

## Land adjacent to the Green, Southall

Local Planning Authority: Ealing

local planning authority reference: 215058FULR3

<p><b>Strategic planning application stage 2 referral</b></p> <p>Town &amp; Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town &amp; Country Planning (Mayor of London) Order 2008.</p>
<p><b>The proposal</b></p> <p>Demolition and mixed-use redevelopment to provide 3 urban blocks comprising 564 residential units (Use Class C3), flexible commercial, employment and community floorspace (Use Classes E, F1 and F2), private and public car parking, servicing bays, public realm, and associated landscaping, play and amenity space, plant and refuse areas, and access arrangements.</p>
<p><b>The applicant</b></p> <p>The applicant is <b>Peabody</b> and <b>London Borough of Ealing</b>, and the architect is <b>Hunters</b>.</p>
<p><b>Key dates</b></p> <p><b>GLA stage 1 report:</b> 18 October 2021</p> <p><b>LPA Planning Committee decision:</b> 20 October 2021</p>
<p><b>Strategic issues summary</b></p> <p><b>Land use principle:</b> The land use principle of a residential-led development optimising this brownfield site is acceptable.</p> <p><b>Housing:</b> 51% affordable housing by habitable room with a tenure split of 62% London Affordable Rent and 38% London Shared Ownership units meets the requirements of the Fast Track Route. Early stage review mechanism and affordability criteria have been secured.</p> <p><b>Urban design and heritage:</b> 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.</p> <p>Other matters in relation to <b>transport, sustainable development</b> and <b>environmental issues</b> have been suitably resolved and relevant conditions and obligation have been secured.</p>
<p><b>The Council's decision</b></p> <p>In this instance Ealing Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.</p>
<p><b>Recommendation</b></p> <p>That Ealing Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.</p>

## Context

1. On 7 September 2021, the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
  - Category 1A: “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”
  - Category 1B: “Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”
  - Category 1C: “Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.”
2. On 18 October 2021, the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report 2021/0944/S1 (link to report [here](#))<sup>1</sup> and subsequently advised Ealing Council that the application did not fully comply with the London Plan for the following reasons:
  - **Land use principle:** The residential-led redevelopment of this brownfield industrial site to provide commercial and residential use is acceptable in land use terms. However, further information is required in relation to the potential loss and re-provision of the community/night-time uses.
  - **Housing:** 50% affordable housing by habitable room is proposed with a split of 62% Affordable Rent/ 38% Shared Ownership units. This offer meets the Fast Track route requirements and is supported. Early-stage review mechanism and the affordability of the units must be secured. Appropriate contributions towards playspace provision should be secured.
  - **Urban design:** The site is not identified in the development plan as suitable for tall buildings and, as such, the proposal does not comply with London Plan Policy D9.B. The issue of non-compliance will be considered at the Mayor’s decision-making stage having regard to the material considerations of the case, and the public benefits of the proposed development. The proposed layout of the scheme is broadly supported. Appropriate mitigation measures in relation to agent of change principles, public access to the open space and a revised fire strategy should be secured.
  - **Heritage:** The proposal would result in less than substantial harm to the setting of the Grade II\* Manor House and Grade II War Memorial and would result in loss of a non-designated heritage asset. Whilst it is possible that public benefits (including provision of affordable housing and public realm improvements) could outweigh the identified harm, this balance will be considered fully at the Mayor’s decision making stage.

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<sup>1</sup> <https://gla.force.com/pr/s/planning-application/a0i4J000006bvTgQAI/20210944?tabset-c2f3b=2>

- **Transport:** Further information and clarifications are required in respect of Healthy Streets, trip generation and necessary mitigations to promote active travel. The car parking provision should be removed in line with the London Plan objectives of car free development. Cycle parking should comply with LCDS and the overall quantum should be appropriately secured. A Travel Plan, full Delivery and Servicing Plan, and Construction Logistics Plan, Parking Management Plan, contribution towards bus service improvements and CPZ permits should be secured.
  - **Sustainable infrastructure and environmental issues:** Further information is required on energy with respect to energy efficiency, renewable energy, overheating and energy monitoring. Further information in relation to WLC, circular economy, sustainable drainage, water, and air quality is required.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
  4. On 20 October 2021, Ealing Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement, and on 24 August 2022, it advised the Mayor of this decision. The application was validated complete on 26 August 2022. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Ealing Council under Article 6 to refuse the application; or, issue a direction to Ealing Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 8 September 2022 to notify the Council of his decision and to issue any direction.
  5. The decision on this case, and the reasons, will be made available on the GLA's website: [www.london.gov.uk](http://www.london.gov.uk)

