

Southall Gasworks

in the London Borough of Ealing

planning application no. P/2011/4682

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Section 73 application to vary condition 17 (construction vehicle access) of the outline application for the redevelopment of Southall Gasworks, to allow use of Beaconsfield, Ranelagh, Woodlands and Trinity Roads for remediation vehicles.

The applicant

The applicant is **National Grid**

Strategic issues

Whether the alternative routes for remediation vehicles are acceptable in terms of **residential amenity** and **traffic**.

Recommendation

That Ealing be advised that the application complies with the London Plan, for the reasons set out in paragraph 36 of this report and does not need to be referred back to the Mayor.

Context

1 On 10 January 2011 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 20 February 2011 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1A and 1B of the Schedule to the Order 2008:

- "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."

- “Development outside Central London and with a total floorspace of more than 15,000 square metres.”

3 Once Ealing Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself. In this instance the Council need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The majority of the site is located in Ealing on the boundary with the London Borough of Hillingdon. The three bridges at the western end of the site land in the Minet Country Park in Hillingdon. The site is broadly triangular in shape and is approximately 36.5 hectares. It is bounded by areas of Victorian housing to the north extending off Beaconsfield Road, Southall town centre- a specialised shopping centre for the Asian community, to the east and north, the Great Western Mainline Railway to the south and the Minet Country Park, Grand Union Canal and Yeading Brook to the west. The site retains three operational gasholders and associated facilities including below-ground high-pressure lines with easements above. Industrial and transportation uses once filled the site and Southall has developed around it. Some industrial uses and airport car parking currently remain on the site but would be replaced by this proposal, as would two of the operational gasholders. Southall station is opposite the eastern site entrance and will be served by Crossrail. Yeading Brook is located approximately 50m from the western side of the site boundary, running parallel with the Grand Union Canal.

6 Approximately 240 metres west of the Grand Union Canal is the A312 The Parkway / Hayes Bypass, to which a new road link is proposed from the development site via Pump Lane. The A312 is part of the Transport for London Road Network (TLRN) and connects to the M4 motorway at Junction 3. The nearest section of Strategic Road Network (SRN) is the A4020 Uxbridge Road to the north, approximately 500 metres from the northernmost point of the site.

7 Six bus routes run north and south along South Road connecting directly with Southall station and providing links to Heathrow, Hayes & Harlington, Hounslow, Brentford, Northolt, Greenford and Perivale. Uxbridge Road provides four further services, to Ealing Broadway, Shepherd’s Bush, Park Royal, White City and Uxbridge. There are no bus routes on the A312.

8 The site is remote from the London Underground network, with the nearest station being Osterley (Piccadilly Line), 3.2km away. The nearest railway station is Southall station, at the eastern end of the site on South Road. Stopping services at this station include trains to Paddington, Ealing Broadway and Heathrow, as well as other suburban destinations. Southall station is a 10-minute walk from the centre of the development site, although the westernmost end of the site is 1.7km from the station (just over 20 minutes walk). The public transport accessibility level (PTAL) of the site currently ranges from 3 at the eastern end to 0 in the western half of the site (where 1 is very low and 6 is very high).

9 Part of the application site is characterised by extensive areas of hardstanding comprising concrete or loose chippings. Vegetation within the site is sparse and comprises poplars and scrub along the canal edge and northern boundary.

10 Access to the application site is currently provided via The Crescent from the east, which leads off Beaconsfield Road and via The Straight off South Road. There is also an access to the north from Beaconsfield Road; and Brent Road to the south.

11 The proposed pedestrian and vehicular bridges and accesses to the west are located within the Green Belt. The Canal which runs along the western boundary of the site is a site of importance for nature conservation of metropolitan importance; is part of the blue ribbon network identified in the London Plan; the eastern part of the canal which is in Ealing is designated a conservation area; and the towpath is promoted as a recreational route, forming in part the Grand Union Walk and the Hillingdon Trail.

Case history

12 In 2005, five planning applications were submitted for the following:

- An outline planning application for mixed-use development. Details for access to the north onto Beaconsfield Road were submitted for detailed consideration but all other matters regarding siting, design, landscaping and external appearance were reserved for future consideration. This application envisaged approximately 4,500 residential units.
- A full application for a proposed new link road from Springfield Road/Beaconsfield Road (Hayes) to the former gas works site, which involves crossing both the Yeading Brook and Grand Union Canal.
- A full application for a proposed new link road linking the former Southall Gas Works site to the Hayes By –Pass via Pump Lane. This involved a culvert over the flood relief channel and bridges over the Yeading Brook and Grand Union Canal.
- A full application for the proposed eastern link road between the former Southall Gas Works and a new gyratory in the vicinity of Southall station addressing the Glassy House junction. This also included a new link between The Crescent and Randolph Avenue.

13 In 2006 Hillingdon Council refused planning permission for the access applications and the applicant appealed against these decisions. The appeals were subsequently withdrawn in order for a fresh approach to the masterplan to progress. The main outline application was withdrawn in November 2006.

