having an economic impact in terms of providing new jobs, will also have a positive impact on social wellbeing by increasing employment opportunities. The Scheme will create approximately 90 jobs across a variety of use classes including creative workshop studio space, light industrial space, office space, retail and community space. This is likely to contribute to improving the quality of life for those using the space by reducing the need to commute into central London for work and may assist in improving people's work/life balance. There is currently limited office space at the Site and its surroundings, and thus the Scheme will widen choices for those wishing to work, start or grow businesses in Southall. Further, the Scheme will provide new community space as well as replacement space for existing community groups affected by the proposals.

8.13 The Scheme integrates the Site into the wider town centre and will be of a high quality design and appearance. The Scheme will deliver a much more pedestrian friendly approach with improved linkages across the Site. This will have a positive impact on social wellbeing by providing an enjoyable, attractive area which encourages walking and cycling. In addition, a mix of ground floor commercial uses are proposed which will provide continuous active frontages along The Green and which assist with defining a vibrant street.

Environmental Wellbeing

8.14 In April 2019 the Council declared a Climate Emergency and as a result has outlined plans to become carbon neutral by 2030. Improvements to the physical environment in Southall will have a significant part to play in meeting this target. The Scheme will assist in improving environmental wellbeing and will have many sustainability and environmental benefits as summarised below.

8.15 The Scheme promote greener modes of travel and deter car dependency, through enhanced permeability, pedestrian links and opportunities for cycle parking. This will have a positive impact on environmental sustainability and also public health.

8.16 The Scheme will deliver tangible environmental gains including new tree planting of 215 trees, ecological enhancements including reduced surface water run-off and carbon reduction measures. Significant bio-diversity net gain will be achieved through the creation of extensive green roofs, planting of a range of native and wildlife attractive species, creation of habitats for bats, birds and a variety of invertebrate species.

8.17 The new buildings, both residential and commercial, will be built to modern environmental standards, including EPC ratings. All buildings have been designed to be highly efficient using best practice energy efficiency measures and techniques. This will ensure carbon dioxide emissions are minimised as far as practicable and supports the Mayor's aim for London to be a zero-carbon city by 2050, thereby having a positive impact on environmental sustainability.

8.18 The Scheme will be future-proofed and resilient to climate change through sustainable measures to reduce overheating risk, reduce water consumption, and reduce (surface water) flood risk. This will have a positive impact on environmental wellbeing.

Economic Wellbeing

8.19 Southall has been identified by the Mayor of London as an Opportunity Area, with an overall indicative employment capacity of 3,000 jobs. A key aspiration of the Scheme is therefore to increase, improve and diversify employment opportunities. The Scheme intends to contribute towards reducing the level of deprivation in Southall through the promotion of economic benefits through the provision of new jobs during and post construction.

- 8.20 A range of commercial uses are proposed including creative workshop, studio space, light industrial space, office space, retail and community space, all of which will provide a range of employment opportunities. The Scheme will create approximately 90 jobs across these uses. As a flexible approach is sought to allow the commercial floorspace to interchange between uses subject to demand, the job creation will continue to change over time. Alongside jobs created once the development is completed, there would also be a significant number of jobs created through the construction period for which there would be opportunities for apprenticeships.
- 8.21 More people living in the area should assist in providing more spending power within Southall with potentially an increased demand for local shopping and consumer services facilities which should boost the local economy and have a positive impact on economic wellbeing.

Consideration of whether the purpose for which the Council is acquiring the land could be achieved by any other means

- 8.22 Tier 2, section 1, paragraph 106 of the MHCLG Guidance states that consideration should be given to whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by owners of the land, or any other persons, for its reuse.
- 8.23 A comprehensive approach to regenerating the Site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual ownership plots would constrain the Scheme design, in particular the ability to increase permeability and access across the Site, a key objective of the Council. In addition, in the absence of a comprehensive approach, the opportunity for high quality, dense development in this location would be constrained. The Council's approach has also allowed selection of an experienced, well resourced and funded developer partner to deliver the Scheme.
- 8.24 Given the large number of third party owners and occupiers across the Site, including unknown owners, the Council does not consider that the Scheme can be delivered without the use of compulsory purchase powers to assemble the Site.

Compelling case in the public interest

- 8.25 Taking account of the benefits above, the Council believes that the public benefits of the Scheme outweigh the interference with the rights of affected parties. Consequently, the Council believe that there is a compelling case in the public interest sufficient and proportionate to justify the making and confirmation of this Order. The Council is also confident that there are no planning or other impediments to the implementation of the redevelopment except the need to obtain vacant possession of the Site. Without the use of CPO powers the Scheme is likely to be delayed or

prevented altogether. Further information on the planning position and other consents is set out in Sections 6 and 13 of this Statement.

8.26 Further information on the consideration of the impact of the Order on human rights and on the Public Sector Equalities Duty under the Equality Act 2010 is set out in Section 12 and 13 respectively.

9. EFFORTS TO ACQUIRE LAND BY AGREEMENT

9.1 The Council owns the freehold of 36.57% of the development land to be acquired including:

- Featherstone Terrace Car Park
- Featherstone Terrace (public adopted highway)
- Dominion Road (public adopted highway)

9.2 2.98% is in unknown ownership which is split across small parcels over the site. The remainder of the site to be acquired is held in 27 different freehold ownerships.

Negotiations

9.3 The Council and Developer have sought to negotiate the acquisition of all third party interests by agreement and is continuing negotiations in parallel with making this Order, to seek to acquire as much of the Order Land as possible by private treaty. The Council and Developer remain committed to negotiating acquisition of all third party interests by agreement where possible and is continuing its negotiations in this respect.

9.4 As would be expected for a scheme of this size, there remain a number of interests where it is expected that compulsory purchase powers will need to be exercised either because reasonable terms cannot be agreed for private treaty acquisition or because the legal owners cannot be traced. As required by best practice, the Developer has sought to acquire third party interests through negotiation and will continue to do so. It is highly unlikely that all the required interests will be acquired by private treaty in a reasonable timeframe to allow construction to begin and thus this Order is required.

9.5 In accordance with Tier 1, paragraph 2 of the MHCLG Guidance, the Council has begun the CPO process alongside the Developer's negotiations to underline the seriousness of the Council and Developer's intentions to redevelop the Site. In some cases, the fact that third party landowners expect the Order to be made imminently has expedited negotiations and the Developer has been able to considerably further negotiations since the Council's Cabinet decision in June 2021 and the Order was made in November 2021. However, there are some who may refuse to negotiate further or at all and wait for the Order to be confirmed. Further details are set out below.

