



Planning Statement

Former Wickes and Halfords, Harefield Road, Uxbridge, UB9 1JS

December 2023

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For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 This Planning Statement has been prepared and submitted by Avison Young ('AY') on behalf of the Legal & General Group PLC ('The Applicant') as part of an application for a full planning permission relating to the Former Wickes and Halfords, Harefield Road, Uxbridge, UB9 1JS ('The Site') to undertake alterations to the existing building in order to enable the currently vacant building to be relet.
- 1.2 The application has been submitted to the London Borough of Hillingdon as the Local Planning Authority (LPA) and compromises a suite of documents which set out the planning case in support of the proposal's context of relevant national and local planning policy.
- 1.3 This Statement sets out the planning rationale which underpins the proposed development and demonstrates its acceptability in planning terms.

Submission Documents

- 1.4 This Planning Statement should be read in conjunction with the reports and documents that comprise the application as set out in the covering letter.

Structure of the Planning Statement

- 1.5 The Statement is structured as follows:

Section 2 provides an overview of the site and surrounding context;

Section 3 sets out the background to the application and the planning history of the site;

Section 4 sets out the pre-application consultation undertaken;

Section 5 sets out the details of the proposed development;

Section 6 outlines the planning policy framework relevant to the determination of the application;

Section 7 assesses the proposed development against planning policy; and

Section 8 summarises the planning case for the proposed development.

2. Site Description

Site Location

2.1 The existing site comprises Units 1 and 2 Harefield Road outlined in red on the Site Location Plan enclosed in **Appendix 1**, which extends approximately 0.93 hectares (2.3 acres). It is located within the administrative area of the London Borough of Hillingdon within Uxbridge Town Centre.

The Site

2.2 The Site is located on the south-eastern side of Harefield Road. The site comprises of two purpose-built retail units with an overall footprint of 3,150 square metres of Use Class A1, now Use Class E. Unit 1 was previously occupied by Wickes and has an overall footprint of 2,420 square metres. Unit 2 was previously occupied by Halfords and has an overall footprint of 737 square metres. Each unit is a single storey, but each has a mezzanine floor which has provided space for offices / storage / retail floorspace.

2.3 The site is self-contained and is served by its own car parking area (comprising 150 spaces) which is provided to the front of the building. This is situated west of the existing retail units fronting Harefield Road. The service yard is situated to the south of the retail units with primary access from Warwick Place and a secondary access via the car park. There is existing landscaping within and surrounding the car park and retail units respectively, which includes a variety of trees and planted hedges. The site level is raised approximately 1.2 metres above the level of Harefield Road. The site begins to slope gently downwards towards the rear.

Surrounding Context

2.4 The Site is located within the northern edge of Uxbridge Town Centre which extends towards the west where the majority of the development consists of office buildings and the south where the primary use is retail. The town centre is characterised by a mixed range of uses, services and facilities including residential developments, retail, commercial and leisure uses. The site's location in the context of the wider Uxbridge Town Centre is shown at **Figure 1** below.

2.5 To the south-west of the site is Uxbridge Police Station, a three-storey building on lower lying land. Beasley Court, a four-storey office building, is located adjacent to the access from Warwick Place to the South. To the north-west of the site across Harefield Road is Uxbridge Magistrates' Court, Laburnum Court and a three-story block of apartments. To the north-west, a light group of industrial units known as the Penfield Estate are located. The rear of the site is bound by gardens belonging to a series of terrace and semi-detached houses.



Figure 1 – The Application Site Edged in Red in its Surrounding Context

Access

- 2.6 Existing vehicular access is from Harefield Road with internal road provision within the site leading to the car park. A turning lane is provided on Harefield Road to accommodate waiting vehicles that are turning right into the site. The access road continues along the southern side of the buildings, with gated access to the service yard and loading area. The service yard also has gated access to Warwick Place. Existing pedestrian access to the site is via Harefield Road.
- 2.7 The site has very good access to the existing public transport network (PTAL 5). Uxbridge Underground Station is located approximately 500m walking distance south of the site (approximate seven-minute walk or three minute cycle). Uxbridge Underground Station provides the terminus for both the Metropolitan and Piccadilly lines and provides services to Aldgate, Baker Street and Cockfosters. The site is also accessible by bus from the stops located on Uxbridge High Street approximately 200m south of the site.

3. Planning History

3.1 The Council's online planning records identify the following planning history.

Address	Reference No.	Description	Decision	Date
10-12 Harefield Road	16299/K/84/1437	Mixed development on 0.9630 hectares	Approved	29 August 1984
10-12 Harefield Road	16299/J/83/1813	Office development – 7,572 sq.m. (outline)	Withdrawn	24 May 1988
Jewson's Site, Harefield Road	16299/L/90/2014	Erection of three office buildings with associated car parking	Allowed at Appeal	26 November 1990
Jewson's Site, Harefield Road	16299/P/90/2129	Temporary use of land as public car park (retrospective application)	Withdrawn	11 June 1992
Jewson's Site, Harefield Road	16299/R/94/0504	Redevelopment of site with two units for non-food retail purposes including service and access from Warwick Place and public access via Harefield Road	Approved	24 March 1993
Unit 1, 2/12 Harefield Road	49468/APP/2006/269	Alterations to existing extension to provide new bottle store and refuse storage area	Approved	30 January 2006
Unit 1, 2/12 Harefield Road	49468/APP/2006/265	Change of use of existing retail warehouse (A1) to a bingo hall (D2) assembly/leisure	Withdrawn	27 March 2006
Land off Harefield Road, Uxbridge, UB8 1JS	16299/APP/2018/1849	Demolition of existing buildings and erection of 3 blocks (part 4, 5, 8, 9 and 12 storeys) to provide 267 self-contained units (32 x studios, 107 x 1- bedroom, 115 x 2-bedroom and 13 x 3-bedroom) with commercial floorspace at ground floor level (Use Classes A1, A2, A3 and B1) and associated landscaping, including public realm improvements, provision of 9 accessible car parking spaces and ancillary works. (Amendments include design changes and increase of 3 units)	Refused	26 March 2019
Land off Harefield Road, Uxbridge, UB8 1JS	16299/APP/2020/3313	Comprehensive redevelopment of the site comprising demolition of existing buildings to provide residential care accommodation (Use Class C2) with ancillary uses and commercial unit at ground floor level (Use Class E) in buildings up to 7 storeys with car parking, landscaping and associated works. Detailed Description: 182 units, together with integrated nursing care and associated communal and support services including ancillary communal, care and well-being facilities including a restaurant, cafe/bar and wellness centre/gym and a commercial unit.	Approved	6 May 2022

3.2 Whilst planning permission (ref. 16299/APP/2020/3313) remains extant, the scheme was specifically designed to meet the requirements of the previous applicant (developer/operator) who have ceased trading and therefore it can no longer bring this planning permission forward. This application is subsequently being progressed by the landowner in order to assist in bringing the site back into use.

4. Pre-Application Engagement

4.1 The proposed development has undergone pre-application consultation with the London Borough of Hillingdon. On the 23rd September 2023, a meeting was attended by AY and the LPA to discuss the potential to amend the description of development and conditions to enable food sales from the retail units.

4.2 The key following key matters were discussed relevant to the proposed application:

- **Principle of Retail:** The site is in an edge-of-centre location and therefore should be supported by a Retail Impact Assessment including assessment of the sequential test.
- **Design:** The extent of amendments in the context of the existing site and wider varying townscape is not considered to cause harm. Any signage would be subject to a separate advertisement consent.
- **Amenity:** The proposed amendments are not of a scale that would impact daylight/sunlight or amenity for neighbouring residents.
- **Highways & Air Quality:** The application will need to be supported by a Transport Assessment to justify the proposed development is acceptable. The transport impacts should also inform an Assessment of Air Quality.

4.3 These matters are considered in full in Section 7.

5. The Proposal

- 5.1 The purpose of this section is to describe the proposed development for which planning permission is sought. Two applications are required as set out below in order to amend the description of development and to subsequently amend the controlling conditions on the permission as set out below.
- 5.2 The existing use of the site is restricted to non-food retail and for use as two separate units. As outlined above, both these units are currently vacant therefore, to increase the potential to secure a tenant to occupy the unit, it is the Applicant's intention to amend the January 1994 permission (**16299/R/93/0504**) through the provision of a Non-Material Amendment application under Section 96a of the Town and Country Planning Act (1990) to amend the description of development.
- 5.3 In addition to the above, an additional submission is required to vary the controlling condition relating to the range of goods that can be sold, as well as other minor material amendments to the layout and is sought by way of a Minor Material Amendment under Section 73 of the Town and Country Planning Act (1990).

Non-Material Amendment (Section 96a)

- 5.4 The existing use on the current site is restricted by the description of development on the original planning permission (**16299/R/93/0504**) on the site. The current description is as follows:

"Redevelopment of site with two units for non-food retail purposes including service and access from Warwick Place and public access via Harefield Road"

- 5.5 The following amendment of the description of development is proposed:

"Redevelopment of site ~~with two units~~ for non-food retail purposes including service and access from Warwick Place and public access via Harefield Road"

- 5.6 This change is sought to simplify the description and as conditions can and should appropriately control these matters.

Minor Material Amendment (Section 73)

- 5.7 Planning application decision **16299/R/93/0504** includes a total of 23 conditions. This application proposes the following amendments to these conditions.

- 5.8 Condition 23 attached to 6299/R/93/0504 states that:

"The premises shall not be used except as two separate units for non-food retail purposes".

- 5.9 The reason for attaching this condition is:

"To ensure adequate car parking facilities are provided and to safeguard pedestrian and vehicular safety and the free flow of traffic."

5.10 As part of this submission, it is proposed to vary Condition 23 in the proposed manner:

"The premises shall not be used except as two separate units for non-food retail purposes".

5.11 This will enable the building to be reoccupied by either a comparison goods retailer (as currently consented) and/or convenience goods retailer(s).

External and Internal Alterations

5.12 In addition to the changes that are required with regard to the description of development and Condition 23 it is also necessary to make a number of external changes to the building in order to provide units that would be attractive to future tenants in the current market. This will also include the installation of a new shopfront in order to update the existing arrangement which still relates to the previous occupiers of the units.

5.13 The proposed alterations will not lead to an increase in the amount of floorspace on the site as set out in Table 1 below.

Table 1 – The Existing and Proposed Gross and Net Internal Areas of Units A & B

		Existing (Square Metre)		Proposed (Square Metre)	
		Gross Internal Area	Net Internal Area	Gross Internal Area	Net Internal Area
Unit A	Ground Floor	2,401	2,351	1,748	1,712
	Mezzanine	-	-	240	116
	Sub-Total	2,401	2,351	1,998	1,828
<hr/>					
Unit B	Ground Floor	692	650	1,418	1,402
	Mezzanine	313	299	-	-
	Sub-Total	1,005	949	1,418	1,402
TOTAL		3,406	3,300	3,406	3,300
	Difference			0	0

5.14 The proposed alterations to the units are shown on the application plans. It is proposed to include a condition on any new consent that includes reference to the plans that are the subject of this application.

6. Planning Policy Framework

6.1 This section provides a review of relevant national and local policy context relevant to the determination of the application, and which have informed our consideration of the acceptability of these proposed developments, and which have informed our consideration of the acceptability of the development proposal.

The Development Plan

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) outlines that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Accordingly, national planning policy and the development plan are the starting point for establishing the planning position of the site.

The Development Plan comprises of the following:

- London Plan (2021);
- The West London Waste Plan (2015);
- Hillingdon Local Plan: Part 1 - Strategic Policies (2012);
- Hillingdon Local Plan Part 2 - Development Management Policies (2020); and
- Hillingdon Local Plan Part 2 - Site Allocation and Designation (2020).

6.3 Together these documents provide spatial policies, development management policies, and site allocations to guide and manage development in the borough.

Supplementary Planning Policy and Guidance

6.4 The Council has prepared a suite of Supplementary Planning Guidance Documents (SPG) and Supplementary Planning Documents (SPD) including the following which are relevant to the scheme:

- Accessible Hillingdon SPD (2017); and
- Planning Obligations SPD (2014).

Strategic Planning Policy Guidance

6.5 The London Plan provides the strategic Policy for London, tailored to meet London's planning priorities and forms part of the development plan for the site.

6.6 The forecasted population growth in London is significantly exceeding previously anticipated levels and the London Plan states that the only prudent course of action is to plan for continued growth. It is imperative that sufficient convivence retail is implemented to provide for the growing the population.

