

Firstplan

PROPOSED LIDL FOODSTORE

FORMER SWIMMING POOL SITE,
BOTWELL LANE, HAYES



PLANNING STATEMENT

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SECTION 1: INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a planning application submitted by Lidl UK GmbH for a new foodstore of 2,085 sq m (GIA) at Botwell Lane, Hayes. The site was formerly occupied by Hayes Swimming Pool which, following the completion of the new Botwell Green Sports and Leisure Centre, has recently been demolished to allow for the redevelopment of this prominent town centre site. The proposed foodstore will occupy the eastern part of the former swimming pool site.
- 1.2 The swimming pool site was previously owned by the London Borough of Hillingdon. To promote the redevelopment potential of this key brownfield site, the Council secured outline planning permission for 72 residential units. However, since the closure of the swimming pool in June 2010 the site has remained vacant. Lidl UK purchased the site in September 2013.
- 1.3 The application site is situated within the Hayes Town Centre boundary, approximately 100 metres from the Primary Shopping Area. The provision of a foodstore in this location offers an invaluable opportunity to provide a much needed anchor foodstore for Hayes Town Centre with genuine potential for linked trips. The trading characteristics of Lidl ensure that the proposed store will *complement* rather than compete with the existing independent specialist and ethnic retailers in the town and support its vitality and viability by boosting town centre footfall.
- 1.4 A strong, vibrant town centre is vital to the success of recent regeneration efforts in Hayes which include a number of major building projects such as the new leisure centre adjacent to the site, as well as the future Crossrail proposals. The proposed Lidl represents a significant investment on a strategic town centre site which may well otherwise continue to remain vacant. The new foodstore will also directly create up to 30 new jobs.
- 1.5 This Planning Statement considers the planning policy matters relevant to the proposed development. The report should be read alongside the following documents which form part of the planning application:
- Transport Assessment/Travel Plan prepared by Gateway TSP
 - Energy/Sustainability Statement prepared by JS Lewis Ltd



- Design and Access Statement prepared by Poole and Pattle
- Landscape Statement prepared by ACD Landscape Architects
- Air Quality Assessment prepared by RPS Group
- Foul Drainage Statement and Flood Risk Assessment prepared by Hannah Reed
- Tree Survey/Arboricultural Assessment prepared by Landmark Trees
- Statement of Community Involvement prepared by Firstplan;
- Noise Assessment, prepared by Acoustic Consultants Ltd

1.6 The remainder of the report is structured as follows;

- **Section 2** – provides a description of the application site and its planning history;
- **Section 3** – provides details of the proposed development including an explanation of the Lidl Business Model;
- **Section 4** – sets out relevant national, regional and local planning policy;
- **Section 5** – provides an assessment of the retail planning issues associated with the development;
- **Section 6** – provides an assessment of other planning matters associated with the development; and
- **Section 7** – draws conclusions.



SECTION 2: PLANNING BACKGROUND

a) Description of the application site and surrounding area

- 2.1 The application site occupies the eastern part of the former swimming pool site on Botwell Lane, Hayes and extends to 0.517 ha. Following the opening of the new Botwell Green Sports and Leisure Centre in May 2010, the former Hayes Swimming Pool building has been demolished by the Council in order to encourage its redevelopment for alternative uses. The site is currently cleared and surrounded by hoarding.
- 2.2 The site is bounded to east by Central Avenue and by Botwell Lane to the south. To the west lies the remainder of the former swimming pool site which Lidl have also recently acquired. There are residential properties to the north of the site at Holmbury Gardens and a pay and display car park.
- 2.3 The site falls within Hayes Town Centre as shown on the Hillingdon Unitary Development Plan Proposals Map (2007). Botwell House to the south is a Grade II listed building and the Hayes Village Conservation Area lies just over 100m to the north east. The site is not allocated for any specific purpose in the UDP.

b) Accessibility and linkages between the site and the primary shopping area

- 2.4 The site is located within the defined Hayes Town Centre Boundary. The site benefits from excellent linkages to the Primary Shopping Frontage which is less than a two minute walk (approximately 100m) via an attractive pedestrian-friendly route with wide, tree lined pavements on both sides of the road and existing signalised pedestrian crossings on Botwell Lane. In order to fully integrate the site with the town centre, two pedestrian walkways are incorporated in the proposed design to allow access directly through the customer car park to Botwell Lane and Central Avenue. The site is also strategically located adjacent to the new leisure centre creating a gateway of new development when approaching Hayes from the north.
- 2.5 The site also has good accessibility to public transport with a PTAL rating of 4. Hayes Station is located approximately 750m south of the site which will be upgraded as part of the Crossrail project. It is possible that the PTAL rating will increase with the addition of Crossrail to the area. The site is also well served by



buses. Further details relating to the accessibility of the site are set out in the Transport Assessment accompanying this application.

c) **Planning history**

- 2.6 The planning history of the site largely relates to its use as a swimming pool and is therefore not relevant to the current application. More recently, planning permission (Ref. 1942/APP/2010/31) was granted in August 2012 for:

Redevelopment of site to provide 72 residential units with associated access, amenity space, landscaping and car parking, including demolition of existing swimming pool (Outline application with details of access, layout and scale only).

- 2.7 As previously noted, this residential permission was secured by the Council but has not progressed further as it failed to attract market interest at a level deemed acceptable by the Council. The principle of allowing a foodstore on this site in the light of the extant residential permission is considered in Section 5 of this statement.



SECTION 3: THE APPLICATION PROPOSAL

- 3.1 The application proposes a new foodstore with a gross external floorspace (GIA) of 2,085 sq m to be occupied by Lidl. The sales area of the store will extend to 1,407 sq m of which 80% will be used for the sale of convenience goods and 20% for the sale of comparison goods.
- 3.2 The proposed store will be positioned in the north-west corner of the site with customer parking to south and east. Vehicular access to the store will be taken via Central Avenue. Two pedestrian walkways are provided within the site allowing direct access to and from the store to Botwell Lane and Central Avenue. The service yard will be located adjacent to the northern elevation. 64 car parking spaces will be provided, three of which will be allocated as disabled spaces and three as child and parent spaces.
- 3.3 Further details of the design of the proposed foodstore are provided in the Design and Access Statement and Transport Assessment which accompany the application.
- a) **The Lidl business model**
- i) **Trading Characteristics**
- 3.4 The proposed foodstore will be occupied by Lidl. An understanding of Lidl's distinct trading characteristics is essential in assessing the potential impact of the store on Hayes Town Centre and in the application of the sequential test.
- 3.5 The Lidl business model is well established in the UK with the Company currently operating approximately 600 stores from sites and premises both within and outside town centres. The UK business model is based firmly on the success of Lidl's operations abroad with approximately 10,000 stores trading across Europe.
- 3.6 Lidl's strategy is to serve local needs through the provision of smaller stores at convenient locations within or close to residential areas, which are capable of serving both the local shopping needs of the immediate surrounding areas and the main food shopping needs of local residents. This operation is based upon a more traditional supermarket format with prices that are 'deeply discounted'. The company is able to offer very competitive prices whilst keeping the quality of its goods extremely high. It achieves this by:-



- a) bulk purchasing across Europe;
- b) a concentration on own brands;
- c) a much more limited product range
- d) operating systems that reduce operational costs; and
- e) simple product display and stock handling procedures.

3.7 The standard Lidl business model/foodstore offers a product range that includes:-

- “everyday” core grocery items;
- selected non-branded household products;
- a limited range of fresh and frozen pre-packed meat;
- a range of fresh fruit & vegetables lines; and
- wrapped fresh bread/morning goods.

3.8 A typical Lidl will offer no more than 2,000 product lines, of which 90% are own brand products with very limited duplication of products. In contrast, the main supermarkets (Asda, Tesco, Sainsbury’s and Morrisons) stock in excess of 10,000 lines offering a range of one type of product.

3.9 Lidl also offers a limited range of non-food items which typically occupy around 20% of the sales area. There is no standard or constant comparison goods range offered in store and the goods mostly comprise weekly specials. By comparison, larger supermarkets can have between 30-50% non-food floorspace dedicated to the sale of comparison goods.

3.10 Lidl also differentiates itself from larger food retailers and small local convenience stores by not offering any of the following concessions and services:

- Fresh Meat Counter
- Fresh Fish Counter
- Delicatessen/cheese counter



- Hot Food Counter
 - Pharmacy
 - Dry cleaning
 - Film Processing
 - Post Office
 - Café/restaurant
 - Cigarettes and tobacco products
- 3.11 By not incurring the additional staffing costs which would be required to manage the sale of these concessions, Lidl is able to pass on savings to their customers by reducing the prices of their products.
- 3.12 The fact that Lidl does not offer the concessionary services often found in town centres and/or larger supermarkets means that Lidl does not compete to any significant degree with other retailers. Instead, Lidl stores are *complementary* to the existing pattern of convenience shopping within an area, providing an enhanced consumer choice. Many larger supermarkets are a 'one stop' destination for their customers whereas Lidl operates as a complementary retailer, with a significant proportion of customers also choosing to visit other retailers to fulfil their needs. As such, Lidl stores successfully trade immediately adjacent to larger superstores and smaller convenience stores in numerous locations across the UK.
- 3.13 The complementary nature of Lidl is particularly important in this instance as the proposed store will complement rather than replace the role of the numerous existing independent specialist and ethnic convenience stores in Hayes town centre. Equally, the Lidl store will not directly compete with existing out of centre supermarkets or the permitted Asda supermarket at Westlands Way, Millington Road.
- 3.14 At present, there are no existing deep discount retailers in Hayes Town, the nearest being the Lidl store on Uxbridge Road (1.5 miles away) and the Aldi store in Yiewsley (over 3 miles away). The 'deep discount' food retailer is an established niche in the overall convenience goods sector. The application proposal will therefore provide a genuine addition to customer choice which, given the nature of the business



operation and the strategic location within the town centre, will complement and support the existing offer.

ii) Store format

- 3.15 The minimum store size that is required by Lidl to enable it to operate its standard business model efficiently, unless there are unusual circumstances, is approximately 1,850 sq m gross on a single level (1,300 sq m sales area) on a minimum site size of 0.4ha.
- 3.16 The market position of Lidl as a 'deep-discounter' is dictated by its ability to cut cost throughout its business. Critical to this is efficient stock handling procedures. Products are displayed from the original pallets which were delivered to the store and in their original boxes rather than them being stacked on shelves which reduce the cost associated with manual handling.
- 3.17 In order to operate this system, Lidl has one of the highest net:gross sales floorspace ratios compared to other stores within the grocery sector. This enables the products to be put straight out for sale on their pallets rather than requiring large areas for storage. A single level of store is also critical for the pallet loads to be moved directly to the sales area.
- 3.18 In addition, Lidl require approximately 65 adjacent surface level parking spaces.
- 3.19 A number of appeal decisions have firmly established these operating requirements for a Lidl store (including a decision in LB Merton in 2006 and Cowley, Oxford in 2005). The implications of these design and layout requirements for the sequential approach are discussed in Section 5 of this report.



SECTION 4: RELEVANT PLANNING POLICY

4.1 This section of the report discusses the key planning issues affecting the application proposal in the light of the relevant planning policies.

4.2 Hillingdon's adopted development plan is comprised of:

1. The Hillingdon Local Plan: Part 1- Strategic Policies;
2. The extant 2007 Saved Unitary Development Plan policies adopted as the "Hillingdon Local Plan: Part Two", pending the preparation and adoption of subsequent site specific allocations, development management policies and a policies map; and
3. The London Plan published by the Mayor of London in July 2011.

4.3 In retail terms, although the site is within Hayes Town Centre Boundary, it is considered an edge of centre site and therefore the proposal is assessed in line with policies contained within the National Planning Policy Framework and relevant local policies.

a) National planning guidance

i) National Planning Policy Framework (NPPF) (March 2012)

4.4 The NPPF sets out the Government's planning policies for England, and how these are expected to be applied. The NPPF supersedes *all* the existing national planning policy guidance notes. Paragraph 2 confirms that it is a *material consideration* in planning decisions.

4.5 National Planning Practice Guidance has recently been published in draft form to support the NPPF. At this stage the guidance has not yet been issued by the Secretary of State and as such, existing planning practice guidance remains in place. The Government considers that where the draft planning practice guidance is a material consideration, it is likely to have limited weight. However, it is for the decision taker to determine the weight of this guidance in any individual decisions.