## **Response to neighbourhood consultation**

6. Ealing Council publicised the application by sending notifications to local addresses, and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
7. Following the neighbourhood consultation process Ealing Council received a total 126 responses (120 in objection, 5 in support, and 1 neutral). The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

### Neighbourhood objections

- Underfunded/staffed community facilities, crime, cultural diversity.
- Car park should be made multi storey.
- Lack of Council honesty and transparency; not been discussed with local residents, businesses, and local groups. Public consultation took no account of their concerns. No meaningful consultation.

- Contrary to policy, not allocated site for tall buildings, open space deficiency, traffic, and poor environment.
- Conflict of interest with the Council deciding its own application.
- Fails to deliver genuinely mixed affordable housing.
- Exposure of ground contaminants to the local area during construction.
- Carbon footprint of large buildings is too high.
- Increased traffic congestion, road safety concerns and air pollution.
- Too much development already in the area and no space for more flats.
- Overwhelming public objection.
- Out of keeping with local character. Poor and unattractive design and too tall and an eyesore.
- Harmful impact on the Conservation Area and listed buildings.
- Insufficient response to flooding impact.
- Loss of privacy and light to rooms and gardens and overshadowing.  
Lack of parking already; inadequate on-site parking particularly for senior citizens and the Dominion Centre.
- Contrary to human rights.
- Extra CPZs will burden residents.
- Loss of local businesses.
- Overdevelopment.
- Area over populated already; difficult to access train station during peak times.
- Homes not for family living and more family sized homes are required.
- Social and mental health issues associate with tall buildings.
- Increased pressure on schools, doctors, and community services in the area.  
Need more health facilities and schools to support new people.
- Inadequate public transport will give rise to greater car traffic, nowhere to park.
- Development driven by profit.
- Contrary to Council's carbon-free, clean air objectives.
- More consideration should be given to how children would use the development.
- Should be developed as hospital, school, or another public amenity.
- Uses up designated green space for development.
- Concern about impact on skyline.
- No real plan to integrate with the community.
- Will encourage pressure of income and exploitation of low skilled migrants.
- Needs to consider flight paths.
- Fire risk.
- Public realm will attract anti-social behaviour. Increased crime risk.
- Affect local ecology and a waste of money.
- No consideration for people nearby.
- May lead to loss of characterful Indian shops.
- No explanation how construction works will be accommodated, concerned for welfare and safety from lorry traffic.
- Increased light, noise, environmental, pollution, danger of sewage overflow.

### Neighbourhood support

- Fully support extra housing, need to reform Southall.
- Support increased housing in the area and helps businesses and the economy.

- Broad support for development and design.
- Community needs more open space, healthy areas, parks.

## **Responses from statutory bodies and other organisations**

### Met Police Secured by Design

- Reported crime in the area is high. Development should be able to reach Secure by Design accreditation.

### Crossrail

- No comments to make.

### NHS Property Services

- Requests health financial contributions.

### The Greater London Archaeological Advisory Service (GLAAS)

- Request investigation condition.

### MoD Estates Assets

- No objection and request conditions.

### Natural England

- No comments to make on the application.

### NATS/Heathrow Safeguarding

- No objection.

### Network Rail

- No objection.

### Thames Water

- No objections in respect of foul or surface water and no conditions requested.

### Historic England

- Does not wish to offer any comments.

### Sport England

- Additional population will generate additional demand for sports facilities. If not met on site, then financial contribution requested.

### Environment Agency

- Application does not fall into a category of development or affecting land on which the EA expects to comment.

### Highways England

- No objection.

