

Ref: TR - LHL5027P
Date: 14/04/2022

Planning Department
Hillingdon Council
Civic Centre
High Street
Uxbridge
UB8 1UW

Dear Sir/ Madam

**CLOUD RETAIL t/a JIFFY GROCERY
FORMER HILTON CAR SUPERMARKET, 1-3 UXBRIDGE ROAD, UB4 0JN
TOWN AND COUNTRY PLANNING ACT 1990 – RETROSPECTIVE APPLICATION FOR A
CHANGE OF USE FROM SUI GENERIS TO B8**

On behalf of the applicant, Jiffy Grocery, please find enclosed an application for a change of use.

The application description is as follows:

'Change of Use of the Sui-Generis (sale or display for sale of motor vehicles) unit to a Warehouse/Distribution (Class B8)'

Application Documentation

In addition to this supporting covering letter, this application (Planning Portal Ref PP-11188974) is accompanied by the following:

- Site Location Plan
- Existing and Proposed Drawings (Please see accompanying drawing list for full details)
- Area Schedule (GIA)

Payment has been made separately to cover the application fee of £494.20.

Application Site

The former Hilton Car Supermarket, 1-3 Uxbridge Road is located within Hayes, on the south side of Uxbridge Road. The Site fronts onto Uxbridge Road in a prominent location and is bounded by an access road to the west and the Yeading Brook river to the east.

The premises comprises a purpose-built detached car showroom on ground and first floors, workshops to the rear and an extensive area of car parking formerly used for external display and for customer and staff car parking. The frontage of the building is largely glazed with floor to ceiling height glazing on the ground and first floors. The site levels drop from the site's frontage to the rear resulting in an elevated forecourt toward the front.

This application relates only to a part of the ground floor as indicated on the attached plan. The floorspace presently comprises a ground floor showroom with a workshop to the rear and two small self contained offices. Pedestrian access is obtained by way of two doors in the front glazed façade.

There is service access to the workshop space to the rear via a gated undercroft over which the applicant has shared rights.

The site is located in a Strategic Industrial Location of the London Plan 2021. It is in a relatively sustainable area within walking distance of Southall Station, approximately 1.1m to the southeast. However, the site has a relatively low PTAL (Public Transport Accessibility Level) rating of 2.

The Proposed Use

This application seeks a full planning permission by Cloud Retail t/a Jiffy Grocery for the change of use of a part of the premises of the former Hilton Car Supermarket (a sui generis use) for the purposes of warehousing and distribution of perishable and non perishable convenience goods.

Jiffy Grocery is an online supermarket with an ultrafast delivery service founded in 2020 and based in London. Their mission is to transform customers' online grocery-shopping experience to make it faster and more convenient to get the products they need when they need them.

Jiffy Grocery use a network of smart fulfilment centres, known as cloud stores, which are dedicated to serving the needs, and are tailored to the tastes of, local communities. Jiffy Grocery are experienced and considerate operators, who will be working to a strict Operational Management Plan, that will encompass a wide range of measures to protect the local community. The highly trained team will manage the day-to-day operations of the warehouse, promoting the highest standards throughout.

Further information regarding Jiffy, its existing shop's operation and its vision can be found on the dedicated website - <https://jiffygrocery.co.uk/>

Customer deliveries are undertaken by staff employed by the Company using sustainable modes of transport, principally electric bicycles and scooters or on foot. The majority of deliveries are made within approximately 1 mile of the warehouse. Whilst Jiffy Grocery operates a Click and Collect facility at a number of its premises, this service will not be offered from the application site and no customer access to the premises will be permitted.

The premises is considered ideal for the intended purpose. There is a significant residential customer base in Southall and Hayes. The premises is located between them in a designated employment area such that the facility can be operated on a 24/7 basis without impact on the immediate amenity of neighbouring residents – essential as the product range comprises perishable goods that need to be regularly restocked and to enable the Company to meet its customer commitments for immediate delivery of its full product ranges.

The proposed plans included with this application illustrates the layout and configuration of the proposed use. This proposed operation, is one which will fall within section 'Storage and Distribution' of Class B8 of the 1987 Use Classes Order (as amended).

Planning History – Existing Use

The premises as a whole comprises a sui generis motor trade use save in respect of a part of the building to the rear in which the Council has previously granted a retrospective Class B2 use.

Application **72098/APP/2019/3154** granted permission retrospectively for a part change of use from use class Sui Generis to B2 (Catering Use). It was **Approved** on 20/03/2020

The proposal related to an area within the building of 464m². The Officer Report attached to the approved scheme stated that

Development proposals in Strategic Industrial Locations (SILs) should be supported where the uses proposed fall within the broad industrial-type activities including light industrial (Use Class B1c); general industrial uses (Use Class B2); storage and logistics/distribution uses (Use Class B8); other industrial-type functions, services and activities not falling within the above Use Classes including secondary materials and waste management, utilities infrastructure, land for transport and wholesale markets; flexible B1c/B2/B8 premises suitable for occupation by SMEs small-scale 'walk to' services for industrial occupiers such as workplace creches or cafes.

