

Compulsory Purchase Order Decision

Inquiry held 11-14 & 18-20 October 2022,

Accompanied site visit made on 12 October 2022

by Matthew Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/PCU/CPOH/A5270/3289084

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

- The Compulsory Purchase Order was made under section 226(1)(a) of the Town and Country Planning Act 1990, the Acquisition of Land Act 1981 and the Local Government (Miscellaneous Provisions) Act 1976 by the Council of the London Borough of Ealing on 22 November 2021.
 - The purposes of acquisition are to facilitate the comprehensive redevelopment and improvement of The Green, Southall to contribute to the promotion and improvement of the economic, social and wellbeing of the area.
 - The main grounds of objections are set out in the body of the decision.
 - At the close of the Inquiry, there were 23 remaining statutory objectors.
-

Decision

1. The London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 is confirmed.

Procedural Matters and Statutory Formalities

2. The Inquiry opened on 11 October 2022. At the start of the Inquiry, the Council as Acquiring Authority confirmed that all the statutory formalities had been complied with and the convening notice was taken as read. An accompanied site visit took place on 12 October 2022. I also undertook further unaccompanied site visits after the Inquiry at different times of the day.
 3. The Compulsory Purchase Order (CPO) is made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), the Acquisition of Land Act 1981 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is dated 22 November 2021.
 4. There were originally 24 statutory objections made to the CPO as follows:
(1) Diocese of Westminster & St Anselm's Church [Plot 46-50]; (2) The Indian Workers' Association [Plot 8]; (3) D & J Yianni [Plot 21,23 & 26]; (4) Medina Dairy [Plot 25]; (5) Upgrade Events, Milan Palace [Plot 38]; (6) Mr Aspet Ohanian [Plot 28]; (7) Sagoo and Takhar Ltd [Plot 12]; (8) Narendra Ganatra [Plot 21]; (9) Sonal Sharma [Plot 21]; (10) Manjit Singh, Monsoon Banqueting [Plot 18]; (11) VSN Properties Ltd [Plot 1 & 3]; (12) Highway Coaches Ltd [Plot 5]; (13) Lawrence Solicitors (Plot 17); (14) Kiran Kaur [Plot 5]; (15) Jagdeep Kular [Plot 5]; (16) Vardeep Kaur [Plot 5]; (17) Gurps Kandola [Plot 16]; (18) Kaypreet Kandola [Plot 16]; (19) Surinderpal Kandola [Plot 16];
-

- (20) Balbir Kandola [Plot 16]; (21) Yianni & Faridi Ltd [Plots 21, 23 & 26]; (22) Chaggars Displays [Plot 16]; (23) Satvir Pander [Plots 12 & 17]; VJ Carpets Ltd [Plots 12 & 17].
5. During the course of the Inquiry, the Council as Acquiring Authority had further discussions with outstanding objectors to see if agreement could be reached. One objector, Medina Dairy Ltd [Plot 25], withdrew its objection to the Order following agreement of terms to purchase the property¹. Therefore, at the close of the Inquiry, there remained 23 outstanding statutory objectors. The Council and developer have stated that they would continue to negotiate to acquire all necessary third party land and rights in parallel with the progression of the CPO process.
 6. For clarity, to be a 'statutory objector' or 'qualifying objector', it is necessary to be a 'remaining objector' and have a 'remaining objection' within the meaning of the relevant legislation². That is to say, (i) a qualifying person³ who is generally an owner, lessee, tenant or occupier of the land comprised in the Order, who has (ii) made an objection within the deadline and manner specified in the notice served on the qualifying person⁴; and (iii) not have withdrawn their objection (or not been disregarded because it relates solely to compensation). Failure to comply with these conditions means that an individual will not be a 'remaining objector' in terms of the relevant legislation⁵.
 7. At the Inquiry, there were a large number of non-statutory objectors who participated, objecting to the Order and the Council's proposals for the site. These included members of the public who had not previously objected to the Order at all. They put many questions to the Council as Acquiring Authority on a wide variety topics, many outside the scope of the Inquiry. I allowed considerable flexibility and latitude to those who were not 'remaining objectors' or who had not previously objected to the Order to allow their views to be heard. Many objectors spoke with a great deal of emotion, expressing great unhappiness about the Council's desire to redevelop this part of Southall. It was clear that there were very strong, often negative, feelings about the Council's proposals for the site.

Statutory Objectors

8. The outstanding statutory remaining objections are as follows:
9. *Objection 1 – Diocese of Westminster*: the Diocese are the owners of St Anselm's Roman Catholic Church at the Green. Various points⁶ are raised including: the loss of parking; potential disruption to the church; large residential blocks will overshadow the church; concerns regarding how the local community will benefit. Further concerns are raised regarding inadequate consultation.

¹ ID30, Letter dated 19 October 2022 from Gerald Eve LLP

² S13A(1) Acquisition of Land Act 1981

³ S12(2) of the Act

⁴ S12(1)(c) of the Act

⁵ A schedule is attached at ID17 (Table 2) of objectors who did not submit objections in December 2021- January 2022 but whose land interests fall within the CPO area

⁶ Letter dated 6 December 2021

10. *Objection 2 – Indian Workers’ Association (IWA)*: the original objection⁷ raised the following points: there is no immediate need for the scheme for which the land is being acquired; there is an alternative means of bringing about the objectives of the CPO; the existing uses benefit the community more than residential towers; there is a large groundswell of adverse public opinion; whilst the Council says it has consulted widely and transparently, this is not the case; the proposed scheme would amount to an overdevelopment of the site, and is ill-conceived.
11. The IWA also states it represents an important constituent element of the local community and removing land from the IWA’s ownership will reduce opportunities to provide benefits for the Southall community as a whole. It is simplistic to say that the way to improve the area and reduce anti-social behaviour is to build more high-density housing. It is noted that the Tudor Rose was excluded from the CPO land following concerted and effective campaigning by one part of Southall’s diverse community. The IWA seeks similar consideration for that part of Southall’s community represented by the IWA. Not to do so could, in effect, be discriminatory.
12. The IWA also appeared at the Inquiry⁸ maintaining its objection as set out in its letter dated 17 December 2021, but widening its scope to include matters relating to the Equality Act 2010. Opening and Closing Statements were made to the Inquiry as follows⁹: it is considered the scheme is ill conceived and inappropriate. It would disrupt and cause harm to the local community breaking up what is currently a well-used collection of community reception and wedding venues. The Council has failed to appreciate the depth of social capital enjoyed by the existing community. The limited quantum of community space, and size of the commercial units proposed in the new scheme (plainly too small to function as reception venues) means existing community uses will not be retained.
13. According to the IWA, this raises real questions as to whether the Council has complied with s149 of the Equality Act 2010 and undermines the contention that there is a compelling case in the public interest. It is contended that, having regard to the case of *Bracking*¹⁰, the Council has failed to apply the principles of that case with significant rigour, as set out in the Council’s Equality Impact Assessments (EQIAs).
14. In particular, attention is drawn to the 8 principles identified at paragraph 26 of the judgment, especially principles 2, 4, 5 and 8. Such consultation as was carried out was not properly fed into the EQIA process. The EQIAs failed to identify the major impacts of the scheme on the Indian community, and failed to gather a level of information sufficient to understand the impacts they did identify. This was despite the Council noting it would be ‘particularly important and challenging’ to ensure existing communities are not displaced and benefit from redevelopment under the Southall Opportunity Area Planning Framework. Although the Council’s witness¹¹ offered her views on impacts both positive and

⁷ Letter dated 4 January 2022 & 17 December 2021

⁸ Represented by Mr Dale Harris who called Dr Sarda

⁹ ID2 & 32

¹⁰ *R (Bracking) v SSWP* [2013] EWCA Civ 1345

¹¹ Ms Eleanor Young

- negative not explored in the written evidence, that amounted to a 'rearguard action' (*Bracking* principle 4) given the Council's decision had already been made. As such, the Inquiry cannot be sure as to the impact the scheme will have on those with protected characteristics and the Order cannot safely be confirmed.
15. *Objection 3: D & J Yianni Ltd*¹². Objections are raised to the taking of part of the private access road as this is the sole means of access to No 84 The Green as well as other adjacent properties. It will make access more difficult and inconvenient. The scheme is over-ambitious and does nothing to reflect the history and demographics of Southall.
 16. *Objection 4: Medina Dairy* – the objection¹³ has now been withdrawn by letter following agreement to purchase the property¹⁴.
 17. *Objection 5: Upgrade Events, Milan Palace*. The objection¹⁵ is founded on the following grounds: the owner of the land, along with the owner of the adjacent property (Medina Dairy) has been seeking to pursue an alternative proposal. More recently, Unit 3B Dilloway Yard has also been included in this aspiration. A pre-application proposal was submitted to the Council, but it responded that the proposal was piecemeal, premature and prejudicial to the comprehensive development of the area. Alternatively, in the absence of being able to deliver a scheme, the owner does not wish to be deprived of its ownership of the land.
 18. Both the Milan Palace and Monsoon Banqueting Rooms are financially viable businesses. They can host a variety of large-scale functions (Monsoon up to 550 guests, and Milan 450 guests). Both fulfil demands of the diverse community in Southall. There is not a realistic prospect of relocating either businesses to alternative premises nearby.
 19. *Objection 6: Mr Aspet Ohanian*¹⁶. The objector has been acting jointly with the owners of the adjacent properties – Medina Dairy, Milan Palace and Monsoon Banqueting Rooms to pursue an alternative development proposal. A pre-application proposal was put to the Council who commented as above (Objection 5). However, in the absence of being able to deliver a scheme, the owner does not wish to be deprived of ownership of the land.
 20. *Objection 7: Sagoo and Takhar Ltd*¹⁷. The proposal would not contribute to achieving the promotion or improvement of the economic, social or environmental wellbeing of the area for many reasons. The existing infrastructure is insufficient to support new residential tower blocks. The area is already overpopulated, especially following new housing developments in the area. The scheme is not conducive to 'regeneration'. The car park should be retained and is well used. The CPO notice is defective because the wrong address was given by the Council to send objections.