### Diocese of Westminster (on behalf of St Anselm's Church)

Object on the following grounds:

- Loss of any car park and parish land will impact on the community and users of parish facilities, making access to The Green more difficult.
- Continued use of the road for two-way traffic.
- No need for servicing and shops as retail currently spread too widely.
- Residential adjacent to the church needs to be sympathetic to funerals and parish facilities for events.
- The rectory is a place of work where the priest lives. Removal of the industrial use and replacement with dense housing will not address all issues and creates new ones.

### Ealing Civic Society

Object on the following grounds:

- General dislike of proposal.
- More open space needed on development.
- Out of keeping with character of the area.
- Overdevelopment.
- Poor design and insufficient recognition of local heritage.
- 19 storeys towers will be overbearing and out of scale.
- Unimaginative and unattractive design and incoherent materials.
- No consideration given to retention/re use of the former stable / sub station.
- Fate of the local listed cattle trough is unclear and should be retained and incorporated.

## Dominion Centre and Library

Support the application with the following caveats:

- How will the Centre function during construction; where will users and waste collection park; noise pollution; competition from new community space out pricing the Centre; could a new library entrance and better space in Centre be incorporated; how will increased footfall, rubbish, pollution be managed.

## Maven Planning Consultants on behalf of local landowners

A joint objection letter on behalf of the following owners of land within the application site: Milan Palace, Monsoon Banqueting, Medina Dairy, Faroh Limited. The landowners and their representatives have been in discussion with the Council and Peabody, in connection with the realisation of the SOU8 site allocation to bring the land forward. Planning objections to this application are summarised below:

- Although the applicant has committed to providing 50% affordable housing, with a tenure of split 60% London Affordable Rent and 40% intermediate housing, there is no explanation as to how this will be achieved when the land value for the large portion of the site has not been agreed.
- There needs to be a clear explanation in the Committee report as to how a potential variation in the client's land value would not affect the ability to deliver this amount and tenure of affordable housing.
- The planning application commits to providing 50% affordable housing, which would undermine the potential value of these owners' land.
- The owners of the Tudor Rose building were successful in having it removed for the application site and any subsequent CPO on the grounds it was an important cultural and community asset. If that is the case, then it should follow that the Tudor Rose building is either statutorily or locally listed. This would prevent it being redeveloped in the future in a way that is currently being denied by other landowners affected by the proposals.
- Had the proposals been developed in closer consultation with the land owners, it would have been possible to position the buildings so they were sited on each relevant land parcel, such that each site could have been developed independently in accordance with a wider masterplan, or a more straightforward assessment could have been made of the relative land value of each site as a proportion of the overall development value.
- The current application should be suspended until discussions around land values are complete. A CPO may not be necessary if a 'fair' valuation can be reached with respect to their land interests relative to the overall development value of the site.
- This site is located within the heart of the Southall Community and will impact on a large number of local people and businesses. The application should be reported to a Community Review Panel.
- (Officer Note. The proposed 50% affordable housing is a policy requirement. The proposed affordable housing is compliant with Policy H5 and H6 of the London Plan and therefore a viability assessment is not required. Land values

is a matter for a CPO Tribunal if agreement cannot be reached between the parties, and therefore is not a relevant planning matter. It is understood that the owners of the Tudor Rose building are not promoting their site for redevelopment unlike the clients of Maven Planning).

### Somali Youth Helpline

- Assured that the charity will be looked after, including during the building phase and when the project is complete will be allocated space on the ground floor. Pleased to hear will be included and their work can continue.

### Indian Workers Association

- The IWA is affected by these proposals and discussions have been held with Council officers. Hope to carry on with conversation and negotiation in this matter with the Council.

### Let's Go Southall

- Considerable positive factors in public cycling routes, cycle parking and links into Let's Ride Southall, able to cycle through to The Green and towards the station.

### Shree Sorathia Prajapati Community (SSPC)

Object on the following grounds:

- Disruption from traffic, noise, and pollution during construction.
- Loss of parking, especially disabled parking on Featherstone Road fundamental to their operation, elderly, frail members, and children cannot easily access new parking, competition for parking from new residents, banqueting suites, shops, temple visitors etc., public transport and cycling investment does not benefit frail and disabled.

