

**THE LONDON BOROUGH OF EALING
(SOUTHALL THE GREEN UB2)
COMPULSORY PURCHASE ORDER 2021**

Ref: APP/PCU/CPOH/A5270/3289084 - ENV/3298294

**WITNESS STATEMENT ON BEHALF OF THE ACQUIRING
AUTHORITY**

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EALING COUNCIL**

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1. Qualifications and Experience

1.1. I am Eleanor Young, Strategic Regeneration Adviser with Ealing Council, a role I have undertaken since 2013. I am responsible for promoting the social, economic and physical regeneration of Southall - especially through promoting physical development projects in the town centres and key development sites, and by managing external funding streams particularly around infrastructure.

1.2. I have over 20 years professional experience working in regeneration, planning and economic development in public sector organisations including the Greater London Authority, the London Borough of Lambeth, Transport for London, the West Midlands Combined Authority and the London Legacy Development Corporation and I have considerable experience of leading for the public sector on major development projects in London including the public infrastructure provision at Wembley Stadium and developing plans for regeneration of key sites including King’s Cross, Dalston Square, the Lower Lea Valley / Olympic Sites, the Southbank, Brixton Town Centre and others. In an earlier role as Senior Policy Adviser for planning and development to the Mayor of London, I led the development of the first London Plan for the Mayor of London (2002 plan) and was responsible for advising on all major planning applications referred to him. As a consultant to the West Midlands Combined Authority, I developed the first Spatial Investment and Delivery Plan (2017) for the combined authority area. I have a Bachelor of Arts Degree (first class) in International History and Politics from the University of Leeds.

2. **Background and scope of evidence**

2.1. The Council has made The London Borough of Ealing (The Green Southall) Compulsory Purchase Order 2021 (**the CPO**) (CDA.1) as a last resort, to bring forward comprehensive development of the land at the Green, Southall (**the Site**) which is a critical part of delivering the planning policy and objectives for Southall King Street / The Green Town Centre (known as '**the Green Town Centre**'). The Council's objectives are to:

2.1.1. maximise opportunities for new commercial premises to complement the Green Town Centre as part of a mixed-use scheme including sustainable and inclusive design,

2.1.2. secure improvements to the public realm through a high-quality comprehensive redevelopment utilising a transformational 'place making' approach,

2.1.3. provide replacement public car parking (minimum 90 spaces) to support the remaining local businesses in the area to be operated by the Council for public use,

2.1.4. optimise the opportunity for new homes especially genuinely affordable homes

2.1.5. provide c. 50m² community space

2.1.6. improve permeability through the site to allow for safe walking and cycling routes towards Southall Crossrail Station.

2.2. The Council intended that this should be achieved in a way that is integrated into the town centre, meets the objectives of local planning policy and that will contribute to securing the long term economic future of Southall the Green Town Centre.

2.3. Peabody Developments Limited ('**Peabody**') has been selected as the Council's Development Partner following an open procurement process in 2017/18 and has developed proposals for the Site, responding to the Council's objectives, which have received planning permission (known as '**the Scheme**').

2.4. The lack of development to date on the Site, and the Order Land in particular, is contributing to a generally run-down perception of the Green Town Centre as a destination, damaging the economic growth of the Town Centre and significantly undermining the Council's efforts to regenerate the Town Centre. The Council has

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invested c. £4.5m in the local area since 2012 when the 'Southall Big Plan' was agreed with the community. But this is not sufficient to address the scale of the environmental degradation present on the Site. Please refer to Section 3 (paragraph 3.2.1) of this statement for more detail on the investments made to date.

- 2.5. The Green Town Centre Redevelopment Scheme (the Scheme) has been carefully developed over a number of years in accordance with planning policy and the site allocation SOU8 adopted in the Ealing Local Plan (2013) (CDD.4) with additional planning guidance being adopted in 2017 (the Green Southall SPD (CDD.6) setting out more detailed aspirations for the Site. Please refer to Section 3.3 of this statement and the evidence of Sam Stackhouse for more detail on the policy framework.
- 2.6. The Green Town Centre has recently been subject to a Town Centre Health Check as part of the developing evidence base for the new Local Plan due to be published for consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 (which applies to England only) this Autumn, which shows that despite ongoing national challenges to high streets and retail the centre performs relatively well with a low level of vacant properties. The Town Centre Health check has not yet been published but is referred to in the Southall Town Briefing (CDD.12 pages 29-32) which notes that the main concern of the 954 residents who completed the survey was the lack of affordable housing in the area (-38% of respondents were satisfied with this) and another was the lack of local facilities and shops (at -23% of respondents). Further, the survey showed that the vast majority of people in Southall do not feel safe. Only 16% agree they feel safe in Southall while 60% disagree.
- 2.7. The Southall Town Briefing also shows that Southall has relatively active employment and business growth compared to the rest of the borough but that there is a higher proportion of people in low paid work and claiming benefits than Ealing as a whole. In addition, the Briefing notes that Southall's known resident population of just over 70,000 has grown by 1% since 2011.
- 2.8. In my evidence I will outline the importance of the Scheme to the development and improvement of the Green Town Centre, and the ways in which the Scheme contributes to achieving the promotion and improvement of the economic and social wellbeing of the Green Town Centre, and therefore why the Council has made this

CPO.

2.9. My evidence will cover the following:

- a. The history behind the current development proposals for the Green Southall including the history of the developments on the Order Land itself, the broader Southall the Green Town Centre strategy and the evolution of the planning policy for Southall (**see section 3 of this statement**).
- b. The Council’s decisions (a) to focus a comprehensive scheme around this particular site (‘the Order Land’) (b) to seek a development partner to deliver a comprehensive, mixed-use development on the Order Land, including the process the Council went through to select Peabody as its developer partner, and the agreements that have been signed by the Council and Peabody in April 2019 setting out the commitment to deliver the Scheme (c) why the Order Land is required to deliver the Scheme (**see sections 4,5 and 6 of this statement**).
- c. Why the Council has decided it is appropriate to use its CPO powers to support this development and how the Scheme contributes to the social, economic and environmental well being of the area and why there is a compelling case in the public interest for the CPO to be confirmed. I also explain the purposes for which Ealing Council has made the CPO and how this justifies interfering with the human rights of those with an interest in the land affected. I also set out how impacts on groups with protected characteristics have been considered and where appropriate mitigated in developing the Scheme (**see section 7 of this statement**).
- d. Lastly, I explain why I am satisfied that the Council and its partners have undertaken appropriate and detailed consultation and negotiation with affected parties and our response to some of the objections received to the CPO where these are not addressed in the statements of the wider expert team supporting the Council’s case (**see sections 8 and 9 of this statement**).

2.10. The Council is seeking to acquire the Order Land under the powers set out in S226 (1)(a) of the Town and Country Planning Act 1990 to facilitate the carrying out of development on the land to be acquired. In my evidence I will demonstrate that the

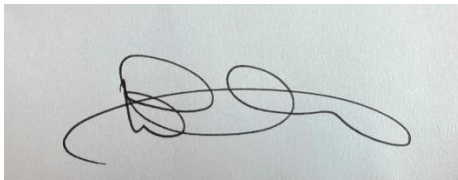
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factors identified in paragraphs 14 and 15 of the Guidance on Compulsory purchase process and The Crichel Down Rule (last revised in July 2019) (the Guidance) (CDB.1) are satisfied, and will conclude that there is a compelling case in the public interest for the Order to be confirmed.

2.11. My evidence should be read alongside the evidence provided by the following expert witnesses in support of Ealing Council's case for the CPO:

- a. Mr Mark Baines, Hunters Architects;
- b. Mr Phil Church, Peabody;
- c. Mr Sam Stackhouse, Montague Evans; and
- d. Ms. Virginia Blackman, Avison Young.

2.12. My evidence is truthful and so, to the best of my knowledge, is the evidence given by other members of the Council's expert team.

A photograph of a handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read 'Eleanor Young'.

2.13. Signed by Eleanor Young on 16 September 2022

3. Southall the Green Town Centre

3.1. About the Green

3.1.1. Ealing is a large outer London borough with a mix of urban and suburban characteristics. Ealing is an attractive location to live and work due to the excellent transport links with easy accessibility into central London alongside large areas of green and open space. With the characteristics of being halfway between town and country Ealing became known as the Queen of the Suburbs. Ealing is home to seven towns of which Southall is the second largest. Southall is located to the West of the borough of Ealing adjacent to Hounslow to the South and Hillingdon to the West in close proximity of Heathrow Airport and along the route of the Elizabeth (Crossrail) Line.