- 4.6 The NPPF states that at the heart of the planning system, there is a “presumption in favour of sustainable development”, which should be seen as a “golden thread” running through both plan-making and decision taking.
- 4.7 The document makes it very clear that LPAs should take a positive approach to decision making. LPAs should positively seek opportunities to meet the development needs of their area, approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted” (paragraph 14).**
- 4.8 LPA's should look for *solutions* rather than problems, and decision-takers at every level should *seek to approve applications for sustainable development where possible*. LPA's should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (Paragraph 187).
- 4.9 In assessing and determining development proposals, *LPAs should apply the presumption in favour of sustainable development* (Paragraph 197).

Town Centres

- 4.10 The NPPF re-confirms the previous PPS4 principle that town centres come first. It reiterates that local authorities should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period, which should include recognising town centres as the heart of their communities and pursue policies to support their viability and vitality. It should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres (paragraph 23).
- 4.11 The NPPF retains the key tests from PPS4, including the sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only, if suitable



sites are not available, should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale (paragraph 24).

- 4.12 In this instance, the application site is in a highly sustainable location which is extremely well connected to the Primary Shopping Area. Its redevelopment will serve to enhance the vitality and viability of Hayes town centre by providing a much needed retail anchor which will help retain trade and provide a genuine opportunity to boost footfall through linked trips. The new Lidl store will enhance customer choice and complement the existing convenience offer within the town centre.
- 4.13 In addition, paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment, if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). In this instance, at 2,085 sq m GEA, the proposed Lidl falls significantly below the 2,500 sqm threshold over which an impact assessment is required. The Hillingdon Local Plan requires impact assessments for any retail proposal not within the town or district centres, which exceeds 200 square metres additional gross retail space. As such, the impact of the proposal on Hayes Town Centre is considered in Section 5 of this report.
- 4.14 The NPPF goes onto explain that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should not be approved (paragraph 27).

b) Regional planning policy

i) The London Plan (2011)

- 4.15 This document provides overarching guidance and sets the context for the development of London over the next 20-25 years.
- 4.16 The London Plan **Policy 2.15** relates to Town Centres and supports a strong “*town centres first*” policy. Any development proposals are required to conform with policies 4.7 and 4.8 in the Plan which seeks to sustain and enhance the vitality and



viability of town centres, accommodate economic growth, enhance competitiveness and the quality of the town centre offer, be in scale with the centre, promote safety and security and improve the environment and reduce road user conflict and promote access by non car modes of transport.

- 4.17 **Policy 4.7** relates to Retail and Town Centre Development at a strategic level the Mayor supports a strong partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres, managing growth within and on the edge of town centres, encouraging joint work between public and private sectors and bring forward new leisure development and commercial development opportunities. The policy states that:

‘Development of edge-of-centre locations should be well integrated with the town centre, particularly in terms of providing safe, convenient and attractive access by walking and cycling’.

- 4.18 **Policy 4.8** states that the Mayor will, and boroughs and other stakeholders should, support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

- 4.19 Annex Two of the London Plan supports Policies 4.7 and 4.8, identifying the existing role and function of town centres in the network and providing a broad indication of the future growth potential of each town centre together with anticipated changes to classifications over the plan period. Hayes Town Centre is identified as a District Centre and there are no anticipated changes to the classification of Hayes to 2031.

ii) London Town Centre Health Checks (2009)

- 4.20 This document provides a ‘health check’ assessment of all town centres within Greater London and is part of the evidence base, which justifies the classification of centres into International, Metropolitan, Major and District Centres. It sets out a series of core indicators and floorspace characteristics, which are used to classify the various centres and are based on an ‘average’ of all centres within that specific classification. Hayes is identified as a District Centre in the ‘medium’ growth potential category (along with the majority (90%) of town centres).



c) **Local policy guidance**

4.21 The application site is not allocated for any specific land use in either the adopted UDP or Local Plan. The site falls within the Hayes Town Centre boundary in the UDP. The site is also within the Hayes/West Drayton Corridor which forms part of the Hillingdon Heathrow Opportunity Area.

i) **Hillingdon Local Plan: Part 1 Strategic Policies (Adopted Nov 2012)**

4.22 Part 1 of Hillingdon's Local Plan was adopted in November 2012 and contains the planning visions and strategies for the Borough.

4.23 The Strategic Objectives of the Plan include **Policy SO16** which seeks to manage appropriate growth, viability and regeneration of town and neighbourhood centres.

4.24 **Policy E5** Town and Local Centres states that the Council will accommodate additional retail growth in established centres, in accordance with the conclusions of the latest evidence base. If appropriate, specific locations for growth in convenience goods will be determined through the production of the Hillingdon Local Plan: Part 2- Site Specific Allocations Local Development Document. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests. The policy also seeks to ensure an appropriate level of parking provision is provided for accessibility to local services and amenities.

4.25 The Site Specific Allocations LDD has not as yet progressed. The current proposal is therefore assessed in accordance with national guidance set out in the NPPF including the sequential and impact tests.

4.26 The site falls within the Hayes and West Drayton Corridor which is identified as a key location for employment growth in the Heathrow Opportunity Area. The Local Plan identifies the importance of Crossrail to Hayes. Crossrail will provide a direct link from Maidenhead to the City, east London, Essex and Kent, travelling through the southern part of Hillingdon on the route of the existing Paddington line. Two existing stations (Hayes and West Drayton) will be upgraded as part of the Crossrail works. It is envisaged that these works will take place during the period 2015/ 2016. The improved Crossrail stations will provide the catalyst for the regeneration of Hayes and West Drayton and will bring extra travellers through these stations who will need to travel to and from their original destination by feeder mode.



4.27 The enhanced stations will act as a driver for market-led investment in Hayes, maximise regeneration and growth opportunities, create new jobs, and generate increased footfall within the town centres which will support their retail and leisure functions and development of a night time economy. Redevelopment of the station area has already commenced and includes the provision of a new Tesco store.

4.28 **Policy BE1** Built Environment requires all new development to achieve a high quality design which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place and improve areas of poorer environmental quality, including within the areas of relative disadvantage such as Hayes. The proposed development builds upon the high quality design set by recent regeneration projects in the immediate area including the new leisure centre.

ii) Hillingdon Unitary Development Plan (1998)

4.29 A number of policies have been saved in the Hillingdon UDP. The UDP defines the boundary of Hayes Town Centre as well as the Primary and Secondary Shopping Areas within the boundary.

4.30 Several design related policies have been saved within the UDP. **Policy BE13** seeks for the layout and appearance of the development to harmonise with the existing street scene and features of the area. **Policy OE1** prohibits proposals that are to the detriment of the character and appearance of the surrounding properties or area.

4.31 Policies specifically relating to transport are discussed in the Transport Assessment submitted in support of this application.

d) Other relevant documents

i) Retail Studies

4.32 Scott Wilson were commissioned by the Council to carry out a Retail Assessment for the Borough in 2006 (London Borough of Hillingdon Town Centre and Retail Study 2006), to consider its requirements for new retail floorspace to inform the production of its LDF. The assessment was updated by Strategic Perspectives in 2012 (Convenience Goods Retail Study Update). The findings of these assessments are discussed in the following section of this report.



SECTION 5: ASSESSMENT OF RETAIL PLANNING ISSUES

a) Introduction

- 5.1 Whilst the application site is situated in the defined town centre boundary of Hayes, it is not situated within the defined shopping frontage and is approximately 100 metres from the Primary Retail Area. Accordingly, in strict policy terms, the site occupies an edge of centre location and is assessed as such below.

b) Existing retail context

- 5.2 This section examines the role and current 'health' of Hayes Town Centre in order to provide a context from which to assess the impact of the retail proposal on the vitality and viability of the town centre.

i) Hayes Town Centre

- 5.3 The principle centre in LB of Hillingdon is Uxbridge which is defined as a Metropolitan Centre. Hayes Town Centre is identified as a Minor Town Centre in the adopted UDP. Hayes is defined as a District Centre in the London Plan and this designation is carried forward into Hillingdon's adopted Local Plan.
- 5.4 Hayes Town Centre comprises approximately 200 retail units, providing a gross retail floorspace of 30,900 sq m. The Primary Shopping Area is located on Station Road and Coldharbour Lane.
- 5.5 The Hillingdon Local Plan identifies future growth opportunities for Hayes. There has already been significant developer interest in Hayes with major new investment at London Gate (Blyth Road), Hyde Park (Millington Road) and Ballymore's High Point development. The introduction of Crossrail will create further regeneration opportunities through an improved transport interchange.

ii) Existing convenience provision

- 5.6 Hayes Town Centre is heavily reliant on comparison shopping, but has few national multiple retailers and no large anchor food store. The town centre also has a high proportion of private, low-end operators and a high proportion of service providers. Existing convenience provision is limited and primarily consists of independent, specialist and/or ethnic shops. The only national multiple convenience retailers are:



- **Iceland** – 25/37 Station Road
- **Tesco Express** – Station Road
- **Costcutter** – 10 Coldharbour Lane

5.7 The Convenience Goods Retail Study Update prepared by Strategic Perspectives on behalf of the Council in 2012 indicates that some 94% of main food shopping expenditure available to Hayes is lost to out-of-centre destinations, with 69% taken by three dominant stores. These are the Tesco Extra at Bulls Bridge (43%), the Tesco Extra at Glencoe Road (10%) and a Sainsbury's foodstore at Lombardy Retail Park (16%). The Strategic Perspectives Retail Study (2012) notes that;

'the results of the 2011 HTIS [household survey] show that Hayes retains approximately 2.5% of convenience expenditure within its primary catchment area, almost none from the secondary area, but approximately 1.9% from the OCA. The majority of this is accounted for by secondary and top up food shopping. Less than 1% of respondents within any of the catchment areas identified Hayes as the location where they undertake their main food shop. The local, specialist and independent shops in the town centre play an important role in retaining convenience expenditure locally, both within the SCA and the wider OCA.'

5.8 The Study also notes that:

'there may be a qualitative argument for provision of an additional store to provide facilities for a main food shop. However, this would need to complement rather than compete with current specialist offer in the town centre'.

iii) Other commitments

5.9 Despite the existence of a number of supermarkets outside Hayes town centre, there is continued pressure on the centre from new out of centre proposals and commitments.

5.10 Most notably, a new Asda store was permitted at appeal on 15 November 2012 (app ref: 32157/APP/2011/872). British Steel Pension Fund and Asda Stores Ltd secured planning permission for a mixed use development including a new 7,998 sq m gross (4,111 sq m net) foodstore with 420 car parking spaces and a petrol filling station at



Westlands Estate, Millington Road, Hayes. A copy of the appeal decision is attached at **Appendix 1**.

- 5.11 Work has not started on the development as yet. The developer is in the process of discharging the relevant conditions and we understand that work is scheduled to commence in the next few months.
- 5.12 In addition to the permitted Asda, there are a number of other foodstore proposals. A planning application for a new 1,476 sq m gross supermarket to be occupied by Aldi at Ballinger Way, Northolt (App Ref: 68819/APP/2013/1156) was submitted on 07 May 2013. This application is yet to be determined. The site is in an out of centre location on greenbelt land and is therefore not considered preferable in policy terms to the current application. In any event, the Aldi site is approximately 3 miles from the application site and therefore serves a different catchment.
- 5.13 Planning permission is also sought on the former Arla Food Depot, Victoria Road, Ruislip (App Ref: 66819/APP/2013/1467) for a mixed use development including a foodstore with ancillary cafe (total floor area of 8,539 sq m) (Class A1) and ancillary petrol filling station. Again, the application is yet to be determined.
- 5.14 The above applications clearly demonstrate the continued pressure Hayes town centre faces from out of centre convenience proposals. In both instances, the Greater London Authority's (GLA) Stage 1 Report (July 2013) recommends that the applications do not comply with the London Plan for, among other reasons, the potential detrimental impact on defined centres in Hillingdon. In particular, the Mayor raises concerns regarding the potential impact of the Aldi proposal on Hayes Town Centre.
- iv) Summary
- 5.15 Hillingdon Council previously drafted The Southern Hillingdon Area Action Plan (SHAAP) as part of their Local Development Framework. In December 2008, the Council decided not to pursue it as a separate document. As such, it no longer forms part of the Local Development Framework. Notwithstanding this, the SHAAP includes a useful summary of the Council's assessment of Hayes which states that:



- Hayes Town Centre has only limited car capacity and parking. Access to the town is restricted with no direct north south route through the town. As a result these factors deter people from coming to the town centre;
- Many of the retail units in Hayes Town do not meet the needs of modern retailers and due to the fragmentation of property ownership, it makes it difficult to redevelop sites;
- Although the centre has a loyal population, the retail offer and limited offer of other town centre uses tends to detract customers from Hayes Town as they are attracted to more vibrant locations which have a stronger retail and leisure offer.