9.6 With reference to Tier 1, paragraph 17 of the MHCLG Guidance, which states that "Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect", the Council and the Developer are

complying with best practice by seeking to build good working relationships with those affected by the Order through the appointment of specialist agents to carry out negotiations on their behalf.

- 9.7 We summarise below the negotiations undertaken to date.
- 9.8 Peabody was selected as the Council's preferred development partner in 2018. Avison Young was instructed in 2019, and initial contact was made with all third party interests in February 2019. More detailed letters were sent to all registered interests in June 2019 and September 2019 informing of the planning consultation and seeking to open negotiations to acquire each third party interest by agreement. Peabody then wrote to all registered interests in February 2021 explaining the likely date of the submission of the planning application.
- 9.9 The most recent general contact from Avison Young to all registered interests was in June 2021 providing an update on the submission of the planning application and seeking to acquire each third party interest by agreement. Following this, affected parties will have received various formal notices including land referencing requisition notices and notices of making of the Order. Avison Young has responded to contact from third parties and inquiries raised as a result of the statutory notices served as part of the compulsory purchase process and continues to attempt to acquire properties by negotiation.
- 9.10 Avison Young has continued to negotiate on an individual basis with a number of third party interests or their appointed surveyors.
- 9.11 Avison Young has undertaken negotiations with owners of over 90% of the site, excluding land owned by the Council. Negotiations have furthered considerably since 2019 with 13 parties appointing a specialist surveyor to act on their behalf and in many cases negotiations are continuing to progress. Avison Young has met with 83.5% of the owners to discuss and understand their property interests and for the occupational interests to understand their relocation property needs.
- 9.12 Where possible and sufficient information is held about the property interest, the Developer has made financial offers to acquire 74.2% of the registered interests. Financial offers have been made in line with the Compensation Code including assumptions reflecting the non-market elements of compensation under compulsory acquisition. For occupying businesses, the focus of discussions has been requirements for relocation property for the business.

Summary of key negotiations

- 9.13 The below section summarises Avison Young's negotiations with key landowners in addition to the general contact as described in Paragraphs 9.8 – 9.9 above. Avison Young has kept a contemporaneous detailed record of negotiations undertaken to date and are instructed to continue to attempt to acquire by agreement.

Monsoon Banqueting, Milan Palace, Units 1A-D Dilloway Yard, Medina Dairy, Unit 3b Dilloway Yard

- 9.14 Avison Young first met with Mr Malhi and Mr Butt (representing Medina Dairy and the banqueting suites and Units 1A-1D Dilloway Yard) in March 2019. In October 2019, Mr Malhi and Mr Butt appointed Maven Plan as planning consultants and they met with Avison Young in Southall. Subsequently, Mr Malhi and Mr Butt appointed a wider professional team including Gerald Eve as specialist compulsory purchase surveyor. Avison Young, on behalf of the Developer, made an offer to purchase Medina Dairy, Monsoon Banqueting, Milan Palace and Units 1A-D Dilloway Yard in April 2021.
- 9.15 Later in April 2021, Maven Plan confirmed instructions from Mr Ohanian of Unit 3b Dilloway Yard as part of the wider negotiations.
- 9.16 Subsequently in June 2021 Avison Young carried out a site visit and inspection alongside Gerald Eve and representatives of the owners. Further information has since been shared between the two parties as part of the on-going negotiations. Following a review of the current market and the shared comparable evidence, Avison Young on behalf of the Developer sent a revised offer to purchase the above properties including Unit 3b Dilloway Yard in September 2021. Gerald Eve rejected the revised offer in October 2021. Negotiations have continued and Avison Young is in contact with the agent acting on behalf of these owners.
- 9.17 In May 2022, Avison Young visited Monsoon Banqueting and discussed relocation requirements and timescales with the operator, Mr Singh. Avison Young is working with Mr Singh to assist in identifying and securing relocation premises.

The Westminster Roman Catholic Diocese Trustee – St Anselm’s Catholic Church

- 9.18 Avison Young first met with a member of the parish team in May 2019. In November 2020, Avison Young wrote to a member of the parish team and Estates Surveyor at the Diocese explaining the changes to the Scheme boundary involving the removal of the Tudor Rose and the impact on St Anselm’s church land. In June 2021, Avison Young contacted the parish team and met with them on site in July 2021 to explain the Scheme and understand any queries or concerns. In September 2021, Avison Young sent detailed plans drawn up by the Developer’s architect, Hunters, showing the extent of land acquisition. Avison Young has also contacted the Diocesan Estates Surveyor to commence negotiations to acquire the land required for the Scheme.
- 9.19 In March 2022 the Council held a meeting with the Church, during which a number of practical issues with the development were raised. The project design team is currently considering these

and how the concerns raised can be mitigated by detailed scheme design. Once this work is complete, discussions will continue with the church on these practical matters.

Highway Coaches – Land at Featherstone Terrace

- 9.20 Avison Young initially made contact with Jagdeep Singh Kular (representing Highways Coaches) in February 2019 however no progress was made in discussions. Avison Young made contact again in May 2021 and arranged a site inspection in June 2021. Avison Young, on behalf of the Developer, made an offer to acquire the site in July 2021, but have not yet received a response. Avison Young continue to attempt to acquire the land by agreement.

Trustees of the Indian Workers Association (IWA) – Car Park to the rear of the Dominion Centre

- 9.21 Avison Young first met with a member of the IWA in February 2019 and again in July 2019. In May 2021, Avison Young arranged a meeting with Eleanor Young at the Council and a member of the IWA. Following this meeting, in June 2021 Avison Young made an offer to purchase IWA Land on behalf of the Developer, including a recommendation to appoint a specialist compulsory purchase surveyor. The trustees of the IWA subsequently instructed Keith Murray Consultants in September 2021 and the Developer has provided an undertaking to cover the reasonable surveyor's fees. Since this instruction, Avison Young has exchanged emails and information with the agent, however are still awaiting a response to the offer made.

Multiple Interests – Dilloway Yard

- 9.22 In addition to the above, Avison Young, on behalf of the developer, have met a number of owners and inspected properties within Dilloway Yard. Avison Young made offers to acquire the following interests within Dilloway Yard in 2019, however none of these offers were accepted.

