

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

PLANNING AND RETAIL STATEMENT

VARIATION OF SECTION 7 IMPOSED ON PLANNING PERMISSION

No. 2621/APP/2010/0207 TO PERMIT THE SALE OF FOOD

AND CONVENIENCE GOODS FROM UNIT C1

PROPOSED FARMFOODS SUPERMARKET

SPRINGFIELD ROAD RETAIL PARK

HAYES

UB4 0UP



**PREPARED ON BEHALF OF
WEST MIDLANDS PENSION FUND
October 2022**

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Appendices

Appendix [1] Copy of planning permission No. 2621/APP/2010/1283 dated 14th September 2010.

Appendix [2] Copy of planning permission No. 2621/APP/2010/2407 dated 20th December.

Appendix [3] Copy of Council's pre-application advice in respect of App. Nos. 2621/APP/2010/1283 and 2621/APP/2010/2407.

Appendix [4] Copy of approved site plan under App. No. 2621/APP/2010/2407.

Appendix [5] Drive time isochrone catchment.

Appendix [6] CoStar report for Uxbridge Road, Hayes.

Appendix [7] Retail impact tables.

1.0 INTRODUCTION

- 1.1 MWA has accepted an instruction from CBRE Investors representing the West Midlands Pension Fund (WMPF) to submit a planning application to enable Farmfoods Ltd to occupy Unit C1¹, on the Springfield Road Retail Park, Hayes.
- 1.2 The site was formerly occupied by Pets at Home² and a new tenant has been confirmed: Farmfoods Ltd. The latter is a well-established supermarket operator specialising in the sale of frozen and ambient food and drink goods.
- 1.3 The planning application seeks the variation of condition 7 imposed on planning permission No. 2621/APP/2010/0207 which currently does not permit the sale of food and convenience goods from Unit C1. The application therefore relates only to this unit.
- 1.4 The following plans are included with the application:

Drawing title	Drawing No.	Scale
Location Plan	895 PL 1.001	1: 1250 @ A1
Location Plan	895 PL 1.000	1: 500 @ A1
Site Plan - Existing	895 PL 1.200	1: 250 @ A1
Site Plan - Proposed	895 PL 1.201	1: 250 @ A1
Unit C1 Plan - Existing	895 PL 2.200	1: 100 @ A1
Unit C1 Plan - Proposed	895 PL 2.201	1: 100 @ A1
Existing Elevations	895 PL 3.100	1: 200 & 1: 50 @ A1
Proposed Elevations	895 PL 3.101	1: 200 & 1: 50 @ A1

- 1.5 A Transport Statement prepared by MBC is also submitted in support of the application. This also includes a car parking survey.
- 1.6 Our report is set out as follows:

Section 2.0: This section contains an outline of the current planning permission restricting the sale of goods along with a description of the proposed variation. It also describes the proposed occupier and the company's operational requirements.

Section 3.0: Relevant planning policies are summarised as set out within the London Borough of Hillingdon Local Plan Part 1 – Strategic Policies (November 2012), Local Plan Part 2 – Development Management Policies (January 2020) and Local Plan Part 2 – Site Allocations and Designations (January 2020). In addition we also make reference to relevant policies within The London Plan (2021), the NPPF (2021) and the NPPG on Town Centres and Retail (2014).

¹ Formerly Unit C3.

² The company vacated the site in August 2021.

Section 4.0: Our consideration of compliance with the sequential test is set out in this section. It has included an assessment of Uxbridge Road town centre which comprises the main centre within the primary catchment area of the proposed store.

Section 5.0: This section outlines our approach to assessing retail impact.

Section 6.0 In this section we summarise the evidence we have provided which supports our conclusion that the application should be determined favourably.

2.0 RELEVANT PLANNING HISTORY AND SITE CONTEXT

(i) Relevant planning history

2.1 We attach as **Appendix [1]**, a copy of permission No. 2621/APP/2010/1283 dated 14th September 2010. This authorised the sub-division of a single retail warehouse (originally occupied by MFI) into 4 separate units together reconfiguring the car park. Planning permission No. 2621/APP/2010/0207 authorised a variation in the range of goods which could be sold to allow the sale of pets and pet products. This was granted on 20th December 2010 and a copy is attached as **Appendix [2]**.

2.2 Condition 7 imposed on planning permission No. 2621/APP/2010/0207 restricts the goods which can be sold:

The retail floorspace within unit C3 as demarcated on drawing 622-CL PL02 Rev B (Site Plan) received 06 December 2010 shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment; pets and pet products (including food for non-human consumption) and other products ancillary to these main ranges.

All other retail floorspace within the site (as defined on the Location Plan received on 02 June 2010) shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

The premises shall be used for no other purpose (including any other use in Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any previous equivalent to that class in any Statutory Instrument revoking or re-enacting that order) unless prior written consent is obtained from the Local Planning Authority.

REASON

To ensure the proposal does not have a detrimental impact on the vitality or viability of local centres or encourage unsustainable vehicular trips in compliance with Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

2.3 Prior to the submission of App. No. 2621/APP/2010/2407, pre-application advice was provided by the Council and this is attached as **Appendix [3]**. The advice noted that the site lies within a designated Industrial and Business Area, in an out-of-centre location. The design and car parking provision were discussed but no significant issues were identified.

2.4 We attach as **Appendix [4]**, the Site Plan referred to in condition 7. Unit C3 comprises the end unit previously occupied by Pets at Home. However, the unit number has since been altered to Unit C1. The unit extends to 716 sq.m. gross. The company will trade from a sales area of 573 sq.m., the balance being for storage and staff facilities.

2.5 The sale of convenience goods is therefore currently prohibited. In addition, the range of comparison (non-food) goods which can be sold is also restricted to the categories specified in condition 7.

2.6 In order to accommodate Farmfoods it will be necessary to vary the terms of condition 7 as follows:

The retail floorspace within unit C1³ as demarcated on drawing 895 PL 2.201 shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment; pets and pet products (including food for non-human consumption), food and convenience goods (for consumption off the premises) and other products ancillary to these main ranges.

All other retail floorspace within the site (as defined on the Location Plan received on 02 June 2010) shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

The premises shall be used for no other purpose (including any other use in Class E(a) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any previous equivalent to that class in any Statutory Instrument revoking or re-enacting that order) unless prior written consent is obtained from the Local Planning Authority.

2.7 In terms of servicing and deliveries, a typical Farmfoods store will have between 2-3 deliveries per day with an unloading time of up to 45 minutes.

Farmfoods Ltd

2.8 Farmfoods Ltd is a privately owned food retailer who specialise in the sale of frozen foods – often described as freezer centres. However, they also sell other dry, packeted, and tinned products, and a small range of ambient and fresh lines. They do not sell alcohol or cigarettes.

2.9 The business was founded in 1954 and is still owned by the Herd family, now under the

³ Referred to in the 2010 permission as "Unit C3".

leadership of the 3rd generation. Based in Scotland they now operate throughout Great Britain with stores from the north of Scotland down to Cornwall and Dover. They have always specialised in frozen foods: "Farmfoods – Great Food at Amazing Prices."