5.16 In summary, whilst Hayes remains relatively vibrant, it is inhibited by a limited retail offer and experiences continued pressure from new and existing out of centre convenience provision. An anchor foodstore in the town centre would clearly assist Hayes in fulfilling its role as a District Centre.

c) **Application of the sequential approach**

5.17 The application site is located within the defined Hayes Town Centre boundary. However, the site is not situated within the defined shopping frontage and is approximately 100m from the Primary Shopping Frontage. The NPPF defines 'edge of centre' as '*a location that is well connected and up to 300 metres from the primary shopping area*'. The site is therefore situated in an edge of centre location and is assessed as such in strict policy terms.

5.18 NPPF requires the sequential test to be applied to retail proposals on edge of centre sites. Paragraph 24 states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.



- 5.19 Lidl has identified a requirement for a new foodstore in Hayes. There are currently no deep discount operators in the town and the new store seeks to address this qualitative deficiency in the existing retail offer. As such, our assessment of potential sites has extended to potential sites within Hayes Town Centre only (i.e. the defined primary and secondary frontages). It is not considered appropriate to look for alternative sites in any other defined centres given the need for the new store in Hayes and the limited catchment a deep discounter such as Lidl typically serves (A deep discount foodstore will typically serve 'neighbourhood' catchments usually extending to no more than 5 minute drive time).
- 5.20 In seeking to identify potential town centre sites, reference is taken from the recent Asda decision (**Appendix 1**). The permitted Asda store will occupy an out of centre site, as the site is some 325m outside of the defined town centre boundary and 650m from the primary shopping area (7 to 8 minutes walk). As such, the appellant was required to undertake a sequential assessment. The assessment examined ten alternative town centre and edge of centre sites and concluded that none of these sites would be better able to accommodate the proposed development. The Council accepted the findings of this assessment and it has therefore been used to inform the sequential assessment in respect of this application.
- 5.21 The majority of the ten sites identified are in edge of centre locations which, given the excellent connections between the application site and town centre, are not considered sequentially preferable. Only one site, referred to as the Western Core, Hayes Town Centre is located in the Primary Shopping Area and can therefore reasonably be considered sequentially preferable. However, it has previously been accepted by the Council that this site is not suitable to accommodate the proposed Asda store. Notwithstanding this, the site has been reassessed as part of the current application to consider its suitability for the proposed Lidl.
- 5.22 The Western Core Area is identified in the adopted UDP (1998) as a potential development site. The UDP Policy PR2 states:

Redevelopment of the northern part of the west side of station road, hayes, as shown on the proposals map, for retail or mixed development comprising retail with office and residential uses at first floor level, will be considered acceptable in principle subject to:

- (i) provision of adequate parking and rear servicing;**



(ii) removal of non-conforming uses;

(iii) improved servicing facilities to existing retail premises; and

(iv) high quality landscaping, where appropriate, around the periphery of the site.

- 5.23 The site is currently occupied by a number of small retail units, but the Post Office at the southern end of the site is a large unit which is currently vacant.
- 5.24 The site is not considered suitable for the proposed Lidl. As previously mentioned, Lidl's business model requires a minimum size of store for trading operations to be viable and this has been confirmed at a number of planning appeals (including decisions in Oxford and the London Borough of Merton). In these decisions it has been agreed that the minimum size of site for Lidl's business model would be 0.48ha with a minimum store sales area of around 1,300 sq m. In order to demonstrate flexibility, the Western Core site is considered based on the above requirements which are considerably below those proposed in the current application i.e. 1,407 sq m store on a site of 0.517ha.
- 5.25 Even allowing for flexibility, the site is not considered suitable for accommodating the proposed Lidl. The site is highly constrained in terms of its size and location. As concluded in the Asda assessment, the site better lends itself to traditional high street retailers and is not considered suitable for a stand alone supermarket. In addition, there is limited capacity to accommodate the 64 car parking spaces required to serve the store and to allow for access by service vehicles.
- 5.26 At the time of visiting, the Post Office is currently vacant but all other units are fully occupied and there is no indication that any of the businesses are due to relocate. Accordingly, this site is not available for Lidl. Furthermore, it is understood that the site is within multiple ownerships and there is no evidence that the individual plots could be amalgamated to enable the delivery of a foodstore. In any event such a site would be difficult and expensive to acquire and ultimately this would render the site unviable for a deep discount supermarket.
- 5.27 The draft Planning Practice Guidance advises that '*As promoting new development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations*'.



5.28 In conclusion, the Western Core Area is not considered suitable, available or viable to accommodate the proposed Lidl. No other potential sequentially preferable sites to the application site have been identified.

d) **Assessment of impact**

5.29 This section assesses the retail impact of the application proposal having regard to paragraphs 26 and 27 of NPPF and Policy E5 of Hillingdon's Local Plan.

5.30 The NPPF confirms that an assessment of impact should include:

- **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 wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.**

5.31 The draft National Planning Practice Guidance confirms that *'the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible'*.

i) **Impact on existing investment in Hayes Town Centre**

5.32 As identified in Strategic Perspectives Retail Study, existing convenience provision in Hayes Town Centre is limited and primarily consists of independent, specialist and/or ethnic shops. Our review of the town centre (September 2013) confirms that this is still a true reflection of the current situation in Hayes. As discussed in this report, the proposed Lidl is likely to have a *positive* impact on these existing retailers for the following reasons:

- The Lidl store will act as a much needed anchor to Hayes Town Centre providing additional consumer choice and increasing the overall attraction of the centre.
- As a 'deep discount' retailer, Lidl will not directly compete with the existing specialist town centre retailers. Lidl will have no fresh meat, fish or deli counter



and only a limited range of fresh produce. There will be no concessions such as post office, dry cleaners etc. The opening hours are limited. The store will therefore *complement* existing retailers and boost trade through increased footfall.

- The site is in an edge of centre location with real potential for linked trips. The site is less than a two minute walk from the Primary Shopping Area via a pleasant pedestrian route which will be enhanced by two pedestrian walkways within the site.
- The proposal will provide an additional 64 parking spaces within the town centre.
- The proposal represents a significant investment in Hayes creating up to 30 new jobs. The new store may also improve investor confidence and attract new retailers.

ii) Impact on committed/planned investment

5.33 No planned investment/commitments which the application would have an impact on have been identified. Furthermore, no site specific proposals are identified through the LDF proposal which the Lidl store would prejudice. In our view, the proposed Lidl store would serve to enhance Hayes centre and provide adequate convenience facilities for the potential growth of Hayes as a result of the planned station upgrade associated with the Crossrail development. The Lidl would also assist in strengthening Hayes against the threat from planned and proposed investment outside the centre and in other nearby centres.

5.34 In respect of the permitted Asda scheme, the site is located in an out-of-centre position, some 325m south-east of Hayes Town Centre and approximately 650m from the Primary Shopping Frontage. The NPPF does not therefore require an assessment of the impact of the proposed Lidl on this out of centre commitment.

5.35 Notwithstanding this, in determining the appeal, the Inspector concluded that the Asda store would give rise to a sufficient level of linked-trips to bring significant benefits to the town centre. The appeal decision notes that:



[Comparisons from other Asda stores] has led the appellants to conclude that between 15% and 30% of shopping trips to the proposed ASDA store could result in a linked trip to the town centre, suggesting a positive net change to the Hayes Town Centre turnover of between £0.5 million and £2.5 million per annum. Such predicted increases in turnover, which were not challenged by the Council, would provide a clear benefit and boost to the town's vitality and viability.

Furthermore, it is of note that the proposed ASDA store would be likely to attract its custom from other stores of similar size and character and would therefore be unlikely to have any direct impact on any of the stores within Hayes Town Centre.

5.36 The Inspectors findings are relevant to this application in two respects. Firstly, the Inspector concluded that the 7 to 8 minute walk between the appeal site and the existing town centre and primary shopping frontage is not 'insignificant' but would nevertheless give rise to a sufficient level of linked trips. In contrast, the Lidl site is less than a two minute walk from the town centre. Therefore, as asserted in this report, it stands to reason that the proposed Lidl would facilitate, at the very least, a similar proportion of linked trips.

5.37 Secondly, the Inspector's findings indicate that the Lidl store would not have a significant impact on the Asda development which would attract its custom from other stores of similar size and character. As detailed previously, Lidl has very different trading characteristics from a mainstream supermarket such as Asda and will not directly compete. This is further confirmed by the findings of the Competition Commission's report which confirm that Lidl provides a different offer from the main food retailers. The report states that *deep-discounters, such as Lidl, do not impact to any significant degree upon larger food retailers* (para 4.7.1, table 4.5). The proposed Lidl would therefore not prejudice the permitted Asda store coming forward.

iii) Improved consumer choice

5.38 As mentioned, Hayes Town Centre lacks an anchor foodstore and is largely characterised by independent specialist and ethnic food retailers. It is recognised that the permitted Asda will improve consumer choice but the store is in an out of centre location and duplicates existing mainstream supermarket provision. The proposed Lidl store will provide a true town centre anchor and introduce a deep



discount supermarket to Hayes which will enhance consumer choice and the overall vitality of the centre.

iv) Improved Town Centre parking

5.39 National Planning Practice Guide requires LPAs to adopt a 'town centre first' approach. LPAs are encouraged to develop Town Centre Strategies through the Local Plan this positive approach should include seeking to improve the quality of parking in town centres (in line with the National Planning Policy Framework) and, where it is necessary to ensure the vitality of town centres, the quantity too.

5.40 Hayes town centre has only limited car parking. The proposed development will include 64 additional spaces two minutes walk from the Primary Shopping Area which will enhance the centres vitality.

e) Summary

5.41 Overall, the proposal is considered to fully satisfy the requirements of national, regional and local policy in retail terms. The development satisfies the sequential test and will have a positive impact on the vitality and viability of Hayes Town Centre enhancing its role as a District Centre.



SECTION 6: ASSESSMENT OF OTHER PLANNING ISSUES

6.1 This section of the Statement addresses other material considerations that will need to be taken into account in the assessment of the application.

a) Principle of development

i) Loss of leisure facility

6.2 The site is currently vacant. Notwithstanding this, it was last in use as a public swimming pool. Policy R5 of the UDP states that the LPA will not grant permission for proposals which involve the loss of indoor sports and leisure facilities unless adequate, alternative facilities are available. The Botwell Green Sport and Leisure Complex opened in 2010 on the opposite side of Central Avenue. The new modern leisure facility, which includes a 25m swimming pool, provides a replacement for the former swimming pool in accordance with Policy R5. This principle was accepted in granting the residential permission.

ii) Potential loss of housing

6.3 As discussed, the site benefits from an extant planning permission for the provision of 72 residential units (ref. 1942/APP/2010/31), granted in December 2012. It is recognised that by allowing the current application, that this quantum of units will not be built out. There are however, a number of reasons why the benefits associated with the proposed development outweigh the potential loss of housing on this site:

1. The site was marketed with the benefit of the residential permission for a number of months without success. The permitted residential scheme has therefore proved to be economically unviable and is unlikely to be implemented.
2. The permitted scheme will be included as a 'windfall site' in Hillingdon's Housing Trajectory. Notwithstanding this, the Housing Trajectory shows that up to 2016/ 2017, GLA targets will be exceeded. Beyond this period the delivery of new homes is less certain, however the trajectory shows that up to 2021 the target for conventional housing and Hillingdon's annual housing need as defined in the Sub-Regional HMA will generally be met. Even without the permitted 72 residential units on the application site, which in any



event are unlikely to come forward, the Borough comfortably exceeds the GLA target.