- Ahmad Fazel - Unit 2 and 2b Dilloway Yard
- Amarjit Singh Jassy and Charanjit Kaur Jassy - Unit 3c Dilloway Yard
- Surinder Singh Choda - Unit 5 and 5a Dilloway Yard
- Roshan Properties – Unit 4a, 6, 7 , 7a Dilloway Yard
- Alan Kelly and Ack Properties Ltd - Unit 8 and 8a Dilloway Yard
- Trinack Consulting Ltd – Unit 9 Dilloway Yard
- Balbir Singh Bhogal and Jasbir Kaur Bhogal – Unit 3 and 3a Dilloway Yard
- Kuldip Panesar – Unit 4 and 6a Dilloway Yard

9.23 In March 2022, following renewed contact, Avison Young made further offers to the following interests within Dilloway Yard:

- Surinder Singh Choda - Unit 5 and 5a Dilloway Yard
- Muhammad Ismail – Unit 2b Dilloway Yard
- Ahmad Fazel - Unit 2 Dilloway Yard

9.24 No response has yet been received in respect of these offers.

9.25 A number of interests within Dilloway Yard have recently instructed a compulsory purchase surveyor to represent their interests. Avison Young has confirmed to this surveyor that the Acquiring Authority will re-imburse reasonable professional fees for negotiations to acquire the properties. The surveyor is currently gathering information from his clients and Avison Young will continue negotiations when the agent has gathered sufficient information on their clients' interests.

Party Name	Business (If applicable)	Address	Plot no	Interest
Surinder Choda	MOT station and tyre fitter/workshop	Unit 5 Dilloway Yard & 3 bed flat on first floor	65	FH
Ahmed Fazel		Unit 2 & 2B Dilloway Yard	34 & 37	FH
Ali Hussaini	Ariana	Unit 2B Dilloway Yard	37	LH
Mohamed Mughal		Unit 2a Dilloway Yard	36	FH
Balbir Bhogal	JB Autos	Unit 3a Dilloway Yard	31	FH
Amarjit Jassy		Unit 3c Dilloway Yard	30	FH
Kuldip Panesar		Unit 4 Dilloway Yard	33	FH

Conclusion in respect of efforts to acquire

9.26 Whilst Heads of Terms have not yet been agreed with any third parties, Avison Young will continue to negotiate to acquire interests by agreement. However, the Council and Developer do not expect to reach agreement with all third parties and thus there is the need for the Order. The Council and Developer will continue to negotiate to acquire all necessary third party land and rights in parallel with the progression of the Order process.

10. THE COUNCIL'S RESPONSE TO OBJECTORS

- 10.1 The Secretary of State has received 24 "statutory" objections from those parties who hold an interest in the land to be compulsorily acquired.
- 10.2 39 "non-statutory" objections against the confirmation of the Order from parties who do not hold an interest in the land to be compulsorily acquired have also been received by the Secretary of State.
- 10.3 A number of Objectors have raised similar objections and where this is the case, the Council has identified key themes and responded to these themes at section 11 below.
- 10.4 This section sets out the Council's response to statutory Objectors and then in section 11 the Council sets out its response to the same or similar objection themes which have been raised by more than one Objector.
- 10.5 The Council will continue its discussions with all statutory Objectors in an attempt to address the concerns raised and reach agreement if possible.

Diocese of Westminster (Plot 46-50)

- 10.6 The objection included themes 1, 2, 3, 5, 7, 11, 14, 19 and the Council sets out its response at section 11 below.
- 10.7 In addition, the objection raised a query regarding drainage within the new development as flood water is a current problem for the church and the objector is seeking reassurance the issue will be improved.
- 10.8 Drainage issues have been considered as part of the planning process and the Council is content that the Scheme will not cause any increased flood water issues for the church. A condition of the granted planning permission requires a detailed drainage strategy to be first approved by the Council. This includes measures to accommodate and control surface water run-off and storm events.

Indian Workers Association (Plot 8)

- 10.9 The objection included themes 1, 3, 4, 8, 9, 10, and the Council sets out its response at section 11 below.
- 10.10 In addition, the objector believes that the CPO of the subject land will deprive the IWA of the ability to develop a modern community-based facility as an alternative to the scheme. As set out in section 8.22 of the Statement of Reasons, a comprehensive approach to regenerating the site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual

ownership plots would constrain the Scheme design, and in particular the ability to increase permeability and access across the Site, a key objective of the Council justifying the size of the scheme as redevelopment of individual ownership plots would constrain the Scheme design, and in particular the ability to increase permeability.

D & J Yianni (Table 2 Plot 29)

- 10.11 The objection included themes 5, 6, 11, 18, 19 and the Council sets out its response at section 11 below.
- 10.12 Specifically, they object to the CPO of the private access road of plot 21 and 23 in the belief that access to the rear of the shops will be affected and it is imperative to the operations of theirs and the surrounding businesses. Although the land the is being acquired the access road is being upgraded and access is to be retained at all times.

Medina Dairy (Plot 25)

- 10.13 The objection included themes 9, 13 and the Council sets out its response at section 11 below.
- 10.14 Additionally, they objected to the CPO on grounds that the Council's development objectives can be met via alternatives to the scheme. Upgrade Events Limited and Milan Palace state a pre application planning proposal was made by them in 2017 and now Unit 3B Dilloway Yard has joined this aspiration.
- 10.15 The Council has set out within its Statement of Reasons section 8.22, that a comprehensive approach to regenerating the site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual ownership plots would constrain the Scheme design, and in particular the ability to increase permeability and access across the Site, a key objective of the Council. In addition, in the absence of a comprehensive approach, the opportunity for high quality, dense development in this location would be constrained. The Council's approach has allowed selection of an experienced, well-resourced and funded development partner to deliver the Scheme, maximising the scope for local benefits to be unlocked for the community.
- 10.16 Additionally, the Objector is concerned about the possibility of appropriate relocation options. The Council has confirmed that it will continue to negotiate with all affected parties, including assisting in identifying and securing relocation options, and an update is set out at para 9.16 above.

Upgrade Events: Milan Palace (Plot 38)

- 10.17 The objection included themes 9, 13 and the Council sets out its response at section 11 below.

10.18 Additionally, they objected to the CPO on grounds that the Council's development objectives can be met via alternatives to the scheme. Upgrade Events Limited and Milan Palace state a pre application planning proposal was made by them in 2017 and now Unit 3B Dilloway Yard has joined this aspiration.

10.19 The Council has set out within its Statement of Reasons section 8.22, that a comprehensive approach to regenerating the site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual ownership plots would constrain the Scheme design, and in particular the ability to increase permeability and access across the Site, a key objective of the Council. In addition, in the absence of a comprehensive approach, the opportunity for high quality, dense development in this location would be constrained. The Council's approach has allowed selection of an experienced, well-resourced and funded development partner to deliver the Scheme, maximising the scope for local benefits to be unlocked for the community.

Mr Aspet Ohanian (Plot 28)

10.20 The objection included themes 9, 13 and the Council sets out its response at section 11 below.

10.21 Additionally, they objected to the CPO on grounds that the council's development objectives can be met via alternatives to the scheme. Upgrade Events Limited and Milan Palace state a pre application planning proposal was made by them in 2017 and now Unit 3B Dilloway Yard has joined this aspiration.