## **Representations to the Mayor**

8. The Mayor has received one written representation on the application, as summarised below.

### Representations from local businesses

- Peabody will be making a substantial uplift in land value once planning permission is approved without even owning the land.
- This is grossly unfair as we have had ownership of our land for many years, and we now face the real threat of having to close our businesses as alternative relocation in the area is highly unlikely due to the lack of suitable alternative premises.
- No agreement has been reached with landowners as the council / Peabody has yet to make a fair and sensible offer for the land.



- To date, we have only received one offer which is substantially below the market value.
- It is unjust the council are allowed to assess if the disposal of the land represents good value for them, but we are not allowed to do the same.
- (Officer note: Land value is not a relevant planning consideration in the assessment of a planning proposal. As noted above if an agreement cannot be reached between the parties on land values, this matter would be considered further by the CPO Tribunal).

## **Response to public consultation - conclusion**

9. Having considered the local responses to public consultation, Ealing Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations made directly to the Mayor, where these raise material planning issues of strategic importance.

## **Update**

10. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation and representations made to the Mayor.

## **Relevant policies and guidance**

11. Since consultation stage the following is now a material consideration:

- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

## **Land use principles**

12. As noted at Stage 1, the proposed residential led redevelopment of this non-designated industrial land in an opportunity area is acceptable in land use terms in line with London Plan Policies SD1, H1 and E7. The Council has secured a condition requiring provision of 2,500 sq.m. of the proposed flexible Class E floorspace to be used for light industrial uses. This is welcomed.

13. The proposals include 313.8 sq.m. of nursery floorspace. This is supported in line with London Plan Policies S1-S3 given the provision of high density housing development on site.
14. As noted at Stage 1, the proposals would result in loss/displacement of existing community and night-time economy venues, which include The Monsoon and Milan Palace Banqueting Suites and the Resource Centre. The proposal would provide flexible commercial floorspace including 106.9 sq.m. floorspace of community use (Use Class F2), however, the applicant was required to demonstrate that there is sufficient floorspace available on site to accommodate all community uses and that any impacts associated with the proposed displacement of these uses is robustly considered and appropriately mitigated.
15. Sufficient floorspace would be provided within the development for the relocation of the existing Resource Centre. The Council have expressed a commitment to providing replacement accommodation to the Somali community group, which would be either in the completed development (should the group wish to relocate here), or in alternative premises.
16. The Council's committee report and the applicant's additional statement outlines that the owners of the Milan Palace/Monsoon Banqueting Suites and Medina Dairy are promoting their sites for alternative development, which may involve the removal of these facilities. GLA officers note that this is also evident from the collective objection submitted by these business owners (see above), which does not raise issue with the loss of the existing facilities but raise concerns about the land values of their site. The applicant has carried out extensive consultation and it is noted that the existing occupiers have not expressed a need to remain on site.
17. The Council's officers further note that locally there are other banqueting, community, or faith facilities available in Southall, including the Dominion Centre, Tudor Rose and The Manor House and The Southall Community Centre/Banqueting Centre in Merrick Road. In addition, there is St Anselm's Church, which also carries out a range of social and community services, and other faith Resource Centres nearby on Featherstone Road.
18. Noting that the existing occupiers of the Milan Palace/Monsoon Banqueting Suites have not indicated a desire to continue trading at the site, there are numerous other banqueting, community, and faith facilities available within the vicinity of the site, and the replacement community floorspace could be occupied by the Resource Centre, it is considered that the proposal would not unduly displace existing community uses. It is also noted that the proposed flexible commercial units can also incorporate uses that contribute to the night-time economy. Further the Council has secured a condition for provision a minimum of 106.9 sq.m. of community use floorspace. As such, GLA officers consider that appropriate mitigation measures are secured, and proposal meets the requirements of London Plan Policies SD6, HC5 and HC6.
19. Overall, the land use principle of the proposal is acceptable in strategic planning terms.