3.1.2. Southall the Green Town Centre became established when Southall Station was built on the Great Western Railway in 1839. The town centre became established along the main commercial and retail street of The Broadway alongside the development of residential streets of Victorian properties in immediate proximity to the town centre. Two shopping centres were developed: first Southall Broadway Centre which is identified as a Major Centre in the Local Plan and Southall the Green which is identified as a Neighbourhood Centre in the local plan. There is also significant local commercial activity in the industrial estates of Featherstone, Dominion and TRS estates at the Green, Bridge Road, the International Trading Estate and the Great Western Industrial Park. An extension to Southall Broadway Major Centre is expected to be delivered as part of Berkeley Homes' proposals for West Southall, now known as 'the Green Quarter' (although these are not in Southall the Green they are immediately to the north of SOU8 across the Great Western Railway Line).

3.1.3. Southall's key role has always been as a residential and commercial area and it has developed as a welcoming area for many communities over the years and decades including the Sikh Community in the 1950s and onwards, the Caribbean Community and more recently the Somali and Afghan communities. It is a nationally renowned shopping destination for the Asian Community particularly focused on clothing and jewellery for weddings and is also famous for Martinware pottery and a permanent

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collection is on display in the Dominion Centre. More recently its economy has focused on retail, wholesale (especially Asian goods), food manufacturing and distribution, food and drink and other industrial activities.

3.1.4. Due to the restructuring of economic activity and the presence of vacant development sites in the centre of the area and its proximity to the new Elizabeth Line (Crossrail) services Southall has a key role to play in delivering new homes and jobs within the Borough of Ealing. In 2011 it was identified as an ‘Opportunity Area’ in the London Plan (policy 2.13 Annex 1 of the 2011 plan) and an Opportunity Area Planning Framework (OAPF) was prepared by Ealing Council and the GLA to help guide future development. The OAPF was adopted by Ealing and the Mayor of London in 2014 (CDD.2). Prior to preparing the OAPF, in 2011/12, Ealing Council entered into a ‘Big Conversation’ with Southall’s Community which helped to shape the ambition for the OAPF. Key challenges facing Southall identified through this dialogue were the quality of public realm, the range of comparison shopping on offer and public safety, particularly women’s safety in the area and a range of strategies were put in place to help address these.

3.1.5. The Town Centre has been perceived by local residents to have a weak retail offer and lacks affordable housing (CDD.12 Town Profile pages 29-32). There is no Business Improvement District (BID) in place and the area experiences poor public realm management - despite very significant investment by the Council (into those projects mentioned in Section 3.2 as well as a huge investment in the wider area including the Southall Broadway Boulevard Scheme, new public spaces on the High Street and South road and other private investments) – and suffers from a run down and unsafe feel in some public areas. The area to the rear of the shops in Southall the Green Town Centre is privately owned and controlled and exemplifies this sense of degradation. Furthermore, the area suffers with traffic congestion, which is exacerbated by a high level of car dependency among some families for short journeys and health and morbidity statistics that indicate more participation in active travel would greatly benefit the health of the local population.

3.1.6. As a result of the poor morbidity statistics, Sport England is currently funding an active communities scheme called ‘Let’s Go Southall’ which aims to get the population

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more active physically, as well as developing a ‘social movement’ of people to support projects intended to enhance mental wellbeing. To date ‘Let’s Go Southall’ has set up projects to:

- a. Install three new outdoor gyms and CCTV in local parks and organise instruction on the use of the new gym equipment and social sessions at regular times of the week;
- b. Set up guided walks and bike rides daily and carry out cycle training for novices and those who have not cycled for a long time;
- c. Appoint members of the community as designated ‘ride leaders’ as their confidence grows as cyclists;
- d. Train members of the local community to service and repair bikes and set up a main service hub and ancillary storage facilities;
- e. Set up new social projects including a knitting group.

3.2. **The Council’s approach to regeneration in Southall**

3.2.1. The Council has taken a leading role in regenerating the Green Town Centre. It has promoted the development sites and opportunities in the identified in the OAPF and the Southall Big Plan back in 2012. These are:

a. The Dominion Centre

The refurbishment of the Dominion Centre to provide a public library, community meeting space, office space and a permanent display collection of Martinware pottery was completed in 2013 and further public realm improvements outside the centre were implemented in 2014. This was funded by Ealing Council supplemented by s106 contributions from a local development scheme.

b. Public realm projects identified as priorities following Southall Big Conversation (2011/12)

A series of public spaces were created following the Big Conversation to enhance the opportunities for the Southall community to come together particularly during major cultural and religious festivals by providing break out spaces along the high streets. In total four new public squares were delivered of which two (Manor House and St John’s old Church) are located in the Green Town Centre. These spaces were funded by a combination of GLA regeneration funding and Council capital funding.

c. The Development of Manor House Square and the refurbishment of the old Toilet Block

The old toilet block on Manor House Square was in a poor state of repair and out of use. This was converted in 2017 to a café including a public toilet suitable for wheelchair users. The café was open during 2018/19 but closed again during the Covid pandemic and is due to reopen shortly as a cycling café led by Let's Go Southall. This project was funded using Council capital funding.

d. Restoration of shopfronts along the Green shopping parade

In 2015, Ealing Council implemented a project to improve shop fronts along the Green which included replacing signs for the shops and businesses, repairing the facades and ensuring the windows and frontages had a unity to help make the parade more attractive. The scheme was supported by the creation of a new public square opposite the parade and adjacent to Southall Manor House and the replacement of paving outside the shops. This helped to ensure the whole parade received investment and uplift in terms of visitor attraction. However, the land to the rear of these shops was not addressed and it is still dirty, subject to fly tipping, rubbish smells and poor quality surfaces. The scheme was implemented using GLA funding.

e. Creation of new public space and the opportunity for a new Inter Faith Centre at St John's Old Church

In 2016/17 a project to relocate public space and the old Churchyard was completed following a series of technical difficulties. This project, funded jointly by Ealing Council and the GLA ensured that a disused public space to the South of the old church was replaced by a modern space adjacent to the bus stop containing 'Southall Stories' of different ethnic and faith groups over the years. The project was difficult because it required the relocation of gravestones and graves to the rear churchyard. The intention for the use of land to the south of the Church was to create space for a new 'inter faith centre' as part of the refurbishment of St John's old Church, which was identified as a priority in the sites DPD and the Southall OAPF following consultation with the local community.

f. Southall Manor House (2018) and Manor House Grounds (2021/2)

Southall's only Grade 2* listed building was in a poor state of repair until a major project, jointly funded by the Council, the GLA and the West London College undertook

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significant capital investment to refurbish and expand the premises to make a fit for purpose space for work, events large and small and training opportunities particularly in the catering sector. It reopened prior to the Covid pandemic and following a period of closure the Manor House is due to reopen in Autumn 2022 as a thriving hub for local enterprises to grow their businesses, and for individuals and organisations to hire space for all kinds of events from meetings and workshops to special celebrations.

Alongside the Manor House itself the grounds have received significant investment as part of an Ealing Council and Sport England funded project to invest in health and wellbeing ('Let's Go Southall'). A new outdoor gym has been installed with CCTV to help residents feel safe and confident in using both the new equipment and the Park.

3.3. The Planning Policy Framework

3.3.1. The Southall OAPF sought to guide development in Southall following the aspirations set out in the Southall Big Conversation. A consultation version was published in December 2013 and the final version was adopted by Ealing Council and the GLA in June 2014.

3.3.2. In 2017 this was supplemented by the adoption of an SPD for the Green (CDD.6) which forms an update to chapter 4.7 of the adopted Southall Opportunity Area Planning Framework (OAPF), which clarifies and expands guidance on 'the Green Character Area' of the Planning Framework, centred on the block north and west of the Green and Dominion Road. This SPD aimed to:

"build on the OAPF aspiration for the introduction of residential and mixed-use intensification related to the high street, and the emerging hub around the new Crossrail Station.