10.22 The Council has set out within its Statement of Reasons section 8.22, that a comprehensive approach to regenerating the site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual ownership plots would constrain the Scheme design, and in particular the ability to increase permeability and access across the Site, a key objective of the Council. In addition, in the absence of a comprehensive approach, the opportunity for high quality, dense development in this location would be constrained. The Council's approach has allowed selection of an experienced, well-resourced and funded development partner to deliver the Scheme, maximising the scope for local benefits to be unlocked for the community.

T Sagoo & Takhar Ltd (Table 2 Plot 12)

10.23 The objection included themes 1, 2, 3, 5, 6, 9, 10, 12, 15, 16, 18, 19 and the Council sets out its response at section 11 below.

Narendra Ganatra (Table 2 Plot 1)

10.24 The objection included themes 1, 2, 3, 4, 5, 7, 8, 11, 14, 15, 18, 19 and the Council sets out its response at section 11 below.

Sonal Sharma (Table 2 Plot 21)

- 10.25 The objection included themes 11, 19 and the Council sets out its response at section 11 below.
- 10.26 Objects on the ground of access to the rear of the subject property. The inclusion of plots 21 and 23 within the Order does not restrict future access as set out in theme 11 (para 11.42) below.

Sukhbinder Sidhu

- 10.27 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 the Council sets out its response at section 11 below.

Manjit Singh – Monsoon (Plot 18 - 21, Table 2 Plot 17 and 21)

- 10.28 The objection included themes 1, 2, 5, 18, 19 and the Council sets out its response at section 11 below.
- 10.29 The Objector states that he has been informed that he is not entitled to compensation. Negotiations have been continuing with Mr Singh, and Avison Young has confirmed his statutory compensation entitlement following a compulsory purchase order. Negotiations continue with Mr Singh as set out at para 9.17 above.

VSN Properties Ltd (Plot 2, Table 2 Plot 1 and 3)

- 10.30 The objection included themes 4, 9 and the Council sets out its response at section 11 below.

Highway Coaches Ltd (Plot 5)

- 10.31 The objection included themes 3, 4, 5, 12, 19 and the Council sets out its response at section 11 below.

Lawrence Solicitors (Table 2 Plot 17)

- 10.32 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Kiran Kaur (Plot 5)

- 10.33 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Jagdeep Kular (Plot 5)

- 10.34 The objection included themes 1,2,3,4,5,6,7,10,12, 14,15, 18, 19 and the Council sets out its response at section 11 below.
- 10.35 The objector is the owner of Highways Coaches and comments on the importance on the facility for the local community. The acquiring authority will continue negotiations and work with Highways Coaches to seek an appropriate relocation opportunity.

Vardeep Kaur (Plot 5)

- 10.36 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Gurps Kandola

- 10.37 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Kaypreet Kandola

- 10.38 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Surinderpal Kandola

- 10.39 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Balbir Kandola

- 10.40 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

Yianni & Faridi Limited (Table 2 Plot 21, 23 and 26)

- 10.41 The objection included themes 5, 6, 10, 11, 18 and the Council sets out its response at section 11 below.
- 10.42 Specifically, they object to the CPO of the private access road of plot 21 and 23 in the belief that access to the rear of the shops will be affected and it is imperative to the operations of theirs and the surrounding businesses. Although, the land is being acquired the access road is being upgraded and existing access rights for the surrounding owners and businesses will be maintained.

Chaggars Displays (Table 2 Plot 16)

10.43 The objection included themes 3, 5, 15 and the Council sets out its response at section 11 below.

Satvir Pander (Table 2 Plot 12 and 17)

10.44 The objection included themes 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19 and the Council sets out its response at section 11 below.

VJ Carpets Ltd (Table 2 Plot 12 and 17)

10.45 The objection included themes 1, 2, 4, 8, 11, 16, 19 and the Council sets out its response at section 11 below.

11. THEME OBJECTION RESPONSES

- 11.1 This section sets out the Council's response to grounds of objection raised by a number of statutory Objectors and non-statutory Objectors. Some of these follow common themes, and so in order to avoid repetition, the Council has grouped these into themes, and responded to these themes below.
- 11.2 Of the Objectors, 37 submitted objections identical to that written by Ms Minni Dogra but signed individually.
- 11.3 The Council has collated a response to all non-statutory Objectors which addresses the themes set out in their objection, and the Council's responses, as set out below. The Council will email or posted a copy of the response document to all non-statutory Objectors, depending on the form in which their objection was received. The Council will place a copy of the collated response on its website, and in the public places identified in the Statement of Reasons and notify all non-statutory Objectors how they can access this document.

Theme 1: Over Development

- 11.4 The Council received an objection on the issue of over development. Section 6 of the Statement of Reasons considers alignment with the planning framework at national, regional and local level, indicating that the development at The Green, Southall, is in line with planning policy.
- 11.5 The resolution to grant planning permission in October 2021 is evidence that the principle of mixed-use development on previously developed land at The Green, Southall is strongly supported by the planning framework at national, regional and local level. Concerns on potential over-development of the area have therefore been addressed, both through the planning-related factors considered in the Statement of Reasons, and through the decision-making process undertaken by the Local Planning Authority in granting planning permission 215058FUL3.
- 11.6 The Council is satisfied that the proposed development is at a suitable scale for Southall.

Theme 2: Infrastructure Concerns

- 11.7 The Council received an objection surrounding concerns about existing local infrastructure. As can be seen in the Statement of Reasons within sections 5 and 6, referring to the evolution and description of the scheme, and the planning framework and planning status of the order land, the need for infrastructure has been taken into account by the Council. No overriding objections were raised by statutory consultees, including utilities, concerning the ability of local infrastructure to accommodate this development.

11.8 Specifically, the scheme will deliver a number of key infrastructure related benefits. These include, but are not limited to:

- Significant financial contribution secured via the S106 to assist with local infrastructure including transport network, education, air quality management and health.
- The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- Tangible environmental improvements including, urban greening and biodiversity net gain, new tree planting and surface water runoff.

11.9 Moreover, at point 6.36, the Statement of Reasons indicates that

‘The introduction of new homes in this location will introduce new users of social infrastructure such as healthcare services and schools alongside providing housing options for existing Ealing residents. As such, the development will contribute to any required social infrastructure enhancements by way of s106 financial and non-financial obligations. These will directly contribute to health services, education, child play space, green infrastructure, sustainability, leisure facilities, apprentice schemes and more.’

