Former Honda Garage, Merrick Road, Southall  
in the London Borough of Ealing  
planning applications: 164160FUL

<table>
<thead>
<tr>
<th>Strategic planning application stage II referral</th>
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<thead>
<tr>
<th>The proposal</th>
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<tbody>
<tr>
<td>Redevelopment of the site to provide a 5-12 storey perimeter building to accommodate 170 residential units, amenity space, car and cycle parking, refuse storage, vehicular access from Bridge Road and landscaping.</td>
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<table>
<thead>
<tr>
<th>The applicant</th>
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<tr>
<td>The applicant is GHL Merrick Road Ltd (Galliard Homes) and the agent and architect is Barton Willmore.</td>
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<th>Key dates</th>
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<tr>
<td>Pre-application meeting: 3 June 2016</td>
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<td>Stage 1 report: 24 October 2016</td>
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<td>Committee meeting: 19 April 2017</td>
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<tr>
<th>Strategic issues summary</th>
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<td>Affordable housing: 36% affordable housing by habitable room is now proposed (increased from 18% at Stage 1). An early stage review has been secured in accordance with the Mayor’s draft Affordable Housing and Viability SPG. (paras 7-9)</td>
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<tr>
<td>Design: significant improvements to massing and design secured in order to address Stage 1 concerns regarding residential quality. (paras 13-15)</td>
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<td>Climate change: carbon savings met; development complies with the London Plan. (para 16)</td>
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<td>Transport: Further information submitted and conditions and section 106 obligations secured to address Stage 1 issues on cycle design, bus capacity and highway safety (paras 17-19).</td>
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<thead>
<tr>
<th>The Council’s decision</th>
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<tr>
<td>Ealing Council has resolved to grant permission, subject to conditions and a section 106 legal agreement.</td>
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<th>Recommendation</th>
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<td>That Ealing Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.</td>
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Context

1 On 14 September 2016, the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred under Categories 1A and 1C of the Schedule to the Order 2008:

   Category 1A:
   “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

   Category 1C:
   1. Development which comprises or includes the erection of a building of one or more of the following descriptions:
      (c) the building is more than 30 metres high and is outside the City of London.”

2 On 24 October 2016, the Mayor considered planning report D&P/3960/01, and subsequently advised Ealing Council that whilst the principle of residential development is supported, the application did not comply with the London Plan for the reasons set out in paragraph 65 of the report; but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. The application has been revised in response to the GLA’s concerns as set out below. On 19 April 2017, Ealing Council decided that it was minded to grant planning permission, subject to conditions, and on 27 June 2017 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct Ealing Council under Article 6 to refuse the application or issue a direction to Ealing Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 10 July 2017 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage, Ealing Council was advised that the application did not fully comply with the London Plan for the reasons set out below:

   • **Principle of development:** The principle of residential development in Southall Opportunity Area is supported.

   • **Housing:** The provision of only 18% affordable housing is unacceptable. The applicant’s viability assessment will be robustly interrogated and all options explored to increase affordable housing provision. The residential quality of the units in terms of their outlook and access to daylight and sunlight should be further addressed. Appropriate contributions to local playspace should be sought.

   • **Urban design:** Whilst the height of the development provides an appropriate townscape response, the massing and layout should be further developed to improve the residential quality of the units and provide appropriate ground floor frontages.

   • **Climate change:** Further information on district heating and renewable technology should be provided. A sustainable drainage strategy should be secured via condition.
- **Transport:** The design of cycle storage and the servicing arrangements should be revised. Swept path and road safety audits should be carried out. Financial contributions towards bus capacity and infrastructure, and towards the improvement of cycling and pedestrian infrastructure should be secured from this development. Conditions and s106 obligations are required.

6 Since the consultation stage GLA officers have engaged in discussion with the applicant, the Council and TfL to address the outstanding issues. An update is provided below.

**Housing**

**Affordable housing**

7 At Stage 1, the GLA advised that the level of affordable housing proposed (14% by unit, 18% by habitable room) was unacceptably low, given the substantial intensification of the site and the 41% target for new homes within the Housing Zone.

8 Following the Stage 1 response, the applicant’s viability assessment was independently reviewed. After further discussions and negotiations by GLA and Council officers with the applicant, the affordable housing offer has been increased to 36% by habitable room (30.6% by unit). A total of 52 affordable, shared ownership units would be provided with the following mix:

<table>
<thead>
<tr>
<th>Housing type</th>
<th>Market units</th>
<th>Market habitable rooms</th>
<th>Shared ownership units</th>
<th>Shared ownership habitable rooms</th>
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<tbody>
<tr>
<td>Studio</td>
<td>13</td>
<td>13</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1 bed</td>
<td>44</td>
<td>88</td>
<td>13</td>
<td>26</td>
</tr>
<tr>
<td>2 bed</td>
<td>46</td>
<td>138</td>
<td>17</td>
<td>51</td>
</tr>
<tr>
<td>3 bed</td>
<td>15</td>
<td>60</td>
<td>17</td>
<td>68</td>
</tr>
<tr>
<td>4 bed</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>118</strong></td>
<td><strong>299</strong></td>
<td><strong>52 (30.6%)</strong></td>
<td><strong>168 (36%)</strong></td>
</tr>
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9 The revised affordable housing offer has been independently reviewed and it is confirmed that this represents the maximum reasonable amount of affordable housing on this site in accordance with London Plan Policy 3.12. The increased 36% offer responds positively to the Mayor’s draft Affordable Housing and Viability SPG. The shared ownership units will be provided in line with the London Plan definition of intermediate affordable housing (i.e. restricted to those with a household income of less than £90,000). Ealing Council will also seek to secure a range of income thresholds below this upper limit in agreement with the Registered Provider. An early stage review mechanism has been secured in full accordance with the Mayor’s draft Affordable Housing and Viability SPG.