"The following overarching objectives should guide redevelopment at SOU8;

- *Development must result in a coherent whole which reintegrates this area within central Southall and optimises the use of land for residential and other compatible town centre uses*
- *Development must deliver a legible and permeable street network that reintegrates this site within central Southall as a whole*
- *The site must incorporate strategic green space and a two-form entry school*
- *Existing civic and heritage assets at St Anselm's Church and the Dominion Centre are to be retained or enhanced, and successfully integrated into the new development*
- *Existing industrial uses will be consolidated"*

3.3.3. Public consultation on the document was carried out on the SPD between 7

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October and 16 November 2016. 66 representations were submitted by 8 organisations. The main issues raised by respondents were:

- a. The principle of a coherent scheme with high-quality built form and public realm was supported.
 - b. Clarification was sought about the relationship of this guidance to other character areas in Southall OAPF.
 - c. Clarification was sought over the status of land included in the Locally Significant Industrial Site designation.
 - d. Clarification was sought over the nature and range of adjoining heritage assets.
 - e. Clarification was sought about the status of the design guidance set out in the SPD.
 - f. A range of clarifications were suggested to the indicative mapping.
- 3.3.4. In response officers made a number of changes to the document to address the issues raised. Key changes included:
- a. New text was added clarifying the relationship of the SPD to Southall OAPF and the Local Plan.
 - b. Mapping will be updated to improve clarity in the adoption version of the SPD. This will involve updating figure 3 to include all of SOU8 within the Green sub-area
 - c. The status and nature of heritage assets relevant to the site has been clarified, including Southall Manor, and the Southall Green Archaeological Priority Area
- 3.3.5. The SPD was adopted by Ealing Council on 10 October 2017.

3.4. **Options for Development at SOU8 and the Council's preferred approach**

- 3.4.1. During this period (2015-2017) interest was received from two external parties wishing to purchase Council land holdings for standalone developments. These offers came from Shepherd's Bush Housing association, which offered to purchase land at Featherstone Terrace currently occupied by community groups for a small number of new houses and Willmot Dixon / Be Here, who offered to purchase the Featherstone Terrace Car Park for a standalone flatted scheme and replacement car parking. Both of these proposals were considered by officers of the Council, with advice from the Council's retained property advisers, Lambert Smith Hampton, but were not pursued further as either would have

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precluded a wider comprehensive scheme with benefits beyond the individual sites.

3.4.2. In 2016, the Council received a planning application for a site within the Order Land for a 32 room House in Multiple Occupation to replace the Milan Palace Banqueting suite, which was refused [planning application number 160738FUL].

3.4.3. Ealing Council's planners considered that due to the fragmented land ownership on the site a comprehensive scheme would be capable of delivering greater benefits than any number of stand-alone developments and would also tackle some of the poor quality environment present in areas such as Dilloway Yard. The Tudor Rose, which had long been an active night club, had been closed since 2012 and required significant investment.

3.4.4. Ealing Council's planners worked with officers at the GLA to develop Masterplan proposals for the Site, which were shared with local businesses and landowners at a meeting in June 2016, which was well attended. This masterplan subsequently informed the development of the SPD and a consultation version was published in October 2016 (see section 3.3 above for more detail on the consultation and adoption process).

3.4.5. Further, the Council received a request from a land speculator (Metropolitan and Suburban) for disposal of its main car park to form part of a comprehensive scheme. This party had entered into options to purchase affecting approximately a third of the Order Land, subject to planning, and engaged Levitt Bernstein architects to develop a series of comprehensive proposals for the Site. They also engaged Ealing Council's planning department and the GLA in a pre-application consultation. Both Ealing Council and the GLA supported the principle of a comprehensive scheme.

3.4.6. At a meeting with local landowners and businesses on 10 March 2017 there was broad support for the principle of redevelopment of the Site. Ealing's officers also met representatives from adjacent major industrial parks, TRS and the Featherstone and Dominion estates. While it was considered likely that these would come forward with development plans in due course and should be considered as part of a comprehensive approach, their active ongoing business

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ues and significant single land holdings meant these were considered less of a priority for Council intervention.

3.4.7. In March 2017 Ealing Council's Cabinet considered four options for the Site;

- a. Do nothing
- b. Develop Featherstone Terrace Car Park in Isolation
- c. Dispose of Featherstone Terrace Car Park on the market or to an adjacent owner
- d. Seek a development partner to carry out a comprehensive Scheme based around the Council's car park, the land under option to Metropolitan and Suburban and other adjacent private sites, using CPO powers if necessary.

3.4.8. Ealing's Cabinet decided that Option 4 was the appropriate way forward to achieve the comprehensive and place shaping development required by the local planning framework (CDE.1).

4. **The Order Land and history of the sites within the Order Land**

- 4.1. The Order Land is located within Southall the Green Town Centre and is described in detail in the statement of Mark Baines. The boundary is shown on the Order Plan (CDA.2) with land to be acquired coloured pink and land over which rights are to be acquired is coloured blue.
- 4.2. The principal sites within the Order Land are:
- 4.2.1. Featherstone Terrace Car Park owned by the Council
 - 4.2.2. Land at Featherstone Terrace owned by the Council
 - 4.2.3. Land adjacent to Featherstone Terrace Car Park on a long lease to the Council the freehold owned by the Indian Workers Association
 - 4.2.4. The Monsoon Banqueting Suite, in private ownership
 - 4.2.5. The Medina Dairy, in private ownership
 - 4.2.6. The Milan Palace, in private ownership
 - 4.2.7. Dilloway Yard (various sites in private ownership)
 - 4.2.8. The Access Road owned by St Anselm's Church and a small strip of land currently within the curtilage of St Anselm's Church, owned by the Catholic Diocese
 - 4.2.9. The Sub station adjacent to St Anselm's Church
 - 4.2.10. Land Adjacent to the Tudor Rose, in private ownership
 - 4.2.11. Rights over the Access Road to the rear of shops along the Green, in private ownership
- 4.3. Full details of the land and new rights to be acquired are set out in the CPO (CDA.1) and more detail about why each plot is required is included in the statements of Mark Baines, Sam Stackhouse and Virginia Blackman.
- 4.4. The Order Land lies adjacent to the designated town centre and falls within the setting of the Grade 2* listed Manor House. As such Heritage England has been consulted on the Scheme at pre-application stage and noted 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.*" Heritage England subsequently made no comments on the scheme at application stage.

5. **Peabody as the Council’s Development Partner**

5.1. Convinced that a comprehensive scheme of the type set out in the adopted SPD would not come forward without the Council’s leadership for the reasons set out in Section 3.4 above), Ealing Council’s Cabinet resolved to seek a development partner to bring forward a comprehensive scheme on its land at Featherstone Terrace Car Park and land under option to Metropolitan and Suburban and land within the original draft Scheme boundary in March 2017 (CDE.1).

5.2. On 10 July 2018 Ealing’s Cabinet selected Peabody as its preferred development partner following an OJEU compliant competitive dialogue procurement process. The process and reasons for the Council’s decision are summarised in the related Cabinet Report (CDE.2) thus:

“In line with the approvals granted by Cabinet outlined above, in July 2017, the Council, together with its collaboration partner, Ealing Gateway Limited, advertised in the Official Journal of the European Union accordance with EU procurement regulations to find a development partner for a scheme at The Green Southall. The procurement procedure chosen was Competitive Dialogue.

“Twelve parties expressed interest at the Selection Questionnaire stage, of which the top five were selected to proceed to the Outline Solutions Stage. Following the conclusion of the Outline Solutions Stage, in December 2017, three parties proceeded to the Detailed Solutions Stage.

“Detailed dialogue took place through January and February 2018 and, in March 2018, two compliant Detailed Solutions were received, which were then reviewed, evaluated and scored by the Council in accordance with the approach set out in the procurement documents. This process did not result in a clear front runner so the Dialogue process was re-opened in April 2018 and final solutions were received in late April. Those final solutions were reviewed, evaluated and scored, which resulted in a recommendation to Cabinet for a preferred development partner.

“The two final solutions reviewed, evaluated and scored are similar in terms of their quality, massing and overall net development area, but with some key differences. The scoring criteria were set out in advance of the competition in the Invitation to Participate in Dialogue. This document, and its associated clarifications, formed the only basis on which the two solutions could be judged and compared. The table below sets out the reasons why Peabody is being recommended as the preferred development partner rather than Bidder A. Overall, while the two solutions were both compliant and were

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similar in terms of quality (with Bidder A actually being one mark ahead at the end of the quality and legal scoring), Peabody (Bidder B) scored significantly higher on the financial assessment, leading to an overall recommendation for Peabody to be the Council's preferred development partner."