Site requirements

- 2.10 The company's focus is mainly on large format stores of typically between 557-929 sq.m. gross with dedicated customer car parking, often along main roads and in proximity to housing. More recently, larger format stores have proven successful leading to the size requirement growing to 743-1,858 sq.m. gross.
- 2.11 The key to the long-term viability and success of Farmfoods has been, and continues to be, a value for money offering to customers and a business focus on costs and efficiency. The ability for customers to park close to the store is essential together with trolley availability. And in a time of rising food and other prices, the ability to deliver quality food at affordable prices is an important consideration for many businesses in order to support households on low and restricted incomes.
- 2.12 Rent and property costs are a significant recurring cost and one which must be kept under control. In addition, large average-spend rates drive greater efficiency in the shops' operation. These are only achievable if customers have an ability to buy and transport large volumes to their vehicles – especially the case with frozen food which requires expedited transport to domestic freezers. Other means of transport are used by customers, such as taxis, but private car use is the most significant form of transport used.

Recent new store openings

- 2.13 The following list highlights store openings in England and Wales for this year and last. These are a mixture of leasehold and freehold and planning permission was secured for those stores marked with an asterisk; all others benefited from a suitable existing consent.

<u>Open</u>	<u>Town</u>	<u>Description – size, parking, delivery</u>
Feb 5 th 2020	Openshaw	Roadside, out of centre retail centre.
Feb 26 th 2020	Aylesbury	Retail Park, adj Lidl, opp Aldi.
Jun 19 th 2020	Swansea	Retail Park – edge of centre, former Lidl.
Jul 31 st 2020	Pembroke Dock	Roadside, out of centre, alongside Tesco Extra.
Aug 1 st 2020	St Austell	Roadside, former Lidl.
Aug 23 rd 2020	Littlehampton	Roadside, local parade with parking.
Sep 5 th 2021	Pontypridd	Retail Park, out of centre, adj Aldi.
Sep 19 th 2020	Runcorn	Retail Park adj Home Bargains, Aldi
Oct 16 th 2020	Bridgwater	Retail Park, adj Lidl, Home Bargains.
Oct 23 rd 2020	Fareham*	Retail Park, out of centre.
Oct 24 th 2020	Dagenham*	Retail Park, out of centre, opp Aldi.
Dec 11 th 2020	Wolverhampton	Roadside, out of centre.
Feb 11 th 2021	Wavertree	Retail Park, adj Home Bargains and Iceland.
Feb 12 th 2021	Peterlee	Roadside, retail centre former Aldi.
Apr 1 st 2021	Harlow*	Retail Park, out of centre, adj The Range.
Apr 16 th 2021	Southend	Roadside, out of centre, former Aldi.
May 28 th 2021	Shiremoor	Retail Park, adj Aldi and B&M.
Jul 30 th 2021	Catterick Garrison	Retail Park, adj Tesco Extra.
Jul 31 st 2021	Blyth	Roadside, retail centre, former Lidl adj B&M.
Opening Sep 2021	Boston*	Retail Park, edge of centre, adj Aldi.
Opening Sep 2021	Wigan	Retail Park, adj Home Bargains.

Employment

2.14 The premises on the Springfield Road Retail Park satisfy Farmfoods' requirement and once open will provide customer choice along with a range of approximately 20 jobs, both full and part time. It is the first store in Hillingdon which the company has identified after a number of years of searching which is:

- Viable
- Available and
- Suitable

2.15 This will ensure long term security for employees in addition to providing a specialist, discount food supermarket to serve local residents.

3.0 RELEVANT PLANNING POLICIES

A. The development plan

- 3.1 For the purposes of Section 38(6) of the Town and Country Planning Act the development plan comprises the following documents:
The London Plan (March 2016)(LP)
Local Plan Part 1: Strategic Policies (November 2012)(SP)
Local Plan Part 2: Development Management Policies (January 2020)(DMP)
Local Plan Part 2: Site Allocations and Designations (January 2020)(SAD)
- 3.2 Relevant policies within these documents are summarised in this section along with national advice within the National Planning Policy Framework (NPPF)(2021).

(i) The London Plan (2021)

- 3.3 The London Plan supports making the best use of land and Policy GG2 supports development of brownfield land.
- 3.4 Policy SD1 Opportunity Areas confirms that Boroughs through development plans and decisions should support and sustain Strategic Industrial Locations (SIL) including making more efficient use of land in SIL in accordance with other policies in the plan.
- 3.5 Policy SD6 Town centres and high streets confirms that the vitality and viability of town centres should be promoted and enhanced. This can be achieved by encouraging a range of uses that meet the needs of Londoners including main town centre uses.
- 3.6 Policy SD7 Town centres: development principles and development plan documents outlines a requirement for a 'town centre first approach' and discouraging out-of-centre development. A sequential test should be applied to applications for main town centre uses requiring them to be located in town centres followed by edge of centre sites where no in centre sites are available or likely to become available within a reasonable period of time. Edge of centre sites should be well integrated within the existing centre together with local walking and cycle routes and public transport. Only then should out of centre sites be considered.
- 3.7 Policy SD7 also requires an impact assessment for uses that are not in accordance with the development plan. If no locally set threshold has been set the London Plan confirms at paragraph 2.7.4 that proposals at or above 2,500 sq.m. should require such an assessment.
- 3.8 Policy SD8 defines a Town centre network. Annex 1 to the plan confirms that Uxbridge is defined as a Metropolitan centre⁴ with Eastcote, Hayes, Northwood, Ruislip and Yiewsley/West

⁴ Serving a wide catchment which can extend over several boroughs and typically containing 100,000 sq.m. of retail, leisure and service floorspace.

Drayton as District Centres⁵. Southall in Ealing is defined as a Major centre⁶. Uxbridge Road, Hayes is defined as a Minor Town Centre.

3.9 Policy E5 defines the Strategic Industrial Locations (SIL). These are identified as the largest concentrations of industrial, logistics and related capacity that support the functioning of London's economy. Site 20 defines North Uxbridge Industrial Estate (within which the retail park is located) as a SIL. The policy requires that development within a SIL should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities.

(ii) Local Plan Part 1: Strategic Policies (November 2012)(SP)

3.10 The application site is located within an area designated as a Strategic Industrial Location (SIL)(see **Figure 1**). Policy 2.17 of the LP confirms that these locations will be protected as the capital's main reservoir of industrial land. SIL fall into two broad categories:

Preferred Industrial Locations (PILs): These are suitable for general industrial, light industrial, storage and distribution, waste management, recycling, some transport related functions and other industrial related uses (i.e. generally Use Classes B1 (c), B2 and B8). Hillingdon has three PILs – they are the Uxbridge Industrial Estate, Victoria Road / Stonefield Way Industrial Business Area in South Ruislip, and the Hayes Industrial Area.

Industrial Business Parks (IBPs): These are suited to industrial activities that are compatible with a higher quality environment including research and development, light industrial and higher value general industrial, (i.e. primarily Use Classes B2 and B8 and some B1(b), B1(c)). IBPs are not intended for large scale office development. Hillingdon has one IBP located at North Uxbridge Industrial Estate.