¹² Letter dated 16 December 2021

¹³ Letter dated 20 December 2021

¹⁴ ID30 Letter from Gerald Eve LLP dated 19 October 2022

¹⁵ Letter dated 20 December 2021

¹⁶ Letter dated 20 December 2021

¹⁷ Letters dated 18 December 2021 & 11 January 2022

21. *Objection 8: Narendra Ganatra*¹⁸. The objection is lengthy and detailed covering wide ranging points: the procedures and consultation by the Council have been inadequate, and have not engaged with the local community in a meaningful way; some of the local community do not have English as a first language; the relevant documents were not available for inspection; more tower high rise blocks are not needed and are an overdevelopment; the loss of parking is not acceptable; the lease between the Council and the IWA contains a clause that restricts the use of land (Dominion Centre) to recreational, cultural, religious, educational and training purposes; there has been no regard for ethnic diversity matters; the proposal does not accord with the development plan; there are insufficient local GP and dental services to support additional population; there is a lack of infrastructure to support the development; it would increase traffic congestion; the cost of new homes would be beyond the pockets of local people; the purpose of Crossrail (Elizabeth Line) was not to enable tower blocks to be built.
22. *Objection 9: Sonal Sharma*¹⁹. The main concern is the effect on the access to the rear of the property at 88 The Green. Other occupiers and tenants have a right to use this area; no alternative is offered for the deprivation of property rights, nor is any mention made of what financial compensation is being offered.
23. *Objection 10: Manjit Singh (Monsoon Banqueting)*²⁰. The Council's proposal will result in a total overdevelopment; strongly object to the loss of the car park; no proper compensation has been offered.
24. *Objection 11: VSN Properties Ltd.* It is difficult to ascertain the implications of the Order for the landholding so a holding objection is lodged²¹.
25. *Objection 12: Highway Coaches Ltd.* The objection²² is founded upon the loss of the property at the Yard, Featherstone Terrace from which the business trades; the loss of the public car park is also objected to which is useful for visitors to Southall.
26. *Objection 13: Lawrence Solicitors.* The objection²³ is based on the objections in the 'public interest' as expressed by Minni Dogra.
27. *Objection 14: Kiran Kaur.* The objection²⁴ is based on the objections made by Minni Dogra.
28. *Objection 15: Jagdeep Kular.* The objection²⁵ is based on the objections made by Minni Dogra.
29. *Objection 16: Vardeep Kaur.* The objection²⁶ is based on the objections made by Minni Dogra.

¹⁸ Email dated 30 January 2022

¹⁹ Letter dated 13 & 17 January 2022

²⁰ Email 14 January 2022

²¹ Email dated 17 January 2022

²² Email dated 17 January 2022

²³ Letter dated 20 January 2022

²⁴ Email dated 30 January 2022

²⁵ Email dated 30 January 2022

²⁶ Email dated 30 January 2022

30. *Objection 17: Gurps Kandola.* The objection²⁷ is based on the objections made by Minni Dogra.
31. *Objection 18: Kaypreet Kandola.* The objection²⁸ is based on the objections made by Minni Dogra.
32. *Objection 19: Surinderpal Kandola.* The objection²⁹ is based on the objections of Minni Dogra.
33. *Objection 20: Balbir Kandola.* The objection³⁰ is based on the objections of Minni Dogra.
34. *Objection 21: Yianni & Faridi Ltd.* The objection³¹ is founded on the removal of an area of private access road (Plots 21 and 23 in the Order). The main concern is the impediment to deliveries made to various properties at The Green (Nos 84, 86, 82, 80, 78, 76, and 74 to name a few). It is said that rear access is imperative for these businesses, and its loss would create a major inconvenience. A limited redesign of the project would mean there is no need for these plots, which would not be at the expense of the overall scheme. The objection mentions that it would have been helpful if these land takings had been discussed to address concerns.
35. *Objection 22: Chaggars Displays.* The objection³² is founded on the loss of the public car park which is considered the 'lifeblood' of businesses in the locality. Contrary to the Council's evidence, it is well used. The entire redevelopment scheme is based on false premises.
36. *Objection 23: Satvir Pander.* The objection³³ is founded on the basis of the loss of private property interests, and general public interest as set out in Minni Dogra's submissions.
37. *Objection 24: V J Carpets.* The objection³⁴ makes a number of points: the Council gave the incorrect address for sending objections, which resulted in letters being 'returned to sender'; this was a serious error and has meant that objection letters have gone astray; the Council should have provided an email address for objections; the consultation process was defective; many people in the locality do not have English as a first language, and have difficulty understanding the CPO process, and notices in other languages should have been put up. The whole process should be restarted given that it is defective

Non Statutory Objectors

38. Many spoke at the Inquiry who were non-statutory objectors. In particular Minni Dogra, a long-term resident of the area, made lengthy written submissions (with multiple attachments) on behalf of various members of the Southall community, including local residents, shop owners, and business

²⁷ Email dated 30 January 2022

²⁸ Email dated 30 January 2022

²⁹ Email dated 30 January 2022

³⁰ Email dated 30 January 2022

³¹ Letter dated 14 December 2021

³² Letter dated 20 December 2021

³³ Letter dated 26 January 2022

³⁴ Letter dated 10 January 2022

owners³⁵. She also spoke at the Inquiry and asked questions of the Acquiring Authority's witnesses. Some objectors (including statutory objectors above) have asked for Ms Dogra's objections to be taken as their own. Her grounds of objection were numerous and wide ranging³⁶, encompassing matters outside the scope of this Inquiry but included the following matters: the proposed development will harm Southall's ethnically diverse community; it is not in the public interest; the proposed towers will cause great harm to the character of the locality and are completely alien to the predominantly low rise development in the locality; it will harm the setting of the listed Southall Manor House; the reasoning in the Planning Committee report for granting permission is questioned; there are far too many towers in the locality that have already been approved leading to overdevelopment.

39. The population in Southall is far higher than official estimates leading to overcrowding, and negative impacts on physical and mental wellbeing, and resulting in anti-social behaviour; this scheme will exacerbate the pollution problem, and will not contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area. Pollution is already a problem (worsened by other developments - such as the former Gasworks redevelopment). The proposals do nothing to alleviate poverty or social cohesion. The existing infrastructure, including water and electricity supply is at capacity and will require upgrades. Tall buildings are a fire risk.
40. The consultation has been negligible for a scheme of such a large scale; it has been characterised by 'smoke and mirrors' and shrouded in secrecy. People were simply unaware of what was going on, and Covid seriously limited engagement throughout 2020 and 2021.
41. Many people are unaware how to express objections in relation to planning proposals. Some do not have English as a first language, and do not understand the CPO processes. They have limited digital skills. This limits their ability to engage in the process. It is a mammoth task trying to understand the various processes. People are not aware or engaged in the local planning process. The process has caused high levels of distress to small businesses whose livelihoods will be affected. The Featherstone Terrace Car Park is central to the functioning of the area and is well used. It supports the faith buildings, shops and businesses.
42. Ealing Council's decision-making procedures are suspect. The Council breaches its own policies. The overwhelming majority of people who commented on the planning application for the CPO scheme objected to it. Tall buildings are not supported by planning policy, or supplementary guidance. Housing targets for the area are ill-informed. The area cannot support further large-scale housing schemes. The Council should not be allowed to grant further planning permissions until the Council's Authority Monitoring Report (AMR) is fully up to date – the Council has failed to carry out AMRs in a timely manner. The proposals do not constitute truly affordable housing.

³⁵ Ms Dogra did not claim to be speaking on behalf of an officially constituted group or organisation

³⁶ Letter dated 28 September 2022 (which cross refers to letters sent to the PCU, dated 31 January 2022, 16 January 2022, and 4 January 2022); see also ID4 & ID25

43. There are probably more jobs currently existing in family-run business that would be lost, than would be created by this proposal. Development proposals with the associated disruption and uncertainty would put businesses at risk. It would result in a huge carbon footprint. There would be an infringement of human rights. It is not in the public interest for this scheme to proceed. There is no compelling reason for the proposals.

The Order Land and Surroundings

44. The CPO land comprises an irregularly shaped area of around 19,077 sqm in Southall. A significant element of the Order land is a public car park providing 150 spaces owned by the Council (the Featherstone Terrace Car Park) (approximately 4,095 sqm). Immediately adjacent is a private car park comprising 39 spaces (1,452 sqm) located to the rear of the Dominion Centre – which provides a community centre, with a library and health centre.
45. The remaining part of the Order land comprises a mix of uses including a number of industrial units associated with vehicle repairs in Dilloway Yard (around 3,816 sqm including the units, yard and accessway), a dairy distribution site - the Medina Dairy (1,967 sqm) and two banqueting venues - Monsoon Banqueting (881 sqm) and Milan Palace (1,265 sqm). Some land associated with St Anselm's Church is also included (51 sqm of access and car park)³⁷. There are no statutorily listed buildings within the CPO site, nor any Scheduled Ancient Monuments, nor does the land fall within a Conservation Area. However, nearby on the eastern side of The Green is 'Southall Manor', a Grade II* listed building.
46. Southall itself developed rapidly as a residential and commercial area following the opening of the railway station in 1839. Two shopping areas became established, one along the Broadway, the main larger commercial area, and the smaller centre at The Green. There is also significant commercial activity in various industrial estates in the locality. Over the decades, Southall has developed as a welcoming area for many diverse groups including the Asian community (especially the Sikh community), the Caribbean community and more recently the Somali and Afghan communities. It is a nationally renowned shopping destination for the Asian community, focussing on a wide range of retail and wholesale goods, including food, clothing, jewellery and industrial activities.