- 5.3. The bids were assessed by a team comprising LSH, Browne Jacobson, LBE Planning, Housing, Parking and Regeneration teams and a final tender report was prepared for consideration by Ealing's Cabinet by LSH.
- 5.4. Subsequently, in April 2019 the Council entered into contract with Peabody through the form of a Development Agreement (DA) and CPO Indemnity Agreement (CPOIA) following a decision of Executive Director of Place (CDE.5).

6. The Green Redevelopment Scheme

- 6.1. As part of the Development Partner selection process Ealing Council's planning department had given informal advice and formal assessment of the final bids submitted and were therefore familiar with the outline schemes. It was therefore possible to conclude a detailed pre application process seamlessly following the outcome of the procurement and Peabody prepared to go out to public consultation in the Summer of 2019 as part of the pre-application phase.
- 6.2. During the pre-application process the scheme was refined as described in the evidence of Mark Baines and Sam Stackhouse.
- 6.3. The Consultation events took place at Southall Manor House in June and September 2019 and were well attended by local businesses and landowners although few written comments were made.
- 6.4. During the Summer of 2019 it became clear that the proposed loss of Tudor Rose was of concern to the local community. During the period of the procurement (at the start of which the building had been out of use) the club had been refurbished and a new license was obtained for banqueting and social use. The leaseholders and the owner, with the support of a wide range of local stakeholders and a public petition, called for the retention of the building in its current use.
- 6.5. Officers from the Council and Peabody considered two options to address local concerns. The first was to replace the Tudor Rose facilities in the new scheme including with a long leasehold interest to the current owners and the second was to exclude the Tudor Rose from the scheme. Although retention of the existing building was not favoured by Ealing's planners, senior politicians felt that the community's interest outweighed the planners' concerns and Ealing's Cabinet took the decision in June 2021 to exclude this plot from the Scheme save for some necessary rights to the external edges of the building which were agreed with the owners. Peabody supported this approach. However, this decision added delay to the Scheme's progress while Peabody and its advisers undertook technical work to the scheme to reconsider the proposal and the legal implications of amending the Development

Agreement were discussed between the parties.

6.6. Consequently, a new planning application was developed during a second pre-application period and an online consultation was undertaken on this scheme in June 2021. The key implications of the amended scheme were:

- a. The retention of the Tudor Rose building and its exclusion (except for some rights) from the scheme. This was agreed with its owners.
- b. The inclusion of some land from St Anselm’s Church next door to deliver a two-way access road. This proposal was discussed with the Church ahead of the decision and practical implications were raised.
- c. The redesign of the access road to the rear of the shopping parade.
- d. A reduction in the proposed commercial floorspace.
- e. A redistribution of the parking and the inclusion of land in Featherstone Terrace partly leased to a number of community organisations, with the re-provision of new accommodation within the scheme. These organisations were consulted on this proposal prior to its inclusion within the scheme.

6.7. These decisions were taken by Ealing Council’s Cabinet in June 2021 (CDE.3)

6.8. Following these decisions Peabody submitted a formal planning application on 29 June 2021 (the Scheme) the details of which are set out in Sam Stackhouse’s evidence.

6.9. The Order Land is all required to create the Scheme at the Green Town Centre. The changes to the Scheme demonstrate that both Peabody and the Council engaged in meaningful consultation as part of the Scheme’s development and responded positively to local concerns. Virginia Blackman’s statement includes more detail on the status of each plot within the Order Land.

6.10. At the heart of the Scheme and its community benefit is the provision of 564 new flats of which 51% by habitable room will be affordable homes secured through the section 106 Agreement (CDC.3). The flats will range from one bed to four-bedroom apartments. 157 will be for affordable rent and 112 for shared ownership. These homes, particularly those affordable rented homes will directly contribute to social wellbeing by providing

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families on Ealing Council's waiting list with somewhere decent and affordable to live.

6.11. Consent for the Scheme was issued on 9 September 2022 (CDC.2)

6.12. There are a number of conditions to implementation (listed in the evidence of Sam Stackhouse), which in my opinion do not represent an impediment to implementation.

6.13. Planning permission has been granted for the Green Redevelopment Scheme and I consider there are no planning impediments to the Scheme proceeding.

7. Justification for Compulsory Purchase Order

7.1. The Council's power to promote economic social and environmental wellbeing

7.1.1. The purpose in promoting this CPO is to secure the comprehensive development of this fragmented and run-down site within the Green Town Centre for a range of business, community and residential uses that are a vital part of creating a sustainable economic future for the Green Town Centre as set out in the Green SPD.

7.1.2. The Council has powers, under the Local Government Act (2000), to promote the social, economic and environmental wellbeing of the area. It is mindful those powers that the Council has prepared planning guidance and proactively sought a competent development partner to implement a place shaping Scheme in Southall.

7.1.3. Comprehensive redevelopment will enable the principles of the Green SPD to be achieved including the creation of the north-south and east-west routes through the site and linkages between the development and streets to the South of it to Southall Station and onwards to the Major centre of Southall Broadway, the creation of a new public space in the site, carefully siting the business and community uses to enable a positive urban environment and enhancing the setting of the Grade 2* listed Manor House. These principles cannot be achieved without comprehensive development of all the land identified in the CPO.

7.1.4. The Order Land is in multiple ownership and the use of compulsory purchase powers will give certainty to site assembly and programming. The Council, through its development partner Peabody and our agents, Avison Young, has attempted to acquire the sites by agreement, but it is evident that site assembly is very unlikely to be completed within a foreseeable timescale unless the Council exercises its compulsory purchase powers. I am satisfied that there is no other course of action that will deliver all the land required for the comprehensive development needed to benefit the Green Town Centre.

7.1.5. Section 226(1A) of the 1990 Act (as amended by the 2004 Act) requires a local authority not to exercise its powers under section 226(1)(a) unless the local authority thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area. As I explain below, the development of the Scheme will contribute to the achievement of all three of those objectives.

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- a. The **Economic** wellbeing benefits for the area are detailed in Sam Stackhouse’s evidence as well as in Section 9.10 of this statement. In summary the Scheme will create new jobs, provide new commercial space, enhance the town centre, add to the resident footfall and spending power within the existing centre and create temporary jobs in the construction period. The Scheme itself represents a capital investment in the area in excess of £100m which itself will have multiplier benefits to the local economy.
- b. The **Social** benefits for the area are detailed in Sam Stackhouse’s evidence as well as in Sections 9.4 and 9.7 of this statement. In summary the Scheme will provide 564 new homes of which 51% by habitable room will be affordable including 157 family homes for London Affordable rents to be owned and managed by Peabody in perpetuity. A further 112 affordable homes will be available on a shared ownership basis. Additional benefits are the new community and nursery spaces, contributions to support health and education provision in the area, new play spaces and open space, contributions to offsite youth play provision and opportunities for healthy walking and cycling routes that will positively contribute to physical and mental health and wellbeing of the wider community.
- c. The **Environmental** benefits for the area are detailed in Sam Stackhouse’s evidence as well as in Section 9.13 of this statement and in Phil Church’s statement. In short these include a significant place shaping investment in the public realm, the removal of rubbish and fly tipping and upgrading the area, utilising efficient building standards and onsite renewable energy generation technology, the creation of new open spaces and planting, a net gain of trees in an area of tree deficiency in the borough (over 200 net new trees being included in the Scheme), an upgrade in the urban greening and a biodiversity net gain of 380%.

7.2. The Council’s CPO Powers

7.2.1. The Council is aware that a compulsory purchase order can only be made if there is a compelling case in the public interest (which justifies the overriding of private rights in the land sought to be acquired (see paragraph 2 of the Guidance). I consider that a clear and compelling case exists in this case given the factual and policy context explained above.

7.2.2. Section 226(1)(a) of the 1990 Act (as amended by the 2004 Act) enables a local authority to exercise compulsory purchase powers if it thinks that acquiring the land

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in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired. The Order will facilitate the development of the Order Land for the purposes of the Green Redevelopment Scheme.

7.2.3. The four factors set out in paragraph 106 of the Guidance which need to be considered before an Order can be confirmed are set out below together with confirmation as to how the Green Redevelopment Scheme meets these:

(i) whether the purpose for which the land is being acquired fits with the adopted planning framework for the area.