3.11 The Local Plan Part 1 designates two classes of locally significant employment land:

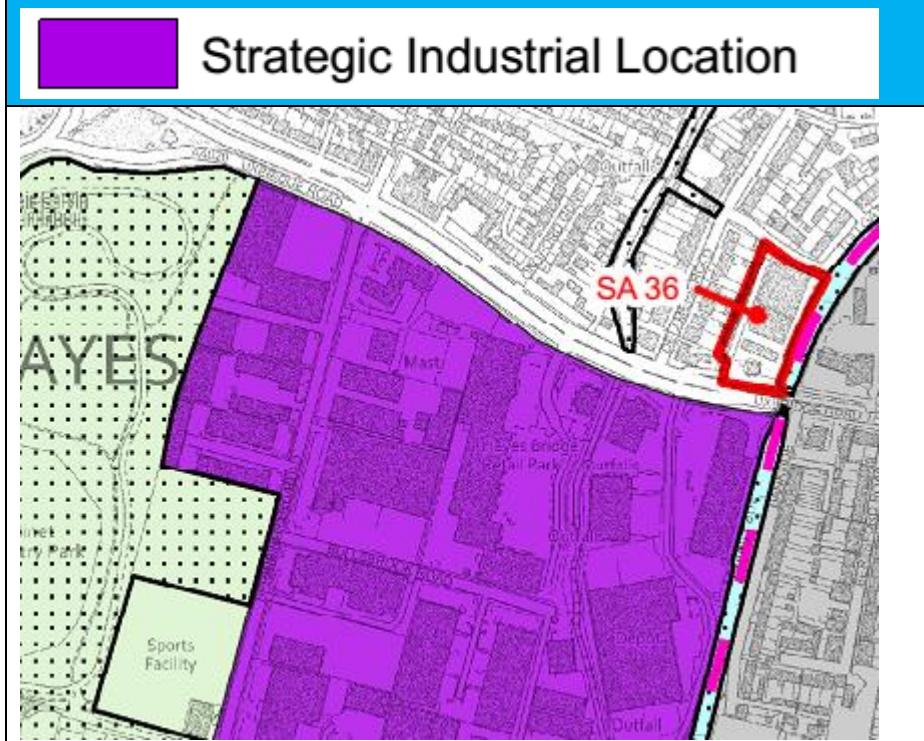
Locally Significant Industrial Sites (LSIS): These are intended to be suitable for industrial and warehouse activities (Use Classes B1(c), B2 and B8).

Locally Significant Employment Locations (LSEL): These are intended to have a light industrial, office and research and development role (B1 (a), (b), (c) use designated classes).

⁵ Providing convenience goods and services and social infrastructure for more local communities and typically containing between 5,000-50,000 sq.m. of retail, leisure and service uses.

⁶ Having a borough wide catchment with over 50,000 sq.m. of retail and other town centre uses with a high proportion of comparison goods space.

Figure 1: Extract from London Borough of Hillingdon Policies Map Part 2



3.12 Policy E2 deals with the Location of Employment Growth. It states that the Council will accommodate 9,000 new jobs during the plan period to 2026, within the Uxbridge and the Heathrow Opportunity Area. Most of this growth will be directed towards suitable sites including within SILs and within Uxbridge Town Centre and Hayes Town Centre. This is consistent with Policy E1 which seeks to protect SILs from alternative forms of development.

3.13 Since the site falls within a designated SIL, Policy DME 1 within the DMP technically applies notwithstanding the fact that the site is in retail use and forms part of a longstanding retail park. This states:

- A) The Council will support employment proposals in Strategic Industrial Locations (SILs) - Preferred Industrial Locations (PIL) or Industrial Business Parks (IBP) - in accordance with relevant policies in the London Plan.**
- B) The Council will support industrial and warehousing uses (Use Classes B1 (c), B2 and B8) and Sui Generis uses that are appropriate in an industrial area within Locally Significant Industrial Sites (LSIS).**
- C) The Council will support light industrial, office and research & development activities (B1 (a) (b) (c) Use Classes) within Locally Significant Employment Locations (LSELs).**

- D) Proposals for other uses will be acceptable in SILs, LSELs and on LSIS only where:**
 - i) There is no realistic prospect of the land being developed in accordance with criterion A, B or C; or**
 - ii) Sites have been vacant and consistently marketed for a period of 2 years; and**
 - iii) The proposed alternative use does not conflict with the policies and objectives of this Plan.**
- E) Development adjacent to SILs, LSIS and LSELs must be located and/or designed so as to not to compromise the integrity or operation of these employment areas.**
- F) Proposals for small scale ancillary development which support occupiers and the workforce on designated employment sites, such as 'walk to' services including workplace crèches, cafes and small-scale food outlets, will be supported."**

3.14 Notwithstanding the above, there are important material considerations which would support the introduction of a supermarket:

- The site is already within Class E(a) retail use. While a variation in the range of goods is required, the prevailing non-food retail use of the retail park would not alter.
- The site has been an established shopping destination since the 1980's with App. No. 2621AC/83/1381 authorizing the erection of 2 retail warehouses (22nd June 1984).
- The Council in granting permission under App. No. 2621/APP/2010/1283 for the sub-division of the former MFI store into 4 units, accepted that there was no conflict with the site's designation for industrial and business use.
- Farmfoods would create a number of employment opportunities consisting with the Council's objective of encouraging economic development and growth.
- It would provide the opportunity for workers within the wider industrial area to the south, to access food and convenience goods although as proposed the Council is not likely to view the scale of provision as 'ancillary.'

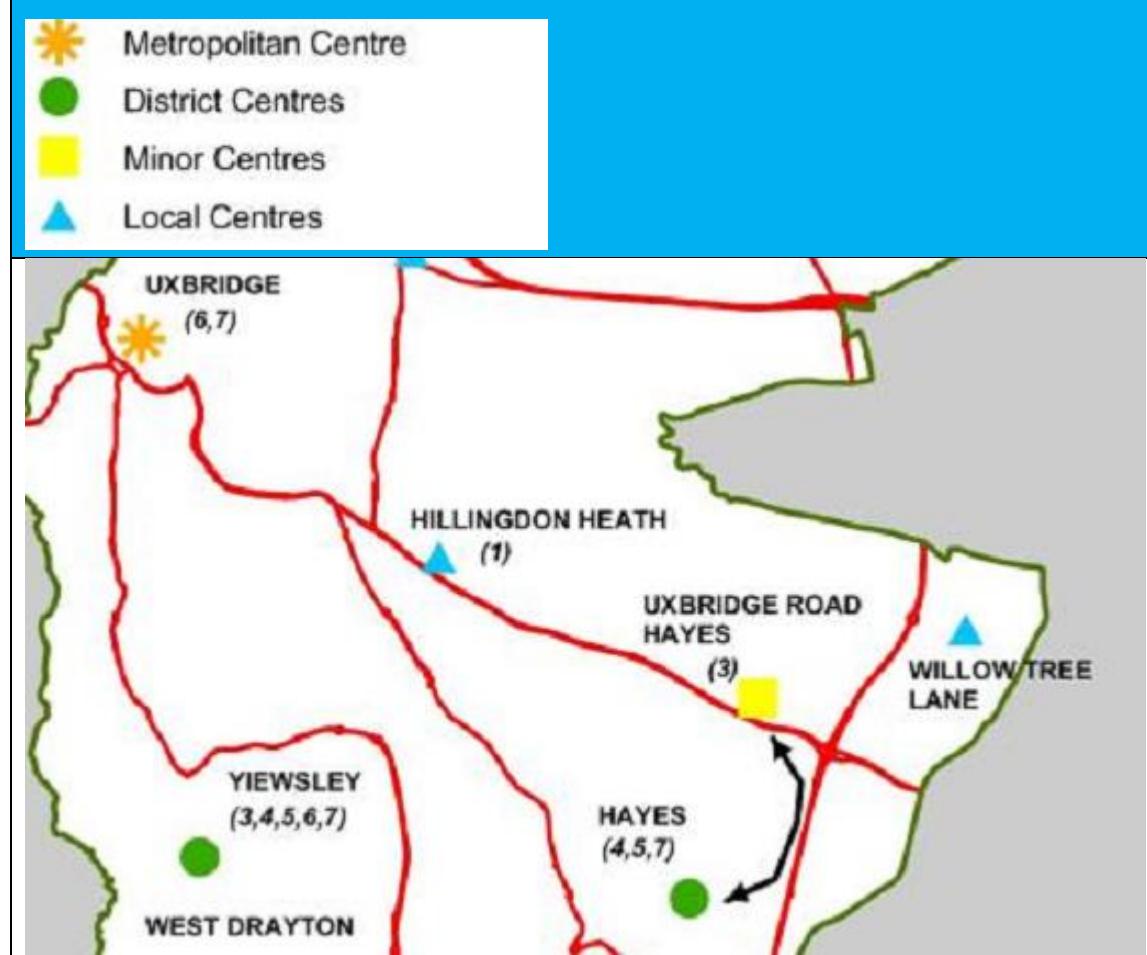
3.15 Policy E5 Town and Local Centres, confirms that the Council will accommodate additional retail growth in established centres. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests.