The Case for the Council (the Acquiring Authority)

47. The purpose of the Order is to enable the completion of a programme of land assembly required for the comprehensive redevelopment and regeneration of this part of Southall. Southall is one of the most deprived areas within the Ealing Borough, as well as nationally. Southall has been identified as an 'Opportunity Area' within the London Plan since 2011. Such areas seek to optimise sustainable development within them and are considered an appropriate location for larger scale mixed use development.

³⁷ Details of all parties with an interest in the Order land are set out in the Order Schedule [CD A.1]; a schedule of all the land (including sqm) to be acquired is also included in the Site Notice [CD A.7]

48. In the latest London Plan, adopted 2021, the Southall Opportunity Area is given an indicative target of delivering 9,000 new homes and 3,000 new jobs³⁸. Policy SD1³⁹ of the London Plan seeks to ensure that such areas fully realise their growth and regeneration potential. Policy GG2⁴⁰ of the London Plan promotes sustainable mixed-use places that make the best use of land, including promoting higher density development in areas well connected to public transport, especially in Opportunity Areas. Policy H1⁴¹ of the London Plan seeks to optimise the potential for housing delivery on all suitable sites.
49. Policy 2.8 of the Ealing Development (or Core) Strategy (adopted April 2012) sets out a number of objectives for Southall, including to regenerate the town centre, and improve retail and community facilities. Policy SOU8 of the Development Sites DPD (adopted December 2013) allocates the wider area, including land to the north up to the railway line, extending to the south along Featherstone Road and The Green, and to the west to Hartington Road and Gladstone Road, as follows⁴²: for 'mixed use development appropriate to the town centre, with continued protection of existing industrial uses on the Featherstone, Dominion and Suterwalla estates as Locally Significant Industrial Sites (LSIS) and the retention of the Dominion Arts Centre'. A small part of the Order land is a LSIS comprising a private coach park, but it does not contain any industrial floorspace capacity. The Council considers its inclusion as a LSIS to be a Proposals Map drafting error, and in any event, its redevelopment would have no wider strategic implications for the LSIS.
50. The Southall Opportunity Area Planning Framework⁴³ at Chapter 4.7 sets out aspirations for The Green, and this was supplemented by the adoption of a Supplementary Planning Document for The Green in 2017⁴⁴. Although the site is not specifically in a location identified within the development plan for tall buildings, there is a strong imperative to make the best use of previously developed and brownfield land. Development plan policy states that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. The effect on the nearby Grade II* Manor House was considered in the assessment of the planning application⁴⁵ (now granted permission and discussed below) and found to be acceptable. Historic England did not raise objections. It is proposed to demolish the small 'locally listed' substation building, but the benefits of the scheme outweigh the loss of this building.
51. The recent completion of the Elizabeth Line (Crossrail) presents new opportunities in Southall, and other major redevelopment schemes are underway in the locality, for example at the Southall Gasworks site, also facilitated by a CPO. Notwithstanding its prime location, the site is considered an under-utilised back land site behind the shop frontages. A large part comprises a car park with much of the rest made up of a range of

³⁸ Table 2.1, Page 37, London Plan [CD D.1]

³⁹ Policy SD1: 'Opportunity Areas'

⁴⁰ Policy GG2: 'Making the best use of land'

⁴¹ Policy H1: 'Increasing House Supply'

⁴² Page 95 [CD D.4]

⁴³ CD D.2

⁴⁴ CD D.6

⁴⁵ Ref 215058

- miscellaneous industrial and commercial uses, with large areas of hardstanding for car repairs and waste storage.
52. The environment, including the built form, is generally low quality with no usable public realm, and no real permeability through the site. Whilst there is existing employment on the site, the employment density is low. Historically, the area has suffered episodes of crime and anti-social behaviour, as well as fly-tipping. The car park is under-utilised and does not benefit from passive surveillance. Whilst The Green local centre is popular and busy, having benefitted from recent public centre investment providing public realm improvements, the area still has a rundown feel because of the poor-quality building stock and public realm.
53. The redevelopment of the site has long been a critical part of the Council's vision for Southall. The scheme will assist in the regeneration of Southall, acting as a catalyst for future development and will provide significant social, economic and environmental benefits to those living, working and visiting Southall. A major obstacle to achieving the Council's vision is the fragmented land ownership. This means it is not possible to create a coherent and legible street network, with new routes and linkages across the site. A comprehensive scheme is the only way to achieve an appropriate form and quantum of development. Although compulsory purchase is intended as a last resort, the Council considers that use of the relevant legislation is justified having regard to the objectives that will be achieved through the delivery of the scheme, and that there is a compelling case in the public interest.
54. It was originally envisaged that the Tudor Rose (originally constructed as a theatre/cinema, but subsequently a venue for music events and other functions) fronting The Green would be included as part of the Order land, but following considerable local objection, the Council realised its cultural importance as a community asset to local people. This building is now to be retained, but with some modifications⁴⁶ including works to the exterior of the building and improvements to disabled access.
55. Planning permission⁴⁷ has now been granted for a development described as a phased mixed-use redevelopment providing three urban blocks comprising residential units (Use Class C3), flexible commercial, employment and community floorspace (Use Classes E, F1 and F2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas, and including access arrangements. The blocks will vary in height between 4 and 19 storeys.
56. The scheme will provide a significant proportion of affordable housing (50% by habitable room). This will comprise a 60-40% split between affordable rented accommodation and intermediate accommodation. In total, 564 residential dwellings are proposed, with 57 units or 10% being capable of adaptation for wheelchair users. The commercial floorspace would be located on the ground floors of the blocks, in unit sizes between 89 sqm and 394.5 sqm. The commercial and community space will ensure that local people benefit, and that

⁴⁶ New rights over the land will need to be acquired rather than the land itself

⁴⁷ Ref: 215058, granted 9 September 2022

- the scheme facilitates local working and supports the local economy. It is predicted that the scheme will create approximately 90 jobs. It will improve the viability of the existing town centre, and re-provide sufficient car parking to meet local needs, whilst at the same time making better use of the land.
57. The scheme will deliver tangible environmental gains including new tree planting (215 trees), ecological enhancements, planting of native and wildlife species, creation of habitats for birds, bats and invertebrate species, use of green roofs, and measures to reduce surface water runoff. A biodiversity net gain of 380% will be achieved. Buildings will be designed with energy efficiency measures.
58. Peabody Developments Ltd are the Council's chosen development partner. Peabody currently delivers up to 3,000 new homes each year. Recent developments include schemes at St Johns Hill, Clapham Junction – 153 homes of which 61% are affordable; Lea Bridge Road, Waltham Forest – 300 homes in nine residential blocks of up to 18 storeys and commercial space; Upton Village, Newham – a 100% affordable scheme delivering 168 affordable units, including the refurbishment of former Victorian hospital buildings; Wharf Road, Islington – canal side scheme delivering 98 new homes, 80% of which are affordable. Other major projects in Islington, Dagenham, Southmere, and Fish Island, Hackney Wick are in the pipeline⁴⁸.
59. As required by best practice, the Council as Acquiring Authority states it has taken reasonable steps to acquire the interests by agreement and is continuing to do so alongside the making of the Order. The developer has appointed a specialist land referencing company to obtain accurate information on the land ownership of the Order land. The Council owns the freehold of 36.57% of the development land, including Featherstone Terrace Car Park, Featherstone Terrace (public adopted highway), Dominion Road (public adopted highway). 2.98% is in unknown ownership split across small parcels of land across the site. The remainder of the CPO land is in 27 different freehold ownerships. Compulsory purchase powers will be needed because reasonable terms cannot be agreed for private treaty acquisition within a reasonable timescale or because the legal owners cannot be traced. Confirmation of the Order is necessary to ensure the scheme's delivery.
60. Initial contact was made by Avison Young with all third party interests in February 2019. More detailed letters were sent to all registered interests in June 2019 and September 2019 informing of the planning consultation, and seeking to acquire each third party interest by agreement. Peabody wrote to all registered interests in February 2021 explaining the likely date of the submission of the planning application. The most recent contact from Avison Young to all registered interests was in June 2021 providing an update on the planning application and seeking to acquire each third party interest by agreement. Avison Young has undertaken negotiations with owners of 90% of the site (excluding land owned by the Council) and has met with 83.5% of the owners to discuss their property interests and relocation needs. The Developer has made financial offers to acquire 74.2% of all registered interests in line

⁴⁸ Council's Statement of Case, Paragraphs 7.1-7.3

with the Compensation Code. For occupying businesses, the focus of discussions has been on relocation requirements⁴⁹.