11.10 The Council is confident that the scheme contributes positively to infrastructure provision in Southall.

Theme 3: Cultural and/or religious impacts

11.11 The Council received objections with concerns about the impact the scheme will have on religious and cultural groups in the area. The Council has carefully considered impacts on the Southall community as part of the development of the scheme and carried out Equality Assessments to inform key decisions in respect of the scheme and this is set out at section 11 of the Statement of Reasons.

11.12 The Council is content that the scheme does not have a disproportionate impact on any identified cultural or religious group.

11.13 Regarding objections concerning the ability of some affected parties to interpret and respond to the CPO due to language and digital barriers, the CPO documents were left as printed copies within the Dominion Centre Library. Copies of all formal notices were hand delivered and/or posted to affected residents and businesses.

11.14 During the objection period the Council received no requests for any foreign language versions of the documents to be produced. It should also be noted that Avison Young and Peabody have

offered all affected parties who wish it access to professional advice with reasonable costs reimbursed by Peabody to support their discussions and to represent them.

- 11.15 Finally, if the Scheme were to proceed, it would offer a significantly improved environment for people with physical disabilities and improved opportunities for people from BAME backgrounds to access suitable affordable rented housing.

Theme 4: CPO defective and/or flawed

- 11.16 The Council received objections on the issue of the CPO process being defective and/or flawed. Although the Order was properly made by the Council, the Council decided that it would be appropriate to give affected parties more time to check their objection had been received (or indeed to make a new objection). Therefore, new letters were posted to affected parties, and the objection time period was extended to 17 January 2022. In addition, further site notices were placed around the area on 13/01/2022. Copies of the documents were available within the library at the Dominion Centre until the end of January. The PCU received further objections during this extended time period.
- 11.17 The Council is content that the CPO process has been carried out properly and effectively, and that all affected parties have had reasonable time to consider the impact on them or their property, and to make an objection if they chose to do so.

Theme 5: Car Parking impacts / Concerns

- 11.18 The Council received objections with concerns about how the scheme will impact the local area in terms of parking. Section 6 of the Statement of Reasons confirms that the land will be developed in accordance with the SOU8 allocation, with the development re-providing 90 parking spaces for the existing 140 space car park. This also accords with the aims of The Green SPG to make better use of under used public car parking.
- 11.19 Whilst representations to the planning application objected to its loss, pre-Covid surveys show that the car park did not function at full capacity on a day-to-day basis. Further, in recent months a substantial part of the car park has been used as a Covid testing centre. This has not resulted in significant numbers of complaints about the loss of local parking.
- 11.20 Car parking was considered within the planning decision making process.
- 11.21 The proposals comply with up to date policies and current parking standards in the London Plan and national guidance to minimise residential and commercial parking provision in highly sustainable urban locations such as this. The Council has carefully considered the impact on

Southall of reducing car parking provision and decided that the proposed car parking provision is adequate.

Theme 6: Congestion

- 11.22 The Council received objections with concerns about the impacts the scheme will have on congestion. One of the objectives of the Scheme is to reduce car parking and congestion along The Green. As set out at section 6 of the Statement of Reasons, the development will provide rear servicing for the properties fronting The Green, removing congestion caused by vehicles servicing these properties.
- 11.23 The Statement of Reasons at paragraph 6.57 identifies the Council's intention to promote greener modes of transport, increased use of public transport, deterring car dependency through the new Elizabeth Line, improved permeability and pedestrian links alongside cycle parking. This is further supported by the reduction in car parking spaces at the scheme.
- 11.24 This point was also considered as part of the planning decision making process in respect of traffic as well as noise and air quality impacts. Highway England, the GLA, TfL and LBE Transport and Pollution Technical team raised no objections to any local or wider impacts in the area subject to conditions or planning obligations as appropriate.
- 11.25 . The resolution to grant planning permission in October 2021 is evidence that the principle of the scheme, and its impact upon levels of congestion is strongly supported by the planning framework at national, regional and local level.
- 11.26 The Council is content that the proposed Scheme will not contribute to increased congestion in Southall [and includes design elements which will assist in the reduction in congestion in the area.

Theme 7: Scheme neglects local needs and will negatively impact local community

- 11.27 The Council received objections on the perceived negative impacts the scheme has on the local community. The applicant undertook extensive pre-application and community engagement and consultation, between September 2019 and July 202, prior to submitting the application and since it was submitted and was able to take on board comments and contributions to the scheme development, including expressed impacts on the local community.
- 11.28 In line with the points made in section 5 of the Statement of Reasons, the scheme at The Green, Southall will deliver a number of local benefits, including:
- 564 new homes including 50% affordable housing on a habitable room basis

- Modern apprenticeship programme in construction (24 placements), project management, administration, and IT
- Liaison programmes with local schools and colleges for work experience and student visits
- Employment and Training Opportunities for the long term unemployed
- The creation of approximately 90 new FTE jobs across a variety of uses. This may include creative workshops, studio space, light industrial space, alongside office, retail and community space.
- Provision for the accommodation of a number of local business and community organisations who occupied part of the site in its existing state, futureproofing their continued presence.
- Provision of a new Day Nursery.
- Significant financial contribution secured via the s106 agreement to assist with local infrastructure including transport network, education and health.
- The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- Tangible environmental improvements including new tree planting, signification ecology benefits through Urban Greening and Bio-Diversity Net Gain, surface water management and carbon reduction technologies.

11.29 The planning framework is built around achieving sustainable development, comprising social, environmental, and economic objectives. The planning decision making process considered the impact of the scheme at The Green on the locality and the local community, including points arising from the applicant's pre-application engagement and the 126 individual representations for or against the proposals submitted in response to the Council's consultation process on the application.

11.30 The Council is content that the needs of the local community has been considered in the evolution of the Scheme.

Theme 8: Object to Entire Scheme

11.31 The Council received objections relating to the scheme in its entirety. The development site is within allocation SOU08 of the adopted Development Sites DPD (2013) and is identified as an area suitable for comprehensive mixed-use development. As set out within the Statement of Reasons, and in line with the requirements within the Town and Country Planning Act (1990), the wide-reaching benefits of the development at the Green will provide for social, economic, and environmental wellbeing.

11.32 These benefits include, but are not limited to:

- 564 new homes including 50% affordable housing on a habitable room basis
- Modern apprenticeship programme in construction (24 placements), project management, administration, and IT
- Liaison programmes with local schools and colleges for work experience and student visits
- Employment and Training Opportunities for the long term unemployed
- The creation of approximately 90 new FTE jobs across a variety of uses. This may include creative workshops, studio space, light industrial space, alongside office, retail and community space.
- Provision for the accommodation of local community who occupied part of the site in its existing state, futureproofing their continued presence.
- Provision of a new Day Nursery.
- Significant financial contribution secured via the s106 agreement to assist with local infrastructure including transport network, education and health.
- The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- Tangible environmental improvements including new tree planting, signification ecology benefits through Urban Greening and Bio-Diversity Net Gain, surface water management and carbon reduction technologies.

