

## **Assembly Buildings, The Old Vinyl Factory, Hayes**

### **Retail Statement**

**October 2022**

1. This Statement has been prepared on behalf of Weston Homes Plc ('the applicant') in support of a full planning application to change the use of first floor commercial/ plant space to 3no. residential units at Assembly Buildings, The Old Vinyl Factory, Hayes ('the application site').
2. The first floor commercial/ plant space forms part of a residential-led scheme initially approved in December 2018 and then amended in June 2020 (planning permission ref. 59872/APP/2020/342 (as amended)). The scheme is currently under construction.
3. This Statement is focused on justifying the loss of proposed commercial space resulting from the change of use proposals, limited to 161 sqm at first floor (or mezzanine) level.
4. For the avoidance of doubt, no changes are proposed to the ground floor commercial/ plant space.
5. The remainder of this Statement covers the following:
  - Planning context
  - Application proposals
  - Justification for the loss of commercial space
  - Conclusions
6. This Statement should be read in conjunction with the following appendices:
  - Appendix 1 – approved drawings
  - Appendix 2 – proposed drawings
  - Appendix 3 – schedule of other commercial provision within the masterplan area

## Planning context

### Relevant planning history

7. The application site forms part of The Old Vinyl Factory site for which outline planning permission (ref. 59872/APP/2012/1838) was granted in 2013, for:

*A mixed use development of the Old Vinyl Factory site including the demolition of up to 12,643 sqm of buildings and construction of up to 112,953 sqm (112,953 sqm includes the retention and re-use of 784 sqm of the Power House and 901 sqm Pressing Plant) of new floorspace. Uses to include up to 510 residential units (maximum area of 49,000 sqm GEA), up to 7,886 sqm of new B1 floorspace, up to 4,000 sqm of A class uses (A1, A2, A3, A4, A5), up to 4,700 sqm of D1 and D2 uses, an energy centre (up to 950 sqm), car parking, works to access and creation of new accesses and landscaping.*
8. Subsequent reserved matters and amendments have been approved, although it is understood that the limit on “A class uses (A1, A2, A3, A4, A5)” across The Old Vinyl Factory site has remained up to 4,000 sqm.<sup>1</sup>
9. The approved development for the Assembly Buildings, which this planning application relates to, is for a residential-led scheme with 5no. retail units (planning permission ref. 59872/APP/2020/342 (as amended)). Three of the five units have flexibility for first floor commercial uses subject to the installation of mezzanines by the future ground floor occupants depending on their operational requirements. Please refer to the approved drawings at Appendix 1 as follows:
  - WH199/20/P/25.01b Rev A (Ground Floor Plan)
  - WH199/20/P/25.02b Rev A (First Floor Plan)
10. Table A below sets out the approved quantum of commercial floorspace (A1-A5) by retail unit.

**Table A – Commercial floorspace breakdown by retail unit**

Retail Unit no.	Ground Floor approved sqm	First Floor approved sqm	Total approved sqm
01	166	161	327
02	184	-	184
03	440	468	908
04	292	320	612
05	150	-	150
	<b>1,232</b>	<b>949</b>	<b>2,181</b>

Notes: Floorspace figures rounded.

### Relevant planning policy

11. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.
12. The currently adopted development plan for the application site includes the Local Plan Part 2 comprising Site Allocations and Designations (2020) and Development Management Policies (2020). The development plan, and London Plan, policies of relevance to the applicant’s proposals are highlighted below.

<sup>1</sup> Throughout this Statement, we refer to the “A class uses” as approved notwithstanding such uses now fall under the Class E or *sui generis* classifications of the Use Classes Order.

### Site Allocations and Designations

13. The application site forms part of site allocation SA 2 (The Old Vinyl Factory and Gatefold Building), approximately 260 metres to the southwest of Hayes Town Centre.
14. Policy SA 2 responds to the Council's granting of outline planning permission (ref. 59872/APP/2012/1838) for mixed-use development and seeks to secure the delivery of the site allocation in accordance with such approval(s). The policy allows for up to 4,000 sqm of A class uses (A1, A2, A3, A4, A5) amongst other uses and associated works.