61. In particular, offers have been made to purchase the following⁵⁰: Monsoon Banqueting, Milan Palace, Units 1a-d Dilloway Yard, Medina Dairy, Unit 3b Dilloway Yard. Offers have also been made in respect of; Land at Featherstone Terrace (Highway Coaches), Car Park to the rear of the Dominion Centre (Trustees of the Indian Workers' Association). In addition, offers have also been made to various interests in Dilloway Yard: Unit 2 & 2b (Ahmed Fazel); Unit 3c (Amarjit Singh Jassy and Charanjit Kaur Jassy); Unit 5 & 5a (Surinder Singh Choda); Unit 4a, 6, 7, 7a (Roshan Properties); Unit 8 & 8a (Alan Kelly and Ack Properties Ltd); Unit 9 (Trinack Consulting Ltd); Unit 3 & 3a (Balbir Singh Bhogal and Jasbir Kaur Bhogal); Unit 4 & 6a Dilloway Yard (Kuldip Panesar). None of these offers within Dilloway Yard have been accepted.
62. In March 2022, Avison Young made further offers to the following interests within Dilloway Yard: Unit 5 and 5a (Surinder Singh Choda); Unit 2b (Muhammed Ismail) and Unit 2 (Ahmed Fazel)⁵¹. At the time of the opening of the Inquiry, none of the offers were accepted. However, as noted above, during the Inquiry, agreement was reached with Medina Dairy and its objection has been withdrawn.
63. The Council has considered whether the purposes for which the land is being acquired could be achieved by other means, including any alternative proposals put forward. The Council considers that a comprehensive scheme is essential to achieve the desired objectives. If individual plots remain, the overall design of the scheme, including improving site permeability, will be constrained. Given the large number of owners across the site, including some unknown owners, the Council is of the view that compulsory purchase powers are essential to assemble the site.
64. The Council believes the public benefits of the scheme outweigh the interference with the rights of affected parties. Consequently, the Council believes that there is a compelling case in the public interest. Without the use of CPO powers, the scheme is likely to be delayed or prevented.
65. The Council has addressed the issue of any interference of the human rights of those with affected land. The CPO in this case engages the qualified rights in Article 1 of the First Protocol to the European Convention on Human Rights (peaceful enjoyment of property and possessions). Article 8 relates to the right to respect for private and family life, and home. It is settled law that if there is a compelling case in the public interest for acquisition that interference with the qualified rights is likely to be necessary and proportionate. In this instance, there is a compelling case in the public interest for compulsory acquisition. Article 6 relates to the right to a fair hearing. The Inquiry process, with potential supervision by the High Court, provides a fair hearing. If it is recommended that the Order be confirmed, the objectors will be eligible for compensation in accordance with the statutory code relating to the loss they incur as a result of acquisition.

⁴⁹ Council's Statement of Case, Section 9

⁵⁰ Paragraph 9.22 (Ibid)

⁵¹ Paragraph 9.23

66. The Council has had regard to the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010, and the effect of any differential impacts on groups with protected characteristics. It is accepted that the proposals would involve the loss of the Milan Palace and Monsoon Banqueting suites. However, these are not the only banqueting, community or faith suites available in Southall. The CPO scheme involves the provision of community floorspace (106.9 sqm) which is intended to provide a replacement for the community groups relocated from Featherstone Terrace including the Somali Youth Helpline. A series of three Equalities Impact Assessments were carried out by the Council which found that overall the scheme would not have a significant negative impact on any group with a protected characteristic, nor the wider community. These were included in the Cabinet Reports dated 10 July 2018⁵², and 16 June 2021⁵³, as well as an Individual Cabinet Member Decision dated 10 November 2021⁵⁴. Balancing any negative equality effects against the positive effects, the Council considers the making of the Order to be justified and that there is no illegal discrimination. Greater London Authority (GLA) officers also found the scheme would not unduly harm any group with a protected characteristic⁵⁵.
67. In fact, the scheme will have positive impacts for persons with protected characteristics. More than 10% of homes will be capable of being adapted for wheelchair use. Community groups, including the Somali Youth Helpline will be relocated. These groups are currently based in old portacabins on Featherstone Terrace which are not fit for purpose. The significance of the scheme's provision of affordable housing should not be underestimated – as the vast majority (73%) of people on the Council's housing register are from ethnic minority groups. This scheme will offer improved opportunities for such groups to access suitable affordable rented housing.
68. The Council has complied with the relevant statutory publicity and notice requirements as contained in the Acquisition of Land Act 1981. The Council became aware that one party's objection had been returned by Royal Mail just before the deadline for objections in December 2021, following a change in address of the Planning Casework Unit. Despite receiving legal advice that it was not required to extend the deadline, the Council decided to extend it until 17 January 2022 to give affected parties time to check their objection had been received (or to make a new objection, as some parties did). New letters were posted to affected parties and further site notices were put in place.
69. Objectors have made reference to language and digital barriers to engagement. These concerns are misplaced. Printed copies of the Order documents were made available at the Dominion Centre Library and Perceval House. Copies of all formal notices were hand delivered and / or posted to affected residents and businesses. During the objection period, no requests for foreign language versions of any documents were received.

⁵² CD E.2.2

⁵³ CD E.3.2

⁵⁴ CD E.4

⁵⁵ CD D.11, Paragraphs 20-24

Inspector's Conclusions

70. The Government's most recent and updated Guidance on confirming Orders is contained within '*Guidance on Compulsory Purchase Process and the Cribel Down Rules*' ('the CPO Guidance')⁵⁶. This states that Acquiring Authorities should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The Acquiring Authority should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land⁵⁷.
71. The CPO Guidance⁵⁸ also states that any decision whether to confirm an Order will be made on its own merits, but the following factors may be considered: (i) whether the purpose for which the land is being acquired fits with the adopted local plan for the area; (ii) the extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area; (iii) whether the purpose could be achieved by other means, such as through alternative proposals; and (iv) the potential financial viability of the scheme for which the land is being acquired. I deal with these matters in turn. I then deal with the various other issues raised at the Inquiry. In reaching my conclusions I have taken account of the written evidence as well as verbal submissions.

Whether the purpose fits with the adopted planning framework

72. The Council has set out the relevant planning policies that relate to this scheme. In particular, in the latest London Plan, adopted 2021, the Southall Opportunity Area is given an indicative target of delivering 9,000 new homes and 3,000 new jobs⁵⁹. Policy SD1 of the London Plan deals with 'Opportunity Areas' and seeks to ensure that such areas fully realise their growth and regeneration potential. Policy GG2⁶⁰ of the London Plan promotes sustainable mixed-use places that make the best use of land, including promoting higher density development in areas well connected to public transport, especially in Opportunity Areas. Policy D3⁶¹ of that document also requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Policy H1⁶² of the London Plan seeks to optimise the potential for housing delivery on all suitable sites. The CPO scheme accords with those aims.
73. Policy 2.8 of the Ealing Development Strategy (adopted April 2012) sets out a number of objectives for Southall, including to regenerate the town centre, and improve retail and community facilities. Policy 1.1 of that document sets out a spatial vision for Ealing, and states that development of new homes, business and retail space will be concentrated in Southall, amongst other places. Policy SOU8 of the Development Sites DPD (adopted December 2013) allocates the

⁵⁶ Published 2019, CD B.1

⁵⁷ Paragraph 2, CD B.1

⁵⁸ Paragraph 106

⁵⁹ Table 2.1, Page 37, London Plan [CD D.1]

⁶⁰ GG2: 'Making the best use of land'

⁶¹ D3: 'Optimising site capacity through the design-led approach'

⁶² H1: 'Increasing House Supply'

wider area as follows⁶³: for 'mixed use development appropriate to the town centre, with continued protection of existing industrial uses on the Featherstone, Dominion and Suterwalla estates as Locally Significant Industrial Sites (LSIS) and the retention of the Dominion Arts Centre'. A small part of the Order land is a LSIS comprising a private coach park, but it does not contain any industrial floorspace capacity. It is clear, therefore, that a longstanding aim of the development plan has been the regeneration of this site for a mix of uses, including residential.

74. As noted by a number of objectors, it is the case that the site is not specifically in a location identified within the development plan for tall buildings. In fact, the Southall Opportunity Area Planning Framework relating to The Green states: 'in general, building heights should relate to the surrounding context of 2-4 storeys' and 'limited intensification that reflects the existing context is likely to be the most appropriate response in the majority of circumstances⁶⁴. That said, the Southall Opportunity Area Planning Framework also acknowledges 'there may be an opportunity for taller buildings in locations that would enhance the legibility of the area'⁶⁵. The GLA also noted that, although the site did not fall within an area identified for tall buildings, a case could be made subject to compliance with Policy D9.C (Tall Buildings) of the London Plan⁶⁶. Policy 1.2(h) of the Ealing Development Strategy states that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. In addition, there is a strong imperative to make the best use of previously developed and brownfield land. The planning application was judged acceptable by both the Council and the GLA on this basis. I see no reason to disagree.
75. As noted, planning permission⁶⁷ has now been granted by the Council, subject to conditions, for a mixed use development providing three urban blocks comprising residential units within a series of tower blocks, along with flexible commercial, employment and community floorspace. Private and public car parking is proposed, along with servicing bays, with public realm and associated landscaping, play and amenity space, plant and refuse areas, and including access arrangements. The blocks will vary in height between 4 and 19 storeys, with 7 individual towers. Various financial contributions are proposed as part of an associated legal agreement. Condition 2 of the planning permission controls the overall quantum of development and Condition 1 requires commencement within three years, in other words by 9 September 2025.
76. Intense criticism was made of the scheme by many participants at the Inquiry. It was said that the proposals, because of their scale and height, represented an overdevelopment of the site that would harm the local townscape. It was stated that the scheme does not comply with the relevant planning policies for the area. It was also suggested that the scheme had been conceived through a 'white prism' without regard for the ethnically diverse local population. Many of these criticisms raised at this CPO Inquiry were previously considered in detail

⁶³ Page 95 [CD D.4]

⁶⁴ CD D.2, Paragraph 4.134

⁶⁵ CD D.2, Paragraph 4.134

⁶⁶ CD C.1.18 & CD D.11, GLA Stage 1 and 2 Reports respectively

⁶⁷ Reference 215058, granted 9 September 2022

within the comprehensive planning committee report for the planning application⁶⁸. All aspects of the scheme were assessed including, amongst other things: the scale of development, siting, materials, privacy and overlooking, sunlight and daylight, highway and infrastructure impacts, and the effect on heritage assets including the nearby Grade II* building. All aspects were found to be acceptable, subject to the imposition of conditions and completion of a legal agreement. Although objectors at the Inquiry highlighted concerns regarding the ability of the existing water network to accommodate new development, Thames Water, the statutory consultee, did not raise objections to the planning application.