3. Whilst the residential scheme was permitted, it attracted a number of objections from local residents, Hayes Town Business Forum, Hayes Town Partnership and John McDonnell MP. Many of the issues raised questioned the need for the number of residential units proposed and included concerns regarding the impact on existing infrastructure such as schools and services and the lack of car parking facilities in the town centre. The proposed Lidl would not generate the same concerns. Moreover, the store would provide an additional facility on the edge of the town centre with 64 new car parking spaces.
4. The current application only relates to the eastern part of the former swimming pool site. Potential therefore remains for residential units to be developed on the western part of the site as discussed below.

iii) Regeneration benefits

- 6.4 In addition to the issues discussed above, the major regeneration benefits associated with the current application are a material consideration in determining the acceptability of the proposed development. The proposed Lidl will bring this strategic edge of centre site back into active use having remained vacant for a number of years. The store will act as an anchor to Hayes Town Centre improving its viability through linked trips and increased footfall. The provision of a strong town centre is key to realising Haye's regeneration potential identified in the Local Plan. The store will also provide approximately 30 new jobs for local people and is likely to improve investor confidence and may attract new retailers.

b) Comprehensive Redevelopment

- 6.5 The current application relates to the eastern part of the former swimming pool site (Plot A). The western part of the site (Plot B) has also been acquired by Lidl. Subject to the approval of the current application, it is proposed that the western part of the site will, in due course, be sold by Lidl for residential development. The current application has been carefully designed to ensure the foodstore will not prejudice residential development on the adjoining site. For example, the store



backs onto the adjoining site and the vehicular access and servicing are located as far away as possible to protect residential amenity.

- 6.6 It has been demonstrated by the lack of interest from developers in the Council's own residential permission, that a pure housing scheme on the whole site is not financially viable. Allowing the proposed foodstore on part of the site would create sufficient revenue to enable the provision of some housing on the remaining site.

c) **Design**

- 6.7 As noted by the Urban Design Officer in respect of the permitted residential scheme:

‘...the site is prominently located in the Hayes town centre, opposite Botwell Green, and benefits from an attractive setting including tree avenues along Central Avenue, valuable shrubs and mature trees along Botwell Lane in addition to the existing parkland with extensive lawns and groups of attractive trees surrounding the existing building. The site is visually important given the central and strategic location opposite the new Sports Centre, situated a few minutes walk from the town centre’.

- 6.8 The importance of this site to Hayes and the attractiveness of its setting is recognised and has been responded to in the design of the proposed development. The building has a scale which is appropriate and the site layout is rational. The building itself will have a bright, modern appearance and will relate well to surrounding streets and to buildings on neighbouring sites. The Design and Access Statement includes further details on the proposed design.
- 6.9 In assessing the permitted residential scheme, officers concluded that given the distance and screening from the mature trees, the proposal would have a negligible impact on the character and appearance of the Hayes Village Conservation Area and the Grade II listed Botwell House. The same conclusions are drawn in this instance.

d) **Amenity**

- 6.10 It is recognised that there are a number of existing residential properties to the north of the site at Holmbury Gardens and as such, the store has been designed to protect the residential amenities of these properties. The proposal utilises the existing site access and retains the existing buffer of mature trees (a row of approximately 12m high Hornbeam and Cypress trees) between the store and the back gardens of these



properties. It is also relevant that the application site is a brownfield site which has been in commercial use for many years (previously as a public swimming pool).

f) Transport

- 6.11 The application is supported by a Transport Assessment prepared by Gateway TSP. The Assessment concludes that the proposed development is considered to be acceptable in transport terms and meets with local and national policy criteria. The assessment work undertaken has shown that there would not be any demonstrable harm arising from the proposed scheme and it will not cause any severe impacts. Therefore there are no traffic and transport related reasons why the development should not be granted planning consent.
- 6.12 A draft Travel Plan has also been prepared to promote sustainable travel modes to/from the site.

g) Sustainability

- 6.13 The application is supported by a Sustainability and Energy Statement prepared by JS Lewis Ltd which details the ways in which the proposal meets London Plan and local energy policy requirements. Overall, the proposal will achieve an improvement on Part L 2010 of 31% for regulated CO2 emissions with a much more significant CO2 saving anticipated for operational emissions.

h) Drainage and Flood Risk

- 6.14 The application is supported by a Foul Drainage Statement prepared by Hannah Reed. The Statement concludes that the preferred option for the disposal of foul water generated by the site would be to connect to the public sewer.
- 6.15 A Flood Risk Assessment also accompanies the application. The EA's Indicative Flood Zone Map shows the site to lie within Flood Zone 1. This is classified by the NPPF as being at a 'Low' risk of fluvial flooding from Main Rivers, with an annual probability of flooding of less than 0.1%. As the proposed development would consist of the construction of a retail establishment it would be classified by the NPPF as a 'Less Vulnerable' and is deemed an acceptable use of land within Flood Zone 1. A surface water management strategy is proposed in the assessment in order to avoid an increase in flood risk elsewhere.



i) **Arboricultural Impacts**

- 6.16 An Arboricultural Impact Assessment Report has been prepared by Landmark Trees in support of the application. The Report advises that there are 31 trees surveyed on or around the site, 6 of which will be felled as part of the current proposal. It is considered that the 6 trees recommended for felling are of little individual significance and their loss is rated as a low impact, with no significant effect on the visual character of the local area. Overall, it is concluded that the site has potential for development without impacting significantly on the wider tree population or local landscape.

j) **Air Quality Management**

- 6.17 The application site is located within an Air Quality Management Area due to high levels of nitrogen dioxide (NO₂) attributable to road traffic emissions. The planning application is supported by an Air Quality Assessment which considered dust effects during the construction phase and the air quality effects due to the operation of the proposed development. In addition, the suitability of the proposed development site for its intended use in the context of air quality is also considered. Overall, the assessment concludes that the proposed development does not conflict with national or local policies, or with measures set out in LBH's Unitary Development Plan. As such, there are no constraints to the development in the context of air quality.

k) **Noise**

- 6.18 Acoustic Consultants Ltd have undertaken an assessment of the noise arising from operations associated with the proposed Lidl store. A noise survey was undertaken to determine the existing baseline noise climate and a modelling exercise was undertaken to determine the plant and delivery operation equivalent noise levels at the façade of the nearby noise sensitive receivers. The Assessment concludes that the proposed plant, servicing operation and car park activities is considered acceptable in terms of noise emission to the dwellings in the vicinity.

l) **The Mayor of London's CIL**

- 6.19 The Mayor's CIL charging schedule was agreed on 29 February 2012, and applies to all developments approved on or after 1 April 2012, which result in an increase in the gross internal floorspace of 100sqm or more. The Mayor's CIL therefore applies in the case of the current application and the liability payable is £35 per square metre.



6.20 A completed CIL payment form accompanies this application.

m) Hillingdon's CIL

6.21 Hillingdon Council published a draft CIL Charging Schedule in March 2013. The Schedule was submitted for independent examination in October 2013.

6.22 The plan attached at Appendix B of the draft Charging Schedule shows that the application site is situated within the defined town centre boundary of Hayes. Accordingly, in line with Table 3.1 of the document, the proposed development would not be liable for the Borough CIL.

n) Summary

6.23 Overall, the proposed development is considered to accord with relevant national, regional and local policies in terms of land use and design. The proposal is also considered acceptable in respect of other development control issues and is supported by relevant technical assessments.



SECTION 7: CONCLUSIONS

- 7.1 This Planning Statement has been prepared in support of a planning application submitted by Lidl UK GmbH for a new foodstore of 2,085 sq m (GIA) on Botwell Lane, Hayes.
- 7.2 The application site occupies a strategic location within the Hayes Town Centre boundary, less than a two minute walk from the Primary Shopping Area. The provision of a foodstore in this location offers an invaluable opportunity to provide a much needed anchor convenience store for Hayes Town Centre with genuine potential for linked trips.
- 7.3 As a 'deep discount' retailer, Lidl will not directly compete with the existing specialist town centre retailers. The trading characteristics of Lidl ensure the store will *complement* existing town centre retailers as shoppers attracted to Hayes by the Lidl store will also need to supplement their shop with linked trips to the existing specialist independent shops.
- 7.4 The proposed Lidl will bring this prominent edge of centre site back into active use having remained vacant for a number of years. The provision of a strong town centre is key to realising the regeneration potential of Hayes identified in the Local Plan. The store represents a significant investment in the town centre and builds upon recent regeneration projects such as the new leisure centre on the adjoining site. The development will provide approximately 30 new jobs for local people and is likely to improve investor confidence and in turn may attract new retailers/investors.
- 7.5 Overall, the proposed development is considered to fully accord with relevant national, regional and local policy by supporting and enhancing the role and function of Hayes as a defined District Centre.





Appeal Decision

Inquiry opened on 2 October 2012

Site visit made on 5 October 2012

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2012

Appeal Ref: APP/R5510/A/12/2174884

Unit 3, Westlands Estate, Millington Road, Hayes, London, UB3 4AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Steel Pension Fund and ASDA Stores Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 32157/APP/2011/872, dated 5 April 2011, was refused by notice dated 20 April 2012.
 - The development proposed is a mixed use development comprising 7,310sqm (gross external area) industrial/warehousing unit (Use Classes B1c, B2, B8); 7,998sqm (gross external area) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway.
 - The inquiry sat for 4 days on 2 to 5 October 2012.
-

Decision

1. The appeal is allowed and planning permission is granted for a mixed use development comprising 7,310sqm (gross external area) industrial/warehousing unit (Use Classes B1c, B2, B8); 7,998sqm (gross external area) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway at Unit 3, Westlands Estate, Millington Road, Hayes, London, UB3 4AZ in accordance with the terms of the application, Ref 32157/APP/2011/872, dated 5 April 2011, subject to the conditions set out in the Schedule at the end of this decision.

Main issues

2. The main issues are firstly, whether the proposed development would result in the unacceptable loss of employment land; and secondly, the effect of the proposed development on the vitality and viability of Hayes Town Centre.

Site description

3. The appeal site, which until late 2010 housed a large storage and distribution warehouse, now comprises a cleared area of some 3.46 hectares (ha), located at the eastern side of the Westlands Industrial Estate. It lies about 325m to the south-east of Hayes and Harlington railway station and the Hayes Town Centre boundary, and some 650m from the town's primary shopping frontage.

Policy background

4. The Statement of Common Ground (SoCG) explains that within the Council's Unitary Development Plan (UDP) Saved Policies document of September 2007, the site is shown as lying within the larger Millington Road Industrial Business Area (IBA) which extends to about 10.5ha. The UDP itself was adopted in 1998 and in

considering sites for industrial, warehousing and business development the Council drew on Supplementary Strategic Advice prepared by the London Planning Advisory Committee (LPAC) in November 1994, which identified Strategic Employment Sites (SES) across London.

5. Along with a further seven locations, "Millington Road, Hayes", is described in the UDP as forming part of the Hayes SES. The Council argued that these SES have been seen as the forerunners of the Strategic Industrial land (SIL) designation used in the London Plan, and although the name has changed over the years, the concept has remained the same. Because of this, the Council referred to the site, both in its reason for refusal and at the inquiry, as also being identified as a SIL.
6. The SoCG acknowledges that the site is part of the Hayes Industrial Area which is designated within the London Plan as a SIL. However, during the inquiry and in closing submissions the appellants repeatedly referred to the appeal site's designation as a SIL being indicative only. Strictly speaking, this view has to be correct, as the strategic London Plan itself is not able to define such map-based, site-specific matters. This is made clear both in London Plan policy 2.17 and its supporting text, both of which state that the boundaries of SILs should be defined in Local Development Frameworks (LDFs), taking into account, amongst other things, strategic and local assessments of supply and demand for industry.
7. However, the Mayor of London's Supplementary Planning Guidance (SPG) "Land for Industry and Transport", issued in September 2012, gives figures for the amount of industrial land in London at a 2010 base and states how much of this lies within SILs. In so doing it seems to me that it must be using the older LPAC designations, updated as and when boroughs adopt their LDFs. In these circumstances I consider it quite reasonable to assume that the appeal site should be seen as lying within a SIL for the purposes of this appeal, and although this matter will need to be reviewed by the Council through its ongoing LDF process, I do not see that the site's designation should be considered as weakened by these points.