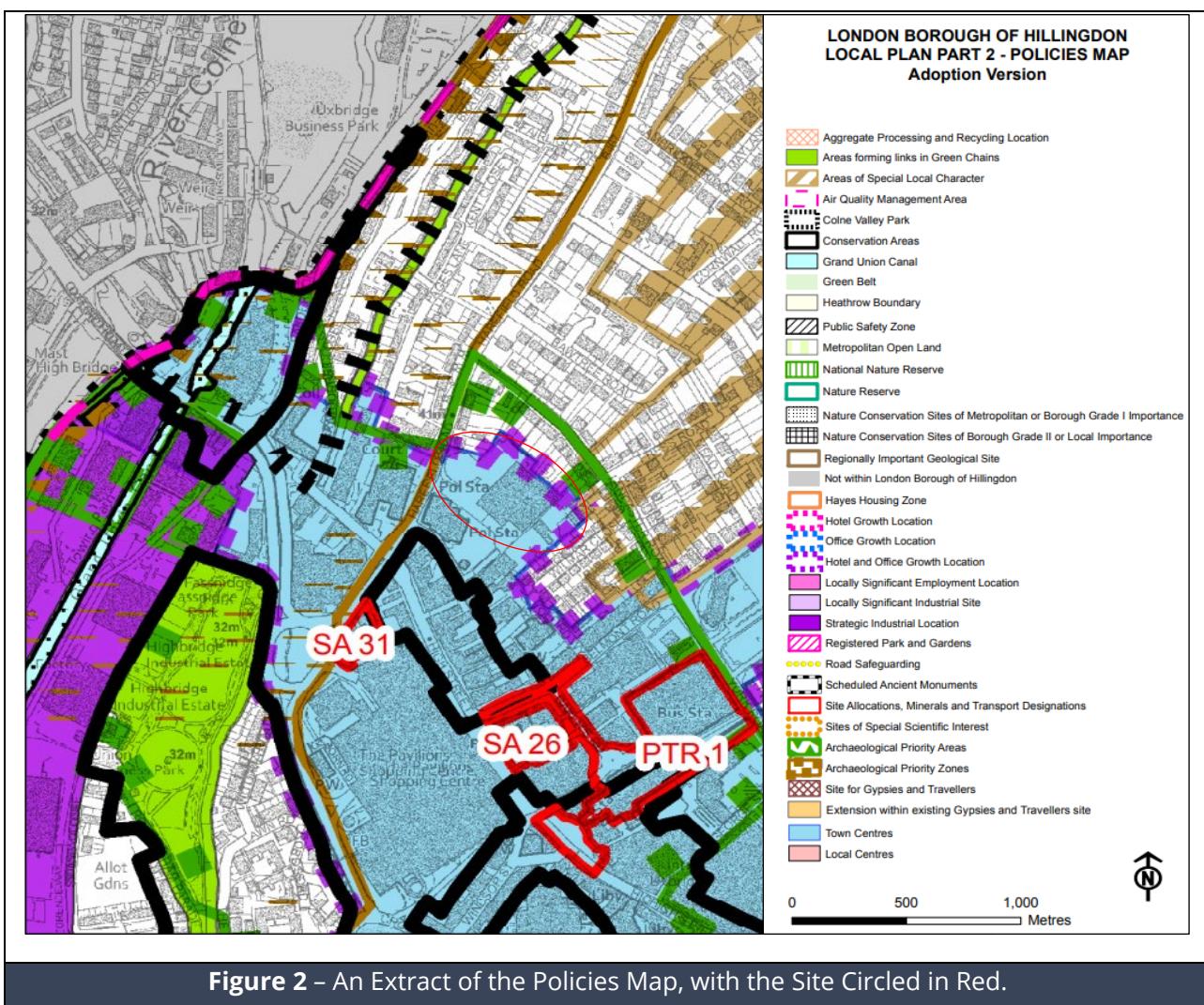
6.7 The GLA has published a range of Supplementary Planning Guidance (SPG). The SPGs of particular relevance to this application includes:

- Town Centres (2014);
- The Control of Dust and Emissions During Construction and demolition (2012); and
- Sustainable Design and Construction (2014).

Site/Areas Specific Policies

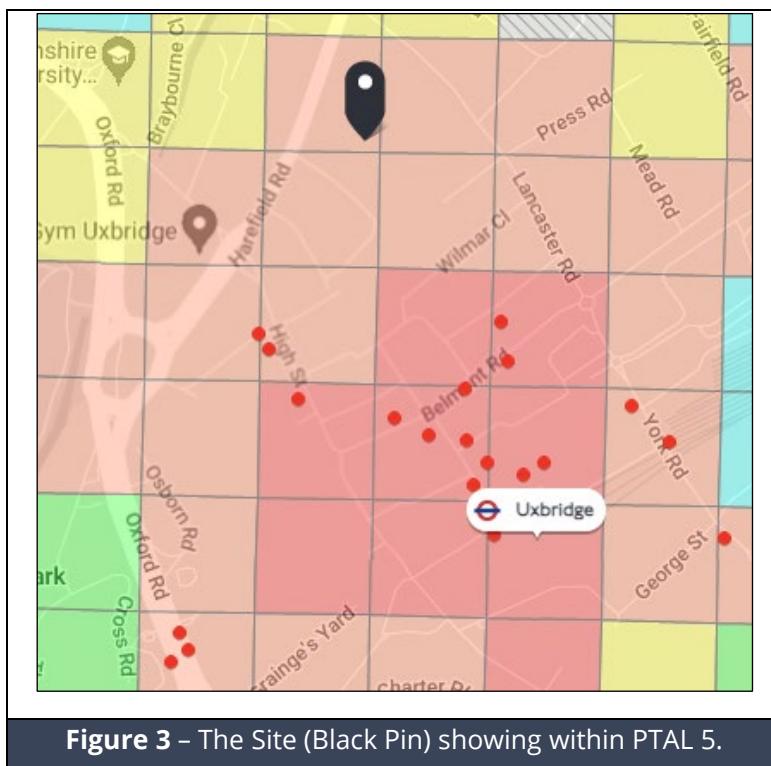
6.8 The site is subject to the following designations as identified on the adopted LPP2 Policies Map 2020 (extract in **Figure 2** below):

- Located within Uxbridge Town Centre (which is categorised as a Metropolitan Centre in the London Plan – The second highest tier in the hierarchy of town centres);
- Located within Hotel and Office Growth Location; and
- Within an Archaeological Priority Zone.



6.9 The site is located within the town centre boundary, but not within the designated primary or secondary shopping areas. The site is within 300m of the primary shopping area and is therefore

considered 'edge-of centre' in retail terms. The site is located within Flood Zone 1 and has a Public Transport Access Level (PTAL) of 5 (**Figure 3**).



6.10 There are no listed buildings on the site nor is it located within a Conservation Area. The Old Uxbridge/Windsor Street Conservation Area lies approximately 60 metres to the south-west of the site and approximately 225 metres to the west are the Uxbridge Lock and Rockingham Bridge Conservation Areas. The North Uxbridge Area of Special Character extends to the north-east of the site and includes numbers 13 and 15 Lancaster Road, which back on to the eastern site boundary.

6.11 There are also a number of listed buildings within close proximity of the site, including a number of listed shops on the High Street and Watts Hall, a former chapel which is a Grade II Listed Building, which is located where the access road meets Warwick Place. Part of the Magistrates' Court, which is to the west of the site on the opposite side of Harefield Road, is locally listed. **Figure 4** denotes the locations of these listed buildings.

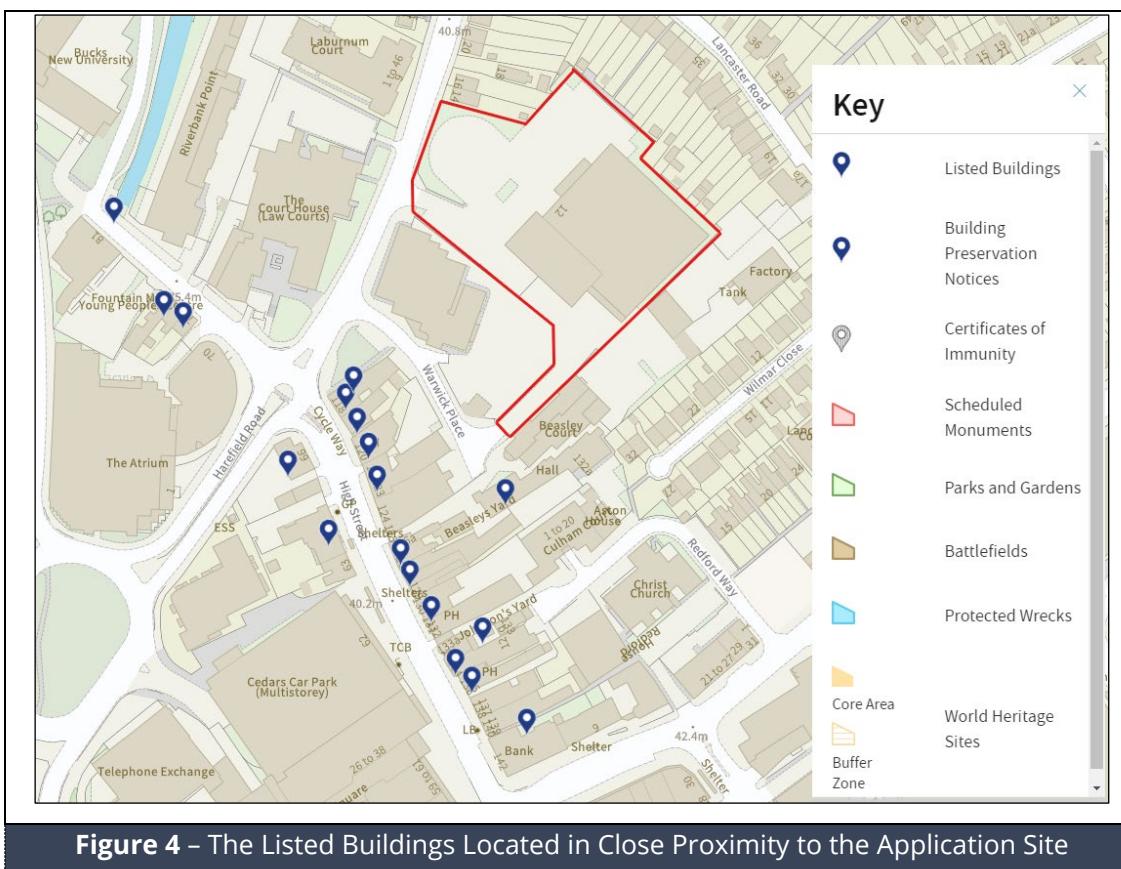


Figure 4 – The Listed Buildings Located in Close Proximity to the Application Site

6.12 The Council's online protected tree map identifies that there is no current Tree Preservation Order (TPO) on the site.

National Planning Policy Framework (NPPF) (September 2023)

6.13 The National Planning Policy Framework is a material consideration in the determination of planning applications. It sets out the government's overarching planning policies for England and how they are to be applied.

6.14 The NPPF does not change the statutory status of the Development Plan as the starting point for decision making. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

6.15 The overall emphasis of the NPPF is to reiterate the Government's key objectives of facilitating economic growth and securing sustainable development. These overarching policies seek to deliver development in the most appropriate locations, thereby protecting and enhancing the environment.

Presumption in Favour of Sustainable Development

6.16 Central to the NPPF is a presumption in favour of sustainable development and the need for the planning system to support economic growth in line with the Planning for Growth Ministerial Statement. **Paragraph 11** sets out the presumption in favour of sustainable development and the application of the policy for decision making. It states:

"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) Approving development proposals that accord with an up-to-date Development Plan without delay; or

d) Where there are no relevant Development Plan policies, or policies which are most important for determining the application are out-of-date, granting permission unless:

I. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole".

6.17 **Paragraph 12** sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

6.18 Finally, **Paragraph 12** is clear that Local Planning Authorities can take decisions that depart from an up-to-date development plan, but only if material consideration in a particular case indicate that the plan should not be followed.

Ensuring the Vitality of Town Centres

6.19 Section 7 of the NPPF concerns town centre policies under the title 'Ensuring the Vitality of Town Centres'. With regards the sequential test in particular, **Paragraph 87** of the national policy document explains that.

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

6.20 Main town centre uses are defined within Annex 2 of the NPPF as *"retail development, leisure, entertainment facilities, more intensive sport and recreation uses (including restaurants), offices, arts, culture, and tourism development (including hotels)"*.

6.21 For the purposes of the application of the sequential test, Annex 2 of the NPPF explains that an 'edge-of-centre' retail development site is defined as a location that is 'well connected and up to 300m from the primary shopping area' (NPPF, Annex 2, Page 67). By implication, an 'in-centre' site is one which falls within the primary shopping area, whilst an out-of-centre site is one which is beyond 300m from the primary shopping area and is not 'well connected' to it. The NPPF is clear that in determining whether a site falls within the definition of 'edge-of-centre', account should be taken of local circumstances.

6.22 Importantly, **Paragraph 88** of the NPPF explains that when considering edge-of-centre and out-of-centre proposals in the context of the sequential approach, preference should be given to accessible sites which are well connected to the town centre. It also states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored.

6.23 **Paragraph 90** states that, when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (or otherwise over 2,500 sqm). This should include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The Impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

6.24 **Paragraph 91** of the NPPF states that where an application fails to satisfy the sequential test or it is likely to have a significant adverse impact on one or more of the considerations in paragraph 90 it should be refused. The implication being that were such a policy conflict is not identified planning permission should be granted.

6.25 **Paragraph 92** requires planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, including through the provision of local shops and access to healthier food.

Making Effective Use of Land

6.26 **Paragraph 122** of the NPPF explains that planning policies and decisions need to reflect changes in the demand for land. It states that where the Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) They should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

6.27 **Paragraph 123** adds that Local Planning Authorities should also take a positive approach to applications alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) Make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality-of-service provision and access to open space.

Development Management Policies

6.28 The following Local Development Plan Policies are also of relevance:

London Plan

6.29 **Policy GG2** (Making the Best Use of Land) sets out that to create sustainable mixed-use places that make the best use of land by capitalizing on sites in underutilised areas such as sites within and on the edge of town centres, prioritise sites which are well connected by existing public transport and applying a design-led approach to determine the optimum development capacity if sites.

6.30 **Policy GG5** (Growing a Good Economy) seeks to conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners.

6.31 **Policy SD6** (Town Centre and High Streets) states that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging a diverse range of uses that meet the needs of Londoners, including main town centre uses, night time economy, civic, community, social and residential use.

6.32 **Policy SD7** (Town Centres: Development Principle and Development Plan Documents) sets out that, when considering development proposals, boroughs should take a town centres first approach, discouraging -out-of-centre development of main town centre uses, with limited exceptions for existing viable office locations in out London.

- **Policy SD7(1)** - Boroughs should apply the sequential test to applications for main town centre uses, requiring them to be located in town centres. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations. Applications that fail the sequential test should be refused.
- **Policy SG7(2)** - Require an impact assessment on proposals for new, or extensions to existing, edge or out-of-centre development for retail, leisure and office uses that are not in accordance with the Development Plan. Applications that are likely to have a significant adverse impact should be refused.

6.33 **Policy D14** (Noise) seeks to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development.

6.34 **Policy E9** (Retail, Markets and Hot Food Takeaways) states that a successful, competitive and diverse retail sector, which promotes sustainable access to goods and services for all Londoners, should be supported in line with the wider objectives of this Plan, particularly for town centres (Policy SD6 Town centres and high streets, Policy SD8 Town centre network, Policy SD7 Town centres: development

principles and Development Plan Documents and Policy SD9 Town centres: Local partnerships and implementation).