11.33 The planning decision making process considered the impact of the scheme at The Green on the locality.

11.34 The Council is satisfied that the Scheme is consistent with the adopted planning framework and provides significant economic, social, and environmental wellbeing benefits to the area.

Theme 9: Subject land has alternative development opportunity

11.35 The Council received objections on the basis that the Subject land has alternative development opportunity. Within the Statement of Reasons section 8.22, it sets out that a comprehensive approach to regenerating the site is required to enable delivery of the Council's objectives for the Scheme. Redevelopment of individual ownership plots would constrain the Scheme design, and in particular the ability to increase permeability and access across the Site, a key objective of the Council.

11.36 In addition, in the absence of a comprehensive approach, the opportunity for high quality, dense development in this location would be constrained. The Council's approach has allowed selection

of an experienced, well-resourced and funded development partner to deliver the Scheme, maximising the scope for local benefits to be unlocked for the community.

11.37 The Council is content that the Scheme is the best way to deliver the Council's policy objectives.

Theme 10: Request Public Inquiry

11.38 The Council received objections requesting that a Public Inquiry into the CPO is held. The Council has received confirmation from PCU that there will be a Public Inquiry at which point the independent Inspector will have the opportunity to consider any outstanding objections in relation to the Order.

Theme 11: Impact on Access

11.39 The Council received objections to the scheme based on its impact on access to the rear of the shops at 72 to 98 The Green, which are not directly affected by the CPO. The Council can confirm the existing rights of access to the rear of these properties will not be affected by the scheme, although improvement works to this accessway will be carried out. On behalf of the Developer, the Council confirms:

11.40 Construction Phase

- During construction, access for pedestrians and vehicles for all existing properties will be maintained. The Developer may need to vary the route of this access, but access will be maintained
- During construction, servicing for all existing properties will be maintained along the route. The Developer will talk to occupiers about existing servicing arrangements, and although the Developer may need to vary the servicing arrangements during construction, the Developer will ensure occupiers can service their premises.
- An existing hard standing area used for car parking will not be affected by proposed construction works.
- There will be hoardings around the construction site along the boundary, however, this may be temporarily relocated to suit construction activities

11.41 Post construction

- Following completion of construction, access for pedestrians and private / commercial vehicles to all existing properties will be maintained along the route. The Developer may need to vary the route of this access, or consider a one-way system, access controls or other traffic controls for vehicles, but access will be maintained
- Following completion of construction, servicing for all existing properties will be maintained along the route. The Developer will talk to occupiers about existing servicing arrangements, and although the Developer may need to vary the servicing arrangements, they will ensure occupiers can service their premises.

- The hard standing area currently used for car parking will not be affected or changed by the completed development.

11.42 Avison Young has previously provided this information to property owners and occupiers where concerns have been raised. The Council is content that suitable access will be retained both during construction and following completion of the development.

Theme 12: Concerns about the impact on existing economy

11.43 The Council and the developer are committed to ensuring the impact of the development on local businesses is mitigated.

11.44 As is set out at paragraph 9.10 of the Statement of Reasons, Avison Young has been in discussion with existing business owners and occupiers regarding relocation of their businesses. These discussions are continuing. In addition, the Council and the developer has confirmed to all affected businesses that existing rear access rights to the rear of 72-98 The Green will be maintained throughout construction and following completion of the development.

11.45 The Statement of Reasons addresses the economic benefits of the scheme several times in points 5.8, 6.27-8, 8.18-8.20 where it refers to both tangible and intangible positive effects to the local and wider economy. Section 8 of the Statement of Reasons covers 'The Purpose and Justification for The Use of Compulsory Purchase Powers' where the Council has set out how it considers that the net economic gain of the scheme outweighs any potential economic loss resulting in a net public interest gain.

Theme 13: Concern about relocation options

11.46 As stated within section 9 of the Statement of Reasons 'Efforts to Acquire Land by Agreement', the Council and Developer have sought to negotiate the acquisition of all third-party interests by agreement and is continuing negotiations in parallel with making this Order, to seek to acquire as much of the Order Land as possible by private treaty. In this process Avison Young has met business owners to understand their relocation property needs.

11.47 Peabody and Avison Young have made it clear they will continue to negotiate to acquire interests by agreement, including assistance in relocation where possible.

Theme 14: Height of the Development

11.48 The Council received objections relating to the height of the development. Consideration has been given to the height of the development in the planning decision making process.

11.49 The development site is within allocation SOU08 of the adopted Development Plan Document (2012) and is identified as an area suitable for comprehensive mixed-use development.

- 11.50 Section 6.42 – 6.42 of the Statement of Reasons discusses the justification for Tall Buildings which was considered within the planning process.
- 11.51 The Officer’s Report sets out at length the detailed supporting material in the planning application relating to the tall buildings and the detailed scrutiny that the proposed tall buildings were subjected to before Officers could conclude that they could recommend approval having taken account of potential visual, functional, and environmental effects and effects on statutory and locally designated heritage assets. The Development Plan Policy states that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets.
- 11.52 The impact of the tall buildings was considered in consultation with the GLA, Historic England and through Ealing’s Design Review Panel in July 2021 as well as during the planning process and the Council, as local planning authority resolved to grant planning permission (215058FULR3) on 20 October 2021 subject to conditions, completion of a section 106 agreement and referral to the Secretary of State and a Stage 2 referral to the GLA, as set out within section 1.4 of the Statement of Reasons.
- 11.53 The Council is content that the height of the development has been carefully considered within the planning process and that the height of the buildings within the development is appropriate.

Theme 15: Developer and/or Council Credibility

- 11.54 The Council received objections surrounding the developer and council credibility. The Council is content that the proper process was followed in making decisions in relation to this project, and Councillors had all relevant information in front of them when making decisions.
- 11.55 As set out within section 7 of the Statement of Reasons, Peabody is an experienced and reputable registered provider (housing association) and developer.

Theme 16: Existing regeneration strategy sufficient

- 11.56 The Council received objections that the existing regeneration strategy is sufficient and stating that Southall is not in need of an extensive multi use redevelopment as there has been improvements in recent times using smaller scale investments. Within the Statement of Reasons paragraph 3.6 – 3.8 it sets out ‘The need to redevelop The Green’ explaining the Council’s policy that a larger scale approach is required.
- 11.57 Recent public sector investment in the public realm including a scheme to invest in shop fronts on the main high street (The Green), the provision of a new public square opposite those shops creating a new setting for the war memorial and the Grade II* listed Manor House has benefitted Southall. However, despite this investment, the area retains a rundown feel due to the quality of

some of the building stock within the Site including poor-quality public realm. The lack of routes through the site creates cul-de-sacs with poor passive surveillance where fly tipping and anti-social behaviour can occur.