Details of the proposals

8. The proposed development would consist of two separate elements. A retail store within Use Class A1 together with a petrol filling station would be constructed on the north-eastern portion of the site (about 2.03ha). The store would be of some 7,998sqm gross external area, with 4,111sqm net sales area, and would be operated by ASDA Stores Ltd. It would have a total of 420 car parking spaces, accessed from a new roundabout on Millington Road to the south, which would also serve the petrol filling station. The car parking spaces would be located in an external car park to the rear and also in an undercroft parking area. The store's main entrance would be at the north-east corner, fronting Station Road.
9. The proposed industrial/warehousing unit for uses within Use Classes B1(c), B2 or B8 would have a gross external area of some 7,310sqm, with ancillary first floor office space, and would be located on the western part of the site (about 1.43ha). The unit would be served by 65 car parking spaces which would also be reached from the proposed new roundabout on Millington Road. Servicing areas for this unit and also for the retail unit would be from the northern limb of Millington Road which runs more or less parallel to North Hyde Road.
10. The proposal would also include a package of improvements and amendments to the highway network in the vicinity of the site, improvements to public transport infrastructure and improvements to the public realm along the route to Hayes Town Centre. These, along with a range of other contributions, would be secured through an already submitted unilateral undertaking, made under S106 of the Town and

Country Planning Act 1990. I discuss this unilateral undertaking in more detail later in this decision.

Main issue 1 – loss of employment land

11. As noted above, the proposal comprises two separate elements and it is only the proposed retail unit which would result in a loss of industrial employment land. Discussion at the inquiry focussed on this retail element and I therefore take the same approach in my consideration of this first main issue.

The London Plan

12. The SoCG explains that the relevant parts of the development plan for this appeal are the London Plan 2011 and the saved policies of the Hillingdon UDP. Dealing first with the London Plan, this explains that having had regard to trends in the wide range of industrial type activities, and having considered the scope for more efficient use of industrial capacity, research has suggested that there should be a London-wide release of industrial land amounting to an average of some 41ha per annum, over the 2006-2026 period.
13. The broad borough level groupings for transfer of industrial land to other uses indicates that scope for transfer is greatest in east London and parts of north London, with more restricted scope for release elsewhere. To this end, Hillingdon has been defined as a “Limited Transfer” Borough. The London Plan notes that the release of surplus industrial land will require careful management by boroughs, in collaboration with the Mayor.
14. Policy 2.17 of the London Plan is particularly relevant as it deals specifically with SILs. Under Part A it indicates that amongst other things, boroughs should promote, manage and, where appropriate, protect the SILs as London’s main reservoirs of industrial and related capacity. The “where appropriate” phrase was highlighted by the appellants, who argued that this must mean that there may be circumstances where it would not be appropriate to protect SILs. In the appellants’ view, such circumstances apply here. As a matter of principle, and on a plain reading of this part of the policy, it seems to me that the appellants’ arguments on this point must be right. Accordingly I consider that the appeal proposal does not necessarily conflict with this part of the policy.
15. However, a different situation exists with regard to Parts B and C, which deal with planning decisions. Part B makes it clear that development proposals in SILs should be refused unless they accord with a number of specified criteria, none of which are met in this case; whilst Part C states that development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities. As such, there is conflict between the appeal proposal and these parts of policy 2.17. But the appellants argue that this is not the end of the matter, especially in light of more recent Government guidance such as that which is now embodied in the National Planning Policy Framework (“the Framework”). I return to this matter below.
16. Part D of policy 2.17 simply states that in LDFs, boroughs should identify SILs on Proposals Maps and develop local policies based on clear and robust assessments of need to protect their function, to enhance their attractiveness and competitiveness for industrial type activities including access improvements. The Council has not yet done this, as it has only recently received the Inspector’s Report on the Examination into its proposed Core Strategy. More detailed site-specific elements of the LDF will follow in due course, a matter I return to later. There is nothing

before me to suggest that the appeal proposal should be seen as in direct conflict with this latter part of policy 2.17.

17. Policy 4.4 of the London Plan is also relevant as it deals specifically with managing industrial land and premises. In its "Strategic" section it states that the Mayor will work with boroughs and other partners to adopt a rigorous approach to industrial land management, to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses, in different parts of London. It indicates that the release of surplus land will be achieved through a plan, monitor and manage process, so that it can contribute to strategic and local planning objectives, especially including those which would contribute to town centre renewal.
18. This latter point clearly has some relevance in this case and I return to it under the second main issue. But as the policy makes no direct reference to the possibility of releasing industrial land through the development management process, it has to be the case that the appeal proposal would be in conflict with this policy. Again, I explore these matters in further detail later in this decision, in the context of the Mayor's SPG, the appellants' arguments and the more recent national guidance contained in the Framework. But before that, I examine the second limb of the adopted development plan, namely the saved policies of the UDP.

The Unitary Development Plan

19. The Council's reason for refusal only makes reference to UDP policy LE2. This explains that IBAs are designated for business, industrial and warehousing purposes (Use Classes B1-B8) and for sui generis uses appropriate in industrial areas, and that development for other purposes will not be permitted unless certain criteria are met. The first of these is that it can be demonstrated that there is no realistic prospect of the land being used for industrial or warehouse purposes in the future.
20. This test is echoed in paragraph 22 of the Framework, which requires land allocations to be regularly reviewed and states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It indicates that applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities, where there is no reasonable prospect of a site being used for the allocated employment use.
21. Further guidance on criteria which may justify the retention or release of a site in industrial use is given in the "Land for Industry and Transport" SPG of September 2012, referred to above. Discussion at the inquiry focussed on the demand-based criteria, which look at whether a site has been adequately marketed through a commercial agent at a price that reflects market value for industrial use for a reasonable period (normally at least two years) with appropriate lease terms; and offered with potential for redevelopment of derelict or obsolete industrial premises where this is required to meet the needs of modern industrial users. A second limb of this test is whether the site has been vacant for a considerable period (normally at least two years, and up to five years in areas of generally strong demand), without realistic prospect of industrial re-use.

Employment land availability and the LDF process

22. Before looking at marketing issues I deal first with the specific analysis of employment land availability put forward by the appellants, which was largely

unchallenged by the Council. The appellants' position is that there is simply not a market for sites such as this in the present economic climate, and that there is no realistic prospect of the economic situation significantly improving in the short term. Put simply, the appellants argued that as there is in excess of 335,000sqm of potential long-term "B Use Class" space in the Borough's industrial "pipeline", the loss of just over 6,500sqm of this space through the retail part of the current proposal would not be of any material consequence.

23. The Council argued that as there are a large number of non-designated sites in industrial use within the Borough, releases of industrial land should come from this category before considering the loss of designated sites, particularly those which are SILs. However, on this point I accept the appellants' case that the Framework does not make any distinction of this sort in its paragraph 22, referred to above. Moreover, in the light of the Framework's guidance, it has to be the particular merits of the site in question which determine whether or not it should be retained in industrial use or released, rather than simply the nature of its historic designation, which may well not reflect current circumstances.
24. The appellants pointed out that industrial jobs within the Borough have declined by 2,150 between 2008 and 2010, massively in excess of the Greater London Authority (GLA) forecast decline of only 800 jobs over the whole 2006-2026 period, and that further job losses will also follow the upcoming closure of the nearby Nestlé factory. A further strand of the appellants' case is that the economic climate has clearly worsened since the Council's "Employment Land Study" (ELS) was published in 2009. In summary the appellants' position is that the requirement for industrial land is falling more rapidly than the Council is prepared to acknowledge, and the evidence placed before me appears to support this view.
25. Consistent with its status as a "Limited Transfer" Borough, Hillingdon has sought to identify an amount of currently designated employment land which could be released for other purposes through the LDF process. Guidance was initially given in the Mayor's "Industrial Capacity" SPG, produced in 2008. This referred to a planned approach to promoting and managing industrial capacity through three types of location, namely SILs, Locally Significant Industrial Sites (LSIS) and other, smaller industrial sites. This SPG established an indicative land release benchmark in the western sub-region (within which Hillingdon lies), of 52ha over the period 2006-2026.
26. It was against this backdrop that the Council prepared its 2009 ELS which assessed the Borough's employment sites and premises in order to provide a robust evidence base to support the retention or release of existing employment land. Within this document, the Council indicated its intention to designate the Millington Road site as a LSIS. The ELS was subsequently updated with a Position Statement (PS) on "Employment Land and Comparison Retail Floorspace" in June 2010. This identified a total of 17.58ha of employment land proposed to be released, amounting to 4.9% of the total current designated employment land in the Borough.
27. The PS indicated that the Core Strategy would include a policy on the release of this 17.58ha of designated employment land through the Plan period, and this matter was subsequently a topic for discussion at the Examination Hearings for the Core Strategy which took place between March and May 2012. However, it is clear from the appellants' evidence that arithmetical errors had found their way into the background calculations which led to this 17.58ha figure. In simple terms, and assuming all other figures and assumptions are kept the same, these errors meant that the amount of employment land which could potentially be released had been

underestimated by some 13ha, such that the figure should actually be just over 30ha.

28. I understand that these points were put to the Inspector who undertook the Examination into the Core Strategy and his report states that the Council accepts that the 17.58ha figure will change in the light of more up to date, and possibly more accurate, evidence. He did not suggest an alternative figure, but noted that the quantum of employment land to be released is likely to change over the Plan period. Accordingly, he took the view that the list of sites currently suggested for release (which do not include the appeal site), should only be seen as a starting point for further assessment.
29. Since the Core Strategy Inspector's Report was issued, a more up to date benchmark figure for industrial land release has been published in the updated 2012 SPG, "Land for Industry and Transport". However, although this SPG proposed a figure of 138.6ha for the west sub-region in its initial draft, for the period 2011-2031, with Hillingdon's share being 66ha, the Hillingdon figure has subsequently been revised down to 26ha in the final version.
30. Whilst these matters do not necessarily point to the appeal site as a candidate for release, they do show that there is scope for more industrial land to be released to other uses than the Council had initially assumed, without unduly harming the overall employment needs of the Borough.
31. In light of the above points, it seems to me that although the Mayor's SPG is seeking to ensure that the release of industrial land is progressed through the LDF process, the Council still has much work to do before it is able to produce firm proposals for the safeguarding and release of industrial land. It indicated that these matters would be addressed in the Site Allocations stage of the LDF, but acknowledged that no pre-consultation draft of this has been produced to date and that there is no reliable timescale for this stage of the process.
32. Such delays do not sit comfortably alongside the thrust of the Planning for Growth Ministerial Statement¹, which states, amongst other things, that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. It goes on to say that the Government's top priority is to promote sustainable economic growth and jobs, and that in determining planning applications appropriate weight should be given to the need to support economic recovery. These are matters which I consider in the overall planning balance for this case, later in this decision.

The Heathrow market

33. Although there is nothing in the UDP Saved Policies document which explains why the appeal site should be viewed as strategic in industrial land terms, the Council maintained that the site forms an important part of the Heathrow demand market. As such, it argued that the site is ideally located and suited to contribute to logistics and warehousing demands associated with the airport. However, it did not support this view with any firm evidence to show that it had specifically assessed the merits of the site in this light. In contrast, the appellants submitted evidence which had given specific consideration to the potential Heathrow market, and which indicated that there is in excess of 42,000sqm of industrial/warehousing space available, located much closer and better able to serve the airport than the appeal site. This evidence was not challenged by the Council.

¹ Written Ministerial Statement: "Planning for Growth" (23 March 2011), by the Minister of State for Decentralisation (Mr Greg Clark)

34. An adjacent site to the appeal site has been occupied by Nippon Express since about 2007, offering freight forwarding and storage facilities, and the Council argued that a similar company could operate from the appeal site. However, the appellants' employment land witness had been personally involved with the letting of the Nippon Express site for in excess of 20 years, and pointed out that the building was built speculatively and that the rent achieved was little more than £6 per square foot, with incentives, producing a net loss. As a result it was his clear view that similar speculative builds were very unlikely to occur at present rental levels anywhere else on the Millington Road Estate. I find this evidence persuasive, and it reinforces the appellants' general case of a lack of demand for industrial use of the overall site, either now or in the foreseeable future.