Peabody has secured a planning permission for development which accords with national, regional and local planning policies. The Local Plan has, in particular, specifically identified the need for a comprehensive mixed-use redevelopment of the site. As a result, the Scheme will make a significant contribution towards fulfilling the aims of the Council's Development Plan. Detailed planning permission approval has now been granted. There are a number of conditions which are standard for this type and size of scheme which need to be discharged prior to commencement and in the course of development. I do not anticipate any difficulties in Peabody achieving approval for these details and therefore there are no planning impediments to the Scheme proceeding.

(ii) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area

The Scheme will contribute to the economic, social and environmental wellbeing of the area as detailed in Paragraph 7.1.5 above.

(iii) 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. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

The Council is exercising its powers of compulsory acquisition in order to facilitate the comprehensive development of this key site within the Green Town Centre for a range of uses that are a vital part of creating a sustainable economic future for the Green Town Centre. Mark Baines, in his statement, explains how the Council's objectives and the design principles of the Green SPD cannot be achieved without comprehensive development of all the land identified in the CPO which is in multiple ownership. As set out in the Green SPD:

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*“This SPD has been prepared to secure delivery of SOU8 in a **comprehensive** and coherent way that secures all of the objectives set out in adopted policy.”*

(iv) the potential financial viability of the scheme for which the land is being acquired including general indication of funding intentions and commitments from third parties

The Council is satisfied that the resources are available to acquire the land and implement the Green Redevelopment Scheme. Following Peabody’s selection as the Council’s preferred developer in July 2018, the Council and Peabody entered into a CPO Indemnity Agreement (CPOIA) in April 2019 enabling Peabody to redevelop the Green Site with the Council’s support and under which Peabody has indemnified the Council in respect of the costs of the CPO process, including land acquisition costs. In selecting Peabody as its partner the Council gave particular weight to their track record and financial standing as evidence of their ability to deliver a policy compliant scheme and their ability to own and manage social housing stock on a long term stewardship basis. The Council is also satisfied, on the basis of external advice during the procurement process and the statement made by Phil Church of Peabody, that the Scheme remains viable and therefore deliverable by Peabody.

7.2.4. Given the above factors, I believe that the use of compulsory purchase powers is the only way of achieving certainty that all of the land and rights needed to deliver the Green Redevelopment Scheme can be assembled within one ownership.

7.2.5. In summary, I am satisfied that there are no planning or financial impediments to the implementation of the Scheme. Furthermore, I am satisfied, having regard to the benefits of the Scheme, that there is a compelling case in the public interest for the CPO to be confirmed.

7.3. Human Rights Act

7.3.1. In deciding to make the CPO and in satisfying itself that there is a compelling case in the public interest, the Council has taken into account the human rights of those with interests in the Order Land. The Council has concluded that on balance the proposals are proportionate and necessary and that the public benefits of the proposals outweigh the impact on individuals and businesses affected. In particular regard has been given to Articles 1, 6 and 8 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998 as outlined below.

7.3.2. The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).

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7.3.3. Relevant parts of Article 1 of First Protocol of the Convention provide:

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

7.3.4. Relevant parts of Article 8 of the Convention provide:

(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 in accordance with the law and is necessary in a democratic society in the interest of ... the economic well-being of the country...”

7.3.5. The Council considers that the exercise of powers of compulsory purchase in accordance with statute is a proportionate and justified course of action to secure in the public interest improvements in economic, social and environmental well-being which will result from the implementation of the Scheme.

7.3.6. If the Inspector agrees with the Council that there is a compelling case in the public interest, he may confirm the CPO. If the CPO is confirmed, compensation may be claimed in accordance with the compensation code by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the CPO is confirmed, the exercise by the Council of its compulsory powers will not breach Article 1 of the First Protocol or Article 8 of the Convention.

7.3.7. Relevant parts of Article 6 provide that:

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

7.3.8. So far as this CPO is concerned, any owner, lessee, tenant or occupier of land included in the CPO has had the opportunity to make an objection and to appear at the forthcoming inquiry before a decision is made as to whether or not the CPO should be confirmed.

7.3.9. The Council had regard to the Guidance before making the CPO and considered whether a CPO was justified, taking into account the factors to which a confirming Secretary of State may have regard in deciding whether or not to confirm an order.

7.3.10. The acquisition of the Order Land is fundamental to securing the comprehensive redevelopment of the site, enabling the creation of a new part of the town centre with a mixed use development, high quality public realm and a new public square and of key linkages and connections to wider town centre.

7.4. The Council's Equalities duty

7.4.1. The Council has a statutory duty under Section 149 of the Equality Act 2010 to respond to the need to:

- a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.4.2. The protected characteristics are: Age, Disability, Gender Reassignment, Race, Religion & Belief, Sex, Sexual Orientation, Pregnancy & Maternity, Marriage & Civil Partnership.

7.4.3. Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:

- a. Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- b. Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
- c. Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

7.4.4. Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.

7.4.5. Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

7.4.6. The Council has carried out three Equality Assessment Analyses at key points during the project:

- a. Prior to the selection of the Preferred Development Partner (Peabody) in July 2018
- b. Prior to confirming the Scheme boundary including removing the Tudor Rose and including land at Featherstone Terrace where local community groups are

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based in June 2021

c. Prior to making the CPO in November 2021

7.4.7. Copies of the Council's assessments are publicly available for scrutiny (CDE.2 Background document, CDE.3 Appendix 3 and CDE.4 Appendix 4) the most recent report (CDE.4 Appendix 4) concludes that:

“The proposal 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 project goes ahead, 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.”

7.4.8. The Mayor of London has a similar equalities duty and GLA officers considered the issue in preparing advice to him on the planning decision (CDD.11 page 11 paragraph 24). In forming their advice, GLA officers concluded that:

“GLA officers consider that whilst the proposal would result in loss of some community facilities, as set out above, the negative equalities impacts have been mitigated where it is reasonable to do so. Mitigation measures include re-provision of community floorspace within the development. Taking into consideration the specifics of the development including mitigation measures, GLA officers consider that the proposal would not unduly harm or disadvantage any specific groups within the nine protected characteristics.”

7.4.9. Further consideration of this issue, including the consultation undertaken with specific community groups is set out in Sections 9.4, 9.7 and 9.14 of this statement.

7.4.10. Having regard to the Council's statutory duties and the Scheme proposals and the benefits of the Scheme to groups with protected characteristics, I am satisfied that the Scheme offers considerable enhancements to those groups and to the wider community.

8. Negotiations to acquire interests and rights.

8.1. The Council and Peabody have been seeking to acquire land and interests by agreement. This has been a collaborative effort with the assistance of Avison Young (AY) (the appointed surveyors) instructed by Peabody and with a shared duty of care to the Council to advise in relation to the redevelopment on land acquisition and compulsory purchase matters.

8.2. Under the CPOIA and consistent with the Guidance, Peabody is required to try to agree private treaty deals with landowners and affected parties wherever possible. Where third parties will not negotiate or treat with Peabody the Council can do this. Peabody and AY have pursued or sought to pursue negotiations for the acquisition by agreement with all owners and occupiers identified in the CPO, wherever practicable to do so.

8.3. Further details of the steps that have been taken to acquire interests by agreement are set out in Virginia Blackman's witness statement. This details dates of key correspondence, meetings and other events involving the Council, Peabody, their professional teams and the objectors to the CPO. This engagement has continued in parallel with the CPO process.

8.4. In progressing negotiations with affected owners Peabody has been prepared to consider either an outright purchase or the agreement of terms for a future purchase. The approach has varied according to the circumstances in each case.

8.5. I am satisfied that the approach to negotiations is in accordance with the Guidance. Paragraph 17 of the Guidance recognises that it may be sensible to initiate formal compulsory purchase procedures in parallel with seeking to negotiate with affected landowners. Discussions and engagement have continued in parallel with the statutory CPO process.

9. **Objections to the CPO**

9.1. Following the making of the CPO there have been 24 statutory objections and 39 non statutory objections as summarised in Appendix 1 to the Council’s Statement of Case. The objections received covered a variety of common themes which we have sought to address. Some of the points are covered in the statements of other witnesses and I am concentrating therefore on those themes not covered elsewhere or not covered from the Council’s perspective, to avoid duplication. Where necessary cross references are made to the evidence of other expert witnesses in the Council’s team.