Subsequently application **72098/APP/2016/4123** - Change of use of car showroom (Sui Generis) to banqueting hall (Class D2) on ground floor level and restaurant (Use Class A3) on first floor level was **Refused** on 30/05/2017. This application was refused for a number of reasons principal amongst which was that the Applicant had failed to adequately demonstrate that the site had no realistic prospect of providing industrial, warehouse and/or other appropriate sui generis uses. It was therefore found contrary to Policy 2.17 of the London Plan (March 2016) and Policy LE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

This application seeks permission for a Class B8 use which is appropriate to the location of the site within the SIL. Given the Council's support for the change of use of part of the premises to Class B2 this application for a change of use of another self-contained part of the premises to Class B8 use should therefore be found acceptable.

Planning Policy

Section 55(1) of the Town and Country Planning Act 1990 (the Act) defines development as 'the making of any material change in the use of any buildings or other land'.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were introduced by Central Government on 20 July 2020 and took effect on 1 September 2020. The new regulations make changes to the 1987 Use Classes Order (as amended).

However, a change of use from Sui Generis to B8 still requires a full planning permission.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application be undertaken in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan framework for the site comprises the London Plan (adopted March 2021), the Hillingdon Local Plan: Part 1 Strategic Policies (adopted November 2012), the Hillingdon Local Plan: Part 2 Development Management Policies (adopted January 2020) and Hillingdon Council's policies map.

Policy DME 1 Employment Uses on Designated Employment Sites states that the Council will support employment proposals in Strategic Industrial Locations (SILs) - Preferred Industrial Locations (PIL) or Industrial Business Parks (IBP) - in accordance with relevant policies in the London Plan. The Council will support industrial and warehousing uses (Use Classes B1 (c), B2 and B8) and Sui Generis uses that are appropriate in an industrial area within Locally Significant Industrial Sites (LSIS).

London Plan 2021

Policy E4 Land for industry, logistics and services supports London's economic function. A sufficient supply of land and premises in different parts of London to meet current and future demands for

industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, colocation and substitution. This should make provision for the varied operational requirements of storage and logistics/distribution (Use Class B8) including 'last mile' distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points.

Policy E5 Strategic Industrial Locations (SIL) states that Strategic Industrial Locations should be managed proactively through a plan-led process to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy. Development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities.

Policy E7 Industrial intensification, co-location and substitution states that development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through introduction of small units.

The National Planning Policy Framework 2021

Paragraph 8 sets out the three strands to the delivery of sustainable development through the planning system delivering an economic role; a social role; and an environmental role. It states:

"An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

Paragraph 81 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

Paragraph 83 continues *"planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

Planning Balance and Conclusion

The rise of e-commerce is changing the way we shop and this is reflected in changes to convenience retailing. Jiffy Grocery are at the vanguard of changes in local retailing, being an integral part of the local community which they serve and seeking to facilitate customer requirements for convenience goods as and when needed, moving away from a more traditional reliance on weekly shopping.

These structural changes have been accelerated by the current COVID-19 pandemic. In a Written Ministerial Statement, made by the Secretary of State for Housing, Communities and Local Government, dated 13 March 2020, the Government emphasised to local planning authorities that they should take a positive approach to their engagement with food retailers, to ensure planning controls are not a barrier to food delivery over the period of disruption caused by COVID-19. Our view is that whilst a response to the pandemic, the changes in retail demand are structural. As such, this should be a material consideration in respect of this application, in so far as it pertains to improvement of health and safety of the local community.

The Applicant seeks a planning permission in respect of their use for the purposes of a warehouse and for the delivery of good ordered on-line and delivered by employees of the business.

As the site is located in a Strategic Industrial Location, B8 warehouse/storage unit is supported by both London Plan (2021) and the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

Policy DME 1 of Hillingdon Local Plan: Part 2 states that the Council will support employment proposals in Strategic Industrial Locations whilst Policy E4 of the London Plan states that there should be a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained. Policy E5 expects development proposals in SILs to be supported where the uses proposed fall within the industrial-type activities.

The Site was originally constructed as a franchised motor dealership (Fiat) and was subsequently used as a car supermarket. It has fallen vacant and the Council has refused permission for non B Class uses (Application 72098/APP/2016/4123 refers).

This application seeks permission to use part of the overall building for Class B8 warehousing and distribution purposes. The part of the overall building for which permission is sought is self contained and would not prejudice the use or reuse of the remainder for other suitable employment uses. It will bring a part of a vacant building in a prominent location back into reuse.

The use itself is appropriate. Distribution will be to local communities using sustainable means of transport which are low impact and the site is suitable for the intended purpose by virtue of its location in an industrial area as no customer visits will be permitted.

We trust you have all the necessary information to approve this application for the change of use. However, if you have any queries or require anything further, please contact me as soon as possible.

Many thanks for your assistance.

Yours faithfully,
Teya Rykova BS (Hons) Affiliate RTPI
Planner