6.35 **Policy SI1** (Improving Air Quality) sets out that development proposals should seek and identify opportunities to deliver further improvements to air quality and should not reduce air quality benefits.

6.36 **Policy T2** (Healthy Streets) sets out that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.

6.37 **Policy T4** (Assessing and Mitigating Transport Impacts) states that development proposals should not increase road danger.

6.38 **Policy T6** (Car Parking) states that car parking should be restricted in line with levels of existing and future public transport and accessibility. Furthermore, the policy states car free development should be the starting point for all proposals in places that are well connected by public transport.

- Policy T6.3 (Retail Parking) denotes that the maximum parking standards set out in Table 10.5 should be applied to new retail development, unless alternative standards have been implemented in a Development Plan through the application of Policy G below. New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7 Town centres: development principles and Development Plan Documents.
- To make the most efficient use of land, the starting point for assessing the need for parking provision at all new retail development should be the use of existing public provision, such as town centre parking.
- Opportunities should be sought to make the most of all existing parking, for example using office parking for retail outside working hours. Where shared parking is identified, overall provision should be reduced to make better use of land and more intensively use the parking that remains.

Hillingdon Local Plan and Development Management Policies

6.39 **Policy E4** (Uxbridge) states that the Council will strengthen the status of Uxbridge Town Centre as a Metropolitan Centre by delivering growth set out in Table 5.4 and promoting Uxbridge as a suitable location for retail, offices, hotels, recreation and leisure, entertainment and culture, evening and night-time economy, education, community services, and mixed-use development.

6.40 **Policy E5** (Town and Local Centres) sets out that the Council will accommodate additional retail growth in established centres, in accordance with the conclusions of the latest evidence base. Growth for comparison goods will be primarily accommodated in District Centres as set out in Table 5.5. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests.

6.41 **Policy EM8** (Land, Water, Air and Noise)

- Air Quality - All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors. All major development within the Air Quality Management Area (AQMA) should demonstrate air quality neutrality (no

worsening of impacts) where appropriate; actively contribute to the promotion of sustainable transport measures such as vehicle charging points and the increased provision for vehicles with cleaner transport fuels; deliver increased planting through soft landscaping and living walls and roofs; and provide a management plan for ensuring air quality impacts can be kept to a minimum.

- Noise - The Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

6.42 **Policy DMTC 1** (Town Centre Development) outlines that the council will support "main town centre uses" where the development proposal is consistent with the scale and function of the town centre. The town centre must be able to demonstrate that there is adequate with and depth of floorspace has been provided for town centre uses and appropriate servicing arrangements. Furthermore, these proposals must demonstrate there are no other suitable sites which are suitable for the development.

6.43 **Policy DMTC 2** (Primary and Secondary Shopping Areas) sets out the council will support the ground floor premise for retail, financial and professional activities and restaurant's, cafes, pubs and bars withing the criteria outlined in the policy. Moreover, the policy continues to outline the criteria for development proposal in secondary shopping areas.

6.44 **Policy DMHB 12** (Streets and Public Realm) sets out that development should be well integrated with the surrounding area and accessibility. Furthermore, public realm improvements will be sought from developments located close to transport interchanges and community facilities.

6.45 **Policy DMHB 14** (Trees and Landscaping) states that developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

6.46 **Policy DMHB 13** (Shopfronts) denotes that new shopfronts and alterations to existing shopfronts should complement the original design, proportions, materials and detailing of the building of which it forms a part and the surrounding street scene. New shopfronts must be designed to allow equal access for all users.

6.47 **Policy DMEI 14** (Air Quality) states that demonstrate appropriate reductions in emissions and proposal should as a minimum be at least "air quality neutral" with sufficient mitigation in place.

6.48 **Policy DMT 2** (Highways Impact) sets out that development proposal must ensure safe and efficient access to the highway network. Along with safe and convenient access for pedestrians and cyclists. Finally, there must be suitable measures for traffic mitigation.

6.49 **Policy DMT 6** (Vehicle Parking) sets out that developments must comply with the relevant council parking standards to facilitate sustainable development and address issues relating to congestion and amenity.

Local Plan Review

6.50 The Council is currently gathering preliminary evidence and preparing technical documents to support the review of the Local Plan. The Council then undertook a Call of Sites Exercise between May and September 2023, and are now in the process of reviewing and assessing these sites, which in turn

will form part of the evidence gathered for the review of the Local Plan. At the time of writing, there has been no Regulation 18 document published by the Council for review and therefore, no emerging policies need to be considered as part of this application.

Material Considerations

National Planning Practice Guidance (March 2014; Retail Updated September 2020)

6.51 On 6th March 2014 the Department for Communities and Local Government ('DCLG') launched the Planning Practice Guidance ('Practice Guidance') web-based resource. The Practice Guidance does not constitute a statement of Government policy; however, as a guide to interpreting how policy should be applied, it may be material to individual planning decisions.

6.52 Of particular relevance to applications for retail development is the chapter titled 'Town Centres and Retail'. This provides guidance on the interpretation of the sequential and impact tests, amongst other matters. A summary of the key sections within this chapter are set out below.

6.53 The section, '*What is the sequential test?*' explains that the purpose of the sequential test is to guide 'main town centre uses' towards town centre locations first, and then, if no town centre locations are available, to out-of-centre locations, with a preference for accessible sites which are well connected to the town centre.

6.54 When applying the sequential test as part of the decision-making process, the Practice Guidance explains that it is for applicants to demonstrate compliance and that failure to undertake the exercise could in itself constitute a reason for refusing planning permission.

6.55 There are a number of considerations that should be taken into account in determining whether a proposal complies with the sequential test. Of particular significance is the requirement to examine whether there is scope for 'flexibility' in the format and/or scale of the proposal. In the case of retail and leisure development, this typically involves considering whether there is any 'flexibility' in a specific business model.

6.56 The section, '*How should locational requirements be considered in the sequential test?*' highlights that the use of the sequential test should recognise that some 'main town centre uses' have particular market and locational requirements. This means that certain uses may only be accommodated in specific locations and Local Planning Authorities should be acceptant of this where a robust justification is provided. See Paragraph: 012 / Reference ID: 2b-012-20190722.

6.57 The section, '*How should viability be promoted?*' emphasises that whilst the sequential test seeks to deliver the Government's 'town centre first' policy, promoting new development on town centre locations can be more expensive and complicated than building elsewhere and Local Planning Authorities therefore need to be realistic and flexible in terms of their expectations.

6.58 In terms of the retail impact test, of greatest relevance to any quantitative analysis is considered to be Paragraph 15 (Reference ID: 2b-015-20190722) of the guidance, which explains that as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-

centre stores as they would normally not compete directly). It continues that retail uses tend to compete with their most comparable, competitive facilities and that conditions may be attached to appropriately control the impact of a particular use.

6.59 With regards impact on investment, paragraph 15 (Reference ID: 2b-015-20190722) explains that where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment and that key considerations will include:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan);
- The progress made towards securing the investment (for example if contracts are established); and
- The extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence.

6.60 Paragraph 17 (Reference ID: 2b-017-20190722) explains that the retail impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Meanwhile, paragraph 18 (Reference ID: 2b-018-20190722) states that the judgement as to whether the likely adverse impacts are 'significant' can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

7. Planning Considerations

7.1 This section provides an assessment of the proposed development against the relevant planning policy framework outlined in Section 6.

Principle of Development

7.2 The application site is located within the Uxbridge Town Centre; however, it is not identified as being within either a designated Primary or Secondary shopping area. Whilst the existing use is considered to be a Town Centre Use, the proposed amendment to the existing restrictive condition is considered to be a material change and therefore must be assessed appropriately against the development plan.

7.3 **Policy DMTC1** is a relevant consideration and sets out that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. Town centre development will need to demonstrate that adequate width and depth of floorspace has been provided for town centre uses; and appropriate servicing arrangements have been provided.

7.4 **Policy DMTC2** sets out a specific criterion for developments within primary and secondary shopping areas. The existing units were most recently operated as retail units, however the condition set out above precludes the sale of food items. As set out in the NPPF, edge of centre developments is considered for retail purposes, a location that is well connected to, and up to 300 metres from the primary shopping area.

7.5 Given the sites location outside of a primary or secondary shopping area the proposal would be considered an edge of town centre development, the application is supported by a proportionate Retail Impact Assessment (RIA) in accordance with the NPPF.

Impact Assessment

7.6 **Paragraph 88** of the NPPF identifies that local planning authorities should require an impact assessment to be submitted in support of planning applications for '*main town centre uses*'¹ over 2,500 square metres (unless a local planning policy sets a lower threshold), on sites outside town centres, that are not in accordance with an up-to-date Development Plan. The impact assessment should include a consideration of:

- The impact of the proposal on exiting, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment.

7.7 **Policy DMTC1** includes a locally set threshold and requires an impact assessment where development proposals exceed 200 sqm of gross floorspace. In this instance whilst there is no uplift in the quantum of retail floorspace in this location, the proposed variation to condition will enable the

¹ Main Town Centre Uses are defined by Annex 2 of the National Planning Policy Framework as: retail development, leisure, entertainment facilities, more intensive sport and recreation uses (including restaurants), offices, arts, culture and tourism development (including hotels).

retail sale of convenience goods from these units in addition to the comparison goods that are currently permitted.

7.8 In interpreting national town centre policy concerning retail impact, it is noteworthy that **Paragraph 90** of the NPPF states that where an application is likely to give rise to a '*significant adverse impact*' it should be refused. The implication being that an impact which is merely '*adverse*' is not a direct reason for refusal and is capable of being weighed against positive social, economy and environmental impacts in the overall planning balance. Indeed, **Paragraph 11** of the NPPF confirms a presumption in favour of sustainable development and is clear that planning permission for development should be granted unless: "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in this document as a whole*".

7.9 Through the impact assessment required by local and national policies, it is necessary to demonstrate that there would be no '*significant adverse*' impact in two main regards. The first is on existing, committed and planned public and private investment in a centre, whilst the second is on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

7.10 Each of these tests are considered in turn. We focus firstly on impact on trade / vitality and viability and secondly on impact on investment, principally because some of the conclusions in relation to '*impact on investment*' are informed by the retail impact assessment, discussed as part of the impact on trade section.

7.11 In order to understand the potential impact of a proposed development, it is first important to provide a proportionate commentary on the current health, role and function of centres. This is bearing in mind the fact that the Practice Guidance states that the judgement as to whether likely adverse impacts are '*significant*' can only be reached in light of local circumstances (Town Centres and Retail, Paragraph 18 (Reference ID: 2b-018-20190722)). The implication being that where a centre is in good health it will be well placed to withstand modest trading impacts without these resulting in a '*significant adverse*' impact on overall vitality and viability.

7.12 It was agreed with LBH during pre-application discussions that the only centre to be considered for the purposes of the impact assessment was Uxbridge Metropolitan Centre. A health check of the centre has been undertaken and is attached at **Appendix II**. Table 3.1 of the Local Plan Part 2 – Development Management Policies includes the description from the London Plan of the role and function of a metropolitan centre as follows:

"Serves wide catchments which can extend over several boroughs and into parts of the wider south east region. Typically, they contain at least 100,000 square metres of retail floorspace with a significant proportion of high-order comparison goods relative to convenience goods. These centres generally have very good accessibility and significant employment, service and leisure functions".

7.13 It is clear therefore that the role of Uxbridge town centre is not one that is orientated towards the provision of convenience goods, nor is it reliant on convenience goods to ensure its ongoing vitality and viability.

7.14 As part of the consideration of the impact of the proposed development it is necessary to consider the existing provision of comparable goods and services that are located in-centre. **Figure 5** (below) identifies the existing convenience goods retail provision within Uxbridge town centre.

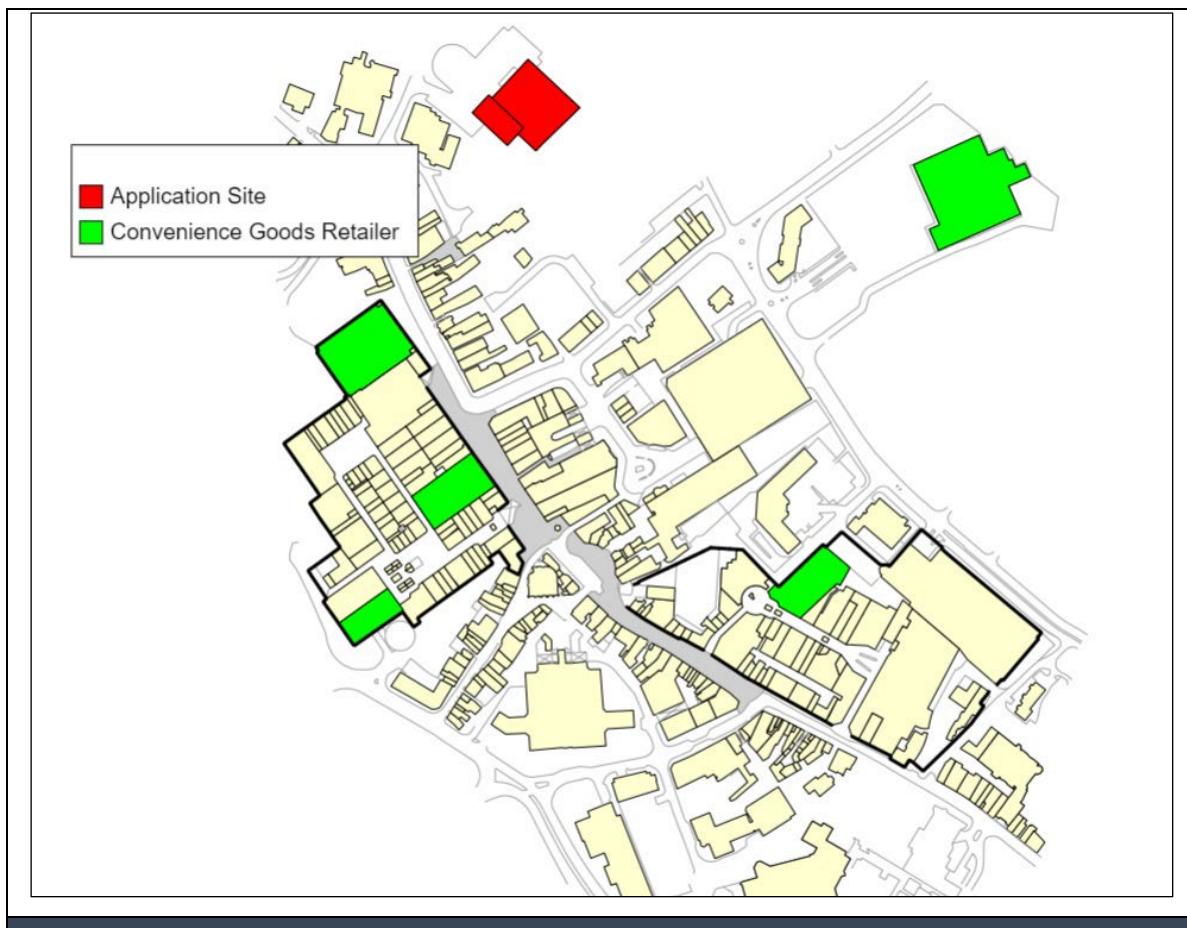


Figure 5 - Convenience Goods Retailers in Uxbridge Town Centre

7.15 It is noted that the Sainsbury's located to the east of the centre, is not within the defined primary shopping area and is therefore in an edge-of-centre location as is the application site. A summary of the convenience goods retailers that are located within the centre is set out in **Table 2** below.