77. As I made clear throughout the Inquiry, under these current CPO proceedings, it is not my role to reconsider the planning merits of the planning permission. As I also explained, I have no powers to quash the planning permission. Nor is it for me to investigate or revisit the mechanics of the planning application process, which was undertaken in consultation with a wide number of statutory bodies including the GLA and Historic England, amongst others. Although allegations were made that the planning application process was flawed, there is scant evidence that this is the case.
78. Another particular criticism relates to the loss of the Featherstone Terrace Car Park. The Southall Opportunity Area Planning Framework notes in relation to The Green that 'the area currently has an over-supply of car parking facilities' and that 'the Featherstone Road car park is poorly used as it is located off the high street network and poorly overlooked'⁶⁹. The planning committee report noted that surveys undertaken pre-covid indicated that it did not function at full capacity on a day-to-day basis, and that more recent surveys indicate that it was still operating below capacity⁷⁰. Although the GLA had originally suggested no parking, preferring a 'car free scheme', the approved scheme in fact proposes 90 spaces. The Council says this would be adequate for the locality and I see no reason to disagree. Whilst I accept the car park may become busier if a specific event is taking place, at my various site visits (both accompanied and unaccompanied) undertaken at different times of the day, the car park was never very full and certainly nowhere near capacity.
79. Another criticism made by certain objectors was that the scheme made provision for cyclists, which was seen as a disadvantage, with the assertion made that women in Southall do not cycle⁷¹. However, there is no cogent evidence to support this position and planning policy generally supports improving permeability for cyclists and pedestrians. Indeed, an aim of the Southall Opportunity Area Planning Framework for The Green is improved pedestrian and cycle access within the locality⁷².
80. To sum up, the CPO relates to a scheme which has the benefit of a valid planning permission, and I consider it generally accords with the adopted development plan for the area.

⁶⁸ CD C.4 (Pages 36-42)

⁶⁹ CD D.2, Paragraph 4.139

⁷⁰ CD C.4

⁷¹ It was said that traditional dress makes cycling difficult

⁷² CD D.2 & CD D.6

Whether the purpose contributes to the economic, social and environmental wellbeing of the area

81. In my judgement, there can be little doubt that the current use and appearance of the site does little for the economic, social and environmental wellbeing of the area. The proposed redevelopment would allow the regeneration of an area that is currently rather run-down, of generally poor environmental quality, and under-utilised. Around a third of the site is taken up by the Council owned car park, with the remainder being in a wide and unplanned range of miscellaneous industrial and commercial uses, with large areas of hardstanding for car repairs and waste storage. From my observations, there is little permeability through the site, and there are areas with poor passive surveillance where fly tipping and anti-social behaviour can occur.
82. Whilst the scheme would result in the loss of certain existing local facilities and workshops (within the Dilloway Yard), the CPO would facilitate the construction of a high quality, sustainable mixed-use development that will address future commercial and housing needs of the area. It is anticipated to create jobs, increase local spending, and improve the local economy. It will allow significant improvements to the public realm, including a public plaza within the site. It will provide a range of housing, 50% of which will be affordable, including accessible and adaptable homes. The provision of much needed market and affordable housing carries significant weight. The scheme would also assist in maximising the potential brought about by the construction of the Elizabeth Line. The Southall Opportunity Area Planning Framework specifically notes that there is scope for more residential use to take advantage of the closeness of the Elizabeth line station and to support the continued viability of the local centre⁷³.
83. The scheme will include flexible business and commercial ground floor uses, distributed across all three blocks, facing onto the new public realm plaza, with units varying in size. This will act as a focus for people to meet and socialise. There is estimated to be a marginal reduction in employment space (around 500sqm), although the quality of the provision will improve. In addition, a day nursery and community space is planned. The scheme also proposes environmental enhancements including substantial new tree planting, habitat creation, and would result in a very large biodiversity net gain⁷⁴.
84. Overall, I am satisfied that the regeneration scheme will improve the economic, social and environmental wellbeing of the area.

Alternatives – whether the purpose could be achieved by other means

85. Various objectors have suggested the regeneration scheme could be implemented without the need to acquire all the Order land, and that the scheme could be modified. However, I accept the Council's point that all the Order land is required to ensure a successful comprehensive scheme. As the Council notes, there are many advantages to a comprehensive approach that would not be possible with individual plot specific proposals. These include

⁷³ CD D.2, Paragraph 4.123

⁷⁴ The Council estimates a net gain of 380%

achieving a well designed and high quality environment, including a public square, proper consideration of sunlight and daylight between buildings, and a movement framework for pedestrians and cyclists. It would also allow the creation of a coherent and legible street network.

86. A number of objectors suggested that sites could be developed individually rather than as part of the wider scheme and have put forward their own proposals⁷⁵. However, there is no cogent evidence of the landowners' ability to procure redevelopment of these sites. No viable alternative scheme has planning permission, nor is there compelling evidence as regards funding or deliverability. Therefore, it is not possible to conclude that other proposals are a realistic alternative proposition. Nor would it allow for a comprehensive scheme.
87. I consider that the delivery of the scheme in its entirety is necessary to ensure that the carefully co-ordinated design concept of the scheme is achieved and that the full social, economic and environmental benefits occur. The transformation of the area relies on the clearance of existing buildings. I am satisfied that there are no reasonable alternatives to the scheme which would achieve the regeneration and well-being benefits of a comprehensive redevelopment.

Financial viability

88. The advice in the CPO Guidance is that, although the potential financial viability of the scheme for which the land is being acquired is relevant, a general indication of funding intentions will usually suffice to reassure the decision maker that there is a reasonable prospect that a scheme will proceed⁷⁶.
89. Evidence was provided to the Inquiry that Peabody, selected as the Council's preferred partner in July 2018⁷⁷, is financially robust with an asset base valued at over £8.8 billion with over £1.5 billion of available resources⁷⁸. It has also committed to paying an advance deposit for the Council owned land (£250,000). It has also guaranteed to underwrite the costs of acquiring the land either through direct negotiation or via a CPO. It has already spent some £4 million on planning, design and negotiation⁷⁹. Peabody has also bid for grant under the Greater London Authority Affordable Homes Programme 2021-26 and has secured £238,850,000 to deliver 2,000 affordable homes. It is proposed part of that funding will be put towards this scheme's delivery. Peabody has also identified the Lovell Partnership as a private sector joint venture partner. The Lovell Partnership also has considerable construction expertise in delivering such developments, including regeneration schemes.
90. A formal Development Agreement was entered into by Peabody with the Council to deliver various objectives: these included achieving a mixed-use development of sustainable, inclusive design; achieving a significant upgrade in the quality of place and public realm; and continued public parking; a minimum of 35% affordable housing – in fact this has been exceeded in the actual

⁷⁵ See Objections 5 & 6

⁷⁶ Paragraph 106, CD B.2

⁷⁷ CD E.2

⁷⁸ Council's Opening Statement, Paragraph 33 [ID1]

⁷⁹ Paragraph 5.11, Statement of Mr Phil Church

scheme which would provide 50%; and the provision of new cycling routes and additional vehicle permeability.

91. I have no evidence other than to suggest all the relevant parties are fully committed to delivering the scheme. There has been no serious challenge either in written evidence or submissions at the Inquiry as to the ability of Peabody and the Lovell Partnership to fund and deliver the proposals. No remaining objector has sought to cast serious doubt of the intention or ability of the parties to undertake and implement the development. Overall, I am satisfied the evidence⁸⁰ meets the requirements of the CPO Guidance and that the scheme is properly funded and financially viable.

Compensation and Financial Offers

92. A number of statutory objectors have taken issue with the amount of compensation they have been offered. As I made clear during the Inquiry, any assessment of compensation is outside my remit, and is not a matter for me to adjudicate on as part of this procedure. Where compensation cannot be agreed, it is for the Upper Tribunal (Lands Chamber), under the Land Compensation Act 1961, to arbitrate.
93. It is worth noting that a number of objections related to the fact that higher financial offers had been made to individuals in the recent past in relation to a different scheme promoted by Ealing Gateway Ltd (Mr Lance Cantor). The options for these earlier proposals have now elapsed⁸¹. The Council confirmed at the Inquiry that neither Ealing Gateway Ltd nor Mr Cantor have any involvement with the current proposals for the site. Some confusion understandably arose at the Inquiry on this point as Mr Cantor's website appeared to display information to the effect that he was still in a joint venture partnership with the Council. This incorrect information was taken down during the Inquiry at the Council's request.
94. Nonetheless, the previous proposals, and associated financial offers that involved Mr Cantor have clearly and understandably led to considerable confusion amongst those affected. It has sown uncertainty as to the value of their plots and explains the current reluctance of certain individuals to accept lower financial offers, as compared with much more generous earlier offers. This situation is unfortunate and has contributed to an atmosphere of distrust in respect of some of the negotiations. Individuals have had their expectations raised only to be offered significantly lower amounts. I consider that the Council and associated parties could have handled this better, explaining the changing situation to those involved more clearly. That said, and as already mentioned, financial compensation has no relevance to the case whether the CPO should be confirmed as individual valuations are not a matter for this Inquiry.