- 11.58 The Council is content that its proposed Scheme is the most appropriate way to meet its policy objectives for the area.

Theme 17: Environmental Concerns

- 11.59 The Council received objections on the environmental concerns of the scheme. As stated within the Statement of Reasons point 8.12 – 8.17 the London Borough of Ealing declared a climate emergency in 2019 and as a result a target to be carbon neutral by 2030. Improvements to the physical environment in Southall will have a significant part to play in meeting this target. The scheme will assist in improving environmental wellbeing and will have many sustainability and environmental benefits. The Statement of Reasons (paragraph 8.13 – 8.17) lists tangible and intangible benefits in achieving environmental sustainability and a 'significant bio-diversity net gain'.
- 11.60 The impact on the environment was considered during the planning process and the Council, as local planning authority resolved to grant planning permission (215058FULR3) on 20 October 2021.
- 11.61 The Council is content that the Scheme will have a positive environmental impact in the area.

Theme 18: Object on the grounds of inadequate Negotiation

- 11.62 The Council received objections regarding inadequate negotiation. As stated within section 9 of the Statement of Reasons 'Efforts to Acquire Land by Agreement', the Council and Developer have sought to negotiate the acquisition of all third-party interests by agreement and is continuing negotiations in parallel with making this Order, to seek to acquire as much of the Order Land as possible by private treaty. At paragraph 9.5 of the Statement of Reasons the Council sets out how its approach meets the requirements of the Government Guidance.
- 11.63 At section 9 of this Statement of Case the Council set out an update on negotiations which have been continuing during the time period since the Order was made.
- 11.64 The Council is content that adequate negotiations have been undertaken and will continue.

Theme 19: Consultation

- 11.65 The Council received objections on the grounds that the Council did not undertake adequate consultation.

- 11.66 As set out at point 10.6 within the Statement of Reasons and within the response to objection Theme 7 above, ‘the Council and the Developer have carried out extensive consultation on the Scheme as part of the planning application process. Through the consultation as part of the planning application the local community, businesses and those potentially affected by the Scheme have had the opportunity to review the Scheme and submit representations.’
- 11.67 Further, the Council carried out a public consultation in 2016 on the draft SPD for the Green Southall prior to its adoption and a number of comments were received.
- 11.68 The Council is therefore satisfied that adequate consultation has been undertaken.

12. HUMAN RIGHTS

12.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

12.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

12.3 Article 1 of the First Protocol of the Convention states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

12.4 Article 8 of the Convention provides:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest ofthe economic wellbeing of the country...”

12.1 Article 6 of the Convention provides:

“In the determination of his civil rights and obligations...everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law...”

12.2 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

12.3 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

12.4 In relation to civil rights under Article 6 of the Convention, so far as this Order is concerned, affected parties may object and will have the opportunity to appear before an inspector appointed by the Secretary of State prior to a decision being made as to whether or not the Order should be confirmed.

- 12.5 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of The Green.
- 12.6 The Council and the Developer have carried out extensive consultation on the Scheme as part of the planning application process. Through the consultation as part of the planning application the local community, businesses and those potentially affected by the Scheme have had the opportunity to review the Scheme and submit representations.
- 12.7 Whilst there are a number of third parties affected by the Scheme, extensive efforts have already been undertaken to acquire these interests by negotiation. There are only two residential leaseholds within the Order Land which are yet to be acquired, the remaining freehold and leasehold interests are commercial interests. Negotiations are on-going and it is hoped that further agreement will be reached on some of the interests. Further information is set out in section 9 of this Statement. If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will only be necessary if these interests have not already been acquired by agreement within the timescales required to achieve vacant possession by early 2023. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation under the statutory Compensation Code. Such compensation will be determined independently by the Upper Tribunal (Land Chamber) if it cannot be agreed.
- 12.8 Overall, the Council is of the view that there is a compelling case in the public interest for the Order and that the benefits of the Scheme and its positive impact on social, environmental and economic wellbeing outweigh the necessary interference with the private rights and interest that exist in the Order Land. The Council believes that it has reached a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

13. PUBLIC SECTOR EQUALITY DUTY

13.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Section 149 of the Equality Act 2010 places the Council, as a public authority, under a legal duty ("the public sector equality duty"), in the exercise of all its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 An equalities assessment has previously been undertaken as part of setting the planning policy framework for the Borough. The planning application for the development proposal also assessed any impact on equalities and social cohesion. The conclusion reached was that the Scheme does not have a negative impact on any group with a protected characteristic. Insofar as there is potential to negatively impact any particular group this will be explored as part of the business relocation strategy. If the Scheme were to proceed, it will offer a significantly improved environment for people with physical disabilities and improved opportunities for people from BAME backgrounds to access suitable affordable rented housing.

11.3 In addition, due regard has been had to the Council's public sector equality duty when Cabinet and more recently the Cabinet Member for Growth made their decision to proceed with a compulsory purchase order for this Scheme following consideration of equality assessments.

11.4 The latest assessment dated 1 November 2021 concludes that the Scheme does not have a negative impact on any group with a protected characteristic. Conversely, the Scheme will offer a significantly improved environment for people with physical disabilities due to the positive enhancements to public realm and the need to provide new accommodation designed to inclusive design and lifetime homes principles, including 10% of new homes (55) to be made suitable for wheelchair users. In addition, c. 550 new residential properties will be provided and ancillary community space. Of the new residential properties, 50% by habitable room will be affordable. This allows for improved opportunities for people from BAME backgrounds to access suitable affordable rented housing.

11.5 The impact of the Scheme on those with protected characteristics will continue to be reviewed and updated throughout the compulsory purchase process including the impact of the Order.

14. SPECIAL CONSIDERATIONS

- 14.1 There is no consecrated land, renewal area land, open space, land forming part of a common, or fuel or field garden allotment included within the Order Land. No land within the Order Land is held by the National Trust. No land within the Order Land is held by the Crown.
- 14.2 There are Local Heritage Assets within the Order Land including the former stable and coach station situated opposite Osterley Park Road and directly to the south of St Anselm's Church which is in use as a substation. This building is proposed to be demolished as part of the Scheme with the substation relocated to facilitate a safe two way vehicular and pedestrian access into the Site. The cattle trough located outside 55 The Green is also locally listed.
- 14.3 The Order Land is not in a conservation area and there are no conservation areas within close proximity of the Site. The Southall Manor House, outside the Order Land on the eastern side of The Green, is Grade II* listed and the Southall War Memorial to the north of the Manor House is Grade II listed.
- 14.4 There is another electricity substation within the Scheme, and other sub stations which may be affected by the Scheme. These are identified on the Order Schedule and will be relocated as necessary as part of the Scheme.