3.16 The Springfield Road Retail Park is well located within the urban area and close to Uxbridge Road which lies a short distance to the west.

3.17 **Figure 2** provides an extract from the Local Plan which outlines the retail hierarchy in this part of the borough. Uxbridge Town Centre is defined as a Metropolitan Centre, with Hayes as a District Centre. Uxbridge Road, Hayes which lies to the west of the Springfield Road Retail

Park is identified as a Minor Centre. The Local Plan Part 2 also confirms that Uxbridge serves wide catchments which extend over several boroughs. Hayes District Centre provides convenience and services for local communities and is accessible by public transport, walking and cycling. Uxbridge Road (Hayes) serves a more localised catchment, mostly accessible by walking, public transport and cycling and comprises a series of parades and small clusters of shops. The Willow Tree Local Centre to the north-east of the site, provides local services and meets day to day needs.

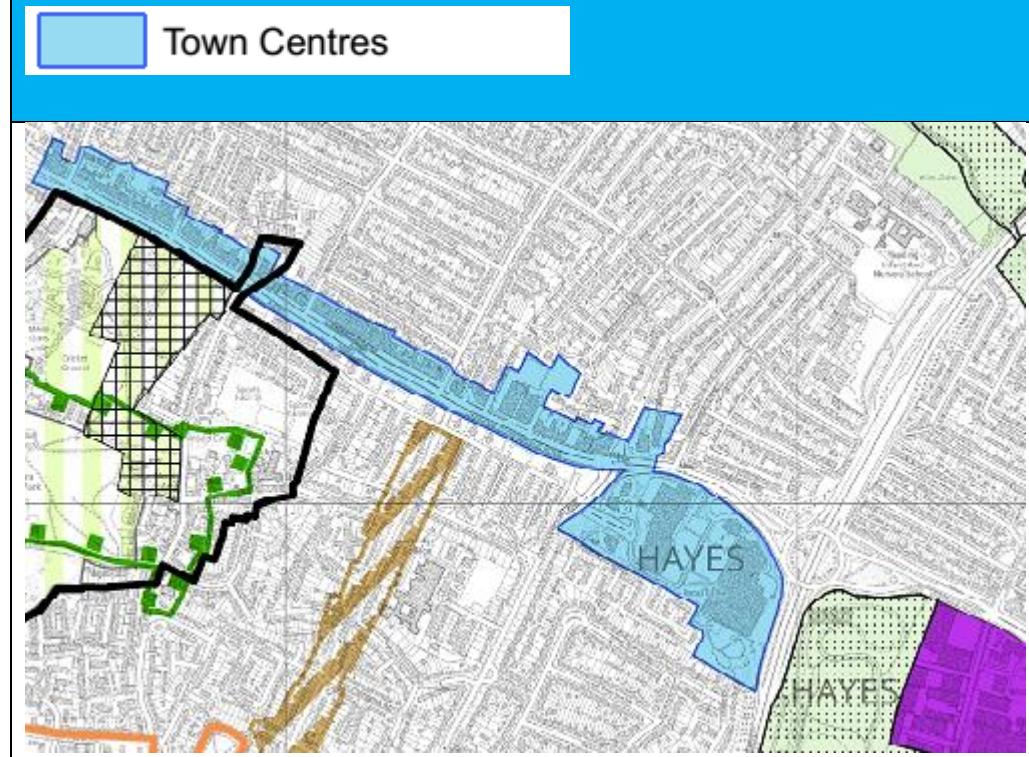
Figure 2: Extract from Local Plan Part 1 Strategic Policies



3.18 **Figure 3** provides an extract from the adopted development plan Policies Map. This confirms that the Lombardy Retail Park which contained the Sainsbury's superstore is located within the designated boundary for the Uxbridge Road, Hayes Minor Centre. The Springfield Road Retail Park being located to the west of the A312 is not within or on the edge of the designated centre boundary. Promap confirms that the boundary of the retail park to the edge of the designated centre boundary is 300 metres. The NPPF defines an edge of centre site for retailing as one which is up to 300 metres from the primary shopping area and which is well connected thereto. The designated PSA within the Uxbridge Road, Hayes centre lies along Uxbridge Road and is approximately a further 150 metres to the west of the Lombardy Retail Park. Therefore, although the site lies more than 300 metres from the designated PSA, given the elongated nature of Uxbridge Road, Hayes the Springfield Road Retail Park is considered

to function as an edge of centre shopping destination which is well connected by car, bus, walking and cycling to Uxbridge Road centre.

Figure 3: Extract from London Borough of Hillingdon Policies Map Part 2



(ii) Local Plan Part 2: Development Management Policies (January 2020)(DMP)