## Equality

20. London Plan Policy GG1 promotes openness, diversity, and equality to help deliver strong and inclusive communities. More generally, the 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In this case it is noted that the proposals involve the loss of the existing community facilities which could displace the existing users of these facilities, and consequently, have potential impacts on local cultural and religious groups.
21. GLA officers note that the owners of the Medina Dairy and the Milan Palace / Monsoon Banqueting suite are promoting an alternative development over the land they own and have not expressed a desire to remain on the site. It is further noted that there are other banqueting, community, and faith facilities in the locality. The proposal includes provision of replacement community floorspace and also provides floorspace for a nursery. In addition, the application proposes 57 flats specifically designed for wheelchair users, while flats are designed to meet the requirements of Approved Document Part M (2015 edition incorporating 2016 amendments), which incorporates the previous requirement for Lifetime Homes. The Council considers that with the inclusion of these facilities, the proposed development does not have a significant negative impact on local community groups with a protected characteristic nor upon the wider community in consideration of the Equalities Analysis Assessment.
22. The applicant has also undertaken an Equalities Analysis Assessment, in March 2021 to support the Council's Cabinet report to proceed with amendments to the Compulsory Purchase Order and planning red-line boundary ahead of the application submission. This confirms that the potential impacts of the proposed development on people and communities who share a protected characteristic and who are affected by the development have been considered appropriately.
23. The GLA and the Council have considered the equalities impacts arising from the proposal. Great care has been taken to assess and have due regard to all equalities impacts arising from the scheme. The potential impacts relate primarily to loss of the community facilities. The proposal could have an impact on protected characteristics related to age, race and religion or belief.
24. 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.

## **Housing**

25. The scheme would provide 564 units and a breakdown of unit mix is outlined in Table 1 below:

Tenure	1-Bed	2-Bed	3-Bed	4-Bed	total units	total habitable rooms	% by unit	% by habitable room
London Affordable Rent	63	56	28	10	157	494	48%	51%
Shared Ownership	54	48	10	-	112	302		
Market	142	140	13	-	295	769	52%	49%
<b>Total</b>	<b>259 (45.9%)</b>	<b>244 (43.3%)</b>	<b>51 (9%)</b>	<b>10 (1.8%)</b>	<b>564</b>	<b>1,565</b>	<b>100%</b>	<b>100%</b>

### Affordable housing

26. As reported at consultation stage, in accordance with London Plan Policy H5, the threshold level to qualify for the Fast Track Route for this scheme is 50% affordable housing by habitable room. The proposal provides 269 affordable units (796 habitable rooms), equating to 51% by habitable room with a tenure split of 62% London Affordable Rent units and 38% London Shared Ownership units. The proposed affordable housing provision meets the strategic target and local level tenure split. The Council has confirmed that it is satisfied with the proposed affordable housing offer, the tenure split, and affordability levels of proposed London Affordable Rent tenure meets local requirements. As such, the proposal development is eligible to follow the Fast Track Route in line with London Plan Policies H5 and H6.

27. The draft Section 106 agreement has secured the different tenure splits, affordable rent benchmark, income bands and eligibility criteria for shared ownership units, and an early stage review. Overall, officers consider that the proposed affordable housing is acceptable in line with the requirements of the London Plan and the Mayor's Affordable Housing and Viability SPG.

### Housing choice

28. The proposal includes a range of residential units as set out in Table 1 above and equates to 45.9% one-bedroom units, 43.3% two-bedroom units and 9.0% three-bedroom units and 1.8% four-bedroom units. This was supported at Stage 1. The Council has confirmed that the proposed unit mix is acceptable, and this is supported at strategic level in line with London Plan Policy H10.

### Children's play space

29. The proposal would provide 754 sq.m. of dedicated play space for children aged 0 – 4 with a proportion of the 5 -11 years around the site, which is a shortfall of 1,465.5 sq.m for children aged 0-12 years old. The Council has secured a financial contribution of £300,000 towards offsite play provision. This has been secured in the draft Section 106 agreement.

## Urban design

30. The approach to site layout, design, and architectural quality was supported at Stage 1. Key design details, materials and landscaping details have been secured by condition.

### Tall buildings

31. At Stage 1 it was noted that the proposals for tall buildings are not in an area specifically identified suitable for tall buildings in Ealing's Core Strategy, Ealing's Development Management DPD and Development Sites DPD, and is contrary to the locational requirements of London Plan Policy D9.B. However, the Council's committee report outlines that The Green SPD states that 'in general, building heights should relate to the surrounding context of 2-4 storeys. There may be an opportunity for taller buildings in locations that would enhance the legibility of the area. However limited intensification that reflects the existing context is likely to be the most appropriate response in the majority of circumstances.' The Council therefore considers that the proposal for tall buildings is suitable for this site.