15. ASSOCIATED ORDERS AND CONSENTS

- 15.1 Paragraph 15 of the MHCLG Guidance requires acquiring authorities to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. It references the programming of any infrastructure accommodation works and the need for any planning permission or other consent or licence.
- 15.2 As explained in Section 6 the Council has resolved to grant planning permission for the Development, and the s.106 agreement is being progressed in the usual way. The Council do not foresee any reason why this will not be completed and therefore planning permission granted. The Scheme will deliver the objectives of the strategic planning framework and there are no planning impediments to implementation.
- 15.3 In Order to implement the Planning Permission and deliver the Scheme there are also a number of works to be carried out to the highways network.
- 15.4 A part of the existing highway at Featherstone Terrace will need to be stopped up in order to deliver the Development, and this Stopping Up Order process is within the overall Development programme. Access will be maintained to all remaining properties, and the Council do not foresee any reason why the Stopping Up Order will not be granted.
- 15.5 In order to deliver the Development, there will be various highways improvements and other works carried out, and a s.278 agreement will be required to facilitate this work in the usual way. The process is identified within the overall Development Programme, and neither the Council nor the Developer foresee any reason why this will not be agreed.

16. CONCLUSION

- 16.1 The Council has set out in this Statement why it is using its compulsory purchase powers to deliver the regeneration of The Green in Southall.
- 16.2 Section 2 sets out the enabling powers and guidance on the use of compulsory purchase and section 3 sets out the Background to the Council's regeneration objectives for the Site. Section 4 provides a description of the Order Land and at section 5 the Council has set out the evolution and description of the Scheme.
- 16.3 At Section 6 the Council has set out the planning framework underpinning the Council's objectives and the Scheme, and the details of the planning permission for the Development. At Section 7 the Council has described how the Council and Developer have worked together to ensure that there is a clear delivery mechanism to implement the Council's objectives for the Scheme.
- 16.4 The Council considers that the delivery of the Scheme will have positive effects on the economic, social and environmental wellbeing of the area and is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the complete redevelopment and improvement of the Order Land through the delivery of the Scheme. This is set out in Section 8.
- 16.5 The Council and Developer have jointly brought forward the Scheme since 2018, with a programmed date to acquire vacant possession and begin construction in the second half of 2022. At Section 9 the Council has set out how the Developer has sought to acquire the required third party interests through negotiation and will continue to take reasonable steps to acquire all of the land and rights by agreement alongside the Order.
- 16.6 At Section 12 the Council sets out how it has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order and considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of The Green. Section 11 sets out how the Council has considered the impact of the Scheme on any group with a protected characteristic and that the latest equalities assessment concludes that the Scheme does not have a negative impact on any group and will offer an improved environment on certain groups of protected characteristics.
- 16.7 The Council considers that the Order meets the requirements of the legislation, it has followed the MHCLG Guidance in making the Order and requests the Secretary of State to confirm the Order as made.

17. OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER

17.1 Parties affected by the Order who wish to discuss matters with a representative of the Council, please contact:

Eleanor Young
London Borough of Ealing
YoungE@ealing.gov.uk

17.2 For those parties affected by the Order who wish to discuss the purchase of their interest by agreement, they should contact;

James Morris
Avison Young
james.morris@avisonyoung.com
+44 (0)7852 300702

17.3 For those parties wishing to know more about the Scheme, please visit the below website:

<https://www.thegreensouthall.co.uk/>

17.4 The Royal Institution of Chartered Surveyors (RICS) operates a RICS consumer hotline which provides initial free advice for those parties affected by a compulsory purchase. Those parties wishing to make use of this service should contact the RICS on 024 7686 8555 or visit the RICS website at www.rics.org

18. INSPECTION OF THE ORDER AND ORDER DOCUMENTS

18.1 Copies of the Order and Schedule, Order Map, Statement of Reasons, and this Statement can be inspected during the following times at the location listed below.

LOCATION	OPENING HOURS
Dominion Centre and Library, 112 The Green, Southall, Middlesex UB2 4BQ	Monday 10am – 5pm Tuesday 10am – 7pm Wednesday 10am – 7pm Thursday 10am – 7pm Friday 10am – 5pm Sunday 1pm – 4pm

18.2 Copies of the Order and Schedule, Order Map, Statement of Reasons, and this Statement can also be inspected at London Borough of Ealing's office during the following times at the location listed below. Please contact Legal Services via adamsj@ealing.gov.uk to arrange an appointment.

LOCATION	OPENING HOURS
Perceval House, 14/16 Uxbridge Road, Ealing W5 2HL	Monday to Friday, 9am-5pm

18.3 Documents relating to the Order, which are not already available for download, will be available shortly from the website below. This website provides information on behalf of the Council and the Developer on the CPO: www.ealing.gov.uk

19. RELEVANT DOCUMENTS FOR INQUIRY

19.1 The Council intends to refer to, or to put in evidence, the documents (or relevant extracts from those documents) which are listed below and which are referred to in this Statement. It should however be noted that the Acquiring Authority reserves the right to add to the list as necessary.

- London Borough of Ealing (The Green, Southall) Compulsory Purchase Order and Order Schedule 2021
- London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 Order Map
- London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 Statement of Reasons
- Press Notices advertising making of the Order
- Notice of Making of the Order served on Owners
- Site Notice Advertising Making of the Order
- Planning Permission 215058FULR3
- Ministry of Housing, Communities and Local Government: Guidance on Compulsory purchase process and The Crichel Down Rules, 2019
- London Borough of Ealing Cabinet Report: Southall Big Plan – The Green, Southall (14 March 2017)
- London Borough of Ealing Cabinet Report: Southall, The Green – appointment of a development partner (10 July 2018)
- London Borough of Ealing Cabinet Report: The Green, Southall Update (16 June 2021)
- The London Plan: the spatial development strategy for greater London, 2021
- London Borough of Ealing: Development (or Core Strategy) DPD (April 2012)
- London Borough of Ealing: Development Sites DPD (December 2013)
- London Borough of Ealing: Development Management DPD (December 2013)
- London Borough of Ealing: Southall The Green SPD (2017)
- Southall Opportunity Area Planning Framework (adopted by Ealing Council on 15 July 2014 as a Supplementary Planning Document (SPD) to Ealing's Local Plan and adopted by the Mayor of London on 16 July 2014 as Supplementary Planning Guidance (SPG) to the London Plan).

Dated 20 June 2022