Table 2 - Convenience Goods Retailers in Uxbridge Town Centre

Store	Address	Comment
M&S Foodhall	54 The Pavilions Shopping Centre	This provides a foodhall element within the main store in the town centre and mainly provides for top-up food shopping opportunities
Lidl	212 – 213 The Chimes Shopping Centre	
Tesco Express	62 The Pavilions Shopping Centre	This store is larger than a traditional Express store having previously been branded a Tesco Metro.
Iceland	27 The Pavilions Shopping Centre	
Sainsbury's	York Road	The store is in an edge-of-centre location and benefits from a surface level car park. The store provides the opportunity for customers to undertake a main food shop.

Impact on Town Centre Vitality and Viability, Including Local Consumer Choice and Trade in the Town Centre and Wider Area

7.16 Applicants are required to assess the impact of edge-of-centre retail proposals on town centre vitality and viability, having regard to both local consumer choice and trade in the centre and wider catchment area.

7.17 **Paragraph 89** of the NPPF requires the preparation of an RIA in order to examine impacts upon trade which is set out below. In the interests of clarity, we have assessed retail impact by following a standard and recognised step-by-step methodology (as set out in the Planning Practice Guidance).

Catchment Area

7.18 The application does not contain any named operators at the current time. Therefore, a conservative catchment area has been calculated based on a drivetime and an analysis of nearby existing other convenience goods provision. Given the nature of the proposal, it is reasonable to assume that one of the units will be occupied by a limited assortment discounter (who tend to have a more contained catchment area) and one by another convenience retailer.

7.19 The Planning Practice Guidance states that "*the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible*" (paragraph 2b-017-20190722). The Council's Retail Study dates from 2012 and therefore the contents are somewhat dated in terms of providing up-to-date information about shopping patterns.

7.20 The defined catchment area is proportionate to the expected trading influence of the proposed convenience retail development, on the basis of its geographical location and surrounding competition. The area assessed is considered to be a representative catchment area for the scale and form of retail development proposed, in-line with advice provided in the Practice Guidance.

Convenience Goods Quantitative Impact

7.21 The turnover of the proposed development has been calculated with reference to average turnover figures for convenience goods retailers as no named occupier has been identified for the scheme. This will ensure that a worst-case scenario is assessed.

7.22 In considering the turnover of the proposed development it is worth noting that under the existing permission comparison goods can be sold from the unit. Therefore, it is only necessary for the impact assessment to consider the convenience goods turnover associated with the proposed development. Part of the product range of a food store is classified as comparison goods therefore it is assumed that only circa 80% of the floorspace of each of the proposed units will be used for the sale of convenience goods (this figure is widely adopted within the industry to represent a worst-case scenario).

7.23 As set out above it has been assumed that one of the units will be occupied by a limited assortment discounter and the average sales density for these types of operators have been applied. For the other unit it is assumed that the turnover will be the average of all the major operators. The impact assessment is included at **Appendix III**. Overall, it is predicted that the proposed development will have a turnover of £22.56 million at 2028.

7.24 In terms of the existing population and per capita spending assumptions within the catchment area.

Population and Expenditure Data

7.25 This impact assessment has been based on a five-minute drivetime catchment and considers the available expenditure that is generated by the population within this catchment area. This exercise indicates that there is expected to be £41.47 million of convenience goods expenditure arising within a five-minute drivetime of the application site.

7.26 The impact of the proposed development will be assessed on a like-for-like basis. This means that the proposed floorspace is more likely to compete with comparable facilities that already exist rather than those facilities where there is currently no overlap.

Impact of the Proposed Development

7.27 The site is in an edge-of-centre location with good accessibility to the town centre. Therefore, there is the potential for customers to make linked trips between a convenience store and other retailers and services within the town centre (utilising the free car parking available at the convenience store). There is a greater propensity for linked trips to occur with a convenience retailer than the previous occupied of these units.

7.28 In undertaking the impact assessment, it is worth noting that the existing floorspace could be occupied by comparison goods retailers (for example clothing or books, as it is unrestricted in comparison goods terms) without the need for planning permission. Therefore, as part of the impact assessment consideration will be given to the fact that there is the potential for an uplift in the comparison goods expenditure as this is no longer being attracted to this edge-of-centre location.

7.29 Whilst the impact assessment has been based on available expenditure within a five-minute drivetime it is acknowledged by virtue of the fact that Uxbridge is a metropolitan centre and attracts expenditure from a wide area an element of the turnover of the new development will be drawn from beyond the immediate catchment area by people who are already visiting the centre for other reasons.

7.30 Expenditure will be drawn to the new stores from the existing convenience goods retailers located within Uxbridge town centre. The impact assessment at **Appendix III** indicates that the impact on any individual convenience goods retailers in the town centre will be no more than 13%. However, the impact assessment has to consider the impact of the proposed development on the centre as a whole and this means that the impact needs to be considered on the turnover of the centre as a whole. The impact assessment demonstrates that when the town centre is considered as a whole, the impact is 3%. In addition as previously indicated the existing floorspace can be used for the sale of comparison goods, the proposed development will mean that this will no longer be the case and therefore, comparison goods expenditure could be diverted towards the town centre. This scenario has not been included in the assessment for robustness.

7.31 The proposed development will not have a significant adverse impact on Uxbridge town centre.

Sequential Site Assessment

7.32 **Policy DMTC1** of the Hillingdon Local Plan and Development Management Policies and **Paragraph 87** of the NPPF (2023) require that the sequential approach to site selection is applied to all proposals for 'main town centre uses' on sites that are not located 'in' an existing centre nor allocated in an up-to-date development plan.

7.33 In this instance, the site is in an edge-of-centre location relative to Uxbridge metropolitan centre and therefore this is the centre on which the sequential site assessment is focused. It is therefore necessary to consider in-centre alternatives as part of this assessment.

7.34 A Sequential Site Assessment has been undertaken and this is attached at **Appendix IV**. This has considered vacant units located within Uxbridge town centre and site allocations within the development plan. The parameters of this assessment were agreed with Officers as part of pre-application discussions.

7.35 A summary of the findings in relation to the vacant units identified as part of the sequential site assessment is set out in **Table 3** below.

Table 3 - Vacant Units in Uxbridge town centre

Address	Commentary
2 - 4 Pantile Walk, The Pavilions Shopping Centre	This vacant unit was formerly occupied by Argos and is within the existing shopping centre. The unit only extends to 760 sq m (measured from Goad) and is therefore too small and not suitable for the proposed development.
220 Chimes Shopping Centre	This comprises the former Debenhams store and is split over two levels. Whilst the units are being actively marketed they are too small for the proposed development and therefore they are not suitable.
21 Belmont Road	This formerly vacant site has now been redeveloped to provide a mixed use scheme with commercial floorspace at the ground level. The ground floor unit is too small to accommodate the proposed development and therefore the site is not suitable.

7.36 Site Allocations within the Development Plan have also been assessed a summary of these is set out in **Table 4** (below).

Table 4 - Site Allocations in Uxbridge Town Centre

Address	Commentary
SA26: 148 to 154 High Street / 25 to 30 Bakers Road	The site is allocated for a residential mixed use scheme. A planning application for the redevelopment of the site was submitted in 2019 but was subsequently withdrawn. An application for replacement shopfronts has been approved on part of the site. The site as a whole extends to 0.3 ha. None of the existing floorspace on the site

	is capable of accommodating the proposed development. A comprehensive redevelopment of the site will be required to deliver the required level of floorspace, there are no timescales for bringing this forward and therefore the site is not suitable for the proposed development.
SA28: St Andrews Park	This is a site allocation that extends to 46.6 ha, this is proposed as an extension to Uxbridge town centre, however, not all of the site is sequentially preferable to the application site. There is an outline planning application to deliver the redevelopment of this site which is currently under construction. The outline permission does not provide for a unit that is suitable or available for the proposed development.
SA31: Fassnidge Memorial Hall	This site has now been redeveloped to provide a replacement community building and residential accommodation. The site is therefore not available for the proposed development.
SA31A: Waterloo Wharf	This site extends to 0.4 ha and is allocated for a residential led mixed-use redevelopment. Planning permission has been granted for the redevelopment of the site in accordance with the site allocation which has now been implemented. The site is therefore not suitable or available for the proposed development.
SA31B: Former Randall Buildings	The site has an allocation for a mixed-use redevelopment. Planning permission has been granted and the scheme has been implemented. The site is therefore not available or suitable for the proposed development.

7.37 The sequential assessment has demonstrated that there are no sequentially preferable vacant units or development sites within or on the edge of Uxbridge town centre which could realistically accommodate the scale and form of retail development for which planning permission is sought – even when demonstrating significant flexibility in terms of developable area.

7.38 It is considered that there are no more ‘suitable’ and ‘available’ more centrally located sites for the scale and form of development proposed and compliance can therefore be demonstrated with the sequential approach to site selection as set out in **Paragraph 87** of the NPPF and **Policy DMTC1** of the Hillingdon Local Plan and Development Management Policies.

Summary on Retail Matters

7.39 This section has considered the impact of the proposed development on the vitality and viability of Uxbridge town centre and demonstrated that there will not be a significant adverse impact of the proposed development. There are no sequentially preferable sites that are suitable or available for the proposed development.

Design

7.40 **Policy DMHB11** of the Local Plan sets out that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and incorporate principles of good design. Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

7.41 **Policy DMHB12** of the Local Plan denotes that development should be well integrated with the surrounding area and accessible. Public realm improvements will be sought from developments located close to transport interchanges and community facilities to ensure easy access between different transport modes and into local community facilities.

7.42 The application site is located on the edge of Uxbridge Town Centre, further south is the Old Uxbridge/Windsor Street Conservation Area. The site is bound by a mix of buildings which include residential and commercial uses of varying scales and typologies. The proposal does not involve an extension to the building which could cause potential harm to the townscape given this is focused to the rear adjacent to the service yard.

7.43 Notwithstanding this point, the provision of a new shop front is proposed as demonstrated by the proposed elevation (Drawing No. 16401-1 THPR XX EL DR A 1011). Additional metal panel cladding is proposed as part of a new canopy running the width of the shopfront. The proposed new shopfront will modernise and improve the frontage of the existing retail unit. As such, the amendments to the shop front are acceptable and in keeping with the remainder of the built form of the existing buildings.

Landscaping

7.44 **Paragraph 170** of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by among other measures, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.45 **Policy DMEI7** of the Local Plan requires the design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site.

7.46 **Policy DMHB14** of the Local Plan states that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

7.47 The intention is to retain the existing car park and landscaping arrangements whilst providing additional soft landscaping measures to further enhance matters.

Amenity

7.48 **Paragraph 130(f)** of the NPPF states that new development should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.49 **Policy D14** of London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, proposals should manage noise by amongst other criteria, avoiding significant adverse noise impacts on health and quality of life and mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses. **Policy DMHB 11** states that development proposals should not adversely impact on the amenity of adjacent properties and open space.

7.50 The proposal does not involve an extension to the building which would result in a loss of daylight or sunlight for neighbouring residents. The minor alterations to the building frontage do not give rise to any impact upon local residential amenity. The units will continue to operate in retail use and no additional plant is proposed at this time. Any additional plant or requirements would be subject to a separate application by a future occupier. The development will therefore not impact any local residents nor will they be subject to unacceptable levels of noise generated by the development.

Highways

7.51 Within the Council's Pre-Application response, the LPA's Highways Officer provided a number of comments which we have sought to address as part of this submission.

7.52 **Paragraph 111** of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.53 London Plan (2021) **Policy T1** sets out the Development Plans should support and facilitate the delivery of 80% of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycle routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. **Policy T4** of the London Plan states that development proposals should not increase road danger. **Policy T6** states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

7.54 **Policy T6.3** regarding Retail Parking sets out that the maximum parking standards set out in Table 10.5 should be applied to new retail development, unless alternative standards have been implemented in a Development Plan through the application of Policy G below. New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7.

7.55 **Policy DMT1** of the Hillingdon Local Plan: Part 2 (2020) states

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

I) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;

II) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;

III) provide equal access for all people, including inclusive access for disabled people;

IV) adequately address delivery, servicing and drop-off requirements; and

V) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

7.56 **Policy DMT2** states that development proposals must ensure that:

I) Safe and efficient vehicular access to the highway network is provided to the Council's standards;

II) They do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;

III) Safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;

IV) Impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and

V) There are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity

7.57 **Policy DMT6** requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

7.58 As detailed above, the application site has a PTAL rating of 5 which, when assessed against London Plan Policy 6.3 in relation to Retail Parking, sets out that for the 'Rest of London' (Table 10.5) allows for up to 1 space per 50 sqm of Gross Internal Area (GIA), up to a maximum of 65 spaces. By contrast, the Local Plan allows for the provision of up to 86 car parking spaces. At present, there are a total of 150 car parking spaces in situ, all of which would be put back into use of the two units were to be re-

occupied, which, as acknowledged by the Highways Officer, could take place without necessarily needing planning permission.