9.2. **Over Development**

9.2.1. In the Statement of Case, the concern was noted about perceived over development on the Site, however reference was made to the alignment of the proposed Scheme with national, regional and local planning policy. Sam Stackhouse covers these points in detail in his evidence which should be read alongside the Case Officer’s report (CDC.4). In this report, the case officer concludes that:

“The opportunity to secure high design quality and materiality generally and outstanding quality for the towers, are vital to achieving a successful outcome. In this context, careful account has been taken of the impacts of the development in terms of bulk, mass, scale, design quality and external appearance of the new buildings, in particular the incorporation of tall buildings and the ability of the scheme to satisfy these criteria whilst securing the qualities identified by the Design Review Panel, that is appropriate to its setting.”

9.2.2. Further the matter has been considered by the Strategic Planning Authority (the Mayor of London) who (CDD.11 page 1 summary paragraph) has concluded that:

“The layout, massing and height of the proposal are supported. The tall buildings are not in a location specifically identified as suitable for tall buildings in conflict with Policy D9.B. However, the development raises no strategic concerns in terms of impacts, as set out in London Plan Policy D9.C. In addition, the public benefits of the scheme weigh in favour of the proposal, and the proposed tall buildings are acceptable in this location having regard to the rest of the development Plan. The less than substantial harm to the heritage assets would be decisively outweighed by the public benefits of the scheme. Appropriate mitigation measures in relation to agent of change principles and conditions on inclusive design, fire safety, materials and other key details have been secured. Other matters in relation to transport, sustainable development and environmental issues have been suitably resolved and relevant conditions and obligation have been

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secured.”

9.2.3. I am therefore satisfied that the proposed development is at a suitable scale for Southall.

9.3. Infrastructure Concerns

9.3.1. In the Statement of Case, concerns about existing local infrastructure were noted as was the fact that the need for infrastructure had 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.

9.3.2. For further detail please refer to the evidence of Sam Stackhouse. In summary however, the scheme will deliver a number of key infrastructure related benefits. These include, but are not limited to:

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

9.3.3. Further in considering the impacts of the scheme the Council reviewed the impact on health, education, traffic and urban greening all of which were addressed in the Cabinet report June 2021 (CDE.3) paragraph 2.20 which explained that there is currently a surplus of primary school places in the area and that the health authority is satisfied that sufficient capacity exists or is planned for to accommodate the growth in demand generated by this scheme. It sets out how traffic impacts from the scheme would be no worse than existing due to the balance of new parking to be provided but suggested a way further to reduce car demand would be further to reduce the car parking spaces available to the public.

9.3.4. However, the Council is mindful that concerns been expressed about the level of parking available in the redevelopment Scheme, bearing in mind that the public car parking provision is being reduced to 90 spaces. Please see section 9.6 of this statement for further consideration on this point.

9.3.5. I am therefore confident that the scheme contributes positively to infrastructure provision in Southall.

9.4. Cultural and/or religious impacts

9.4.1. In the Statement of Case, the concerns raised about the impact the scheme on religious and cultural groups in the area were noted. However the Council did carefully consider the impacts on the Southall community as part of the development of the Scheme and carried out three Equality Assessment Analyses to inform key decisions in respect of the scheme (CDE.2 – Background document, CDE.3 Appendix 3 and CDE.4 Appendix 4).

9.4.2. The Council is content that the scheme does not have a disproportionate negative impact on any identified cultural or religious group. There are impacts on some groups which we are seeking to mitigate primarily:

- d. St Anselm's Church (part of the Catholic Faith) which as well as providing religious services organises a number of community based welfare services including a foodbank and support for homeless people. An undertaking is being made by Peabody to assure the Church that their business will not be disrupted during construction or after the Scheme has completed. Any impact on the Church's parking provision will be mitigated as far as possible.
- e. The Community Groups GOSAD, Somali Youth Helpline, ESDEG and Sofale which are based in Featherstone Terrace Resource Centre. These groups will be relocated to alternative premises in Southall throughout the duration of the construction programme and will return to a new purpose built community facility in the finished scheme. Options for a new location are now being discussed with the groups. Currently they are based in old portakabins which are not fit for purpose and are coming to the end of their practical lives. They are cold during the winter months and last winter the roof blew off during a storm and the Council carried out emergency repairs. These groups are being offered effectively a 'right to return' on lease terms similar to their existing terms (subject to contract). For these groups, excepting a period of disruption during the construction period, their position in the future scheme will be better than their existing conditions. I note that Somali Youth Helpline wrote to the Council in support of the Scheme when consulted as part of the statutory planning application process and noted that they had been assured that the charity would be looked after including during the building phase and when the project is complete would be allocated space on the ground floor. Further they were pleased to hear that their work could continue.
- f. The banqueting suites Monsoon and Milan Palace which operate as celebration

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venues and cater particularly for Indian weddings. These properties are affected and Avison Young is working with the occupiers on relocation options. We understand the owner of these properties wishes to redevelop the properties in any case. Their loss is mitigated by the presence of other facilities of this nature locally including the Tudor Rose, Southall Manor House and the Centre Banqueting Suite.

- g. The Tudor Rose is an important facility for the local Caribbean community. This was closed during the development period for the scheme and at that time the Council understood that the owners had their own plans to redevelop the property. It was originally therefore proposed for demolition as part of the Scheme proposals. However, in 2018/19 a significant internal overhaul took place, a new license was obtained, and the venue is now able to operate again. During the 2019 consultation significant objections were raised to its demolition following which the Council decided that it should be retained in the future scheme. This caused significant scheme delays and impacts on other properties, particularly St Anselm's Church however on balance it was considered the appropriate response to widespread public objection to its loss.

9.4.3. The Council is not aware of any other religious or cultural groups specifically affected by the proposals.

9.4.4. Further objections have been made regarding 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. Notices were attached to lampposts around the affected site.

9.4.5. Prior to this, when consulting on the planning application, Peabody issued a press release to the local media on 18 June 2019, containing key information on the proposals, the date, time and venue for the June 2019 events. The press release was issued to Ealing News Extra, Around Ealing, My London, Ealing Gazette, Capital West London, Ealing Today and Ealing Times.

9.4.6. 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.

9.4.7. Finally, if the Scheme were to proceed, it would offer a significantly improved

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environment for people with physical disabilities and improved opportunities for people from BAME backgrounds to access suitable affordable rented housing.

9.4.8. I am therefore satisfied that on balance the needs of particular groups of people, whether cultural, religious or those with protected characteristics are addressed well by the Scheme and that any potential perceived harm is mitigated by benefits in the long term.

9.5. CPO defective and/or flawed

9.5.1. A number of parties objected to the CPO on the grounds that the CPO process was defective and/or flawed. This was due to our attention being raised to one party's objection being returned by the Royal Mail just ahead of the deadline date in December. 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 continued to be available within the library at the Dominion Centre until the end of January. The PCU received further objections during this extended time period.

9.5.2. I took legal advice on this point at the time to be sure that we had done everything possible to be fair to members of the public who may have wished to make objections on the Scheme. I was advised that we did not need to extend the consultation period but to do so would be a sign of genuine intent that we wished to hear from everyone who would want to be heard on the matter therefore, having consulted the Lead Cabinet member on the Scheme, we decided to extend the consultation period. Considering both the legal position and the matter of public perception, I am satisfied 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.

9.6. Car Parking impacts / Concerns

9.6.1. The issue of continued car parking for the public was a concern to the Council from the outset of considering this Scheme. This was addressed in the first Cabinet Report in March 2017 which noted that:

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“Parking provision is a key issue in Southall and the Council recently created new parking provision in Southall Broadway in response to local demand. However, research into use of the Featherstone Terrace Car Park demonstrates that it is rarely full or even half full. The times when it is busy are predominantly weekends in the Summer period, when the adjacent banqueting suite is in use. There is no charge for parking in the evenings. Should the banqueting suite close as is proposed as part of the redevelopment, then demand for car parking in Featherstone Terrace would likely be reduced.”

9.6.2. Further, the report noted that:

“Although the area has been inspected and passed as an exemplary safe environment, and the Council has undertaken recent works to tidy the boundary of the car park and improve lighting, the surrounding environment of the car park remains poor and inactive, with limited overlooking. This provides a disincentive to users who fear that their car is not secure in the current location. The current configuration of the space invites the perception of anti-social behaviour and therefore goes against the Southall Big Plan’s objective of reducing fear of anti-social behaviour. There are notices in place at the entrance to the car park warning of car crime and describing the area as a ‘car crime hotspot’. In addition the car park does not provide close access to local shops and facilities.”