⁸⁰ Including the evidence of Mr Phil Church

⁸¹ According to the Council, these options lapsed in 2019. Examples of option agreements with Ealing Gateway Ltd are provided at ID28

Effectiveness of negotiations

95. The CPO Guidance makes it clear that the Acquiring Authority is expected to demonstrate that they have taken all reasonable steps to acquire land and rights within the Order by agreement. The CPO Guidance states that compulsory purchase is a last resort to secure the assembly of land needed for the implementation of projects.
96. That said, the Guidance also states it can be sensible for Acquiring Authorities to progress CPO procedures at the same time as continuing to negotiate. It states there can be benefits with such a parallel approach⁸². The CPO Guidance says that if an Acquiring Authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. It states that it may often be sensible to initiate formal procedures which may help make the seriousness of the Acquiring Authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations⁸³.
97. In this case, agreement is yet to be achieved with many landowners, and the success of negotiations in many instances appears to have had mixed results. The Council is adamant that it has taken reasonable steps to acquire the necessary interests by agreement. Various objectors to the scheme, on the other hand, say negotiations have been inadequate, and there has not been a fair chance for landowners to sell willingly⁸⁴. Some individuals disputed whether proper discussions had occurred, and that there were long silences with no contact from the Acquiring Authority. It was also said that financial offers were derisory and unacceptable stress has been caused. It seems to me that negotiations have been complicated by earlier higher financial offers made by Ealing Gateway Ltd and Mr Lance Cantor that have raised expectations and created confusion. As I say, this is unfortunate leading to an impression of mistrust with affected stakeholders and the local community.
98. From the evidence before me, I consider there appears to have been genuine attempts at negotiations by the Council to reach agreement with affected parties, but that there have been significant differences on aspirations regarding valuations for properties. The Council says financial offers have been made in accordance with the CPO Guidance on the principle that the owner should be paid neither less nor more than their loss – the 'equivalence principle' based on an assessment of various elements⁸⁵, but there has been resistance from landowners in respect of the offers. I see no reason to doubt this. I also accept that there are difficulties because of fragmented ownership, as well as a number of unknown ownerships. However, as stated, valuation disputes are not a matter for this CPO process and therefore these matters should not represent an impediment to the CPO.

⁸² Paragraph 17 of the CPO Guidance, CD B.1

⁸³ CPO Guidance: 'General Overview', Page 6, CD B.1

⁸⁴ There is also contested evidence about the involvement of Mr Keith Murray (CPO Surveyor)

⁸⁵ CPO Guidance Paragraphs 72-73, CD B.1

Consultation Process

99. It is alleged by various parties that there were procedural defects in the consultation process, including allegations that documents were not available for viewing. In response, the Council has provided a detailed note clarifying what took place⁸⁶. At around the time the CPO was made and CPO Notice Letters were sent out, including details of how to object, the Government's Planning Casework Unit had recently relocated to new premises⁸⁷. It is the case that the Council advised of the wrong postal address for making objections to the CPO which was most unfortunate. I gather a few objectors' letters were returned, because the Royal Mail redirection service was not working as it should, following the Planning Casework Unit's change of address.
100. The Council has explained that immediately it became aware of this, the address was corrected and the original deadline for comments was extended from 22 December 2021 until 17 January 2022, giving additional time for comments. This approach followed the Council's own internal legal advice. New letters with the correct address were posted to all affected parties advising of the extended deadline⁸⁸. The Planning Casework Unit received further objections during this time. The Council subsequently confirmed it was content to receive submissions up to the 31 January 2022, to ensure objections were received following the change of postal address⁸⁹. Whilst the error of the incorrect address was regrettable, I consider that the extension of deadline allowed sufficient time for objections to be made, either within the original deadline, or the extended one. I am satisfied that no person was prejudiced on this basis.
101. It was also alleged at the Inquiry that the documents were not available for public inspection because the Dominion Centre and Perceval House (Council Offices) were closed during the consultation period. At the Inquiry, the Council was emphatic that both venues were open during this period. In respect of the Dominion Centre, it appears that some confusion may have arisen because the main front gates were locked, but there was a sign displayed on those gates that the library was open as usual with an arrow indicating access was available from its other entrance⁹⁰. The Council mentioned that, in any event, all the CPO documents were available electronically on the Council's website throughout this period. I see no reason to doubt the Council's submissions on the availability of documents at Council venues. The Council has also provided details of the location of site notices displayed on the site in respect of the CPO, as well as a pack of letters sent by the Council, Avison Young and Peabody in relation to the CPO scheme⁹¹.
102. Some objectors have also referred to language and digital barriers to engagement with the CPO process. However, printed paper copies of the Order documents were available at the venues above, and copies of formal notices

⁸⁶ ID37

⁸⁷ The letter from LB Ealing advising of the CPO was dated 25 November 2021; the Planning Casework Unit sent a circular letter to Chief Planners advising of change of address on 26 November 2021

⁸⁸ ID39 – General Correspondence Bundle, LB Ealing letter dated 6 January 2021

⁸⁹ ID37

⁹⁰ Photographs included within the submissions of Ms Dogra and Ms Plant confirm this to be the case

⁹¹ ID37 & ID39

were hand delivered or posted to affected residents and businesses. The Council has also confirmed no requests for foreign language versions of documents were received during the objection period⁹².

103. A number of participants at the Inquiry stated that they were previously completely unaware of the proposals for the area, and that their views have been ignored. The Council has given comprehensive details of local engagement regarding the redevelopment over a considerable time period⁹³ with a sequence of key dates. These include, amongst other things, dates of letters sent to affected parties providing updates on the scheme, details of consultations, including the launch of a website with details of the development, details of press releases, as well as flyers issued to local residential and commercial properties. In addition, exhibition meetings were held by Peabody in June and September 2019 about the scheme at the nearby Manor House⁹⁴.
104. It seems to me that the various consultation processes regarding the redevelopment of Southall have been extensive and wide-ranging. Furthermore, the development plan has identified this part of Southall for regeneration for a considerable time. In terms of the planning application for the CPO scheme, the committee report records that 122 representations were received, of which 117 were objecting⁹⁵. This would suggest that many local people, although largely opposed to the planning application proposals, were aware of them. It is also the case that the CPO scheme has been modified in response to concerns raised during various community consultations. In particular, the Tudor Rose, has been excluded from the redevelopment area. This shows that the ongoing consultations were not purely nugatory but that the Council took account of the comments and concerns of local people.
105. To sum up, on the evidence before me, I am satisfied that there were no procedural irregularities in the consultation process for making the CPO or that individual parties were prejudiced.

Public Sector Equality Duty & Equalities Impact Assessment

106. At the Inquiry, the IWA raised questions as to whether the Council had complied with its duties under the Equality Act 2010. It should be noted that no mention was made of the Equality Act in the IWA's original objection letter⁹⁶ and this was effectively a newly constituted objection made at the Inquiry, the terms of which crystallised as the event progressed. The criticisms made by the IWA were not raised in advance of the Inquiry, nor I understand at any of the previous meetings held between the Council and the IWA. Nonetheless, S149 of the Equality Act imposes a procedural duty on public authorities to have due regard to various matters, including the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not. Caselaw⁹⁷ has established that the legislation does not require

⁹² ID1, Paragraph 38

⁹³ A full Schedule is attached at Appendix 1 to Ms Eleanor Young's Addendum Statement, Pages 5-8

⁹⁴ Meetings held by Peabody on 27 & 29 June 2019, and 19 & 21 September 2019

⁹⁵ CD C.4, Page 40

⁹⁶ Dated 17 December 2021

⁹⁷ R (Sheakh) v London Borough of Lambeth Council [2022] EWCA 457 & R (Baily) v London Borough of Brent Council [2011]

public authorities to achieve any particular outcome, nor does it prescribe a particular procedure that public authorities must follow. It does not require that a formal equality impact assessment be undertaken at a particular time, or particular format, or indeed at all. Whilst it does require the obvious equality impacts to be assessed, an unduly legalistic approach should not be taken.

107. The Council prepared three 'Equalities Analysis Assessments' (EAAs) to guide decision making. The first was undertaken at a relatively early stage of the process to inform the Council's decision whether to proceed with Peabody as a development partner in July 2018⁹⁸. The EAA deals with each protected characteristic⁹⁹ in turn, including race. In particular, it records that 'there is no differential impact on people with this characteristic'. The EAA notes a potential impact regarding the loss of two properties – the Tudor Rose and Monsoon Banqueting Suite. The former was noted to have been closed for three years because of the loss of its license, and the latter was used predominantly (but not exclusively) by members of the Indian Community for celebrations. However, it was also noted that there was some evidence that demand for such facilities appeared to have fallen (indeed it was noted that the Milan Palace was not at that time in use for banqueting). It was also noted facilities could be re-provided within any new scheme. The overall conclusion of the EAA was that the proposal 'does not have a negative impact on any group with a protected characteristic'.
108. The second EAA¹⁰⁰ was prepared in June 2021 to inform the Council's decision whether to exclude the Tudor Rose from the redevelopment area. The EAA recognised that the Tudor Rose was 'an important cultural asset for the Black Caribbean community'. The EAA notes that, given the importance of the building as a cultural asset, the redevelopment proposals 'will now leave the building in situ' and 'improve the external area and setting of the building'. It was also noted that the Monsoon and Milan Banqueting Suites were predominantly but not exclusively used by members of the Indian Community. It was also recorded that Meetings had taken place with the freeholder and the leaseholder of the Monsoon Banqueting Suite, the leaseholder having expressed interest in relocating and the freeholder in redeveloping the property.
109. Data from the Council's Housing Waiting List was also included in this assessment leading the Council to conclude that 'the vast majority of applicants are from black and minority ethnic communities' and 'the provision of new affordable homes should have a positive beneficial impact for these communities'. The overall conclusion was again reached that 'the proposal does not have a negative impact on any group with a protected characteristic', and 'insofar as there is any potential to negatively impact any particular group this will be explored as part of the planning process'. It also noted that the project would 'offer a significantly improved environment for people with physical disabilities and improved opportunities for people from BAME backgrounds to access suitable affordable rented housing'¹⁰¹.