14 In October 2008 a hybrid application was submitted to both Ealing and Hillingdon Council's for the following development:

Outline application

Demolition of 22 houses; the remediation of the land and the redevelopment of the site to deliver a mixed use development for up to: 320,000 sq.m. of residential, up to 14,200 sq.m. for non-food retail, up to 5,850 sq.m. of food retail, up to 1,750 sq.m. of restaurants, bars and cafes, up to 9,650 sq.m. of hotel, up to 3,000 sq.m. of conference and banqueting, up to 4,700 sq.m. of cinema, up to 2,550 sq.m. of health care facilities, up to 3,450 sq.m. of education facilities, up to 3,500 sq.m. of office/studio units, up to 390 sq.m. of sports pavilion, up to 600 sq.m. of energy centre, up to 24,450 sq.m. of multi-storey car park and associated car and cycle parking, landscaping, public realm, open space and children's play space.

Full application

Pump Lane link road- new access road from the Hayes bypass to the application site for vehicle, cycle and pedestrian access, including drainage and a flood relief pond.

Eastern access- new access road from Southall centre to the site, including lands currently occupied by properties on The Crescent.

Minet Country Park footbridge- central pedestrian and cycle access to the Minet Country Park, bridging over the canal and Yeading Brook.

Springfield Road footbridge- northern pedestrian and cycle access to Minet Country Park and Springfield Road.

Widening of South Road across the railway line- widening of South Road over the railway line for the creation of a bus lane.

Three accesses onto Beaconsfield Road.

15 These applications were initially considered by the Mayor On 9 December 2008 (PDU/2310/01), when a number of strategic concerns were raised. The Mayor considered a further report (PDU/2310/02) on 23 September 2009 following receipt of additional information. On 4 November 2009 Ealing Council resolved to refuse permission and on 10 December 2009 Hillingdon Council resolved to refuse permission. On 22 December 2009 the Mayor determined that he should become the planning authority under Article 7 of the Order 2008 (PDU/2310/03). On 25 March 2010 the Mayor held a representation hearing and following consideration of a further report (Stage III) and addendum (PDU/2310/04) resolved to grant permission subject to prior completion of a Section 106 agreement. On 29 September 2010 the Mayor issued planning permissions to Ealing and Hillingdon Councils, following completion of the Section 106 agreement.

Details of the proposal

16 Condition 17 of the permission granted to Ealing Council (P/2008/3981) required the Pump Lane Access works to have been brought into use prior to any remediation, preparatory works or construction taking place and prevented use by construction traffic of any other access to the site unless agreed by Ealing Council and TfL.

17 The applicant is seeking to vary this condition to allow use of Beaconsfield, Ranelagh, Woodlands and Trinity Roads for access and egress for remediation.

Strategic planning issues and relevant policies and guidance

18 The relevant issues and corresponding policies are as follows:

- Residential impact *London Plan*
- Transport *London Plan; the Mayor's Transport Strategy;*

19 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2004 Unitary Development Plan and the 2011 London Plan.

20 The Ealing Core Strategy (post examination) is also a relevant material consideration.

Residential impact

21 The permission issued by the Mayor required all remediation traffic to use a new access that was to be created via Pump Lane to the A312 Hayes By-Pass. This new route utilises land owned by Hillingdon Council. The applicant has been unable to acquire this land and therefore cannot construct the access road. However, in order to progress the remediation and bring the site forward for redevelopment to applicant has proposed use of the residential roads north of the site, which give access to the A312 via Uxbridge Road. The vehicles would enter/exit the site via Beaconsfield Road and then make use of Ranelagh and Trinity Roads (northbound only) and Woodland Road (southbound only) to access Uxbridge Road.

22 The proposals involve removal of contaminated soil and import of granular fill and clay with 10.2m long tipper HGVs. The applicant estimates that this will take 109 weeks in five phases. The first two phases, which will last for 47 weeks will involve the greatest level of activity generating approximately 101 vehicle movements per week (in and out). Based on limiting vehicle movements to weekdays and Saturday mornings this will result in an average of nine vehicle movements per day in each direction, with no more than two movements per hour in each direction. In order to reduce the duration and costs of the remediation works the applicant wishes to enable two return journeys per HGV. However, the hazardous/contaminated waste from the site can only be disposed of at a limited number sites licensed to take such waste, which are a considerable distance from the site, such as Peterborough. Therefore the applicant has requested that vehicle movements be permitted between 07:00 and 08:00 and 09:30 to 15:00 on weekdays and between 09:00 and 13:00 on Saturdays. These times avoid potential conflict with pupils entering and leaving Blair Peach Primary School, which is located at the western end of Beaconsfield Road.