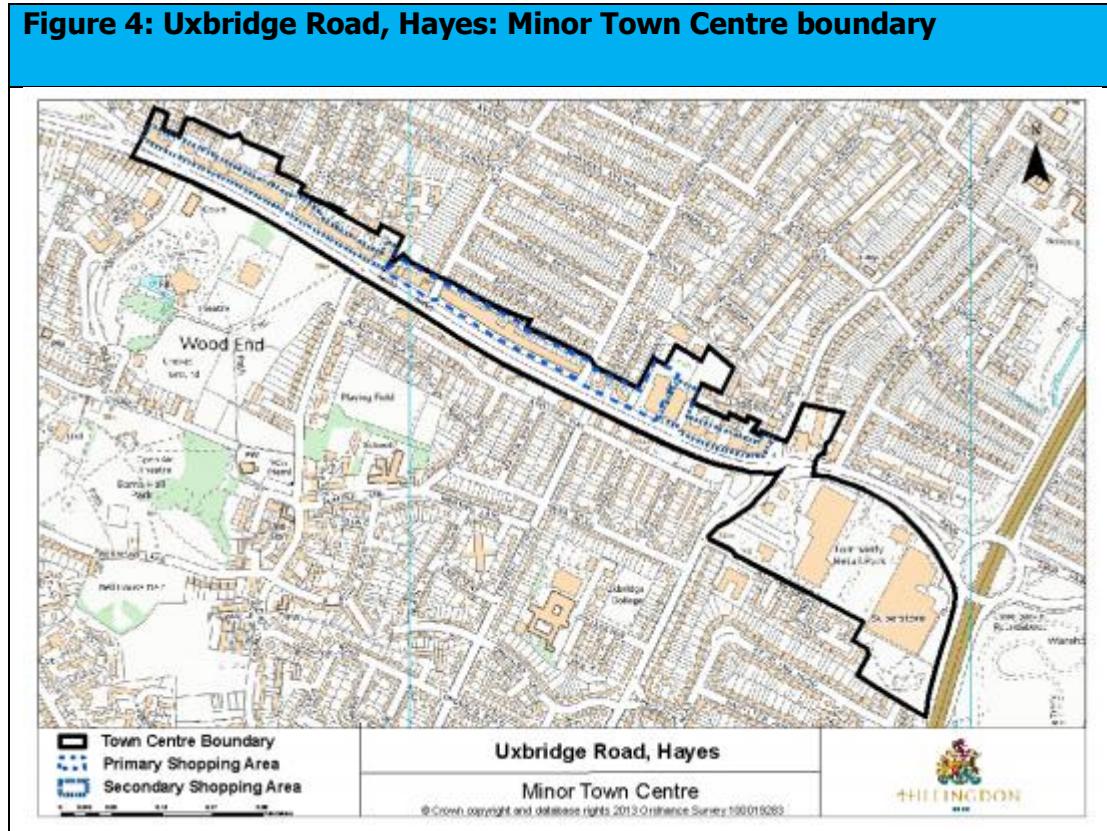
3.19 Policy DMTC 1 of the DMP also deals refers to Town Centre Development:

- A) The Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. Town centre development will need to demonstrate that:**
 - i) adequate width and depth of floorspace has been provided for the town centre uses; and**
 - ii) appropriate servicing arrangements have been provided.**
- B) Residential use of ground floor premises in primary and secondary shopping areas and in designated parades will not be supported.**
- C) Proposals for 'main town centre uses' in out of centre locations will only be permitted where there is no harm to residential amenity.**
- D) The Council will:**

- i) expect proposals for 'main town centre uses' to demonstrate that there are no available or suitable sites in a town centre where an edge of centre or out of centre location is proposed, using a sequential approach; and
- ii) consider the effect of the proposal, either individually or cumulatively on the vitality and viability of existing town centres. Development proposals in out of centre and edge of centre locations, which exceed 200 sqm of gross retail floorspace, or 1,000 sqm of combined main town centres uses, will require an impact assessment."

3.20 The Local Plan Part 2 confirms the boundary of Uxbridge Road, Hayes as a Minor Town Centre as set out in **Figure 4** below. As confirmed the application site lies outside the defined boundary and the proposal is therefore subject to the sequential test.

Figure 4: Uxbridge Road, Hayes: Minor Town Centre boundary



3.21 Policy DMTC 1 requires the submission of an impact assessment for proposals involving 200 sq.m. gross or more of retail floorspace. A retail impact assessment has been prepared proportionate to the nature and scale of the proposal.

3.22 Policy DEM: 1 Employment uses on designated employment sites, confirms that in SILs and IBPs industrial and warehousing uses will be supported. Proposals for other uses will be acceptable where:

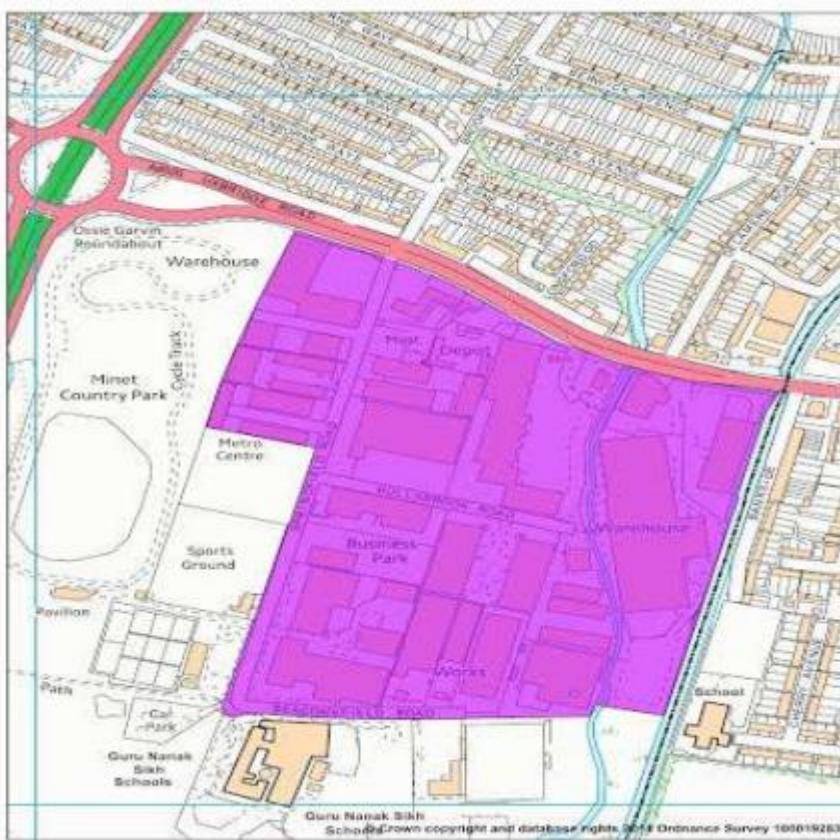
- i) There is no realistic prospect of the land being developed in accordance with criterion A, B or C; or
- ii) Sites have been vacant and consistently marketed for a period of 2 years; and

iii) The proposed alternative use does not conflict with the policies and objectives of this Plan

(iii) Local Plan Part 2 Site Allocations and Designations (January 2020)

3.23 Policy SEA 1: Strategic industrial locations confirms that the site forms part of a Preferred Industrial Location (PIL) comprising the Hayes Industrial Area. This consists of a range of areas near Hayes Town Centre and around Springfield Road as shown in **Figure 5**.

Figure 5: Springfield Road, part of the Hayes Industrial Area SIL



3.24 The policy notes that the Springfield Road area is a vibrant employment site with a wide range of businesses. It also notes that it has benefits from recent investment from the private sector. The Council is of the view that most of the existing IBA should be regarded as forming part of the Hayes Industrial Area.

B. NPPF (July 2021)

3.25 The NPPF (2021) is an important material consideration. Paragraph 8 states:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in

mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;**
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and**
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.**

3.26 Paragraph 11 in respect of delivering sustainable development states that plans and decisions should apply a presumption in favour of sustainable development:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

3.27 Annex 2 to the NPPF defines main town centre uses which include retail uses.

3.28 Paragraph 86 relating to town centres, advises:

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;**
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;**
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;**
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;**

3.29 Paragraph 87 states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre nor in accordance with an up-to-date plan. Suitable sites include those which are likely to become available within a reasonable period although the latter is not defined.