Marketing

35. Turning to the marketing of the site, this was examined in detail by both the Council and the GLA, which was consulted on this proposal. Both bodies formed the view that the appellants had provided insufficient evidence to demonstrate that there had been a genuine attempt to let the site for industrial use. In summary, the submitted evidence appears to indicate that marketing of the site began in 2008, with a mail-shot to over 1,200 companies, while the existing tenant was in liquidation, but still operating from the site.
36. What is then termed "full scale" marketing began in June 2009, with the results of this being summarised in a letter from the agents, King Sturge, of October 2010 which was submitted as part of the supporting information with the planning application. At that time there had been some interest in the site and the building it then housed, from thirteen separate businesses, but none of these potential occupiers pursued their initial interest.
37. I have noted the GLA's comment that the reasons given for these potential occupiers not completing a lease appeared to owe more to the outdated nature and poor specification of the building on site than a genuine lack of demand for industrial/warehouse premises in an accessible location within the Heathrow Opportunity Area. But notwithstanding these points, it is the case that several of the expressions of interest were only for short-term lets, whilst others were for film shoots and wholesale cash and carry uses, not for strictly industrial purposes.
38. Moreover, although King Sturge appeared to be positive in its outlook for the prospects of letting the site and took the view that the large size of the unit was unusual and meant that it had limited competition, it seems inevitable that this would also reduce the number of potential occupiers who would be interested in such a size of property. The fact that no deal was secured is therefore perhaps not surprising.
39. The appellants indicated that marketing continued after demolition of the building on the site, in December 2010, with no sustainable interest in the site, although no firm evidence of this was placed before me. It was, however, established at the inquiry that ASDA and the British Steel Pension Fund entered into an agreement for a lease in respect of the retail element of the proposal in April 2011, and that the latest that heads of terms would have been settled with ASDA would have been around late 2010 or early 2011. This may have introduced an element of "hope value" for the site, as referred to in the Mayor's SPG, and ASDA's interest is unlikely to have been unknown to possible tenants of the overall site and could have had an effect on potential occupiers since around that date.
40. But notwithstanding these points, the industrial element of the appeal site has been marketed since June 2011 in what the appellants have described as a robust and

comprehensive manner. I accept the appellants' argument that there is every incentive for the British Steel Pension Fund to seek to let this industrial site, as it serves no useful purpose lying idle. The marketing exercise was not criticised by the Council. The marketing information describes the site as offering a "build to suit" opportunity to provide headquarters/warehouse/ distribution/production accommodation, and highlights the site's proximity to the M4 Motorway, Heathrow airport, London and the local rail network. It also indicates that the new Crossrail services will serve the local station from 2018. But despite all this, no sustainable interest in the site for industrial purposes has been forthcoming.

41. In summary, the evidence before me is that although the site has been actively marketed over a period of some four years, in a manner which broadly satisfies the requirements set out in the Mayor's SPG, expressions of interest have not been converted into firm contracts. Because of this I consider it reasonable to conclude that there is no realistic prospect of the site being used for industrial or warehousing purposes in the foreseeable future. The proposal therefore does not conflict with the first criterion of UDP policy LE2.
42. Moving on to the second criterion of UDP policy LE2, no evidence has been submitted to suggest that the proposed retail use would conflict with the policies and objectives of the UDP. I return to this matter under the second main issue.
43. The third criterion requires that any non-industrial proposal better meets the UDP's objectives, particularly in relation to affordable housing and economic regeneration. Although there was some debate at the inquiry as to the precise meaning and intent of this criterion, it seems clear to me that the test is whether any alternative proposal can be assessed as being better than the allocated uses for the site, namely business, industrial, warehousing and appropriate sui generis purposes. The appellants' contention is that the appeal proposal, which would see the larger part of the overall site put to a retail use, would better meet the UDP's objectives. This is a further matter which needs to be assessed under the second main issue.

Conclusions on the first main issue

44. The Council's case relied almost entirely on its view that the site should be retained for industrial or warehousing use because of its status as a SIL; and that even if it could be shown that it would be appropriate to release it for other purposes, this should only take place through the LDF process, in general accordance with advice in the Mayor's SPG. However, as detailed earlier, the Council currently has no reliable timescale for the production of the Site Allocations stage of the LDF.
45. Moreover, paragraph 22 of the Framework, published since the 2011 London Plan was issued, makes it clear that long-term protection of sites should not be undertaken where this cannot be justified. This Framework paragraph is quite explicit that in such circumstances, applications for alternative uses should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable communities.
46. In this respect, there is clear consistency between the Framework advice and the first criterion of UDP policy LE2 and I find the appellants' evidence that there is no realistic prospect of either part of the appeal site being used for industrial or warehousing purposes in the foreseeable future, persuasive. No firm, contrary, reasoned evidence was put forward by the Council to demonstrate that the site has any special characteristics which make its retention for such purposes imperative.
47. In view of the above points I am not persuaded that it is essential to retain the whole of the appeal site in industrial/warehousing use. I therefore conclude that

the retail element of the appeal proposal would not lead to an unacceptable loss of employment land. That said, I do accept that this part of the proposal would be at odds with parts of London Plan policy 2.17, and also with policy 4.4 of this Plan. However, I find no conflict with the first criterion of saved UDP policy LE2, although a view on whether or not there would be conflict with the second and third criteria will have to await my consideration of the second main issue.

Main issue 2 – effect on the vitality and viability of Hayes Town Centre

48. As noted earlier, the appeal site is located some 325m south-east of Hayes Town Centre and about 650m from the town's primary shopping frontage, meaning that the proposed retail store would occupy an out-of-centre location. In accordance with PPS4², the relevant national guidance current at the time the application was made, the appellants have therefore undertaken a sequential assessment to demonstrate that the appeal site is the most suitable site for the proposed development. This sequential test is part of a comprehensive retail assessment submitted to support the proposal. As part of this sequential test the appellants have examined ten alternative sites, based on a catchment area of a 5-minute drive time from the proposed store, and have concluded that none of these sites would be better able to accommodate the proposed development.

The sequential test

49. The Council examined the appellants' submissions on this matter and was satisfied, at the time of reporting the proposal to Committee, that there was no sequentially preferable site within or closer to Hayes Town Centre which had not been considered. Accordingly the Council accepted the findings of this sequential test. Since that time the Framework has been published and PPS4 is no longer the operative national guidance. However, the requirement for a sequential test has been carried forward into the Framework, and the accompanying documents to PPS4, namely "Practice guidance on need, impact and the sequential approach" and "Impact Assessment" are both still extant. In these circumstances I consider that the previously undertaken sequential test is still valid and appropriate, and its findings were still accepted by the Council at the inquiry.

Impact

50. The performance of Hayes Town Centre has been assessed both in the Retail Statement and the Supplementary Retail Statement submitted with the application; the Council's Retail Study prepared by Scott Wilson in 2006; and the Convenience Goods Retail Study Update prepared by Strategic Perspectives on behalf of the Council in 2012. These explain that the town centre is heavily reliant on comparison shopping, but has few national multiple retailers and no large anchor food store. The majority of convenience retailers are small, independent specialist and/or ethnic shops, although Iceland and a Tesco Express store provide for top-up shopping. I saw at my inspection that the town centre also has a high proportion of private, low-end operators and a high proportion of service providers.
51. The Strategic Perspectives Study shows that Hayes only retains about 2.5% of convenience expenditure from within its primary catchment area, and about 1.9% from its outer catchment area. Less than 1% of respondents within any of the catchment areas identified Hayes as a location where they undertake their main food shop. Indeed information from the Retail Statement indicates that some 94% of main food shopping expenditure available to Hayes is lost to out-of-centre

² PPS4 – Planning Policy Statement 4 "Planning for Sustainable Economic Growth"

destinations, with 69% taken by three dominant stores. These are the Tesco Extra at Bulls Bridge (43%), the Tesco Extra at Glencoe Road (10%) and a Sainsbury's food store at Lombardy Retail Park (16%). This situation is both undesirable and unsustainable and the retail element of the current proposal is put forward as the means of addressing this matter.

52. The lack of an anchor food store also has a knock-on effect on footfall within the town centre. Although the local, specialist and independent shops play an important role in the town centre, the Strategic Perspectives Study notes that there may be a qualitative argument for a main food store for Hayes, to complement rather than compete with the current specialist offer. The SoCG highlights the above points and indicates that there is a pressing need for improved convenience retail provision in the area.
53. Paragraph 26 of the Framework requires proposals such as this to be assessed for their likely impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. The Retail Statement comments that no planned investment which the appeal proposal would have an impact on has been identified. The Council did not dispute this matter at the inquiry. Moreover, no site specific proposals likely to be pursued as part of the LDF process were put before me and the lack of certainty in this regard means that it is difficult to see how the appeal proposal would prejudice any such investment.
54. Indeed the Retail Statement argues that in contrast, planned investment elsewhere, notably at Southall, presents a threat to Hayes as improving the retail offer of competing centres would simply exacerbate existing trade imbalances, which would be to the detriment of Hayes Town Centre. The appellants further contend that the appeal proposal would represent a significant investment which would directly create up to 400 full and part-time jobs, thereby providing a significant boost to the local economy and acting as a catalyst for wider improvements in the centre. These points were not challenged by the Council, and they seem to me to fairly represent the likely situation.

Vitality and viability

55. The Framework also requires an assessment to be undertaken of the likely impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. The first point to note in this regard is that the distance between the appeal site and the existing town centre and primary shopping frontage is not insignificant. Indeed, the Council's initial assessment was that without significant improvements to the intervening route, the proposal could result in the diversion of retail trade from Hayes Town Centre and unacceptably impact on its vitality and viability.
56. However, prior to the Council determining the application, the appellants submitted the unilateral undertaking referred to earlier. Amongst other matters it makes provision for a "Public Realm Contribution" of £485,000 to be used towards (but not limited to), the provision of footway and public realm improvements between the appeal site and Hayes Town Centre. An illustrative plan was submitted which indicates that the type of measures under consideration include the installation of public art outside the store and to way-mark the route to town; the widening of highway crossing islands, the provision of improved surfacing and other measures to strongly prioritise junctions along the route for pedestrians; and significant planting improvements to the green space along the route.
57. The Council was sufficiently satisfied with this illustrative package of proposals and the financial contribution offered to remove its objection in this regard. The Council

now considers that there is a strong likelihood that the proposed retail store, when coupled with the suggested improvements to the route along Station Road, would give rise to a sufficient level of linked-trips to bring significant benefits to the town centre. Having undertaken the walk between the appeal site and the town centre at a comfortable pace in some 7 to 8 minutes, as part of both my accompanied and unaccompanied inspections of the site and surrounding area, I share that view.

58. The likely benefits which would arise from such linked-trips are explored in the appellants' Supplementary Retail Statement which draws on survey information recorded at two comparable stores in Weymouth and Dewsbury, which are both located a similar distance from their respective primary shopping frontages as would be the case here. This information has led the appellants to conclude that between 15% and 30% of shopping trips to the proposed ASDA store could result in a linked trip to the town centre, suggesting a positive net change to the Hayes Town Centre turnover of between £0.5 million and £2.5 million per annum. Such predicted increases in turnover, which were not challenged by the Council, would provide a clear benefit and boost to the town's vitality and viability.
59. Furthermore, it is of note that the proposed ASDA store would be likely to attract its custom from other stores of similar size and character and would therefore be unlikely to have any direct impact on any of the stores within Hayes Town Centre. The other superstores referred to in paragraph 51 above are all trading well above company average figures and it is generally agreed that the amount of overtrading at these three dominant stores would be sufficient to support the proposed new store. In these circumstances I share the view of the GLA that the new store would be more likely to complement rather than compete with Hayes' present retail offer, and would have a significant indirect, but positive impact of clawing back some local expenditure to Hayes from out-of-centre locations further afield.
60. In turn, this latter point would encourage more sustainable travel patterns, with the submitted Transport Assessment calculating that an evening peak period saving of about 850 vehicle kilometres would be achieved. Furthermore, the appeal site has a good walk-in catchment and has a relatively high public transport accessibility level (PTAL) of between 4 and 5, as it is located within walking distance of the Hayes and Harlington railway station and is well served by a number of buses.