9.6.3. Appendix 3 to the report (CDE.1 Appendix 3) contained detail about general usage from the Council’s Parking services team which showed that even peak average usage of the car park (on Sundays) was around 90 spaces. Most of the time usage was lower than that. Therefore, the Council considered that 90 spaces for the public going forward would meet the maximum demand for parking in the area.

9.6.4. This position was checked again by officers in February 2022 to consider the ‘post covid’ position. At that stage, Parking services advised that while revenues were still down since before the pandemic, the car park was relatively well used and sometimes reaching capacity. That was at a point in time where the Covid testing centre had been in place for around 18 months taking up around 50 parking spaces on site, so as well as stimulating demand for parking for people wanting a test it reduced the capacity of the car park to around 90 spaces. Therefore, Parking services considered that 90 replacement spaces was still the right number. Parking was consulted as part of the procurement exercise on options for the new car parking provision and are satisfied with the proposal to split future provision into two surface parking areas north and south of the site. This has the advantage of locating parking spaces closer to local businesses especially those on the frontage of the Green and on balance are satisfied that the proposed future provision meets the needs of the area.

9.6.5. Sam Stackhouse covers in his evidence how parking was considered as part of the planning decision process.

9.7. Scheme neglects local needs and will negatively impact local community

9.7.1. The Statement of Case noted the objections regarding the perceived negative impacts the scheme has on the local community. As I have noted elsewhere in this evidence and is referred to in the evidence of Phil Church and Sam Stackhouse, extensive pre-application and community engagement and consultation took place between June 2019 and July 2021, 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.

9.7.2. In line with the points made in section 5 of the Statement of Reasons, the scheme at The Green, Southall will deliver many local benefits, including:

- a. 564 new homes including 51% affordable housing on a habitable room basis
- b. Modern apprenticeship programme in construction (24 placements), project management, administration, and IT
- c. Liaison programmes with local schools and colleges for work experience and student visits
- d. Employment and Training Opportunities for the long term unemployed
- e. 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.
- f. 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.
- g. Provision of a new Day Nursery.
- h. Significant financial contribution secured via the s106 agreement to assist with local infrastructure including transport network, education and health.
- i. The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- j. Tangible environmental improvements including 215 new trees, signification ecology benefits through Urban Greening and a 380% Bio-Diversity Net Gain, surface water management and carbon reduction technologies.

9.7.3. Further as can be seen by reference to the Council's Equality Assessment Analyses (most recently CDE.4 Appendix 4) a significant proportion of our local housing register comprises black and minority ethnic families, which will include a large number of families living in Southall. While some residents may feel that

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they won't enjoy the construction period the Council will seek to mitigate this harm by ensuring that this is managed properly with restricted working hours / noise levels etc. When the scheme is complete the benefits to those residents waiting for an affordable home to rent will be considerable as 157 families will have the option to rent a new home in the development at London Affordable Rent levels. Another 112 affordable homes will be available for people to part rent and part buy. The additional benefits to the wider community in terms of the improved environment, more pleasant surroundings, removal of fly tipping and improved surfaces to roads and pavements are substantial.

9.7.4. I am satisfied that the Scheme will benefit, not harm, the local community and that where potential harms have been identified the scheme has evolved and changed in response to local concerns. Good examples of this include the removal of the Tudor Rose from the Scheme boundary, the mitigation of impacts to St Anselm's Church and the inclusion of land currently occupied by Somali community groups to ensure that those groups have the opportunity to occupy fit for purpose space in the future development.

9.7.5. I am therefore content that the needs of the local community including the need for new affordable homes are at the very heart of the evolution of the Scheme.

9.8. Object to Entire Scheme

9.8.1. The Statement of Case noted that some objections were received to the scheme in its entirety. The development site is within allocation SOU08 of the adopted Development Sites DPD (2013) (CDD.4) 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.

9.8.2. These benefits include, but are not limited to:

- a. 564 new homes including 51% affordable housing on a habitable room basis
- b. Modern apprenticeship programme in construction (24 placements), project management, administration, and IT
- c. Liaison programmes with local schools and colleges for work experience and student visits
- d. Employment and Training Opportunities for the long term unemployed
- e. The creation of approximately 90 new FTE jobs across a variety of uses. This may include creative workshops, studio space, light industrial space, alongside

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office, retail and community space.

- f. Provision for the accommodation of local community who occupied part of the site in its existing state, futureproofing their continued presence.
- g. Provision of a new Day Nursery.
- h. Significant financial contribution secured via the s106 agreement to assist with local infrastructure including transport network, education and health.
- i. The promotion of greener modes of transport deterring car dependency through improved permeability, pedestrian links alongside cycle parking.
- j. 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.

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

9.8.4. The Council and the Mayor of London are satisfied that the Scheme is consistent with the adopted planning framework and provides significant economic, social, and environmental wellbeing benefits to the area (for more detail please refer to the Case Officer's Planning report (CDC.4) and the Mayor of London's Planning report (CDD.11)).

9.9. Subject land has alternative development opportunity

9.9.1. Objections to the CPO were raised from some affected parties suggesting that the Subject land has alternative development opportunity. As is set out in this evidence and the evidence of Sam Stackhouse, the Council considers 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.

9.9.2. 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. The parties objecting on the basis that they could have delivered a similar scheme if the Council had chosen to work with them were aware of the developer partner procurement at the time and had they considered themselves best placed to deliver the Scheme could have bid for the opportunity to do so, which they did not.

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9.9.3. Therefore I am content that the Scheme is the best way to deliver the Council's policy objectives.

9.10. Concerns about the impact on existing economy

9.10.1. The impact on Southall's economy is one of the three key strands of consideration for Ealing Council in assessing the merits of the Scheme and whether to use its statutory powers to support land assembly. That is why one of the fundamental Scheme objectives was for new commercial space to complement, not to compete with, the existing neighbourhood centre at the Green, Southall. The scheme provides for an increase in jobs on site replacing run down industrial and commercial premises with new space. While some businesses will be displaced from the Site, AY has been instructed by Peabody and the Council to negotiate options for relocating these, while new businesses will have the opportunity to flourish in the new Scheme.

9.10.2. Adjacent shops and food and drink premises will have their rear access land tidied up and options to service their premises from the rear thereby avoiding future congestion of the type that currently blights the Green. This will help to create a more pleasant environment for those businesses and for their customers whether arriving on foot or by car. Peabody has given an undertaking to ensure continuity of access for the affected businesses throughout the construction period so as to avoid business disruption. It is also considering how to maximise temporary parking provision throughout the construction phase so as to support the wider town centre amenity in that phase of work.

9.10.3. The new residential community will enhance the setting for the town centre and increase footfall to local shops and facilities which should in turn support the existing district centre with increased local spending power at a time when throughout the UK high streets are coming under significant pressure.

9.10.4. Please refer to the evidence of Virginia Blackman for more details on how existing occupiers are being treated and to Phil Church for commitments made by Peabody to existing occupiers of shops and restaurants adjacent to the affected Site.

9.10.5. Overall, in the light of the above points, I am satisfied that the local economy will benefit from the proposed Scheme and where individual businesses are affected they will be compensated appropriately in accordance with their statutory rights.

9.11. **Developer and/or Council Credibility**

9.11.1. The Statement of Case noted some objections were received regarding 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. Please refer to the relevant Cabinet reports dated March 2017, July 2018 and June 2021 (CDE.1, CDE.2 and CDE.3)

9.11.2. Peabody is an experienced and reputable registered provider (housing association) and developer which has undertaken many schemes of a comparable scale and size to this one and have a history of managing social housing and promoting community support over 150 years and more. Please refer to the evidence of Phil Church for more details about Peabody's experience and credibility as a developer.

9.11.3. On balance it is difficult to see what more the Council could have done to operate a fair, open and transparent process to select a development partner nor how the Council could have identified a partner with more credibility.

9.12. **Existing regeneration strategy sufficient**

9.12.1. The Statement of Case noted some concerns to the effect that the existing regeneration strategy is sufficient and stating that Southall is not in need of an extensive multi use redevelopment as there have 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. I have expanded on this point further in Section 3.4 of this statement.