7.59 The additional information requested by the Highways Officer in the pre-application response, namely the provision of a Construction Logistics Plan, Service and Delivery Plan as well as a Travel Plan have been prepared by Arup in support of this planning application and should be read in conjunction with this Statement. Furthermore, a Transport Assessment has been prepared in support of the application. The key matters in relation to the consideration against planning policy are summarised below.

7.60 The Site is located within Uxbridge Town Centre. It is a short walk (around 120m) from Uxbridge High Street, which has a range of retail / Town Centre uses and is also served by multiple bus routes. Uxbridge London Underground Station, which is served by the Metropolitan and Piccadilly lines, is located around 500m to the south of the Site. The Site has a PTAL of 5.

7.61 A net multi-modal trip attraction assessment has been undertaken. The proposals have been forecast to result in a net increase of up to 225 additional two-way vehicle trips during the Saturday peak hour. These trips have been considered in terms of pass-by, linked and primary. This results in increases in vehicle trips being relatively limited to the local area.

7.62 Away from Harefield Road, the forecast increase in vehicle trips equates to a maximum of around one additional vehicle every four minutes. The Site access junction has been modelled which indicates that it would operate with ample spare capacity and with minimal queuing and delays in future with the proposed changes to the Site. Based on these assessments, the proposals are not anticipated to result in any adverse highways impacts.

7.63 Increases in trips have also been forecast across other modes. These are negligible in the context of existing public transport services and would be suitably accommodated by existing walking and cycling facilities in the local area. A review of the potential future car parking accumulation indicates that the current 150 spaces provided on-site would be suitable to accommodate future car parking demand.

7.64 In summary, assessments of the highway impact of the proposals at the Site access junction and on the wider local highway network have not indicated that the proposals would result in any adverse highways impacts. Modelling of the Site access junction indicates that it would operate with ample spare capacity and with minimal queuing or delays in future, and the increase in vehicles on roads on the wider local highway network would be minimal. A review of collision data in the local area has also been undertaken as part of the ATZ assessment. This review has not identified any patterns or common causes of collisions. No collisions have been reported at the Site access junction in the supplied three-year period of collision data.

7.65 The Transport Assessment therefore demonstrates that proposals are acceptable from a transport and highways perspective.

Air Quality

7.66 It is acknowledged that the application site is located within the Air Quality Management Area (AQMA) as well as being located within the Uxbridge Air Quality Focus Area, which are defined as places where

the pollution levels are already elevated, and improvements are therefore required. The provision of an Air Quality Assessment has been prepared in support of the scheme and should be read in conjunction with this statement.

7.67 To be compliant with policy the development has sought to demonstrate that:

- It is at least air quality neutral. It is acknowledged that the development will impact an Air Quality Focus Area and therefore, more stringent mitigation will be required;
- Sufficient mitigation is to be provided to ensure that any demolition, construction phase and operational phases do not impact on relevant local receptors;
- Any demolition and construction phases are to be carried out in accordance with the relevant Mayor of London guidance including the use of NRMM compliant machinery;
- Design aspects have been assessed to provide a clean by design development including suitable protection measures from pollution sources such as design layout, use of green infrastructure, use of low/zero technologies for energy and for any associated traffic.

8. Conclusion

8.1 This Planning Statement supports the submission of a planning application under Section 73 and Section 96a respectively of the Town and Country Planning Act (1990) for the following:

Description of Development - "The redevelopment of the site for retail purposes including service and access provision from Warwick Place and public access via Harefield Road".

The variation of Condition 23 attached to 6299/R/93/0504 to allow the premises to be used except as two separate units for retail purposes".

8.2 The statement has reviewed the pertinent planning constraints, planning history and planning policy before setting out the manner through which the development proposed by this application responds to each.

- Regarding the principle of development, the application site is located within Uxbridge Town Centre and, in accordance with NPPF Policy, is considered an edge of centre development given its proximity to the existing primary shopping area.
- The proposed development will not have a significant adverse impact on the vitality and viability of Uxbridge town centre. There are no sequentially preferable sites that are available and suitable for the proposed development.
- Regarding the sequential assessment, there are no sequentially preferable vacant units or development sites within or on the edge of Uxbridge town centre which are suitable or available for the proposed development, even when demonstrating significant flexibility in terms of developable area.
- As outlined in the report, it is considered that there are no more 'suitable' and 'available', centrally located sites for the scale and form of development proposed and therefore, compliance has been demonstrated in relation to the sequential approach to site selection.
- In terms of Highways requirements, the development accords with the relevant London Plan Policies due to its high PTAL rating and the high level of public transport nodes in proximity of the site.
- Whilst it is acknowledged that there are a higher number of existing car parking spaces associated with the previous use of the site, it is considered, as previously acknowledged by the Highways Officer, that their use could take place without necessarily needing planning permission. It is intended to utilise all of the existing provision in association with the two units in order to prevent such a scenario from coming forward.
- In terms of the design of the scheme, the application site is located on the edge of Uxbridge Town Centre and is bound by a mix of buildings with varying scale and typologies. The scheme does not involve any extension to the building and the proposed changes to the shop-front elevation will modernise and improved the existing frontage, and is therefore considered acceptable.

- Regarding amenity, as detailed above, given there are no proposed extensions to either building, there will be no change in the existing arrangements for neighbouring residents. Any proposed alterations to the building's frontage will not give rise to any local residential amenity impact.

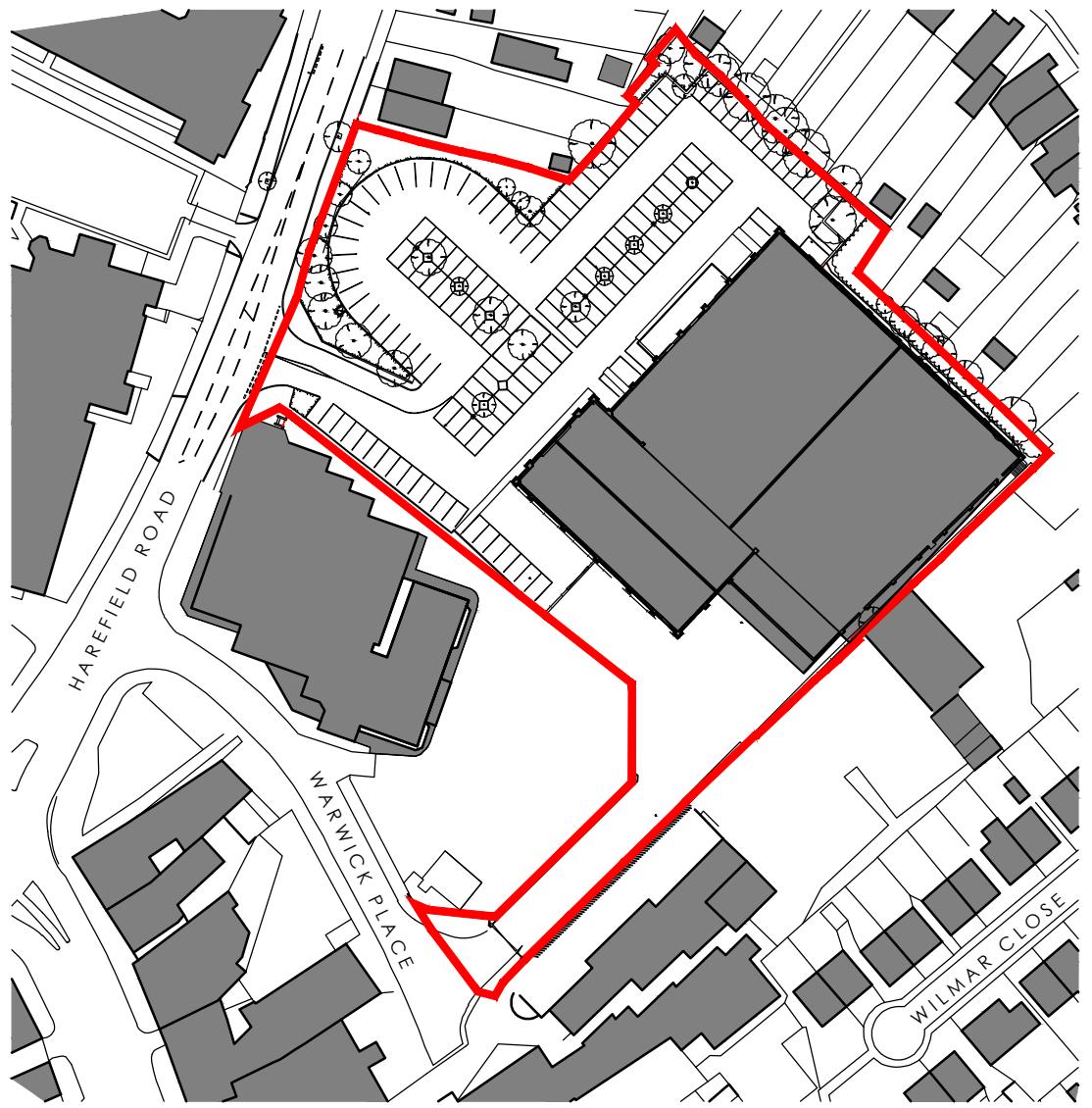
8.3 Taking the above in the round and in planning judgement, the application complies with the London Borough of Hillingdon's Local Plan and Development Management Policies when read as a whole as well as the stated aims of the London Plan and National Planning Policy Framework and should therefore be approved without delay.

Appendix I

Site Location Plan – Drawing No. 16401-1 THPR XX 00
DR A 1001



0m 20m 40m 60m 80m 100m



01 SITE LOCATION PLAN
1:1250

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Rev	Date	Description	Drawn	Chkd
-	-	-	-	-

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Client

LEGAL & GENERAL

Project Title

PROPOSED DEVELOPMENT

HAREFIELD ROAD
UXBRIDGE
UB8 1JS

Drawing Title

SITE LOCATION PLAN

Drawn	Checked	Scale @A4	Status	Date
JT	DRW	1:1250	N/A	11/23

Drawing Status	Rev.	THP Project No
PLANNING	-	16401-1

Project No.	Originator	Volume	Level	Type	Role	Number
16401-1	THPR	XX	00	DR	A	1001

Appendix II

Town Centre Health Check

Criteria	Comment														
Introduction	<p>Uxbridge is a metropolitan centre in west London. The area falls under the administrative remit of the London Borough of Hillingdon. Uxbridge is located 20 miles west of Central London and is identified as a major metropolitan centre identified in the London Plan, with high commercial and residential potential growth in the outlined in the town centre. Furthermore, Uxbridge town centre is a vital aspect of the Hillingdon Borough with a masterplan currently being developed by the Council to revitalise the area. The town centre is a significant commercial centre. This is supplemented by Brunel University which is located 1.4 miles south of the town centre, provides an additional level of catchment population for the centre.</p>														
Diversity of Uses	<p>The Avison Young survey was undertaken in October 2023 on foot, to review the existing mix of uses present in the centre. The exercise found that there are currently 336 units within the centre boundary as defined by the Local Plan. This survey was compared with the recent Goad survey from 2022 which we provide a comparison of below. The findings from the survey are reproduced below in the pie chart.</p> <div data-bbox="486 830 1449 1417"> <p style="text-align: center;">Uxbridge Town Centre Mix of Uses - 2023</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Comparison</td> <td>32%</td> </tr> <tr> <td>Convenience</td> <td>9%</td> </tr> <tr> <td>Retail Services</td> <td>15%</td> </tr> <tr> <td>Leisure Services</td> <td>23%</td> </tr> <tr> <td>Financial & Business Services</td> <td>7%</td> </tr> <tr> <td>Vacant</td> <td>14%</td> </tr> </tbody> </table> </div> <p>The pie chart identifies that the most predominant sector identified at the centre is comparison retail which equates to 32% of the units in Uxbridge Town Centre, where there are 107 units of this type. Convenience retailers accounted for 14% of the units in this centre, occupying 30 units of this type. This is to be expected from a metropolitan centre where the focus is on comparison goods retailers.</p> <p>The health check identified that leisure services is the second largest occupier of units with 78 units account for 23%. After this, retail services comprise of 50 units. Finally, there are 25 financial and business units or just 7% in the town centre.</p> <p>The Goad report outlines the national average in all UK town centres for these categories. comparison retail average is 27%, convenience retail equates to 9%,</p>	Category	Percentage	Comparison	32%	Convenience	9%	Retail Services	15%	Leisure Services	23%	Financial & Business Services	7%	Vacant	14%
Category	Percentage														
Comparison	32%														
Convenience	9%														
Retail Services	15%														
Leisure Services	23%														
Financial & Business Services	7%														
Vacant	14%														

	<p>retail services are 16%, leisure makes up 26% and financial and business units are 9%. Overall, it is evident that Uxbridge town centres composition is very similar to the national average for town centres. The only noticeable difference recorded are in comparison and convenience retail where Uxbridge has more of these units.</p>
Proportion of Vacant Street Level Property	<p>Based on the survey in October 2023, there were 46 vacant units (13.69%) within Uxbridge town centre. The national average of vacant units in a town centres according to goad report is 13.95% (November 2022). This indicates that the Uxbridge town centre is performing marginally below the national average in terms of the number of vacant units. A number of units are currently undergoing refurbishment works with new occupiers expected to be taking floorspace in the near future,</p> <p>The vacant units are a mixture of unit sizes ranging from 20 sqm to 4,790 sqm. The majority of these units are below 400 sqm (38/46 units). Furthermore, there are no obvious clusters of vacant units in the town centre. This is illustrated below with the vacant units highlighted in red.</p> 
Customers experience and behaviour	<p>Brunel University conducted a study titled <i>"Voices from Uxbridge: Places and the Experiences. A Town Centre Community Consultation"</i>. This study is an appendix for the Uxbridge Masterplan. The community consultation revealed there is some level of zoning and a feeling of disjointedness in and around the town centre. However, there is a perception that the town centre is practical and convenient. Whilst the pedestrianised access was criticized, there was an overarching sense of place, vibrancy and content when refencing the atmosphere. Finally, the physical environment of the town centre was subject to some criticism. With users identify the spaces as "dirty", "run-down" and "disorganised". It is noted that this report was specifically commissioned in order to obtain feedback to inform the preparation of the masterplan.</p>