32. GLA officers further consider that having regard for the Opportunity Area status, the proximity to a transport node, and the changing character of the Opportunity Area, and emerging tall buildings in the surrounding area, a case for tall buildings in this location could be made, subject to addressing the assessment criteria within D9.C. The visual and functional impacts were considered to be acceptable at Stage 1.

33. In terms of environmental impacts, the Council's committee report outlines that the proposals are considered to generate acceptable micro-climatic conditions and would have an acceptable impact in terms of surrounding amenity. Subject to conditions, the residential units would also achieve acceptable internal noise levels. The proposed development would not have an unacceptable impact upon receipt of sunlight and daylight to surrounding buildings. There would be a moderate to major effect to the Rectory situated behind St Anselm's Church, however this property is already affected largely as a result of the fact that it is already diminished in terms of sunlight and daylight by its north-south orientation and enclosing effects of the west wing of the house, containing the garage and the rear wall of the church on the east side. On balance, the Council considers that these impacts would not be unacceptable and would be commensurate with the redevelopment of urban sites in London.

34. The development would appear cumulatively with tall buildings in the immediate surroundings. However, the tall buildings have been designed to be consistent with the heights of the surrounding buildings and include appropriate architectural response. The applicant has given appropriate consideration of daylight and sunlight impacts which are considered acceptable in this instance. As such the visual, functional, environmental, and cumulative impacts raise no strategic concerns.

35. In conclusion, GLA officers note that the tall buildings are not proposed in an area specifically identified as suitable for tall buildings in the current Local Plan and is thus contrary to London Plan Policy D9. GLA officers note Council's support for the proposed heights in this area as evidenced by their recommendation to approve. GLA officers also note that whilst the site is not currently identified as suitable for tall buildings in the adopted Local Plan, there is scope for tall buildings in this area as

identified in The Green SPD. The development appropriately addresses the visual, functional, environmental, and cumulative impacts of the tall building and mitigation has been secured where necessary. The proposed heights are therefore acceptable in line with London Plan Policy D9.

#### Residential quality

36. All units would meet the internal space standards, and there is efficient core to unit ratios. The scheme has maximised dual aspect units and does not include any north facing single aspect units. The Council is satisfied with the proposed residential quality of the scheme and has secured a condition to ensure that the shared amenity space is accessible by all residents.

#### Fire safety

37. Since consultation stage, the applicant has provided updated fire statement produced by a third party suitably qualified assessor. The fire statement is considered to meet the requirements of Policy D12. The provision of fire evacuation lifts is strongly supported and meets the requirements of London Plan Policy D5 in this regard. The fire statement is secured by condition.

#### Inclusive design and access

38. The proposal would feature wide and legible areas of public realm, which would be accessible by disabled people. The proposal would provide a minimum of 10% of homes as wheelchair accessible. The Council has secured M4(2) and M4(3) requirements by condition.

#### Agent of change

39. As set out at Stage 1, the proposed residential and commercial units would benefit from acoustically rated windows to achieve acceptable internal sound levels. The Council is satisfied that subject to relevant conditions the scheme is acceptable in relation to noise and vibration impacts. Relevant conditions have been secured and GLA officers consider that the proposal would meet the requirements of London Plan Policy D13.

#### Digital connectivity

40. To address London Plan Policy SI16, a condition has been secured to ensure that the development can install appropriate ducting for future connection to the full fibre infrastructure.

### **Heritage**

41. The GLA's Stage 1 report considered the impact of the proposals on designated and non-designated heritage assets. In summary, the proposals would result in less than substantial harm to the setting and thereby significance of Grade II\* Manor House and Grade II Southall War Memorial. Due to separation distances the proposed development would not harm the special character and significance of any other heritage assets.