3.30 Paragraph 90 of the NPPF sets out the circumstances under which an Impact Assessment should be undertaken to accompany proposals for retail, leisure, and office development outside of town centres, which are not in accordance with an up-to-date Local Plan. Planning authorities should require an Impact Assessment if the development is over a proportionate locally set floorspace threshold. In the case of the national park, the locally set threshold is 200 sq.m.

3.31 Paragraph 91 of the NPPF sets out how the sequential assessment and impact assessment should be considered. It states that where an application fails to satisfy sequential tests or is likely to have significant (our emphasis) adverse impact on one or more of the above factors, it should be refused. This needs to be considered in the context of the advice given at paragraph 11 of the NPPF which requires planning authorities to weigh the balance of any adverse impacts against any benefits that arise from the application proposals, with permission only being refused where there are significant and demonstrable adverse effects that outweigh the planning benefits.

3.32 Section 11 of the NPPF also stresses the importance of promoting effective use of land (paragraph 119) and advises that substantial weight should be given to using brownfield land within settlements to meet identified needs (paragraph 12).

C. Planning Practice Guidance Town Centres and Retail (2014)(PPG)

3.33 The PPG confirms:

Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.

A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development.

Paragraph: 001 Reference ID: 2b-001-20190722

3.34 Paragraph 009 ID: 2b-009-20190722 advises that a sequential test should be applied to main town centre uses. It applies only to sites which are not within a town centre. The preference is for town centre locations which are available followed by edge of centre sites followed by out of centre locations. Paragraph 011 ID: 2b-001-20190722 advises that the Applicant should demonstrate compliance and its application should be proportionate and appropriate for a given proposal. Flexibility should be applied to a proposal with a consideration given to the contribution made by developing in more central locations. Sites should be assessed as to whether they are likely to become available within a reasonable period of time based on the scale and complexity of a particular scheme.

3.35 Paragraph 012 ID: 2b-012-20190722 also states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which means that they can only be accommodated in certain locations. Robust justification will be required where this argument is advanced.

3.36 In relation to retail impact, the PPG advises that it is necessary to:

- establish the state of existing centres and the nature of current shopping patterns (base year)
- determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur
- examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);
- assess the proposal's turnover and trade draw* (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)

- consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)
- set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres

3.37 It also confirms that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development.

3.38 The design year for impact testing will need to be selected to represent the year when the proposal has achieved a 'mature' trading pattern. This is conventionally taken as the second full calendar year of trading after the opening of each phase of a new retail development, but it may take longer for some developments to become established.

Paragraph: 018 Reference ID: 2b-018-20190722

4.0 SATISFYING THE SEQUENTIAL TEST

1. The adopted approach to sequential assessment

4.1 We have undertaken an analysis of alternative premises and sites within and on the edge of Uxbridge Road centre. The proposed occupier is Farmfoods Ltd who have specific locational and operational requirements.

Primary Catchment Area (PCA)

4.2 The catchment area of the proposed development is primarily based on a 5-minute drive time isochrone as set out in **Appendix [5]**. This encompasses Uxbridge Road and the outskirts of Southall to the east in the London Borough of Ealing.

4.3 The proposed occupier has a confirmed requirement to open new stores in Southall, Hayes, Uxbridge and Northolt subject to locating suitable sites/premises. The store at the Springfield Retail Park will therefore be focused on primarily meeting the needs of residents within the PCA and we have therefore concentrated our sequential assessment on Uxbridge Road, Hayes.

Operational requirements

4.4 The proposed occupier confirms its site requirements as follows:

- Ideally conveniently placed in relation to local amenities and existing services, in a visible location well positioned on busy main roads
- In proximity to residential areas and accessible on foot, public transport and by car
- Development sites of at least 0.30ha.
- Units sizes of between 929-1,858 sq.m. gross but units of 557 sq.m. will be considered in certain locations, particularly London.
- Adjacent car parking given that many shoppers buy in bulk including a range of frozen items which require fast transfer to home freezers.
- Suitable for 16.5m articulated vehicles involving typically one such delivery a day.

Suitability and availability

4.5 Paragraph 011 of the PPG sets the context for applying the sequential test. It states:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.'

4.6 Paragraph 011 of the PPG also advises that a degree of flexibility must be applied recognising that it is not necessary to demonstrate that a potential town centre site can precisely accommodate the scale and form of development being proposed but rather what contribution more central sites are able to make individually to accommodate the proposal.

4.7 In summary, applying the sequential test means:

1. First assessing whether there are any available sites that are suitable in sequentially preferable locations
2. Acknowledging the market and locational requirements of the uses concerned
3. Ensuring the assessment is proportionate and appropriate to the given proposal
4. Being flexible to demonstrate whether more central site have been fully considered

4.8 In interpreting the need for flexibility⁷ the Supreme Court in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13⁸ held that in defining the term 'suitable' reference should be made to the design of the developer's proposal subject to the demonstration of flexibility and realism.

4.9 The principles underpinning the suitability of an alternative site was also discussed in the case of *R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investment v North Lincolnshire Council* [2012]⁹. At paragraph 62 of the judgement¹⁰ the Court¹¹ held:

"Working in the real world, the committee were entitled (and indeed, bound) to take into account the evidence that any arrangement in which Marks and Spencer used the TJ Hughes unit (the only available unit in Scunthorpe town centre) would not be commercially viable, and that, because of that lack of viability, Marks and Spencer would not locate to Scunthorpe town centre in the event that this Application for the site was refused."

4.10 It was further held that the issue of suitability must be directed at the developer's proposals. The judgment in *CBRE Lionbrook (General Partners) Ltd v Hammerson (Rugby) Ltd* [2014] also confirmed that 'pragmatism is called for in the sequential test'. Pragmatism is defined as 'the quality of dealing with a problem in a sensible way that suits conditions that really exist, rather than following fixed theories, ideas nor rules.' This must by definition consider the operational needs of retailers operating in a real-world situation which requires them to trade profitably considering the components which comprise their underlying business model. While the assessment should be undertaken 'operator blind,' the underlying characteristics of the business model and trading characteristics of the type and form of retail development proposed, is relevant. In *Regina v Braintree District Council Ex Parte Clacton Common*

⁷ The judgment remains relevant since it deals with the concept of flexibility which is retained within NPPF 2021.

⁸ Although applying to a case in Scotland, Inspectors in England often refer to this judgment in assessing the suitability of alternative sites for retail development.

⁹ EWHC 3708 (Admin).

¹⁰ 20th December 2012.

¹¹ Justice Higginbottom.

Development Limited, George Bartlett QC concluded that it was not necessary to look at potential alternative sites in every centre that fell within the catchment area of the proposed development. It had been contended that potential alternative sites in every centre within the proposed development catchment area should be considered. However, in reaching his judgment Mr Bartlett QC stated that a site examined some distance from the application site would effectively have its own catchment area which may only include a part of the original catchment area of the application site.

4.11 These judgments established two principles when interpreting and applying planning policy.

1. Decision makers cannot interpret planning policy in any way they choose subject only to the limits of rationality. Interpretation of planning policy is a matter of law and policy statements should be interpreted objectively in accordance with the language used, read always in its proper context (Lord Reed, paragraph 18 in *Tesco Stores Ltd*).
2. In assessing whether a town centre site was 'suitable' this refers to the suitability of sites for the development specifically proposed (paragraph 25 of *Tesco Stores Ltd*).