Commercial Rents	The average £/Sq. Ft from town centre locations is 37.65. This number was derived from EG data and took the average of the achieved rents from 106 units.
Pedestrian flows	Pedestrian flow through the centre is strong with a large open space that is prioritised for users. However, in the community consultation study conducted by Brunel University, it was identified that pedestrian access into the town is difficult and not pleasant for users. "A strong spatial and temporal zoning" was outlined in and around the town centre.
Accessibility	<p>Uxbridge town centre has a PTAL rating of 6a (with 6b being the best) which indicates that the centre has a good level of public transport accessibility.</p> <p>Uxbridge Town Centre benefits from very good transport links. Uxbridge tube station is located in the core of the town centre, this sits on the Metropolitan and Piccadilly line. This includes stops such as: Liverpool Street, Kings Cross, Piccadilly Circus and Baker Street as well as more local and intermediate stops.</p> <p>Uxbridge Town Centre is well serviced with 20 bus routes which connect the town centre with the wider surrounding area. The routes run to Acton, White City Hounslow, Ruislip, West Drayton , and Hayes and Harlington. Each of the routes listed above provide regular services for visitors accessing this busy town centre.</p> <p>The town centre is privy to a multitude of car parking facilities. Uxbridge Civic Centre (371 spaces), The Chimes Shopping Centre (1600 spaces), The Grainges (533 spaces) and Cedars (555 spaces). Furthermore, the town centre is situated near multiple strategic road networks including the M40/A40,M25 and M4. Consequently, the town centre adequately equipped for access via car.</p>
Perception of Safety and Occurrence of Crime	<p>Uxbridge town centre is a well monitored with a network of CCTV cameras located around the town centre. The town centre is cover by the Metropolitan Police Force. Within both shopping centre in the town centre there are private security patrols in communication with a radio system. This is supplemented with CCTV within the facilities. Overall, there is a good level of perceived safety within the town centre.</p> 

	<p>However, the latest crime statistics from the metropolitan police (September 2023) show the level of occurrence of crime in the town centre. In September 2023 there were 164 instances of crime in the town centre. The breakdown of the offences is shown below.</p> <ul style="list-style-type: none"> • 36 – Anti-social behaviour • 33 - Violent and sexual offences • 28 – Shoplifting • 67 – All other crime <p>It is key to note that Hillingdon is safer boroughs in London with a crime of 80.57 per 1,000 population. This is below the lower bound of the average.</p> <p>Furthermore, in a study titled <i>“Voices from Uxbridge: Places and the Experiences. A Town Centre Community Consultation”</i> by Brunel University it was identified that most users feel the town centre is safe, friendly and a good environment for children. However, there are some concerns with a lack of police response with regards to anti-social behaviour and some street homelessness.</p>
State of town centre environmental quality	<p>It was identified in a study by Brunel University titled <i>“Voices from Uxbridge: Places and the Experiences. A Town Centre Community Consultation”</i> that a portion of the users feel that the town centre could be cleaner and that an increased amount of street furniture would help attract young people to the centre. Notwithstanding , this was identified as a minor issue.</p> <p>Nevertheless, from the on-foot survey conducted in October 2023 the perception of the environmental quality was higher than outlined in the study. The photos from the site visit are shown below. They show that the town centre has very limited litter with street sufficient street furniture. Furthermore, the trees planted along the footpath in the town centre further improves the perceived environmental quality of the town centre.</p>





Balance between independent and multiple stores	<p>The Goad report indicates that there are 133 units occupied by multiple stores. The composition of these units are shown below:</p> <ul style="list-style-type: none"> • Comparison - 69 units • Convenience – 11 units • Retail Services – 8 units • Leisure Services – 31 units • Financial and Business – 14 units
	<p>Uxbridge is below the national average in this respect in the majority of sectors. The notable differences are in comparison retail whereby Uxbridge has 10% more multiple retailers than the national average. The major retailers present include household names such as Marks & Spencer's, Boots, Next and Primark. As a metropolitan centre, Uxbridge attracts the multiple retailers.</p>
Extent to which there is evidence of barriers to new business opening and existing businesses expanding	<p>There is a total of 46 vacant units in the town centre. Therefore, there is space for expansion and establishment of new retailers in the town centre. However, it is key to note that the majority of these vacant units are smaller units. Consequently, there is scope for expansion for business. However, there is restriction regarding unit size.</p>
Opening hours / availability / extent to which there is an evening and night time economy offer	<p>There is a strong mix of uses in the town centre. There is a wide range of bars, pubs and restaurants. A cinema is also located in the shopping centre and there is one nightclub in the town centre. Alternatively, in the day time there is a range of cafes and sport and leisure facilities. Overall, there is a wide range of activities all times in the day.</p>
Summary	<p>Overall Uxbridge is performing its role as a metropolitan centre. The level of vacancy is in line with the national average and work is currently taking place to</p>

bring some formerly vacant retail floorspace into active use through a diversification of the use of floorspace. As a metropolitan centre the offering is focused more towards comparison goods floorspace along with a leisure offering. Convenience floorspace comprises a relatively minor element of the centre. Uxbridge is a vital and viable centre when considered against the main indicators.

Appendix III

Retail Impact Assessment

Contents

Table 1	Convenience Turnover of the Proposed Development
Table 3	Impact Assessment
Table 2	Benchmark Turnover of Existing Retailers 2028
Table 4	Impact on Uxbridge Town Centre

Table 1
Convenience Turnover of the Proposed Development

Unit	Gross Floorspace sq m	Net Sales Floorspace sq m	Net convenience floorspace sq m	Company Average Turnover £ per sqm	Turnover 2028 £ million
Unit A	1,828	1,462	1,170	9,665	11.31
Unit B	1,401	1,121	897	12,552	11.25
Total	3,229	2,583	2,067	22,217	22.56

Notes

2021 Price Base

Sales density comprises the average convenience turnover for Aldi, Asda, Co-op, Iceland, Lidl, M&S Food, Morrisons, Sainsbury's, Tesco and Waitrose

Net sales area calculated at 80% of gross

Convenience sales area calculated at 80% of net sales area

Table 2
Benchmark Turnover of Existing Retailers 2028

Store	Address	Location	Gross Floorspace sq m	Net Floorspace sq m	Net Convenience Floorspace sq m	Turnover £ per sq m	Turnover £ million
Lidl	212 - 213 The Chimes Shopping Centre	In-Centre	2,010	1,608	1,286	9,315	11.98
Marks and Spencer	54 The Pavilions Shopping Centre	In-Centre	1,930	1,544	463	11,824	5.48
Iceland	27 The Pavilions Shopping Centre, Market Square	In-Centre	1,060	848	678	7,937	5.38
Sainsbury's	York Road	Edge-of-Centre	4,900	3,920	2,744	13,302	36.50
Tesco Express	62 The Pavilions Shopping Centre, High Street	In Centre	3,180	2,544	2,035	15,000	30.53
Total			13,080				89.87

Notes

2021 Price Base

Gross floorspace from Goad, net floorspace calculated at 80%

Lidl, Iceland and Tesco Express, convenience floorspace 80% of net

Sainsbury's convenience floorspace 70% of net

Marks and Spencer Floorspace 30% of net (to take account of the fact this comprises the food offering within the main town centre store)

Turnover per sq m from Global Data and translated in accordance with Experian Retail Planer Briefing Note 19 (January 2022)

Table 3
Proposed convenience goods trade draw

	Turnover 2028 £ million	Turnover drawn to new stores £ million	Turnover post new store £ million	Impact %
In Centre				
Lidl	11.98	1.03	10.95	8.63
Marks and Spencer	5.48	0.47	5.00	8.63
Iceland	5.38	0.46	4.92	8.63
Tesco Express	30.53	3.95	26.58	12.94
Edge of Centre				
Sainsbury's	36.50	6.30	30.20	17.26
New Stores at Harefield Road	-		22.56	-
Other stores		10.34	-	-
Total	89.87	22.56	100.21	-

Notes

2021 Price Base

Benchmark turnover taken from Table 2

Trade drawn to new store calculated from existing patterns of overall contribution to convenience goods turnover in the centre and weighting applied to reflect the extent to which there is similarity in terms of the proposed provision

Table 4
Impact on Uxbridge Town Centre

	Gross Floorspace sq m	Net Floorspace sq m	Turnover £ per sq m	Turnover £ million	Trade Draw to new development £ million	Turnover post development £ million	Impact %
Convenience	13,080	9,810	10,000	98.10	12.22	85.88	12.46
Comparison	62,752	43,926	7,000	307.48		307.48	-
Total	75,832	53,736	17,000	405.58	12.22	393.36	3.01

Source

Floorspace areas taken from Goad, average sales density figures applied for floorspace.

The existing floorspace can currently be used for the sale of all comparison goods. The proposed development will mean that this floorspace can no longer be used for comparison goods and therefore the comparison trade draw of the development is negative from a comparison goods perspective. For robustness this has not been included within the assessment.

Appendix IV

Sequential Site Assessment

Legal & General Group PLC

Sequential Site Assessment

December 2023

Contents

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2. Scale and Form of Development, Catchment Area and Centres Assessed	4
3. Sequential Site Assessment.....	8

Report title: Legal & General Group PLC

Prepared by: Penny Moss

Status: Draft 1

Draft date: 5 December 2023

For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 Policy DMTC 1 of the Hillingdon Local Plan and Development Management Policies and Paragraph 87 of the NPPF (2023) require that the sequential approach to site selection is applied to all proposals for 'main town centre uses' on sites that are not located 'in' an existing centre nor allocated in an up-to-date development plan.
- 1.2 In this instance, the site is in an edge-of-centre location relative to Uxbridge metropolitan centre and therefore this is the centre on which the sequential site assessment is focused. It is therefore necessary to consider in-centre alternatives as part of this assessment.

2. Scale and Form of Development, Catchment Area and Centres Assessed

2.1 Whilst both the NPPF and Planning Practice Guidance ('PPG') are silent on the appropriate area of search for sequentially superior sites, a conventional approach is to consider the extent of the catchment area likely to be served by the proposal and then to identify alternative sites, located within or on the edge of existing centres which serve an equivalent catchment, and which could accommodate the scale and form of development proposed.

Scale and form of Development

2.2 In this instance, the scale and form of retail development relates to the reuse of the existing retail building which currently provides a total of 3,406 sq m (GIA) of floorspace split across two units (2,401 sq m and 1,005 sq m respectively). The proposed development will comprise two units with the same gross floorspace, however, the resulting units will be 1,998 sq m and 1,418 sq m respectively. The whole site (including access and servicing provision) extends to 0.93 ha.

2.3 Alongside this the site currently provides 150 car parking spaces which will be retained in the proposed development.

2.4 Accordingly, it is necessary to define an area of search for sequentially preferable sites based purely on the specific trading characteristics of a convenience retail occupation of this site.

2.5 Whilst this is the case for these proposals, there is a minimum store size and associated development which these proposals require, and it is these characteristics have been used as the basis for this sequential assessment. This comprises:

- A minimum unit size of 500 sq m (whilst this is considerably below the proposed unit sizes this will ensure that all units are identified for further consideration);
- Either availability of on-site car parking or proximate to public car parks which could be used by someone undertaking a main food shop; and
- A minimum site area of 0.6 ha (in order to allow for flexibility).

Primary Catchment Area

2.6 The 'Town Centres and Retail' section of the Planning Practice Guidance explains that the "application of the [sequential] test will need to be proportionate and appropriate for the given proposal" (Reference ID: 2b-011-20190722). To our mind this statement is of particular significance to the delineation of a primary catchment area for the purposes of the sequential test's application. It reflects the conventional and long-standing approach of defining a catchment for the retail use in question based upon: the area from which the majority of its trade will be drawn (i.e., its sphere of influence based on size, offer, etc.); and, existing surrounding competition which might equally influence future patterns of trade.

Centres Assessed

2.7 The site is in an edge-of-centre location relative to Uxbridge and therefore, as discussed and agreed with Officers as part of the pre-application process the sequential site assessment has considered vacant units and site allocations within Uxbridge.

Summary (Scale and Form of Development, Catchment Area and Centres Assessed)

2.8 Drawing the above together, in this case a logical area of search for sequentially preferable sites should encompass 'in-centre' opportunities within Uxbridge town centre. Within the defined area of search, candidate sites must be able to accommodate (as a minimum) a foodstore of 1,000 sq m.

2.9 A site will be considered sequentially preferable where it is 'suitable' and 'available' which necessarily includes consideration of deliverability / viability.

2.10 It is necessary for applicants and Local Planning Authorities to demonstrate 'flexibility' in their approach, in-line with paragraph 88 of the NPPF. This can involve reducing down the site area for testing purposes to one which is commensurate purely with the scale and form of the 'main town centre' use floorspace proposed and its essential supporting infrastructure. This policy requirement and relevant legal / appeal precedents are examined in detail under the following headings.

The Requirement to Demonstrate Flexibility / Legal and Appeal Precedents

2.11 Paragraph 88 of the NPPF requires applicants and Local Planning Authorities to demonstrate 'flexibility' on issues such as format and scale when considering sites in, or on the edge, of existing centres as part of applying the sequential test. Whilst no indication as to what degree of flexibility is required is contained within the NPPF or indeed the Practice Guidance (other than 'format and scale') the 'Rushden Lakes' Secretary of State ('SoS') Call-in decision¹ (which post-dates their original publication) has clarified the position, with the Inspector (Paragraph 8.49) highlighting that 'flexibility' concerns matters including *"flexibility in a business model, use of multi-level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats"*. In Paragraph 15 of the decision letter, the SoS agrees with the Inspector that these are issues of principal relevance in demonstrating flexibility

2.12 This important Call-in decision has also provided clarity on whether there remains a requirement to consider 'disaggregation'² when demonstrating flexibility as part of the sequential test. The Inspector is quite clear at Paragraph 8.47 of his report that *"there is no longer any such requirement stated in the NPPF"* and that *"had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF"*. In Paragraph 16 of the decision letter, the SoS agrees with the Inspector that there is no requirement to consider disaggregation when applying the sequential test. This approach has been followed in subsequent cases (see below).