9.12.2. 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 without doubt 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 which is in private ownership and management.

9.12.3. The lack of routes through the Site creates cul-de-sacs with poor passive surveillance where fly tipping and anti-social behaviour can occur. A scheme to improve the setting of St Anselm's Church, implemented in 2015, has suffered from vandalism and now needs to be restored. When walking the Site, it

is usually the case that several mattresses and other elements of fly tipped rubbish can be seen as well as potholes, damage to the pavement and poorly surfaced access roads. The area is not permeable.

9.12.4. One of the key concerns of Southall's residents as reported in Ealing Council's recent survey 'Shaping Southall' (CDD.12 pages 29-32 of Southall Town Profile) was the lack of affordable housing in the area (-38% of respondents were satisfied with this) and another was the lack of local facilities and shops (at -23% of respondents). Further, the survey showed that the vast majority of people in Southall do not feel safe. Only 16% agree they feel safe in Southall while 60% disagree.

9.12.5. Therefore it is clear that the existing regeneration strategy, while positive, is not yet meeting local expectations nor responding to local needs and concerns. Moreover, Southall residents are more likely than residents of the borough as a whole to be concerned about the scale and pace of change to their area, with several large-scale developments recently being implemented that is not surprising. Apart from Acton, no other part of Ealing borough is changing as rapidly as Southall. It is difficult to balance these conflicting public perceptions. On the one hand there is a desire not to rush into too much change and on the other hand the need to recognise and to address the legitimate concerns of local residents regarding safety, lack of affordable housing, the desire for new business space and more shopping choice and an improved public realm.

9.12.6. The Scheme at the Green has been in discussion for a long time and has evolved in response to local concerns raised with the Council and Peabody. Balancing conflicting priorities is difficult but in promoting the Scheme, the Council has sought to find the right balance for the local community and the parties directly affected.

9.12.7. In considering the Council's duty to promote the social, environmental and economic well-being of the area, I am satisfied that the proposed Scheme is the most appropriate way both to meet the Council's policy objectives for the area and to address residents' concerns about the lack of affordable housing, local services and shops and a safe and pleasant environment in Southall. To not implement the Scheme would ensure the degraded environment to the west of the shops in Southall the Green would remain in perpetuity and would not generate benefits for the local community.

9.13. Environmental Concerns

- 9.13.1. The Statement of Case noted concerns about the impact of the Scheme upon the environment. Ealing Council 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. Sam Stackhouse's statement sets out these benefits in more detail and I would refer you to section 4 of his statement in this regard and also to section 6 of Phil Church's statement.
- 9.13.2. As The Scheme includes significant environmental improvements on the existing site both in terms of environmental (ecology) benefits and to the public realm and active travel options for local people.
- 9.13.3. The impact on the environment was considered during the planning process not only by the Council (CDC.4 pages 60-72) but also by the GLA (CDD.11 pages 16-18).
- 9.13.4. I am therefore content that the Scheme will have a positive environmental impact in the area.

9.14. Consultation

- 9.14.1. The Statement of Case noted an objection on the grounds that the Council did not undertake adequate consultation.
- 9.14.2. Sam Stackhouse sets out in his statement the consultation undertaken by Peabody on the application and this is considered in the Case Officer's report (CDC.4). Virginia Blackman has also set out in her statement the consultation undertaken by AY directly with affected parties following the appointment of Peabody as the Council's development partner in 2019.
- 9.14.3. In addition to this, the Council carried out a series of consultation meetings prior to the selection of a development partner for the Scheme including 1-1 meetings with several of the affected parties and parties of adjacent land holdings to the site and a number of open invitation meetings to local businesses and land owners including:
- a. 10 March 2016 – For local businesses and landowners at the Dominion Centre to explore the idea of a comprehensive development scheme and get a flavour for local business and landowner aspirations and / or concerns.
 - b. 29 June 2016 – For local businesses and landowners at the Southall Manor House – setting out the findings of the GLA's masterplanning work and

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discussing the forthcoming draft Southall the Green SPD. A total of 66 representations from 8 parties were received on the SPD and the Council responded to these in the final adopted version.

- c. 12 June 2017 – For local businesses and landowners at the Southall Manor House to tell them about the forthcoming procurement process for a development partner for a comprehensive scheme.

9.14.4. Further the Council wrote to all affected parties on several occasions to inform them of the Council's decisions and progress towards securing a development partner on the following dates:

- a. 4 August 2017 – to tell them about the commencement of the procurement process
- b. 29 March 2018 – to update that the process was ongoing
- c. 27 July 2018 – to inform affected parties that Peabody had been selected as the preferred development partner
- d. 17 January 2019 – to inform them that the agreements had not yet been signed but were due to be signed soon.

9.14.5. Following signature of the Development Agreement and CPOIA in April 2019, Peabody and Avison Young wrote to all affected parties to inform them; more details are set out in Virginia Blackman's evidence.

9.14.6. Lastly, the Council presented the Scheme to be considered at a meeting during Peabody's pre-application consultation period in 2019 on 26 September 2019 at the Southall Ward Forum which was held at the Dominion Centre and was well attended by the local community.

9.14.7. Following receipt of a large number of objections to the inclusion of the Tudor Rose club in the proposed development Scheme Council officers and members, alongside colleagues from Peabody and Avison Young attended a number of formal and informal meetings with the Tudor Rose and representatives from groups supporting them in objecting to the Council's plans during the second half of 2019. As a result of these discussions, the Scheme was subsequently changed to exclude this club.

9.14.8. At a meeting with representatives from the Somali Community Groups (GOSAD, ESDEG, Somali Youth Helpline and SOFALE) in late 2019, these groups expressed concern about the exclusion of their existing site in the redevelopment Scheme because their existing accommodation is cold and uncomfortable and coming to the end of its useable life span. These groups had been aware of the proposals throughout and had previously expressed concerns

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about being included in the Scheme. Therefore, when Peabody proposed utilising this land to help mitigate the impact of removing the Tudor Rose, officers from Peabody and the Council met with them again in early 2021 to discuss the option for relocation. After discussing informally with local ward Councillors and Cabinet members, Ealing's Cabinet subsequently determined that this land should be included on the basis that the groups affected must be relocated.

9.14.9. These two examples above show not only did the Council and Peabody consult adequately, both then listened to feedback and changed the scheme in accordance with local concerns as expressed to them at the time of the pre-application consultation.

9.14.10. I am therefore satisfied that adequate consultation has been undertaken throughout the process of the Scheme's development and that this consultation has shaped the final outcome of the proposed Scheme.

10. **Conclusion**

10.1. The acquisition of the Order land is fundamental to securing the comprehensive redevelopment of the site which, in turn, has such an important role to play in enhancing the town centre consistent with its status as a district hub. The Green Redevelopment Scheme is consistent with national planning policy, the London Plan, the adopted Local Development Plan and the adopted Southall the Green SPD. **The Scheme will contribute to the social, economic and environmental well being of Southall.**

10.2. As set out in detail in Section 7 of this statement, the Green Redevelopment Scheme will contribute to the economic well-being of the area by promoting the Town Centre's economic vitality and viability bringing new business and community space – and desperately needed new affordable homes. The proposed residential units will also provide an economic boost to the centre with the additional footfall.

10.3. The Green Redevelopment Scheme will provide new linkages and routes through the town centre, integrating the replacement public car parking better with the existing and new shops and restaurants in the town centre and providing better pedestrian linkages through to the Manor House and Southall Station. This will support active travel and promote mental and physical health benefits for the existing and the new community.

10.4. All the land identified in the CPO is required as the site is in multiple ownership. The use of the Council's CPO powers is the only way of achieving certainty that all the land and rights needed to deliver the development can be assembled. I am satisfied that there is no other course of action that will deliver all the land required for the Scheme and therefore without the CPO being confirmed the comprehensive development objectives for The Green Town Centre as set out in adopted planning policy cannot be achieved.

10.5. Securing the delivery of the Green Redevelopment Scheme is key to the Town Centre's sustainable future. Comprehensive development of the Green Site will create a new part of the Town Centre with a mixed-use development, high quality public realm and new public square within the development and new pedestrian links and connections through the site that fully integrates the Scheme with the

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rest of the Town Centre.

10.6. I request therefore that the Inspector confirms the CPO to enable this vital redevelopment scheme to proceed and to secure the consequential social, economic and environmental benefits for the Town Centre and the wider community.