42. The proposal involves demolition of the locally listed sub-station in Dilloway Yard and low wall and piers at St Anselm's church car park entrance, along with a modern galvanised steel barrier and hedge lying behind the substation. The low boundary wall, barrier, hedge, and piers have no significant heritage significance, and their removal will not have a harmful effect on the setting of locally listed St Anselm's Church.
43. The proposal would result in loss of a locally listed building. As noted at Stage 1, the loss of the non-designated heritage asset would facilitate a new high-quality development and public space which would greatly improve the pedestrian experience around the site. As such the loss of the non-designated heritage asset would be outweighed by these public benefits of the scheme, including provision of affordable housing and improved public realm around the site.
44. Officers note that the locally listed Cattle Trough lies on the opposite side of the application site and would not be affected by the proposed junction improvement with Dilloway Yard.
45. The less than substantial harm identified to the heritage assets amounts to a departure from London Plan Policy HC1 (which states that development proposals should avoid harm) and therefore the NPPF heritage balance is engaged. In accordance with paragraph 202 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 203 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
46. Having analysed the applicant's submitted material, the Council's assessment and having regard to the statutory duty in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant paragraphs in the NPPF in relation to heritage assets, GLA officers consider that the less than substantial harm caused to the nearby heritage assets and loss of a non-designated heritage asset would be decisively outweighed by the public benefits of the scheme, namely the provision of significant levels of affordable housing and an improved public realm around the site that collectively contribute to the ongoing regeneration of the area. As such, the proposal is acceptable, having regard to the statutory duties and the requirements of the NPPF.

## **Transport**

47. At Stage 1, TfL raised a number of strategic transport issues including car parking provision and trip generation. A range of planning conditions and obligations were requested to ensure the proposal was acceptable. As requested at Stage 1, a contribution of £594,167 towards bus service improvements to mitigate the impact of additional bus trips, has been secured in the draft Section 106 agreement. A total package of £97,000 towards Healthy Streets, active travel, and bus stop improvements, has been secured in the draft Section 106 agreement. These provisions are welcomed.

48. At Stage 1, the removal of all public parking and residential parking apart from Blue Badge spaces was recommended to align with the objectives of London Plan Policy T6 which encourages car free developments. Although, the car parking spaces have not been reduced, it is understood that the Council Cabinet report from July 2018, outlines the Council's minimum requirement of reprovision of 90 public car parking spaces for the site. This is intended to replace the 150 spaces that will be lost as a result of the redevelopment and represents a 40% reduction. In addition, whilst a car free residential development would have provided a much better outcome in a congested town centre location, the provision of 60 residential parking spaces (including 35 Blue Badge spaces) is within the maximum standards set by London Plan Policy T6.1.
49. Furthermore, future residents will be prevented from obtaining CPZ permits, and a Parking Management Plan and Travel Plan have been secured, which would assist with increasing travel by sustainable transport modes. As such, the replacement of the existing public car parking is not considered sufficient to warrant a direction to refuse the application on these grounds and given the reduction from existing parking spaces as well as the mitigation measures proposed for residential parking, on balance, the proposed parking provision is accepted in this instance.
50. A Delivery and Servicing Plan, a Construction Logistics Plan, and the detailed design of shared surfaces within the public realm have all been secured through planning conditions or within the draft Section 106 agreement.
51. Overall, the additional information provided since consultation stage combined with the mitigation measures secured through conditions and draft Section 106 agreement results in the scheme being acceptable in strategic transport terms.

## **Sustainable development**

### Energy strategy

52. At Stage 1, further information was requested in relation to overheating, capacity for future connection to a District Heating Network (DHN), the proposed GSHP systems and potential for additional PV panels. The applicant has provided further information and clarifications in response to the Stage 1 comments, which have resolved these outstanding issues.
53. The development would achieve an estimated 65.3% carbon savings on-site. This falls short of the zero-carbon target in London Plan Policy SI2 but exceeds the minimum required 35% saving. As such, an appropriate carbon offset contribution has been secured in the draft Section 106 agreement.
54. In relation to 'Be Green' requirements, photovoltaic panels have been provided on site. In relation to 'Be Clean' requirements, no nearby DHN has been identified, however the development is designed for future connection to a DHN.
55. An energy strategy, connection to DHN, and Be Seen Energy monitoring have been secured in the draft Section 106 agreement. Officers consider that all matters have been satisfactorily addressed in line with London Plan Policy SI2.