¹ Land Adjacent Skew Bridge Ski Slope, Northampton Road, Rushden; Inspectorate Ref. APP/G2815/V/12/2190175; 11 June 2014

² Consideration being given to the separation of a retail scheme across a number of sequentially superior sites.

2.13 A final matter of seminal importance when considering 'flexibility' and indeed interpreting the sequential test more widely is the *Tesco Stores Ltd v Dundee City Council ('Dundee')* Supreme Court Decision (2012). In summary, this establishes that:

- if a site is not suitable for the commercial requirements of the developer in question then it is not a 'suitable' site for the purposes of the sequential approach; and,
- that in terms of the size of the alternative site, provided that the applicant has demonstrated 'flexibility' with regards to format and scale (explained in the paragraph above), the question is then whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to physically fit the alternative site.

2.14 The implications of the Dundee decision were also considered by the SoS as part of the 'Rushden Lakes' Call-in decision. In Paragraph 15 of the decision letter, the SoS agrees with the Inspector that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site. In other words, the Dundee decision clearly applies to the NPPF.

2.15 Two further relatively recent High Court decisions³ have also considered (inter alia) the sequential test and confirmed the importance of demonstrating flexibility on issues such as format and scale. A developer's own intentions may be taken into account and have a bearing – for instance when considering what demand a proposal is intended to meet. However, the sequential approach should be 'operator blind' and not become a self-fulfilling activity and divorced from the public interest.

2.16 Specifically, in *Aldergate Properties Limited v Mansfield District Council* [2016] EWHC 1670 [Admin] the judgement emphasised that in considering how to apply 'suitability' and 'availability' the general meaning would be that a site should be "...'suitable' and 'available' for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identify and personal or corporate attitudes of an individual retailer...." (Paragraph 35 of Judgement).

2.17 In summary, whilst it is necessary for applicants to demonstrate 'flexibility' on issues such as format and scale when applying the sequential test, it is clear that under the NPPF there is no requirement to consider 'disaggregation' nor to explore changes that would materially alter the application proposal such that it no longer met commercial requirements (i.e. a material reduction in size). These matters have been considered as part of numerous 'call-in' and appeal decisions⁴ which post-date the publication of the NPPF and in which the SoS / Planning Inspectorate clearly draw heavily on the key caselaw referenced in this section when interpreting the sequential test (and specifically the requirement for disaggregation).

Flexibility in the Context of the Application Proposals

2.18 The developer recognises the need for 'flexibility' in promoting sites for development where this will assist in meeting planning policy requirements. When considering the scope for flexibility, however,

³ *Warners Retail (Moreton) Ltd v Cotswold District council* (2016) and *Aldergate Properties Ltd v Mansfield District Council* (2016).

⁴ See for example: APP/P0119/V/17/3170627 – The Mall, Cribbs Causeway, Patchway, South Gloucestershire BS34 5DG (October 2018); APP/T3725/W/18/3204311 – Leamington Shopping Park, Tachbrook Park Drive, Warwick, CV34 6HR (March 2019); and APP/R0660/V/17/3179610, APP/R0660/V/17/3179605 and APP/R0660/V/17/3179609 – Land at Earl Road, Handforth Dean, Cheshire, SK9 3RW (June 2019).

the inherent nature of providing facilities that can provide customers with the ability to undertake a main food shopping trip must be borne in mind. Accordingly, there are a number of key areas where it is not possible to alter the approach, as to do so would undermine the principle of providing a foodstore capable of being used to undertake a main food shopping trip.

2.19 It is recognised that main food shopping trips are generally made once a week or less often, complemented by smaller top up shopping trips. The availability of a wide range of products and accessible car parking are important requirements for main food shopping trips. Therefore, when undertaking the sequential site assessment it is necessary to consider the following:

- **Retail Sales Area:** A sales area of circa 1,000 sq m is important in order to ensure that a wide range of products and sufficient stock levels of the products can be maintained in order to enable customers to undertake a main food shop.
- **Storage and Ancillary Non-Retail Floorspace:** The foodstore must be capable of being serviced by HGV delivery vehicles and the site layout must enable the delivery vehicle to enter and leave in forward gear. In addition there should be sufficient back of house space to enable the storage of goods following delivery.
- **Customer Car Parking:** The provision of accessible car parking is important in order to enable to customers to undertake "bulk" food shopping or a weekly shopping trip and therefore it is important to be able to provide the opportunity for customers to have the opportunity to take their goods home via private car, irrespective of the accessibility of the store via sustainable modes of transport, for those undertaking smaller basket shopping.

2.20 In light of the above, with regards the application of 'flexibility' to the planning application scheme when applying the sequential test, the following is proposed:

- The gross area of the store could be reduced as a minimum to 1,000 sq m; and
- Parking spaces do not need to be provided on site, however, there should be easy access to car parking to enable customers to undertake a main food shop;

3. Sequential Site Assessment

3.1 Having established the appropriate catchment area and the centres to be assessed within it, and the scale and form of retail development to be tested (having regard to flexibility); this analysis now turns to consider any candidate sites which are potentially 'suitable' and 'available' for the proposed development. The following courses have been considered

Vacant Units

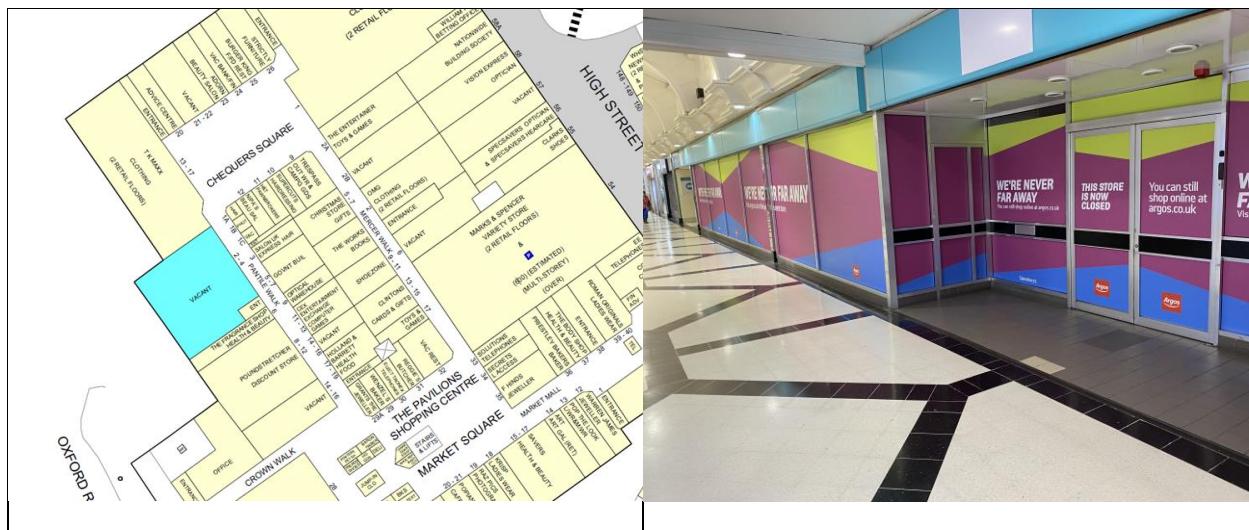
3.2 In order to identify potentially sequentially preferable sites a review of the existing Goad plan for the town centre was undertaken which identified vacant units. This was then corroborated with a site visit undertaken by AY in October 2023 in order to identify whether the identified units were still vacant and to confirm whether there were any additional units which should be included within the assessment. As set out in Section 2, units of a minimum of 500 sq m were included within this assessment. The following vacant units were identified:

- 2 – 4 Pantile Walk, The Pavilions Shopping Centre;
- 220 The Chimes Shopping Centre; and
- 21 Belmont Road.

3.3 These sites are considered in more detail below.

2 – 4 Pantile Walk, The Pavilions Shopping Centre

3.4 This vacant unit is located within the Pavilions Shopping Centre and was formerly occupied by Argos. The location of the unit taken from the Goad plan and a photograph of the site are set out below.



3.5 The unit extends to 760 sq m (taken from Goad). The unit is located within The Pavilions Shopping Centre (within the defined primary shopping area) with surrounding retailers comprising comparison goods retailers and some fast-food units. To the rear of the unit there is office accommodation.

3.6 The unit was being marketed by Green & Partners; the agent has confirmed that a new tenant has been secured. Therefore, the unit is no longer available.

3.7 The unit does not benefit from easily accessible car parking which is required by customers undertaking a main food shop, in addition, at just 760 sq m the unit is below the threshold that has been established for the purposes of this sequential site assessment, and therefore, even with the demonstration of flexibility the unit is not suitable for the proposed development. Furthermore, the unit is no longer available.

3.8 The unit is not suitable for the proposed development even when demonstrating flexibility.

116 and 220 The Chimes Shopping Centre

3.9 116 and 220 The Chimes comprise the former Debenhams unit which was split over two floors, these are currently being shown as two separate units. The units are located within The Chimes Shopping Centre which is within the defined primary shopping area. Surrounding uses comprises retail units. In addition there is an Odeon Cinema located within the centre as well as a range of restaurants.

3.10 A Goad extract and site photograph are set out below. The two units (as shown on Goad) comprise 4,790 sq m. It is noted that the Goad plan is out-of-date relative to the leasing plans that are currently being used by the relevant agents.



3.11 116 The Chimes (lower mall) was the subject of a planning application (54171/APP/2016/3897) to create smaller units along the High Street, this application has now been approved and implemented with some of the units occupied.

3.12 A Deed of Variation of the S106 relating to the original development of the shopping centre has recently been agreed (42966/APP/2023/70) to introduce Class E (commercial, business and service use) associated with the revocation of Class A1 (retail use) in order to allow greater flexibility in the use of the floorspace and the removal of the requirement that at least 80% of the floorspace is used for retail purposes. The most recent leasing plans are set out below – these show that the unit at the lower mall level and upper mall level are both currently under offer and are therefore not available.



3.13 Further to works that have been undertaken by the landlord to increase the prospects of reletting this floorspace and the recent variation that has been secured to the S106 Agreement neither of these units are available for the proposed development as they are both currently under offer which indicates that a legal agreement is being progressed with incoming tenants who will be occupying this floorspace.

21 Belmont Road

3.14 The site is located in an edge-of-centre location. The Goad plan indicated that the site was currently "under alteration" and therefore it has been included within the sequential site assessment for completeness. A Goad plan extract and site photograph are set out below for reference. The site extends to circa 20,267 sq m.



3.15 The site is located to the west of the town centre and is in an edge-of-centre location relative to the primary shopping area, therefore the site is not sequentially preferable to the application site. As well as retail uses there are other office uses and hotel uses within close proximity to the site.

3.16 The planning history for the site shows that an application (68385/APP/2013/902) was approved in 11/04/2013 for the redevelopment of the site to provide *"Part demolition, part extension and refurbishment of existing building to provide modern office accommodation (Class B1_totalling 20,267sqm GEA (including car park and plant areas) of which 516sqm GIA floorspace to be used interchangeably for Class A1,A2,A3, B1 uses and associated works"*. This consent has now been implemented. The approved scheme does not include any retail floorspace and therefore the site is not suitable for the proposed development.

3.17 The site has recently been redeveloped to provide an alternative form of development and is therefore not available for the proposed development.

3.18 The site is therefore not sequentially preferable to the proposed development site.

Summary on Vacant Units

3.19 None of the identified vacant units are suitable and available for the proposed development.

Site Allocations

3.20 The site allocations development plan includes site allocations within and around Uxbridge town centre. The following sites were identified for inclusion within the assessment:

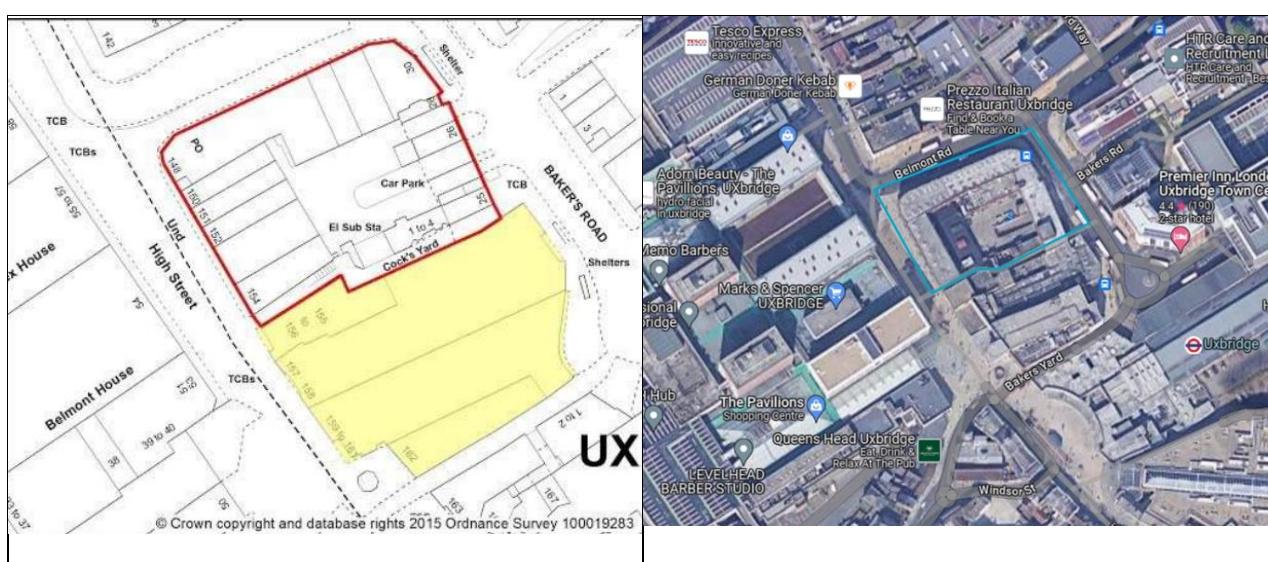
- Site Allocation 26: 148 – 154 High Street / 25 – 30 Bakers Road, Uxbridge;
- Site Allocation 28: St Andrews Park, Uxbridge;
- Site Allocation 31: Fassnidge Memorial Hall, Uxbridge;
- Site Allocation 31A: Waterloo Wharf, Uxbridge; and
- Site Allocation 31B: Former Randall Buildings, Uxbridge.