**Housing quality**

10 At Stage 1, the GLA raised concerns about the quality of accommodation provided, particularly in relation to the height and mass of the buildings surrounding the constrained internal courtyard and the resulting effect on daylight and sunlight to the residential units.
11 The applicant has responded to these concerns by submitting amended plans to revise the layout of the proposed building. The introduction of “scissor” duplex units, with habitable room windows at upper floor levels, ensures that residential units would receive acceptable levels of daylight and sunlight. The massing of the tower element has also been reduced by approximately one third as described further below, resulting in greater penetration of daylight and sunlight into the main courtyard and improved outlook from the residential units opposite. These amendments are welcomed and the development will now provide a good quality of residential accommodation.

12 A financial contribution towards local playable space has been secured. The arrangements for on-site and off-site playspace are acceptable.

**Design**

13 At Stage 1, GLA officers requested amendments to the design of the proposals to address residential quality issues. In particular, the bulk of the 11 storey tower element was required to be addressed in order to improve the environment of the internal courtyard.

14 In response, the applicant has amended the proposals to significantly reduce the width of the tallest element. One additional floor has been added to this tower element, making it 12 storeys instead of 11 storeys. The result is a more slender tower which improves the aesthetics of the development and also improves the daylight and sunlight penetration into the interior courtyards and residential windows. Amendments have also been made to the layout of the development which introduce a greater number of individual front doors to residential units fronting on to Merrick Road. This maximises the active frontage along this important secondary route.

15 The design issues raised at Stage 1 have been addressed by the applicant and the design is supported. Conditions are proposed which will secure the quality of materials to be used in the construction phases.

**Climate change**

16 Since the Stage 1 report, the applicant has provided further information on overheating and renewable technology (photovoltaic panels) which demonstrates compliance with London Plan climate change policy.

**Transport**

17 At Stage 1, further information was requested on vehicular access, car and cycle parking, highway safety and improvement works and bus stop relocation. S106 obligations including a contribution to the Southall pedestrian and cycling bridge were also requested.

18 In response, the applicant has carried out further work to establish the safety of the proposed new accesses and the design has been confirmed by the local highway authority to be acceptable. The proposed cycle storage and parking areas have been redesigned in consultation with the Council and TfL and are now acceptable in design. A package of highway safety and improvement works has also been secured via the s106 agreement. Funding for an additional bus stand has been secured via the s106 agreement, which will support increased bus capacity. The applicant has also agreed to contribute £150,000 towards the new pedestrian and cycle bridge to Southall town centre, which will be an important feature in relieving pressure on local pedestrian routes to the station.

19 Conditions and s106 obligations have been secured on exemption from CPZ permits, the submission and implementation of a travel plan, car parking management plan, electric vehicle charging point provision, a delivery and servicing plan and construction management plan. Transport
issues have therefore been addressed and the scheme is in accordance with the transport policies of the London Plan.

Response to consultation

The Council has confirmed that letters of notification were sent to surrounding residents and businesses and the application was advertised in the local press and by site notices. One response was received from the neighbourhood notification, which raised concerns to the proposals on the basis of insufficient provision of playspace, and recommended conditions on landscaping. Conditions have been secured on the implementation of a suitable landscaping strategy and financial contributions towards local playspace have been secured in the s106 agreement as detailed above.

The following responses were also received from statutory consultees:

- **National Air Traffic Safeguarding**: No objection.
- **Thames Water**: No objection, subject to conditions and informatives which have been secured within the draft planning permission.

Strategic planning issues raised in the responses to consultation are considered in this report, the Mayor’s Stage 1 report, and the Council’s committee report. Local issues have also been considered in the Council’s committee report and the Council considered the development to have an acceptable impact, subject to conditions and s106 obligations.

Draft Section 106 Agreement

The draft section 106 agreement includes the following provisions:

- Affordable housing comprising 52 shared ownership units totalling 36% by habitable room (30.5% by unit).
- Early stage viability review to occur if development has not been substantially implemented within two years of the date of permission.
- Financial contribution of £253,000 towards education infrastructure.
- Financial contribution of £115,000 towards health infrastructure.
- Financial contribution of £150,000 towards Southall pedestrian/cycle bridge.
- Financial contributions totalling £46,500 towards highways and transport including consultation on extending CPZ, relocating existing bus stop, safety improvements at junctions, travel plan monitoring and additional on-street parking.
- Financial contribution of £40,000 towards park improvements and maintenance.
- Financial contribution of £2,798 towards monitoring of solar PV performance.
- Financial contribution of £6,000 towards Low Emission Strategy.
- Financial contribution of £15,000 towards employment and training.
- Provision of car club bay and 3 years’ car club membership.
- Restriction of resident parking permits.
- Participation in an apprentice and placement scheme.
- Section 278 agreement for highways works including raised junction and pelican crossing.
- Connection (if feasible) to an off-site District Heating Network.
Article 7: Direction that the Mayor is to be the local planning authority

24 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and planning obligations, which satisfactorily address the matters raised at stage I; therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

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

Financial considerations

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

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

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

Conclusion

29 Having regard to the details of the application, the matters set out in Ealing Council’s committee report, its draft decision notice, heads of terms and the s106 agreement, the scheme is acceptable in strategic terms. Amended plans and further information has been provided, and conditions and planning obligations have been secured where appropriate which address the strategic issues raised at consultation stage regarding affordable housing, housing quality, urban design, climate change and transport. As such the application complies with the London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.

for further information, contact GLA Planning Unit (Development & Projects Team):

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