⁹⁸ CD E.2.2

⁹⁹ As defined by the Equality Act 2010

¹⁰⁰ CD E.3.2

¹⁰¹ Page 7, CD E.3.2

110. The third EAA was prepared to inform the Council's decision whether to make the Order in November 2021¹⁰². The Tudor Rose and Monsoon and Milan Banqueting Suites were considered, and again the conclusion of the EAA was that the proposal 'does not have a negative impact on any group with a protected characteristic' and again makes similar conclusions regarding an improved environment for people with physical disabilities and improved opportunities for people from ethnic minority backgrounds to access affordable rented housing.
111. Various criticisms were made by the IWA in terms of the Council's EAAs in terms of the evidence basis used to reach decisions, the failure to obtain adequate information or statistical data to properly assess impacts, including demographic data or to adequately obtain the insights of the community; and that the assessments were not conducted with sufficient rigour, and that they did not follow the correct form. But as noted above, these criticisms were not raised in advance of the Inquiry opening or put in writing.
112. I accept that perhaps some of the assessments within the EAAs could have been more clearly expressed. For example, in the July 2018 EAA¹⁰³ under the 'Race' section, the form says: 'state whether the impact is positive, negative, a combination of both, or neutral'. No conclusion is drawn in relation to that statement and the box is completed with 'N/A'. It is then said: 'there is no differential impact on people with this characteristic'. However, under 'describe the impact' the section then goes on to explain the effects on facilities which it is said 'may be considered to impact on specific racial groups', and how those effects will be dealt with. I consider the text could have been expressed more precisely in this case: it would perhaps have been better to have acknowledged that there would have been an impact at the start of the section, rather than within the body of the text. Nonetheless, an assessment is made which clearly describes the potential impact, and that impact was drawn to the decision maker's attention at different stages of the process leading up to the making of the CPO. In each EAA, notwithstanding criticisms made, the Council did attempt to grapple with the likely effects of the proposals on persons with protected characteristics. As noted above, caselaw has established a forensic or legalistic approach is not what is required.
113. Regardless of any criticisms being raised by any party, I have a duty to ensure that the Public Sector Equality Duty is complied with. The duty is to have due regard to the need to (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (ii) advance the equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
114. It seems to me that, given the ethnically diverse make-up of the local population, persons with protected characteristics are likely to be affected by the CPO. The Council has acknowledged this in its various EAAs, and particularly in relation to race, expressly noting that specific buildings such as

¹⁰² CD E4

¹⁰³ CD E2.2

the Tudor Rose, Monsoon and Milan Palace Banqueting Suites were facilities predominantly, although not exclusively, used by particular ethnic groups. Adjustments have been made to the scheme – for example, excluding the Tudor Rose from the Order land – in the light of consultations with the local community.

115. I acknowledge that the proposals would result in the loss of the Milan Palace and Monsoon Banqueting Suites. These facilities could be regarded as 'cultural assets'. However, I gather the freeholder of these properties has in the past actively promoted an alternative form of redevelopment over the land they own, which would have resulted in these uses not remaining on the site in any event¹⁰⁴. Therefore, their continued presence on site could not be guaranteed. In addition, it seems that the Milan Palace is now carrying out banqueting operations from part of the Tudor Rose¹⁰⁵ which will be retained. The Council has stated that Avison Young is working on relocation options with the Monsoon and Milan Banqueting Suites¹⁰⁶. The Council has stated that there are other banqueting, community, and faith facilities in the locality, which mitigates their potential loss. It also highlights that the CPO proposal includes provision of replacement community floorspace and also provides floorspace for a nursery, although I accept this might not necessarily be suitable for these uses.
116. The Council has provided clear evidence that a majority of those on the Council's waiting list identify as Asian, Black or Mixed¹⁰⁷. The proposed scheme will provide around 50% of its units as affordable, and although it cannot be known at this stage who will ultimately occupy the units, I agree with the Council that it is perfectly reasonable to infer that those groups will benefit significantly since they represent a substantial majority on the waiting list. As the Council notes, the scheme seeks to build new homes for people to alleviate 'poverty, disadvantage and discrimination'¹⁰⁸. It seems to me that, whilst certain existing facilities may be lost, the CPO scheme will provide high quality housing that is likely to benefit those of Asian, Black or Mixed background. I give this matter significant weight in my assessment.
117. More generally, I have no reason to believe that access to the scheme's benefits would be precluded to any person by reason of matters specifically relating to protected characteristics. Indeed, benefits would include opportunities for new accessible, adaptable and affordable homes, community facilities and a generally more inclusive and safer environment. The removal of the existing public car park, although controversial with the local community, would be replaced with a smaller parking facility. As noted, the Council's evidence was that the current car park was under-utilised and this was corroborated by my site visits undertaken at various times of the day. I also share the Council's view that the net loss of 60 car parking spaces¹⁰⁹ is unlikely to significantly affect access to major cultural and religious events in Southall –

¹⁰⁴ The longstanding aspiration of the freehold owner, Upgrade Events, has been to redevelop these properties, Council's Closing Submissions, Paragraph 8(f) [ID44]

¹⁰⁵ It is understood that Upgrade Events which operates Milan Palace has taken a lease on this property

¹⁰⁶ ID1, Council's Opening Statement, Paragraph 48(c)

¹⁰⁷ The EAAs give data regarding the Council's housing waiting list. Updated housing data (2022) is provided in the Addendum Proof of Ms Eleanor Young, Page 3

¹⁰⁸ Addendum Proof of Ms Eleanor Young, Page 3

¹⁰⁹ The CPO scheme involves the re-provision of 90 spaces for the existing 150 spaces

which can be attended by thousands of people. As already noted, the site is in a highly accessible location, very well served by public transport, including the new Elizabeth Line. It is hard to see how a reduction in parking spaces would give rise to a material equalities issue.

118. The Council concluded that the proposed development would not have a significant negative impact on local community groups with a protected characteristic nor upon the wider community. This conclusion was shared by the GLA in its report on the planning application, where it was specifically recorded that officers did not consider the proposal would unduly harm or disadvantage any specific groups with the nine protected characteristics¹¹⁰. In the light of all the evidence before me, including the Council's EAAs, the written evidence and that given at the Inquiry, I share that view.

Human Rights

119. The Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with human rights. Article 1 of the First Protocol of the Human Rights Act is concerned with the protection of property and the peaceful enjoyment of possessions, but does not impair the right of a State to control the use of property in accordance with the general interest. In the context of Article 1, the European Court of Human Rights has recognised that regard must be had to the fair balance that has to be struck between competing interests of the individual and the community as a whole. Under Article 8, everyone has the right to respect for his (or her) home, but again this is a qualified right. In other words, the Order must be proportionate. In this case, I consider significant public benefits will arise from the completion of the scheme if the Order is confirmed, and any such interference with Article 1 and Article 8 is necessary and proportionate.

120. In particular, I am satisfied that the Council is pursuing a necessary and legitimate aim to bring about the comprehensive redevelopment of an area in need of regeneration. The scheme will result in a greatly improved environment and enhanced facilities. The interference pursues a legitimate aim. The Order is necessary in the public interest. There are no reasonable alternatives to achieve the same end that would be less interfering of the objectors' rights. As such, this interference would not be disproportionate. I am satisfied that there would be no violation of the objectors' rights under Article 1 of the First Protocol or under Article 8. In terms of Article 6, the right to a fair hearing, many objectors have availed themselves of the opportunity to be heard at this Inquiry. If the Order is confirmed, the statutory objectors would be eligible for compensation in accordance with the statutory code relating to the loss they incur as a result of acquisition. There is also a right to challenge any decision in the High Court.

Other Matters

121. A number of objectors have raised concerns about the rear access road serving the shops fronting The Green, and the consequent impact on their

¹¹⁰ CD D.11, Paragraphs 20-24

operations. However, the Council has confirmed that although the land is proposed for acquisition, the access will be retained and upgraded¹¹¹.

122. Questions have been raised at the Inquiry in relation to various other wide-ranging matters, including the housing targets in the London Plan, the legal basis on which the Council has adopted its policy documents over the years, the Council's own internal constitutional decision-making arrangements, including schemes of delegation. Some objectors made various allegations about the conduct of the Council more widely (such as maladministration and corruption), including against Councillors and officers of the Council. It is not my role to investigate allegations of maladministration. I made it clear throughout the Inquiry proceedings that I must focus solely on the relevant matters pertaining to the CPO. These matters are beyond the scope of this Inquiry.

Final Assessment

123. The CPO Guidance is clear that compulsory purchase powers should be used where it is expedient to do so, and where there is a compelling case in the public interest. The deprivation of a private citizen or business of their property rights is a significant matter. Drawing matters together, it is clear that the scheme is in general accordance with the planning framework for the area. The Order land is required to implement a comprehensive scheme. I am satisfied that the scheme would substantially contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area, and that these purposes could not be achieved by other means, such as through alternative proposals. Financial resources are in place for the scheme. I am satisfied that the Public Sector Equality Duty has been properly discharged throughout these proceedings. The Order would interfere with the human rights of the objectors, but I consider that the interference is proportionate and that there is a strong public interest in ensuring that the regeneration of this part of Southall takes place.

124. In reaching my overall conclusion, I have carefully considered the many objections made at the Inquiry to the CPO. Overall, and having taken all matters into account, I conclude that there is a compelling case in the public interest for the acquisition of the Order land.