4.12 In summary therefore:

- *Tesco Stores Ltd* outlined that the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. There is no requirement for disaggregation and it is noteworthy that that this case related to a single occupier with specific needs and it would not have been appropriate to sub divide or split the scheme over multiple locations. This principle applies to the proposed retail store on the application site.
- Both the Rushden Lakes and Scotch Corner Secretary of State appeal decisions concluded that disaggregation was not a requirement of national policy.
- Although there are a limited number of appeal cases where Inspectors have concluded that disaggregation was appropriate these applies in circumstances where schemes were speculative in nature and comprised of a number of retail units. On this basis it was concluded that flexibility could encompass disaggregation where there were no or limited occupiers. This does not apply to the current application which is aimed at meeting the needs of a specific local business.
- Other case law, such as *Aldergate*, confirms that 'suitable' and 'available' generally mean suitable and available for the broad type of development which is proposed in the application. It clarifies that available cannot mean available to a particular retailer, it means available for the type of retail use for which permission is sought.
- In *Warner* it was considered that sites 'should not be rejected on the strength of the self-imposed requirements or preferences of a single operator...' Otherwise the sequential

approach would likely become a merely self-fulfilling activity, divorced from the public interest.

2. Sequential site assessment

4.13 As confirmed previously we have examined the range of vacant premises within Uxbridge Road and Southall centres based on units within a minimum of 575 sq.m. gross¹². Although the proposed tenant has a requirement for free adjacent car parking, we have not included this as a pre-requisite even though in reality supermarket operators typically require such provision for their customers.

4.14 We attach as **Appendix [6]** the CoStar report for Uxbridge Road which provides a broad indication of the type of retail units within the centre. From our visits to the centre there are no units of the required size.

4.15 Table 4.3 summarises our conclusions in respect of available town centre units.

Table 4.3: Summary of limitations associated with Uxbridge Road centre units

Town Centre Shops	Suitability considerations
1.	Individually the units within Uxbridge Road town centre are clearly too small to meet the requirements of retailers selling the proposed ranges of goods. Operating from two or more stores would reduce rather than increase the efficiency of a company. This has a bearing not only on the inherent attractiveness and sustainability of allowing the display of a larger number of items under a single roof, but it also reduces the costs and overheads which we address under viability.
2.	Splitting sales between two buildings more rather than less space would be required because of the inherent inefficiencies of trading from a range of units and the duplication and triplication of non-sales space which would arise. This will apply particularly to retailers selling bulky durable goods such as that proposed involving agricultural and farming goods sold in bulk together with DIY and hardware items. Separating a proportion of these goods to be sold in a second store or disaggregating other items would lead to a reduced retail offer.
3.	There is no scope to extend any of the outlets to achieve viable trading levels. Nor is there any scope to add an external bulk storage and display area.
4.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.
5.	Delivery schedules and frequency would be increased reflecting the smaller size of the store. In addition, it might be necessary to seek to reduce the size of delivery vehicles given the difficulty in accessing the smaller units none of which have dedicated servicing with access directly from the main roads which are already

¹² This represents a reduction of 20% on the planned store.

	subject to on-street parking. The ability to service daily with a 16.5m HGV is an essential requirement to ensure that the store has a consistent supply of goods for sale.
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Town Centre Units	Viability considerations
1.	The markedly reduced trading areas would provide limited ability for companies to display their goods. They would not be suitable for the sale of its bulky items because of the limited space, generally cramped and unattractive internal layout, and inability to trade from more than the ground level. In turn this would have a materially adverse impact on its overall trading levels and profitability.
2.	Increased operational costs from operating at more than one site would be substantial. This would relate to a duplication of employment opportunities with each store requiring individual managers and assistant managers together with sales, office, IT, warehouse, and maintenance employees. IT and infrastructure costs would increase.
3.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.

Potential development sites

4.16 Farmfoods Ltd typically occupy second hand, previously developed retail units which have become vacant. The company does not design and build its own stores and in the case of the application site, the existing unit provides a viable and suitable location which meets its trading requirements.

4.17 No sites are allocated for development within the Local Plan Part 2 for development of new retail space within or adjacent to Uxbridge Road town centre. Expansion of the centre is constrained to the north by established residential development and to the south by public open space, neither provide opportunities to develop a freestanding supermarket.

5.0 ASSESSING RETAIL IMPACT

(i) Introduction

5.1 A retail impact assessment is required in accordance with Policy DMTC 1 since it involves a main town centre uses in excess of 200 sq.m.

5.2 Paragraphs 2b-016 of the NPPG provides advice on the assessment of the effect on planned investment. Confirmation of how the retail impact test should be used in decision taking is set out in paragraphs 16 of the 'Ensuring the Vitality of Town Centres' section. The guidance states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

5.3 Paragraph 17 notes that as a guiding principle, impact should be assessed on a like-for-like basis in respect of that particular sector. Retail uses tend to compete with their most comparable competitive facilities. It also notes that where wider town centre developments or investments are in progress, it will be appropriate to assess the impact of relevant applications on that investment. Key considerations are identified as including:

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

5.4 Paragraph 2b 017-018 of the NPPG prescribe a step-by-step approach to assessing and measuring impacts arising from a proposed retail development.

5.5 When assessing the potential trading effects, it is important to note that the NPPF (paragraph 90) advises that permission should be denied only where there is a 'significant adverse impact on one of more of the considerations set out in paragraph 89 i.e.

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

5.6 In assessing whether a scheme is likely to have a significant adverse effect it is necessary for such a decision, to be based on evidence. In relation to an appeal in Derby (APP/C1055/A/11/2161815), the Inspector at paragraph 116 of the DL opined that:

"To justify an objection to the proposal it is not sufficient to simply suggest that there will be an impact. There is no persuasive evidence of such a significant impact that would be likely to undermine the vitality and viability of the city centre trade/turnover and trade in the wider area, arising from the appeal proposal."

5.7 In relation to impact on **planned investment**, the Secretary of State for Communities and Local Government ('SoS') allowed an appeal for an out-of-centre retail proposal that he called in for his determination¹³. Paragraph 8.60 of the Inspector's report stated:

"NPPF [26] requires an assessment of the impact (if any) of the proposal on 'existing, committed and planned public and private sector investment' in a centre. That requirement is quite straightforward, only investment that has been made, and been committed or is planned warrants considerations. There appears to be general agreement that 'existing' investment is to be taken as a reference to investment that has already been made and that 'committed' investment is that which is contractually committed (private) or subject to resolution (public)."

5.8 Currently other than the development forming part of this application, there is no significant, committed public or private sector retail and commercial investment planned in Uxbridge Road town centre.

(ii) Impact methodology

Step 1: Establish the scope of the assessment

5.9 The NPPG advises that applicants should seek to agree the scope of the assessment and level of detail required with local planning authorities. We have proceeded to provide this assessment as a basis for future discussion with the local authority should there be a requirement to do so in the absence of a recent retail study for Hillingdon. Strategicperspectives prepare a 'Convenience Goods Retail Study Update 2012' on behalf of the Council.

5.10 That study as far as we are aware has not been updated. However, it does provide some baseline information in respect of Uxbridge Road which we have assessed as part of our analysis.