3.21 These sites are considered in further detail below.

SA26: 148 – 154 High Street / 25 – 30 Bakers Road

3.22 The site extends to circa 0.3ha and is located to the north-west of the station and is located within the primary shopping area. The frontages on the high street are surrounded by retail uses, this ranges from convenience to clothing and fast food. Furthermore, Uxbridge underground station is located to the rear of the site. Along Bakers Road office space, a hotel and more retail can be found.

3.23 The development plan site allocation extract and aerial photograph are set out below.



3.24 The site allocation extends from the High Street through to Baker's Road, with retail units currently fronting onto the High Street with offices / servicing arrangements / access cores located along Baker's Road as shown below.



3.25 The site allocation identifies that the site is considered suitable for residential-led mixed use redevelopment subject to the following criteria:

- Provision of upper floor residential units, which must include affordable housing and an appropriate mix of units, provided in accordance with Council standards. Other main town centre uses, such as leisure uses, may be acceptable on upper floors;
- Retention of ground floor retail uses fronting onto the High Street and provision of main town centre uses, providing active frontages onto Bakers Road and Belmont Road;
- The redevelopment should enhance the pedestrian thoroughfare of Cock's Yard linking Uxbridge Town Centre and the Bus Interchange;
- Amenity space and car parking should be provided in accordance with the Council's standards;
- The redevelopment should sustain and enhance the significance of the adjacent Conservation Area and its setting;
- The Council will expect redevelopment proposals to reflect the scale and character of the surrounding townscape and have regard to the setting of the Old Uxbridge and Windsor Street Conservation Area and Listed Buildings. Whilst the London Plan density guidance indicates a development potential of up to 120 units, capacity on this site should be led by high quality design, taking account of the site's prominent location; and
- Proposals should provide scope to incorporate the redevelopment of the land to the south of the site (identified in yellow on the site plan), extending from Cock's Yard to the Uxbridge Underground Station, in accordance with the principles set out in this policy.

3.26 Any proposed redevelopment of the site would need to demonstrate that it was in accordance with the aspirations for the redevelopment of the site.

3.27 A planning application (72722/APP/2019/247) was submitted in 2019 for the demolition of the existing buildings and redevelopment to provide a new hotel and retail unit, restaurant and refurbishment of part of the existing car park and service area. This application was subsequently withdrawn on 20 October 2020. This application only refers to 25-26 Bakers Road (Bakers House) of the allocated site. Furthermore, the scheme looked to utilise the existing retail service yard as an access point and increase the height and massing of the existing site.

3.28 An application for the replacement of two shopfronts (75149/APP/2021/196) was approved on 22nd March 2021. This application refers to 151 – 152 High Street of the site allocation. This permission was implemented, it allowed the Card Factory to extend their premises to include the neighbouring Greggs as well as altering their existing shopfront.

3.29 The site comprises a comprehensive block within the town centre with a site allocation that requires a comprehensive approach to developing the site including the delivery of housing. The proposed development relates to a solus retail development and does not propose a significant amount of additional development, the site is therefore not suitable for the proposed development as it would not deliver the required floorspace within an appropriate timeframe.

SA28: St Andrews Park

3.30 St Andrews Park is a strategic allocation within the development plan that extends to circa 46.6 ha comprising the former RAF Uxbridge site which is now coming forward for development. Part of the site is identified as an extension to Uxbridge town centre with other surrounding land uses included residential uses.



3.31 The development plan allocation identifies that the site should bring forward the following scale of development:

- 1,340 residential units;
- 14,000 sq m of office floorspace;
- A 90 bed hotel;

- Associated commercial uses;
- Education facilities; and
- Associated landscaping, car parking and amenity space provision.

3.32 Outline planning permission with all matters reserved was granted in 21st December 2009 (application reference 585/APP/2009/2752) for:

"Demolition of some existing buildings and: a) Creation of up to 1,296 residential dwellings (Class C3) of between 2 to 6 residential storeys; b) Creation of up to 77 one-bedroom assisted living retirement accommodation of between 3 to 4 storeys; c) Creation of a three-form entry primary school of 2 storeys; d) Creation of a hotel (Class C1) of 5 storeys of up to 90 beds; e) Creation of a 1,200 seat theatre with ancillary cafe (Sui Generis); office (Class B1a) of up to 13,860sq.m; energy centre (Sui Generis) of up to 1,200sq.m; and retail (Class A1, A2, A3, A4, A5) of up to 2,850sq m; in buildings of between 4 to 6 storeys as well as a tower element associated with the theatre of up to 30m; f) Creation of a local centre to provide up to 150sq.m of retail (Class A1 and A2) and 225sq.m GP surgery (Class D1); Means of access and improvements to pedestrian linkages to the Uxbridge Town centre; car parking; provision of public open space including a district park; landscaping; sustainable infrastructure and servicing. 2. In addition to the above, full planning permission for: a) Creation of 28 residential dwellings (Class C3) to the north of Hillingdon House of between 2 to 3 storeys as well as associated amenity space and car parking; b) Change of use of Lawrence House (Building No. 109) to provide 4 dwellings (Class C3), associated amenity space and car parking including a separate freestanding garage; c) Change of use and alterations to the Carpenters building to provide 1 residential dwelling (Class C3); d) Change of use and alterations to the Sick Quarters (Building No. 91) to provide 4 dwellings (Class C3) as well as associated amenity space and car parking; e) Change of use of Mons barrack block (Building No. 146A) to provide 7 dwellings (Class C3) as well as associated amenity space and car parking. f) Change of use of the Grade II listed former cinema building to provide 600sq.m Class D1/2 use (no building works proposed); g) Change of use and alterations to the Grade II listed Hillingdon House to provide 600sq.m for a restaurant (Class A3) on the ground floor and 1,500sq.m of office (Class B1) on the ground, first and second floors."

3.33 Reserved matters and non-material amendments have been submitted in relation to this main application and implementation of the scheme has commenced. The key applications are shown below.

3.34 Permission reference 585/APP/2015 was approved on the 17th of August 2015 for "Erection of 249 dwellings comprising 3no studio apartments, 92no. 1bed apartments, 130no. 2 bed apartments, 24no. 3 bed apartments together with associated parking and landscaping, and all details required by Conditions 2 and 3 relating to the reserved matters of layout, scale, appearance, and landscaping".

3.35 Permission reference 585/APP/2015/848 was approved on 21st December 2015 for " Reserved matters layout, scale, appearance and landscaping) for the erection of 58 dwellings together with associated parking and landscaping, in compliance with conditions 2 and 3 for Phase 6 of planning permission ref: 585/APP/2015/848 (Variation of condition 5 of planning permission ref: 585/APP/2009/2752 dated 18/01/2012 (redevelopment of former RAF Uxbridge site) to amend approved plans and drainage strategy regarding the Town Centre Extension phase 6 of the development)." "

3.36 Permission reference 585/APP/2016/4442 was approved on 10th January 2018 for " *Reserved matters (layout, scale, appearance and landscaping) for the erection of 101 dwellings together with associated parking and landscaping within the Town Centre Extension (East/Dice) Phase of planning permission ref. 585/APP/2015/848 dated 21-12-2015*"

3.37 Permission reference 585/APP/2017/2819 was approved on 24th April 2017 for " *Reserved matters (layout, scale, appearance and landscaping) for the erection of 7 dwellings together with associated parking and landscaping within Phase 4 of permission reference 585/APP/2015/848*"

3.38 Permission reference 585/APP/2017/2819 was approved on 1st August 2018 for " *Outline planning application with means of site access from the central access road (internal access, layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 90 dwellings (Use Class C3), sustainable urban drainage features and all other necessary ancillary and enabling works.*"

3.39 Permission reference 585/APP/2019.829 was approved on 21st August 2019 for " *Erection of a building containing 72 assisted living apartments and communal facilities (Use Class C2) with associated parking and landscaping*"

3.40 The local plan indicates that 232 units are to be completed 2011 – 2016, 944 units to be completed 2016 – 2021 and 164 units to be completed 2021 – 2026. The reserved matter that have been implemented indicate that these residential targets have been adhered too.

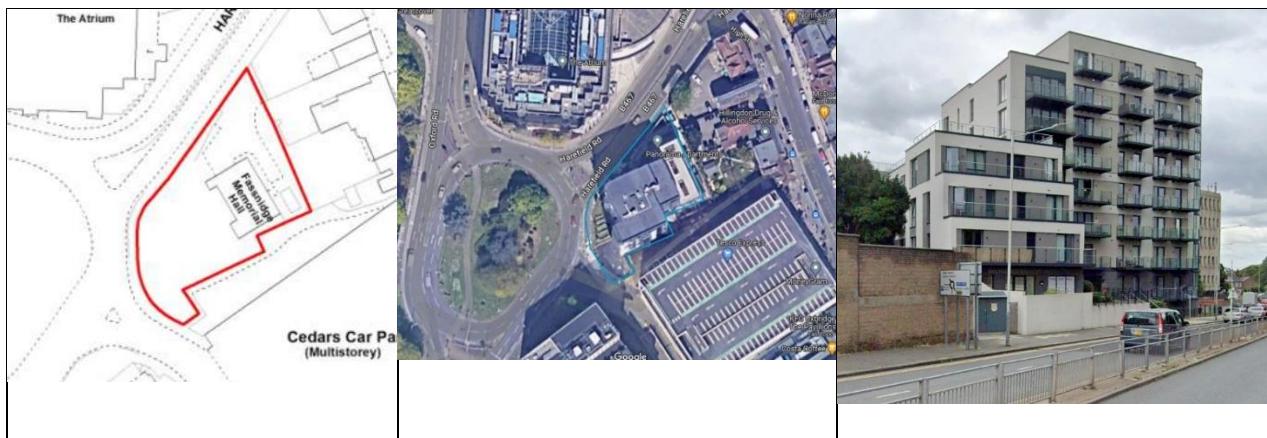
3.41 Planning permission has been granted for the redevelopment of the site and this is now being implemented. Whilst the development includes an element of retail use this is too small to accommodate the proposed development and therefore is not suitable for the proposed development.

3.42 The planning permission granted for the development of the site is currently under construction and therefore the site is not available for the proposed development.

3.43 For the reasons set out above the site is not suitable or available for the proposed development and therefore can be discounted from the sequential site assessment.

SA31: Fassnidge Memorial Hall

3.44 The site extends to circa 0.17 ha, it was previously used as a community hall but has been redeveloped to provide a new community hall with residential accommodation above. The site is surrounded by a mix of uses include a large office block to the northwest of the site as well as a gym. To the south of the site is a large supermarket with a multi-storey car park located above. The site is located in an edge-of-centre location relative to the town centre.



3.45 The site is allocation within the development plan for a residential led scheme which includes a replacement community facility. Planning permission was granted in 29th August 2014 (application reference 12156/APP/2014/3099) for the demolition of the existing Fassnidge Community Dining Hall and garage, and erection of part 4, part 7, part 8 storey building to provide a replacement community dining facility and 48 self-contained residential units with associated undercroft car and cycle parking, new vehicle access point, communal and private amenity areas, and landscaping. This permission has now been fully implemented.

3.46 Planning permission has now been granted and implemented in accordance with the site allocation for this site and therefore the site is no longer available for the proposed development. The site does not include any floorspace that could accommodate a retail unit and therefore the site is not suitable for the proposed development.

3.47 The site is not suitable or available for the proposed development and therefore forms no further part of the sequential site assessment.

SA31A: Waterloo Wharf

3.48 The site extends to circa 0.4 ha. The site was formerly in use for commercial purposes at the time of the preparation of the site allocations development plan, planning permission in accordance with the site allocation has now been granted and implemented. The site is in an edge-of-centre location relative to Uxbridge town centre. Surrounding land uses include residential dwellings along with some ground floor retail uses along Rockingham Road and Waterloo Road.



3.49 The development plan allocation requires that the allocation is supported within the broad parameters of planning permission 43016/APP/2016/2840. Planning permission was granted in 22nd July 2016 (application reference 43016/APP/2016/2840) for the demolition of the existing buildings on the site and the erection of a 4-storey building containing 52 apartments and a commercial unit together with associated car parking, access and landscaping. This permission has now been fully implemented.

3.50 The site is not suitable for the proposed development as the development that has come forward on the site does not include a unit that could be occupied by the proposed development. The site is not available for the proposed development as it has been developed for a residential led scheme. For the reasons set out above the proposed development is not suitable or available for the proposed development and therefore this site is not considered any further in this sequential site assessment.

SA31B: Former Randall Buildings

3.51 The site extends to some 0.3 ha and comprises the former Randalls department store building. The site is located within the town centre but not within the primary shopping area. The east and south of the site are bound by office buildings.

3.52 The location of the site, an aerial photograph and current site photograph are set out below.



The site allocation indicates that the Council will support the provision of mixed-use development on the site of 58 units. The site should be developed in accordance with the broad parameters of the approved scheme (41309/APP/2016/3391) subject to site specific constraints. In addition to the provision of 58 units this application also includes a commercial unit that extends to 750 sq m. This development has now been implemented.

3.53 The consented 750 sq m commercial unit is currently vacant and is being actively marketed. However, the size of the unit and the configuration of the internal floorspace means that the unit is not suitable for the proposed development and therefore is not sequentially preferable.

Summary

3.54 The sequential assessment set out above has demonstrated that there are no sequentially preferable vacant units or development sites within or on the edge of Uxbridge town centre which are suitable or available for the proposed development, even when demonstrating significant flexibility in terms of developable area.

3.55 Overall, for the reasons outlined in this report, it is considered that there are no more 'suitable' and 'available' more centrally located sites for the scale and form of development proposed and compliance can therefore be demonstrated with the sequential approach to site selection as set out in paragraph 87 of the NPPF.

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