Conclusion

125. I conclude that the London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 be confirmed without modification.

Matthew Nunn

INSPECTOR

¹¹¹ Paragraph 10.12, Council's Statement of Case

APPEARANCES

FOR THE ACQUIRING AUTHORITY:

Zac Simons, assisted by

Isabella Buono

both of Counsel, instructed by London Borough of Ealing

They called

Mark Baines

Director at Hunters Architects [scheme design]

Sam Stackhouse

Partner at Montagu Evans [the planning framework]

Phil Church

Director of Land & Partnerships at Peabody [Developer's commitment to delivery]

Eleanor Young

Strategic Regeneration Adviser at London Borough of Ealing [justification for making the Order]

Virginia Blackman

Principal and National Head of Site Assembly and Compulsory Purchase Team at Avison Young [Negotiations and Acquisition]

STATUTORY OBJECTORS:

Matthew Dale-Harris

of Counsel, representing the Indian Workers' Association

He called

Dr Krishna Sarda

Indian Workers' Association

Monsoon Banqueting

Mr Manjit Singh

Highway Coaches

Mr Kular

Diocese of Westminster

Carol Haigh

NON STATUTORY OBJECTORS AND INTERESTED PARTIES

Ms K Plant

Mr B Purewal
Ms M Dogra
Mr R Singh
Mr Dhaliwal
Mr K Parasher
Mr S Ahmed
Mr J Bhanghu
Mr O Dogra
Mr A Hussain
Mr S Grover
Mr H Bhogal (on behalf on Mrs J & B Bhogal)
Mrs Panesar
Mr G Panesar
Mr Choda
K Garmeson

A schedule is attached at ID17 (Table 2) which includes objectors who did not submit objections in December 2021 – January 2022 but whose land interests fall within the CPO area

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Opening Statement of behalf of the Acquiring Authority
2. Opening Statement on behalf of the Indian Workers' Association
3. Map showing route for accompanied site visit
4. Addendum to the submissions of Minni Dogra (dated 11 October 2022)
5. Submission by Harvi Bhogal on behalf of Mrs Jasbir Bhogal & Mr Balbir Bhogal (dated 9 October 2022)
6. Extract from Southall Opportunity Area Planning Framework – Integrated Impact Assessment, Draft 2013
7. Mohinder Pal v London Borough of Ealing [2018] EWHC 2154 (Admin)
8. Questions for Eleanor Young by Minni Dogra
9. Questions for Eleanor Young by Katharine Plant

10. Questions for Eleanor Young by Harvi Bhogal
11. Questions for Eleanor Young by J S Bhangu
12. Questions for Eleanor Young by Balraj Purewal (Asian Health Agency)
13. Questions for Eleanor Young by O Dogra
14. Questions for Eleanor Young by K Parashar
15. Agenda and Note of 'Southall Big Plan' meeting 29 June 2016
16. Screen shots from Metropolitan and Suburban website relating to Southall
17. Schedule and status of objectors dated 17 October 2022 (Table 1 & 2)
18. Questions of Virginia Blackman by Mr Dhaliwal
19. Questions of Virginia Blackman by Minni Dogra
20. Questions of Virginia Blackman by Harvi Bhogal
21. Submission of Mr Surinder Choda
22. Submission of Gagandeep Panesar (PB Autos Ltd, Unit 4 & 6)
23. Submission of Katherine Plant (dated 10 October 2022)
24. Submission by Harvi Bhogal (J B Autos, 3a Dilloway Estate) dated 17 October 2022
25. (i) Index to the submission of Minni Dogra; (ii) Summary of submission of Minni Dogra; (iii) Addendum to letter dated 28 September 2022; (iv) further attachment 'MD 21'.
26. (i) Letter dated 11 October 2022 from Peabody to Carol Haigh (Diocese of Westminster) on detailed design issues; (ii) Letter dated 27 November 2020 from Peabody to Reverend Mitchell
27. Submission by Mr Ahmad Frough, Milan Palace Management
28. Further documents provided by Harvi Bhogal including Land Registry entry and option deed and deed of variation signed with Ealing Gateway Ltd
29. Statement of Kay Garmeson of 'Ealing Matters'
30. Letter from Gerald Eve of withdrawal of objection to the Order of Medina Dairy Ltd dated 19 October 2022
31. Submission dated 19 October 2022 from Gurdwara Sri Guru Singh Sabha
32. Closing Note on behalf of the Indian Workers Association including the following judgments: *R(Bracking) v SSWP* [2013] ECWA Civ 1345 and *R(Sheakh) v London Borough of Lambeth* [2022] EWCA Civ 457
33. Letter of objection from Highway Coaches dated 30 January 2022
34. Further documentation from Harvi Bhogal

35. Submission from Ashok Chumber (dated 20 October 2022)
36. Additional note of the Acquiring Authority – Regarding involvement of Lance Cantor/Metropolitan and Suburban
37. Additional note of the Acquiring Authority – CPO key dates and site notice plan
38. Note from Acquiring Authority regarding Thames Water’s response on planning application
39. Note from Acquiring Authority - General Correspondence bundle – including Avison Young letters
40. Briefing note from Acquiring Authority – involvement of Keith Murray CPO surveyor
41. Briefing note from Acquiring Authority – correspondence / negotiations with Highway Coaches
42. Site Notice Location Plan
43. Final negotiation schedule
44. Closing statement on behalf of Acquiring Authority

CORE DOCUMENTS

Compulsory Purchase Order (CPO) Documents

- CD A.1 London Borough of Ealing (The Green, Southall) Compulsory Purchase Order and Order Schedule 2021
- CD A.2 London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 Order Map
- CD A.3 London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 Statement of Reasons
- CD A.4 London Borough of Ealing (The Green, Southall) Compulsory Purchase Order 2021 Statement of Case
- CD A.5.1 Press Notices advertising making of the Order: No 1
- CD A.5.2 Press Notices advertising making of the Order: No 2
- CD A.5.3 Press Notices advertising making of the Order: No 3
- CD A.5.4 Press Notices advertising making of the Order: No 4
- CD A.6 Notice of Making of the Order served on the Owners
- CD A.7 Site Notice Advertising Making of the Order
- CD A.8 Schedule of Objectors

Legislation and Guidance

- CD B.1 Guidance on Compulsory Purchase Process and The Crichel Down Rules, Department for Levelling Up, Housing & Communities, July 2019
- CD B.2 Compulsory Purchase (Inquiries Procedure) Rules 2007

Planning Application Documents (Ref 215058)

- CD C.1.1 Design and Access Statement – July 2021
- CD C.1.2 Design and Access Addendum – October 2021

- CD C.1.3 Planning Statement – July 2021
- CD C.1.4 Amended Heritage, Townscape & Visual Impact Assessment
- CD C.1.5 Aviation Impact Assessment
- CD C.1.6 Landscape Addendum
- CD C.1.7 M9516-HUN-ZZ-ZZ-DR-A-02-0003_A_Proposed Site Plan
- CD C.1.8 M9516-HUN-ZZ-01-DR-A-02-0101_A_Proposed First Floor Plan
- CD C.1.9 M9516-HUN-ZZ-03-DR-A-02-0103_A_Proposed Third Floor Plan
- CD C.1.10 M9516-HUN-ZZ-10-DR-A-02-0110_A_Proposed Tenth Floor Plan
- CD C.1.11 Daylight and Sunlight Assessment (Internal)
- CD C.1.12 Daylight and Sunlight Assessment (External)
- CD C.1.13 Heritage and Townscape Assessment
- CD C.1.14 Statement of Community Engagement
- CD C.1.15 Statement of Community Involvement Addendum
- CD C.1.16 Transport Assessment
- CD C.1.17 Commercial Justification Commentary
- CD C.1.18 GLA Stage 1 Report
- CD C.2 Planning Permission dated 9 September 2022 (Ref 215058)
- CD C.3 Section 106 Agreement dated 9 September 2022
- CD C.4 Case Officer’s Report: Briefing Notes for Planning Committee (Ref 215058)

Planning Policy Documents

- CD D.1 The London Plan: Spatial Development Strategy for Greater London (2021)
- CD D.2 Southall Opportunity Area Planning Framework (adopted by Ealing Council on 15 July 2014 as a Supplementary Planning Document (SPD) to Ealing’s Local Plan & adopted by the Mayor of London on 16 July 2014 as Supplementary Planning Guidance to the London Plan)
- CD D.3 London Borough of Ealing: Development (or Core Strategy) DPD (April 2012)
- CD D.4 London Borough of Ealing: Development Sites DPD (December 2013)
- CD D.5 London Borough of Ealing: Development Management DPD (December 2013)
- CD D.6 London Borough of Ealing: Southall, The Green SPD (2017)
- CD D.7 National Planning Policy Framework (2021)
- CD D.8 Joint West London Waste Plan (July 2015)
- CD D.9 Planning for Schools DPD (May 2016)
- CD D.10 Technical Housing Standards: Nationally Described Space Standards
- CD D.11 GLA Stage 2 Referral dated 5 September 2022 (Planning Report 2021/1089/S2)
- CD D.12 Town Briefing: Southall

Council Documents

- CD E.1.1 Cabinet Report: Southall Big Plan – The Green, Southall (14 March 2017) – Appendix 1
- CD E.1.2 Cabinet Report: Southall Big Plan – The Green, Southall (14 March 2017 – Appendix 2 – maps and plans
- CD E.1.3 Cabinet Report: Southall Big Plan – The Green, Southall (14 March 2017 – Appendix 3 – car park conditions and usage
- CD E.2 Cabinet Report: Southall, The Green – appointment of a development partner (10 July 2018)

- CD E.2.1 Cabinet Report: Southall, The Green -appointment of a development partner (10 July 2018) Appendix 4 - Plan of the Site
- CD E.2.2 Cabinet Report: Southall, The Green – appointment of a development partner (10 July 2018) Appendix 5 – Full Equality Analysis
- CD E.3 Cabinet Report: The Green, Southall Update (16 June 2021)
- CD E.3.1 Cabinet Report: The Green, Southall Update (16 June 2021) Appendix 1 Site Plans
- CD E.3.2 Cabinet Report: The Green, Southall Update (16 June 2021) Appendix 3- Full Equalities Analysis Assessment
- CD E.4 Individual Cabinet Member Decision (10 November 2021)
- CD E.5 Officer Decision (authority to enter development agreement) (25 March 2019)
- CD E.6 Planning Committee Minutes (20 October 2021) (resolving to grant permission for Ref 215058)

Information Disclosed by the Acquiring Authority

- CD F.1 Peabody – Annual Report and Accounts (2022)
- CD F.2 Peabody – Environmental, Social and Governance Report (2021)