23 Paragraph 274 of the Stage III report noted that the Pump Lane access was accepted by Hillingdon Council as the most appropriate route given the residential nature of alternative routes. At the Representation Hearing a number of objectors expressed concern about the impact of the process of de-contamination/remediation and subsequent transportation of material. The Mayor was reassured that the process of de-contamination would be suitably controlled to avoid any impact on human health and that subsequent transportation via Pump Lane would avoid any impacts on residential areas. It is therefore most unfortunate that an agreement has not yet been reached with Hillingdon Council to acquire the necessary land and build the access road. However, the desire to carry out the remediation and bring the site forward for redevelopment is acknowledged and supported. The applicant has considered making use of the canal to transport the material but discounted this on the grounds of contamination risk from material being loaded/unloaded, cost of constructing a temporary wharf and potential biodiversity impact. These constraints are accepted.

24 The applicant notes that HGVs used Woodlands, Ranelagh and Beaconsfield Roads for the construction of a new gas pipeline on the site from January to December 2009. At its peak this involved 68 movements per day. The Council has no record of any complaints over this period, and concludes that as the roads can satisfactorily accommodate the HGVs and that the level and intensity of vehicle movements is likely to minimise potential impact to residents, highway safety and free flow of traffic, that the proposal is acceptable. However, it does recommend a condition requiring a mechanism for monitoring and review of numbers of vehicle movements and hours of operations. Given the potential difficulties in ensuring that vehicles avoid the beginning and end of the primary school day (as a result of traffic delays anywhere on their long route, for example) this review is strongly supported.

25 There will also be a requirement to use four low-loaders over two, two-week periods to bring in machinery. However, given the low numbers of movements the Council concludes that no additional controls are necessary, which is accepted.

Transport

26 Transport for London (TfL) reported the transport issues in detail within the Stage 3 report for the Mayor's call in decision in March 2009. To ensure that all strategic transport issues are addressed in accordance with the London Plan, TfL is a signatory to the s106 agreement for the main gasworks site. Whilst TfL's role does not extend to discharge of conditions, approval of details pursuant to condition 17 must be "in consultation with TfL", due to its role as the strategic transport authority. In this role TfL is responsible for operation of the Transport for London Road Network (TLRN), operation of signals and consideration of works on the Strategic Road Network (SRN) together with operation of the bus network. TfL also has a responsibility to ensure that the safety of pedestrian and cyclists is maintained.

27 TfL was consulted directly by Ealing Council in its role as the strategic highway authority. TfL raises no objection to the planning application subject to the inclusion of conditions limiting vehicle movements to no more than 18 vehicles a day via Beaconsfield, Ranelagh, Woodlands, and Trinity Roads with access to the site restricted to avoid the peak hours (and to avoid any conflict with the nearby school). In addition the swept path analysis presented for vehicles accessing the Uxbridge Road (part of the SRN) are acceptable. TfL welcomes the conditions proposed by the Council.

28 Whilst variation of condition 17 to allow construction vehicles to access the gasworks site for construction purposes will in the short term (remediation phases 1-4) result in a net reduction in construction vehicles A312 Hayes By-pass (part of the TLRN) from the extant permission, in the longer term the objective should be to ensure that vehicular access is taken via Pump Lane in a controlled manner as part of the delivery of this strategically important application site. This is to ensure that there are no detrimental impacts upon operation of buses on South Road and to maintain the safe movement of pedestrian and cyclist in the vicinity of South Road.

29 All works undertaken as part of this planning application must have regard to the overarching Construction Phasing Plan (condition 11) and Site Wide Construction Management Plan (condition 12) which are to be prepared in consultation with TfL. On this basis TfL is satisfied that the application is in accordance with London Plan policies 6.3, 6.7, 6.11 and 6.12 and acceptable in transport terms.

Community Infrastructure Levy

30 In accordance with London Plan *policy 8.3*, the Mayor of London proposes to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor has formally submitted the charging schedule and supporting evidence to the examiner in advance of an examination in public. Subject to the legal process, the Mayor intends to start charging on **1 April 2012**. Any development, including this section 73 application which receives planning permission after this date will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example).

31 The Mayor is proposing to arrange boroughs into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floor space respectively (see table, below). The

32 Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time, borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor's CIL will contribute towards the funding of Crossrail.

| Mayoral CIL charging zones Zone | London boroughs | Rates (£/sq. m.) |
|------------------------------------|--|---------------------|
| 1 | Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth | £50 |
| 2 | Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets | £35 |
| 3 | Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest | £20 |

Local planning authority's position

33 Ealing Council officers are understood to support the proposals.

Legal considerations

34 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

35 There are no financial considerations at this stage.

Conclusion

36 London Plan policies on transport are relevant to this application. In general, the application complies with these policies, for the following reasons:

- While it is unfortunate that the original access route via Pump Lane has not been delivered, it is accepted that the impact on residential amenity, traffic flow and highway safety of the proposed alternative route via the residential roads to the north of the site will be minimised as a result of low number and frequency of vehicles and the conditions limiting hours of operation and vehicle numbers.

37 The Mayor does not need to be consulted again on this application.

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