5.11 **Appendix [7]** contains tables relating to the impact assessment. For the purposes of this assessment we have adopted the following assumptions:

Primary Catchment Area (PCA):	Based primarily on 0-5 minute drive times (see Appendix [5]).
Population:	Sourced from Experian's Location Analyst ¹⁴
Expenditure:	Sourced from Experian's Location Analyst
Base year:	2021
Design year:	2024 which assumes opening in 2023 with settled trading by 2024.
Price base:	At constant 2020 prices.

¹³ Appeal Reference APP/G2815/V/12/2190175

¹⁴ Accessed under license.

Gross floorspace:	716 sq.m.
Net floorspace:	575 sq.m. ¹⁵ .
Estimated design year turnover:	Convenience Goods - £3.12m ¹⁶
Centres assessed for impact:	Various

Step 2: Establish the Base/Design Year

5.12 The base year adopted is 2021. We have examined the impact in 2024 which accords with the NPPG i.e., assessing impact within the first 5 years. The Primary Catchment Area (PCA)¹⁷ of the proposed store has been defined by a 5-minute drive time from which the development is anticipated to draw the majority but not all of its trade.

Steps 3 & 4: Assess baseline and future shopping patterns

(a) Primary Catchment Area: Population and expenditure

5.13 The PCA is based on a 5 minute off peak drive time from the application site. In 2021 this is estimated to comprise 41,808 residents which is predicted to increase to 42,240 in 2024 (see Table 2 at **Appendix [7]**).

5.14 The expenditure per capita within the PCA in 2021 and 2024 is set out in **Table 3** at **Appendix [7]**. In accordance with the most recent estimates provided by Experian the growth in convenience goods expenditure is predicted to fall to 2024. The figures have also been adjusted to discount special forms of trading not made within stores.

5.15 In 2024 the total convenience goods expenditure within the PCA is estimated to be just over £81m.

(b) Expenditure patterns

5.16 **Table 4** at **Appendix [7]**, sets out the predicted convenience goods turnover levels in 2024. The centres include Uxbridge Road, Hayes, Uxbridge to the west, together with Hayes and Yiewsley/West Drayton to the south. The borough also contains a range of other District, Minor Town and Local Centres which have been aggregated into a single category.

5.17 The 2012 study also confirmed that a significant proportion of convenience goods expenditure generated by residents in the borough was spent in out of centre locations and locations outwith the borough itself.

¹⁵ As estimated by proposed occupier and equating to 80% of the gross floor area.

¹⁶ Based on company average sales density of £5,424 sq.m. (Mintel. 2021). It is assumed that the sales density will remain static between 2021 and 2024 in accordance with Experian Retail Planning Briefing Note 19 (January 2022), Figure 4a.

¹⁷ The PCA is defined as the area from which the proposed development is predicted to draw the majority of its trade.

Step 5: Trade draw and retail impact

5.18 We have provided two levels of impact assessment. **Table 2** provides a high level assessment of the likely impact on the convenience goods market share of Uxbridge Road, Hayes. **Table 4** provides a more conventional assessment based on trade draw by centre. This is summarised below.

Centre/store	Convenience goods turnover 2024 (£ms)	Trade draw (%)	Trade draw (£ms)	Impact (%)
Uxbridge Road, Hayes				
- Sainsburys	£57.2	30%	0.94	1.6
- Lidl	£7.1	5%	0.15	2.1
- Other	£9.8	2%	0.06	0.6
Total	£74.1	37%	1.15	1.6
Uxbridge	£138.7	20%	0.62	0.4
Hayes District Centre	£14.4	1%	0.03	0.2
Yiewsley/West Drayton District Centre	£39.1	3%	0.09	0.2
Other town centres in Hillingdon	£289.1	13%	0.41	0.1
Out of centre	-	16%	0.50	N.C
Elsewhere	-	10%	0.32	N.C
Total	-	100%	3.12	N.C

5.19 In terms of the high level overview we estimate that the proposal would give rise to an impact of 0.88% on the centre's convenience goods turnover. **Table 4** indicates that this would be slightly greater at 1.6%. In either case the impact on this centre is considered to be very modest and it should also be noted that this does not include the comparison goods turnover of the town which includes a range of comparison goods retailers on the Lombardy Retail Park.

Quantitative Impacts

(i) Impact on existing, committed and planned public and private sector investment in the centre and PCA

5.20 The scheme will deliver major private sector investment and there is no committed private

or public planned investment in the centre and consequently the scheme will have no direct or indirect impact on this consideration. The extremely low impacts on other centres will also have no material consequences for existing investment.

(ii) Impact on the town centre's vitality and viability

- 5.21 As with any new investment within an area, there will be some re-adjustments in trading patterns within the PCA. Uxbridge Road is considered to be robust and vital with a wide range of traditional, ethnic and specialty food outlets. It is anchored by Sainsbury's and Lidl which both appear to be trading well. It has a very low vacancy rate and contains a wide array of non-national outlets which provide for an attractive shopping environment which is underpinned by food and drink outlets and leisure and service uses.
- 5.22 Overall we do not predict any material impact on its underlying strength and health with the country store complementing existing retail provision and enhancing the overall attractiveness of the town as a whole to meet the needs of its catchment.

Qualitative Impacts

Choice

- 5.23 The scheme would enable the introduction of a new supermarket offering specialist frozen items which would complement and enhance existing provision.

Price

- 5.24 The proposal will provide an outlet which will provide quality products at competitive and affordable prices for in particular, but not exclusively, households on low and restricted budgets.

Job Creation

- 5.25 The scheme will deliver a range of both full-time and part-time employment opportunities in addition to those colleagues who will be transferred from the existing store. Thus maintaining and enhancing local employment and stimulating economic growth and investment.

Sustainable Development

- 5.26 The proposal will provide a quality development on a brownfield site, involving regeneration/reuse of the land and delivering significant private sector investment at no cost to public funds. It would enable linked trips to occur between the proposal and other units on the retail park together with other commercial and industrial units in the wider area. It therefore has the potential to reduce the number and length of car borne journeys while stimulating access

6.0 OVERALL CONCLUSIONS

6.1 Our main conclusions are as follows.

1. The Springfield Road Retail Park occupies an out of centre location within a designated Strategic Industrial Location (SIL). However, the site is an established retail warehouse destination within Hillingdon and contains Wickes, Screwfix, Topps Tiles, and Wren together with a gym. The Council in granting planning permission in 1984 for two retail warehouses and subsequent variations including permitting the creation of 4 units in 2010, has consistently recognised that the site is suitable for retail development.
2. The prevailing permission does restrict the ranges of goods which can be sold, and this specifically excludes the sale of convenience goods such as food and drink. Hence this application has been submitted to enable the sale of food and convenience goods from a single unit only (C1) to enable beneficial occupation by Farmfoods.
3. In terms of the sequential test we have demonstrated that there are no suitable and available units or sites within or on the edge of Uxbridge Road, Hayes town centre. It therefore complies with Policy SD7 of the London Plan, Policy DMTC 1 of the Local Plan Part 2 and paragraph 87 of the NPPF.
4. A retail impact assessment has been prepared. This confirms that its occupation by Farmfoods Ltd will generate a modest turnover which will not adversely impact on public and private sector investment within existing centres nor their overall vitality and viability. It therefore complies with Policy DMTC 1 and paragraph 90 of the NPPF.
5. The scheme would deliver a raft of benefits including employment creation, private sector investment in the borough and the beneficial re-use of an existing retail destination which will improve the quality and choice of supermarkets.