Local opinion

61. A further point of note is that there is very strong local support for the proposed retail store, as evidenced by the significant number of letters and the well-supported petition submitted to the inquiry. Whilst such support cannot be determinative in this appeal, it nevertheless indicates a strong local desire to see Hayes' retail offer improved, and lends weight to the view that the proposal would be likely to result in more sustainable patterns of travel.
62. It is also right to point out that a small number of letters of objection have been received, notably from shopkeepers of premises at Northfield Parade, located just to the east of the appeal site at the junction of Station Road and North Hyde Road. However, whilst I have sympathy with the views expressed, it should not automatically be assumed that specialist local traders would be unduly impacted by the appeal proposal.
63. In any case, I have been mindful of the advice set out in the Government document "The Planning System: General Principles", which makes it clear that the planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular

development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. I am not persuaded that any such public interest arises in this case.

64. Having had regard to all the above points, I conclude that the proposed retail store would not result in any adverse impact on vitality and viability of Hayes Town Centre, but rather would serve to retain expenditure within the local area and boost town centre footfall and turnover, whilst also providing a significant number of new jobs. As such I find no conflict with UDP policy PT1.18, which seeks to maintain, enhance and promote town centres as the principal centres for shopping, employment and community and cultural activities; nor with policy PT1.19 which, amongst other matters, seeks to encourage retail development in existing centres which is not likely to harm the viability and vitality of town or local centres.
65. Moreover, by seeking to address what the SoCG refers to as a pressing need for convenience retail in the area the proposal would accord with guidance in paragraph 23 of the Framework, which indicates that it is important that the needs for retail and other main town centre uses are met in full, and are not compromised by limited site availability.

Other matters

66. The Council has pointed out that exhaust fumes from traffic generated by the appeal proposal would worsen air quality. This is of concern as the appeal site lies within an Air Quality Management Area, and in such areas the Council is required to draw up action plans which need to be closely integrated with, and reflected in, local transport plans and other transport strategies. The monitoring of air quality impacts is an important part of local air quality management (LAQM) and in this case the Council argues that a planning obligation is necessary to fund an air quality monitoring station in the vicinity of the site. Without this, the scheme would be unacceptable in planning terms as it would result in air quality impacts that could not be monitored and therefore could not be managed under the LAQM plan. However, to address these points the submitted unilateral undertaking contains an Air Quality Contribution of £25,000, which is acceptable to the Council.
67. The unilateral undertaking also covers a number of other matters. Covenants with the Council would see the production of Construction and Logistic Plans and Delivery and Service Plans being prepared and agreed, in order to ensure that the proposed development would not have adverse impacts on the highway network. Covenants and contributions would also relate to construction training and employment training. These would be used to provide construction jobs and apprenticeships on the site for local people and to provide training courses through recognised and accredited organisations to serve under-skilled or unemployed people in the area.
68. A variety of highway and public transport improvements would be implemented in the vicinity of the appeal site. These would include a new roundabout junction on Millington Road to provide access to the retail store and the industrial unit; the provision of traffic signal control at the Millington Road/Station Road/Bedwell Gardens junction, incorporating dedicated pedestrian and cycle crossing facilities; various lengths of carriageway widening; the provision of a new 3.5m wide shared pedestrian/cycle route along the site's Station Road frontage; the provision of new bus stands and bus stops; and a public transport contribution towards the provision of real-time bus travel information at the existing Station Road (southbound) bus stop located opposite the proposed retail store.

69. Covenants and a contribution would see Travel Plans provided and implemented in order to encourage use of means of transport other than the private car, for both the proposed retail unit and the industrial unit. The target would be to reduce the proportion of staff travelling to work as a car driver by 10% over a 10 year period, or by an alternative amount to be agreed with the Council. Finally, a contribution of almost £128,000 would be made to the Crossrail project, in accordance with the Mayor's SPG "Use of Planning Obligations in the funding of Crossrail".
70. The Council has considered and assessed all of these covenants and contributions and regards them as both acceptable and necessary. On the basis of the evidence before me I consider that each of the covenants and contributions contained within the planning obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010, and would also accord with the guidance on such matters contained in paragraph 204 of the Framework.
71. Finally, I share the Council's view that the scale and massing of the proposed retail unit would be acceptable, and that the design would appropriately address the site's context and surroundings, with the store's principal elevation facing towards Hayes Town Centre and the Station Road/North Hyde Road junction. Similarly, the proposed industrial unit would be of an appropriate scale and the simple, functional design would be appropriate for its context within an industrial and business area.

Summary and overall conclusion

72. On the first main issue I have concluded that the loss of some 2.03ha of designated industrial land to a retail use would not amount to an unacceptable loss of employment land. Indeed no specific harm was identified by the Council. This part of the proposal would, however, run counter to London Plan policies 2.17 and 4.4, which seek to retain SILs because of their importance as London's main reservoirs of industrial and related capacity, and only contemplate the release of such land to other uses if it is undertaken through the LDF process. There is, however, no firm, reliable timescale at present for the next stage of the LDF which would seek to establish which sites should be safeguarded or released for industrial use. Waiting for this stage of the planning process could potentially delay development which should be allowed to proceed.
73. With regard to saved UDP policy LE2, I had already taken the view on the first criterion that there is no realistic prospect of the land as a whole being used for industrial or warehousing purposes in the foreseeable future. I accept that in coming to this view, there has to be a question mark regarding the appropriateness of including the proposed industrial unit in the overall scheme. In some respects I acknowledge that there appears to be an element of contradiction and inconsistency in such an approach. However, I have had to assess the proposal as submitted and take the view that despite my negative conclusions regarding the likelihood of industrial or warehousing use on the site, retaining a portion of the site for such purposes cannot be seen as harmful.
74. My assessment of the proposal's acceptability in the context of the second and third criteria of policy LE2 can now be informed by my conclusions on the second main issue, which are that the proposed retail store would not result in any adverse impact on vitality and viability of Hayes Town Centre. Moreover, no evidence has been placed before me to suggest that a retail use on part of the site would be in conflict with any other policies and objectives of the UDP. Indeed the proposal would accord with UDP policies which seek to strengthen town centres, and with retail guidance in the Framework. The retail element of the proposal has substantial local support and would result in significant economic regeneration in

terms of clear benefits to Hayes Town Centre by the retention of expenditure within the local area and by the immediate creation of up to 400 full and part-time jobs. Overall I conclude that there would be no conflict with UDP policy LE2.

75. In terms of an overall planning balance I have not only been mindful of the points set out above, but have also had regard to the need to consider the proposal in the light of the guidance within the Framework, a key strand of which is that development that is sustainable should go ahead, without delay. The Framework explains that there are three dimensions to sustainable development, economic, social and environmental.
76. The first of these requires the planning system to contribute 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. Despite the appeal site's current designation as a SIL, on the basis of the submitted evidence and my conclusions detailed above I am firmly of the view that the appeal proposal would give rise to strong economic benefits for the local area and would therefore accord with this Framework requirement.
77. In addition, the retail element of the proposal would serve a clear social role as it would provide accessible local services that would reflect the needs of the community and thereby support its social well-being. This would be enhanced by the training provisions secured through the unilateral undertaking. Finally, by providing well-designed new buildings on previously developed land I see no reason why the proposal should not also be seen as serving a positive environmental role.
78. Taking account of all the above points, my overall conclusion is that significant economic benefits would flow from this proposal, and that these would outweigh any disbenefits arising from the limited conflict with the development plan and the Mayor's SPG. The proposal would represent sustainable development, as detailed in the Framework, and should therefore be allowed to proceed without delay. I therefore intend to allow this appeal, subject to a number of conditions, as set out in the Schedule at the end of this decision.

Reasons for imposing conditions

79. Condition 1 is a standard time condition, whilst Condition 2 is necessary to define the permission and for the avoidance of doubt. Conditions 3 and 4 are imposed to ensure the development complies with the sustainability, accessibility, and ecological objectives of the London Plan and the Hillingdon UDP. Condition 5 is necessary to ensure that the development relates satisfactorily to adjoining properties, whilst Condition 6 is imposed to ensure that the development has a satisfactory appearance.
80. Condition 7 is imposed in order to preserve and enhance the visual amenities of the locality and to ensure that adequate facilities are provided, whilst Condition 8 is necessary to enable the Council to assess all the implications of any such development including retail impacts, parking and traffic generation. Conditions 9 and 13 are imposed to ensure the development does not increase the risk of flooding; and to safeguard the area from flooding by ensuring the satisfactory storage and disposal of surface water from the site and the use of sustainable drainage techniques.
81. Condition 10 is necessary to ensure that risks from land contamination are minimised and that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. Conditions 11 and 12 are imposed to safeguard the living conditions of residents and other occupiers of

properties in the surrounding area. Condition 14 is necessary to manage the flat/shallow roofs in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

82. Condition 15 seeks to encourage and facilitate the use of sustainable transportation to and from the site and the provision of facilities for cyclists. Condition 16 is necessary to ensure that the development does not have any adverse impact on local air quality and Condition 17 is to ensure that customers are able to park for sufficient periods of time to facilitate linked-trips to the town centre. Condition 18 is imposed in the interest of crime prevention, ecology, visual amenity and the safeguarding the canal setting, with Condition 19 being imposed to ensure the vitality and viability of Hayes Town Centre.
83. In terms of the two conditions which were in dispute between the parties, I do not consider it necessary to impose the Council's suggested condition relating to noise from refrigeration units on delivery/goods vehicles, as this matter can be included in the scheme to be prepared under condition 11. Nor do I consider it necessary to impose the suggested condition requiring a traffic impact assessment to be undertaken before home deliveries are permitted from the retail store. On this point I share the views expressed by Royal Haskoning, on behalf of the appellants, that a home delivery service would be likely to replace some trips that would otherwise be undertaken by private cars and would not be of such a volume as adversely affect traffic flows or highway safety.
84. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Schedule of conditions (19 in total)

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered:
 - A(00)_01 rev:C (Location & Existing Site Plan),
 - A(00)_02 rev:B (Topographical Survey),
 - A(00)_03 rev:B (Existing Site Sections),
 - A(00)_04 rev:E (Site Plan),
 - A(00)_05 rev:E (Street Elevations 1),
 - A(00)_06 rev:E (Site Sections Sheet 1 of 2),
 - A(00)_07 rev:E (Site Sections Sheet 2 of 2),
 - A(00)_08 rev:F (ASDA Ground Floor),
 - A(00)_09 rev:D (ASDA First Floor),
 - A(00)_10 rev:D (ASDA Second Floor),
 - A(00)_11 rev:D (ASDA NE & SE Elevations),
 - A(00)_12 rev:D (ASDA NW & SW Elevations).
 - A(00)_13 rev:C (ASDA Sections),
 - A(00)_14 rev:D (Industrial / Warehouse Ground Floor),
 - A(00)_15 rev:D (Industrial / Warehouse First Floor),
 - A(00)_16 rev:C (Industrial / Warehouse NE & SE Elevations),
 - A(00)_17 rev:C (Industrial / Warehouse NW & SW Elevations),

A(00)_18 rev:C (Industrial / Warehouse Sections),
A(00)_19 rev:D (ASDA Roof Plan)
A(00)_20 rev:B (Industrial / Warehouse Roof Plan),
A(00)_21 rev:D (Planning Boundary),
A(00)_22 rev:E (ASDA NE & SE Elevations - Colour),
A(00)_23 rev:D (ASDA NW & SW Elevations - Colour),
A(00)_24 rev:C (Industrial /Warehouse NE & SE Elevations - Colour).
A(00)_25 rev:C (Industrial /Warehouse NW & SW Elevations - Colour).
A(00)_26 rev:E (Site Plan - Colour),
A(00)_27 rev:D (Hidden Elevations),
A(00)_28 rev:B (Petrol Filling Station),
A(00)_29 rev:C (Street Elevations 2),
1309-001 rev:PO4 (Terraforma Landscape Proposals 2 of 2),
1309-002 rev:PO2 (Terraforma Landscape Proposals 1 of 2),
1309- SK009 (Terraforma Indicative Sections Through Landscape for Station Road),
9V5694-SK-04 rev:I (Proposed Site Layout),
9V5694-SK-07, rev:A (Proposed Layout - Visibility Splay); and
9V5694-SK-16, rev:A (Proposed Highway Arrangements in context of Extended Highway Network).