### Whole life carbon

56. As requested at consultation stage, the applicant has provided additional information in relation to the Whole Life-cycle Carbon Assessment (WLCA). To address the remaining matters, the Council has secured a condition requiring submission of a revised WLCA to be submitted prior to commencement of the development. In addition, a post construction reporting report has also been secured by condition. Subject to the suggested conditions, the proposal is considered acceptable in strategic planning terms.

### Circular economy

57. The submitted Circular Economy Statement was broadly acceptable, and additional information was requested at consultation stage. The development largely addresses the requirements of London Plan Policy SI7, although the applicant has not committed to achieving the policy targets such as provision of pre-demolition audit, excavation, and demolition waste, along with key appendices required by the policy. The Council has secured submission of a revised circular economy statement prior to commencement of the development. A condition requiring submission of post construction monitoring report has also been secured. Subject to the suggested conditions, the proposal is considered acceptable on balance in strategic planning terms.

## **Environmental issues**

### Urban greening

58. As noted at Stage 1, the proposed Urban Greening Factor (UGF) of 0.337, is below the target set by London Plan Policy G5. However, given the context and constraints of the development, the UGF is considered to be acceptable in this instance. The proposal would achieve a biodiversity net gain of 380% across the site, which is supported. An Ecological Mitigation and Management Plan has been secured by condition to ensure appropriate mitigation and enhancement measures are delivered on site.

### Sustainable drainage and flood risk

59. Since consultation stage the applicant has provided additional information which has satisfactorily resolved matters in relation to flood risk and surface water drainage. Appropriate conditions in relation to sustainable urban drainage and water efficiency have been secured. The proposal meets the requirements of London Plan Policies SI12 and SI13.

### Air quality

60. As noted at Stage 1, the proposed development is air quality neutral. An Air Quality and Dust Management Plan has been secured by condition. A financial contribution towards the Council Air Quality Action Plan has been secured in the draft Section 106 agreement. GLA officers consider that subject to conditions and planning obligations, the proposal would have no adverse impacts on air quality impacts. This view is also shared by the Council.

## Section 106 agreement

61. The Section 106 agreement will include the following provisions:

### Non-financial obligations:

- At least 50% of units by habitable rooms as affordable housing in the form of 157 LAR, 112 shared ownership units to be developed as affordable housing and held in perpetuity as set out in Mayor of London guidance.
- Affordable dwellings will be prioritised by LBE for people living and/or working in the Borough.
- Early-stage viability review.
- Affordability and income thresholds.
- Long-term provision, maintenance, and management of the defined areas of public realm within the site.
- Car club provision.
- Participation in an Apprentice and Placement Scheme, school engagement,
- Construction phase apprenticeships, access to local labour opportunities to be advertised through LBE job brokerage service, penalties if apprenticeships are not created.
- Restoration of roads and footways damaged by construction.
- Restriction of Parking Permits.
- Agreement under ss38 and 278 of the Highways Act in accordance with a specification to be agreed with the Council.
- Monitoring, maintenance of renewable and low carbon equipment.
- Be Seen Energy Monitoring.

### Financial contributions

- Economic Development: £46,000.
- Carbon off-set: £605,739.
- Post construction Energy Monitoring and Equipment: £21,269.
- Air Quality monitoring: £50,000.
- CPZ Review and Parking Stress Measures: £5000.
- High Street Link and footway improvements: £10,000
- South Road and The Green Link and footway improvements: £10,000
- Traffic calming/ pedestrian crossings improvements: £20,000
- Cycle Infrastructure improvements: £10,000
- Bus stop improvements: £8,000
- Southall Crossrail bridge and lifts £30,000.
- Travel Plan Monitoring: £4000.
- Child Play and Open Space: £300,000.
- Leisure/Sport England: £70,000.
- Education: £470,000.
- NHS contribution: £200,000.
- TfL contribution: £594,167 phased payments as stages come forward directed towards bus network improvements.

## **Legal considerations**

62. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

63. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

64. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

65. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

## **Conclusion**

66. The strategic issues raised at consultation stage with respect to the land use principles, housing, affordable housing, urban design, heritage, transport, sustainable development and environmental issues have been acceptably resolved. Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, and considering the significant public benefits of the scheme which weigh in favour of the application and the material planning considerations of strategic importance raised in responses to the public consultation and representations to the Mayor, the application is considered to be acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.