- 3) Neither the retail store nor the industrial/warehouse unit hereby permitted shall be occupied until the following measures, as they relate to that building, have been completed in accordance with the specified supporting plans and/or documents:
- i) Sustainable Design features and measures to reduce carbon dioxide emissions (Sustainable Energy Statement Version 1.0 by Silcock Dawson & Partners , BSPF VG Industrial BREEAM_2008_Pre_Assessment_Est_rev15, and BSPF VG Retail BREEAM_2008_Pre_Assessment_Est_rev15.
 - ii) Accessible Design Features (Design and Access Statement Version 5.0 and the approved plans).
 - iii) Provision of 10% of the car parking spaces associated with each building of the development with electric charging points and installation of future charging (passive) provision for a further 10% of the spaces (Transport Assessment March 2011).

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

- 4) Prior to the commencement of development a scheme for the inclusion of ecological enhancement features within the building and surrounding landscape shall be submitted to and approved in writing by the local planning authority. The scheme shall clearly identify the types and location of measures to enhance the habitat opportunities for wildlife, predominantly bats and birds. The development should proceed in accordance with the approved scheme.
- 5) No development of either the retail store or the industrial/warehouse unit shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels for the relevant building have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall be carried out in accordance with the approved details.
- 6) No development of either the retail store or the industrial/warehouse unit shall take place until details of all materials and external surfaces for the relevant

building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details. Details should include information relating to make, product/type, colour and photographs/images.

- 7) Notwithstanding the plans hereby approved, no development of either the retail store or the industrial/warehouse unit, shall take place until a landscape scheme for the relevant building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -
 - i) Details of Soft Landscaping
 - a) Planting plans (at not less than a scale of 1:100),
 - b) Written specification of planting and cultivation works to be undertaken (including the use of bio-retention planters),
 - c) Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 - ii) Details of Hard Landscaping
 - a) Refuse Storage (inc. elevations if appropriate)
 - b) Cycle Storage (60 spaces for the food retail unit and 48 spaces for the industrial unit) (inc. elevations if appropriate)
 - c) Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - d) Car Parking Layouts
 - e) Hard Surfacing Materials
 - f) External Lighting
 - g) Other structures
 - iii) Living Walls and Roofs
 - a) Details of the inclusion of living/green roofs (minimum provision of 805sqm across the development)
 - iv) Details of Landscape Maintenance
 - a) Landscape Maintenance Schedule for a period of 5 years, including proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
 - v) Schedule for Implementation
 - vi) Other
 - a) Existing and proposed functional services above and below ground
 - b) Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 8) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.
- 9) Neither the retail store nor the industrial/warehouse unit of the development approved by this permission shall be commenced until a scheme for the provision of sustainable water management relating to that building has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall clearly demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- i) provide details of water collection facilities to capture excess rainwater;
- ii) provide details of how rain and grey water will be recycled and reused.

Thereafter the development shall proceed in accordance with the approved scheme.

- 10) (i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority (LPA), in accordance with the Supplementary Planning Guidance Document on Land Contamination. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:
 - a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and
 - b) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, along with details of a watching brief to address undiscovered contamination.
- (ii) If during development works contamination not addressed in the submitted remediation scheme is identified, the updated watching brief shall be submitted and an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and
- (iii) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.
- 11) Before development of the retail unit and industrial/warehouse unit commences, a scheme of proposed noise mitigation measures for the service yard (in particular with regards to residential properties on North Hyde Road) shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the development and shall be maintained thereafter. The scheme may contain any combination of physical and management measures deemed necessary including limits on hours of operation.
- 12) The rating level ($L_{Ar,Tr}$) of noise emitted from the site shall be at least 5dB below the existing background noise level ($L_{A90,T}$). The noise levels shall be determined at positions that are outside buildings and that will give results that are representative of the noise levels at buildings where people are likely to be affected. The measurements and assessment shall be made during relevant periods of operation, with all items of plant and machinery at the site operating and in accordance with the latest version of British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

- 13) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2011, reference 84351/R1/04 by Fairhurst and the following mitigation measures detailed within the FRA:
- i) Restricting surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed discharge rate of 208.5 l/s.
 - ii) Provision of on-site surface water storage to accommodate all events up to and including the critical duration 1 in 100 year storm event, with an appropriate allowance for climate change.
 - iii) Surface water storage to be achieved using sustainable drainage including green roofs (minimum 805sqm) and bio-retention features.

- 14) Occupation of either building shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority in respect of the relevant building. The submitted plan shall include details of:
- i) Management of any flat/shallow pitched/green roofs on the relevant building within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 "Potential Bird Hazards from Building Design".

The Bird Hazard Management Plan shall be implemented as approved from the date of occupation and shall remain in force for the life of the building.

- 15) Occupation of either the retail store or the industrial/warehouse unit shall not commence until details of staff shower and changing facilities for that building have been submitted to, and approved in writing by the Local Planning Authority and the approved facilities have been installed. Thereafter, the facilities shall be retained for the life of the development.
- 16) No biomass boiler shall be used on the premises until a further air quality assessment has been submitted along with a scheme which specifies the provisions to be made for the control of air pollutants from the site. This shall be submitted to and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.
- 17) No charge shall be levied on shoppers to the store using the car park for the first three hours of any stay. Parking at the store shall be allowed for at least 3 hours.
- 18) Prior to the commencement of the development of the retail unit hereby permitted, details of the proposed CCTV scheme and other security measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police. The CCTV should be implemented prior to first occupation of the retail unit.
- 19) No more than 40% of the retail floor space (defined using MapInfo) contained within the retail unit hereby approved shall be used for the display or sale of comparison goods. Furthermore the total gross floorspace of the retail store shall not exceed 7998sqm.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Stracey, Solicitor	Principal Planning & Corporate Lawyer, London Borough of Hillingdon
He called	
Mr M Duigan BTP	Planning Service Manager, London Borough of Hillingdon

FOR THE APPELLANTS:

Mr R Harris QC	instructed by CgMs
He called	
Mrs H Cuthbert BSocSc(Hons) MA MRTPI	Director, Planning Potential
Mr D McWilliams MPhil MA	Chief Executive, the Centre for Economics and Business Research
Mr J Stephenson FRICS MCIARB	Chairman and Senior Director, Grant Mills Wood
Mr C Hicks BSc(Econ) MCD MRTPI	Head of Commercial Dept, CgMs

INTERESTED PERSONS SUPPORTING THE PROPOSAL:

Mr S Gill	Local Businessman
Cllr Buttivant	Local Ward Councillor
Mr D Wellavise	Local Resident

CORE DOCUMENTS

No. Document

- The Application**
- 1 Documents forming part of the Application (Details given in Section 3.2 of the Statement of Common Ground (SoCG))
 - 2 Drawings forming part of the Application (Details given in Section 3.1 of the SoCG)
 - 3 Pre-application meeting notes with Hillingdon Planners 21st May 2010 prepared by Drivers Jonas Deloitte
 - 4 Pre-application advice letter from Hillingdon dated 18th August 2010
 - 5 GLA Stage 1 Report, 1st June 2011
 - 6 GLA Stage II Report, 7th December 2011
 - 7 Officers Report to Committee and Addendum, 14th November 2011
 - 8 Council's minutes of Committee meeting, 14th November 2011
 - 9 Unilateral Undertaking dated 20 April 2012
 - 10 Decision Notice, Dated 20 April 2012
- The Appeal**
- 11 Appeal form
 - 12 Questionnaire
 - 13 Appellants' Statement of case
 - 14 Council's Statement of Case
 - 15 SoCG (See Document 2, handed in at the Inquiry)

16 Conditions (See Document 15, handed in at the Inquiry)

Planning Policy

17 Hillingdon UDP, adopted September 1998 (Saved Policies)
18 Employment Land Reviews: Guidance Note, ODPM, 2004
19 The Planning System: General Principles (ODPM 2005)
20 Southern Hillingdon Area Action Plan, 2006
21 Industrial Capacity SPG. Mayor of London, 2008
22 The London Plan, July 2011
23 Ministerial Statement: Planning for Growth, 31st March 2011
24 National Planning Policy Framework, March 2012
25 Land for Industry and Transport SPG - Mayor of London, Sep 2012
26 Hillingdon's Response to the Mayor's Draft Industrial Land and Transport
SPG dated 20th April 2012
27 Land for Industry and Transport draft SPG. Proposed Changes to Annex 1,
June 2012
28 BSPF/ASDA representations to revised Annex 1 to Land for Industry and
Transport draft SPG, 11 July 2012

Core Strategy – Evidence Base

29 Hillingdon LDF - Background Technical Report: Town Centres and Retail
Study, 2006
30 Hillingdon LDF - Background Technical Report: Employment Land Study,
2009
31 Hillingdon LDF - Position Statement on Employment Land and Comparison
Retail Floorspace, June 2010.
32 London's Industrial Land Baseline URS/DTZ Nov. 2010
33 Industrial Land Demand and Release Benchmarks, Roger Tym/JLL,
December 2011
34 Hillingdon LDF - Position Statement on Employment Land, June 2010
35 LBH Convenience Goods Retail Study Update 2012 Strategic Perspectives,
February 2012

Core Strategy – Representations by BSPF/ASDA

36 Representation on behalf of BSPF to Hillingdon Core Strategy Draft, "Report
examining case for loss of employment land designation", July 2010
37 Representation on behalf of BSPF to Hillingdon Pre-Submission Core
Strategy, March 2011.
38 LBH response to BSPF representations to Core Strategy
39 Representation on behalf of BSPF and ASDA to Hillingdon in respect of
session 3 Economy and Employment Land, prepared by CgMs, February
2012
40 Representation on behalf of BSPF and ASDA to Hillingdon in respect of Retail
matters, Prepared by Planning Potential, February 2012
41 Representations submitted to the proposed Modifications to Economy and
Employment Land, May 2012
42 Representations submitted to the Council's Retail Report and Core Strategy
retail section, May 2012
43 Notes from CS Economy and Employment Land meeting, 2 April 2012
44 Note of a further meeting which was held with Officers on 7th June 2012 re
Retail matters

Core Strategy – Policy

45 Core Strategy Pre-submission Draft, February 2011
46 The Sustainability Appraisal for the CS
47 List of modifications to the draft Core Strategy
48 Inspector's Report to the Core Strategy

Proofs of Evidence and Related Documents

- 49 Appellants' Economics Proof
- 50 Appellants' Employment Land Proof
- 51 Appellants' Retail Proof
- 52 Appellants' Planning Proof
- 53 Council's Proof

Representations to Application

- 54 Letter of objection from Councillor Dhilan, 14 November 2011
- 55 Objection Letter from John McDonnell MP
- 56 Petition in support (192 signatures), October 2011
- 57 Petition in objection (34 signatures), November 2011
- 58 Third parties representations to the Council (10 in support, 1 objection)

Representations to Appeal

- 59 Letter from Councillor Buttivant in support of the appeal, 20 June 2012
- 60 Third parties representations to PINS made in due time (See Appendix 3)
- 61 Third parties representations to PINS made outside due time

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

- Document 1 Letter of notification of the inquiry, and list of persons notified
- Document 2 Statement of Common Ground
- Document 3 Opening submissions from the appellants
- Document 4 Opening submissions from the Council
- Document 5 Letters of objection from Mr Navakumaran Ganesharatnam and Hari & Co
- Document 6 The London Plan – Sub-Regional Development Framework, West London, submitted by the appellants
- Document 7 Background Documents to accompany Mr McWilliam’s evidence, submitted by the appellants
- Document 8 Hillingdon Cabinet Report and appendices, submitted by the Council
- Document 9 Curriculum Vitae of Mr McWilliams, submitted by the appellants
- Document 10 Two Plans from the Hillingdon Unitary Development Plan Proposals Map, submitted by the Council
- Document 11 Transport Note – Impact on Albert Road, submitted by the appellants
- Document 12 Marketing information for 3 Westlands, submitted by the Council
- Document 13 Land Registry information for the Westlands Industrial Estate, submitted by the Council
- Document 14 Bundle of four letters supporting the appeal proposal
- Document 15 List of agreed planning conditions (including two not fully agreed)
- Document 16 Transport Note – ASDA Hayes – Home Delivery Planning Condition
- Document 17 Closing submissions on behalf of the Council
- Document 18 Closing submissions on behalf of the appellants