### Development Management Policies

15. Policy DMTC 1 applies the sequential approach to town centre developments, requiring that main town centre uses are directed to the borough's town centres first in order to ensure their vitality and viability. This is consistent with the sequential test set out in the National Planning Policy Framework (paragraphs 87-88).
16. There is no development management policy requiring retail premises to be (unsuccessfully) marketed for a period of time before they can be released for alternative uses (unlike the market demand evidence required under Policies DME 3 and DMCI 1 for proposals involving the loss of offices and community facilities respectively).

### London Plan 2021

17. Policy E9 promotes a successful, competitive and diverse retail sector. It seeks to focus new retail and related services in town centres. Development proposals involving the redevelopment of surplus retail space should support other planning objectives and include alternative town centre uses on the ground floor (where viable) and residential uses.
18. Policy SD6 identifies town centres as the primary locations for commercial activity beyond the Central Activities Zone (CAZ). The potential for new housing within and on the edges of town centres – such as the application site – should be realised through mixed-use or residential development that makes best use of land.

### **Application proposals**

19. The applicant seeks to change the use of commercial/ plant space at first floor (or mezzanine) level to 3no. residential units. No changes are proposed at ground floor level. Please refer to the proposed drawings at Appendix 2 as follows:
  - WH199/19/P/55.01 Rev B (Ground Floor Plan)
  - WH199/19/P/55.02 Rev B (First Floor Plan)
20. Table B below cites the commercial floorspace approved by retail unit and then identifies the potential mezzanine floorspace to be lost resulting from the change of use proposals.

**Table B – Potential mezzanine floorspace to be lost**

Retail Unit no.	Ground Floor approved sqm	First Floor approved Sqm	Total approved sqm	First Floor (mezzanine) to be lost sqm	Total proposed Sqm
01	166	161	327	-161	166
02	184	-	184	-	184
03	440	468	908	-	908
04	292	320	612	-	612
05	150	-	150	-	150
	<b>1,232</b>	<b>949</b>	<b>2,181</b>	<b>-161</b>	<b>2,020</b>

Notes: Floorspace figures rounded.

21. As shown in Table B, the commercial floorspace to be lost amounts to just 161 sqm. This is focused on the first floor (or mezzanine) level of Retail Unit 01. It is proposed that such floorspace would be replaced with 2no. residential units.
22. The remainder of the proposals would affect only plant space, which the applicant seeks to replace with 1no. additional residential unit at first floor level. The removal of this plant space would in no way harm the future operation of the commercial (or residential) uses, as the plant space is no longer required.

#### **Justification for the loss of commercial space**

23. Three of the approved development's retail units (nos. 01, 03 and 04) have been designed to facilitate the inclusion of a full cover mezzanine. This provides flexibility for first floor commercial uses subject to the operational requirements of the future ground floor occupants. As is often the case for a residential-led scheme in the early construction stages, no occupants for the ground floor retail units have been secured at present and therefore it is unknown whether their business models require or could support the installation of mezzanines. Thus the provision of commercial uses at first floor (or mezzanine) level is not guaranteed, and there is no planning basis for requiring the implementation and/or occupation of such floorspace.
24. Notwithstanding, the commercial floorspace to be 'lost' resulting from the change of use proposals is limited to just 161 sqm. This represents approximately 7% of the total commercial floorspace approved over ground and first floor levels (i.e. 2,181 sqm).
25. The potential mezzanine floorspace proposed to be removed from the scheme (and replaced with 3no. residential units) is therefore not significant in scale terms and is further justifiable considering retail market conditions and trends. Retail locations across the UK are facing complex and long-standing challenges, which have been exacerbated by the Covid-19 pandemic and more recently the fallout from the cost-of-living crisis. The growth of online shopping and the continued polarisation of retailer demand to the larger centres has resulted in reduced footfall and an increasing number of retailer (and leisure operator) failures and closures. In this context, secondary and tertiary retail locations, including the application site, are particularly challenged by the lack of occupier demand.
26. Prevailing retail market conditions are therefore much tougher now than in 2020 (when the Council formally adopted its Site Allocations and Designations including for The Old Vinyl Factory site) and this has consequences for the scale of retail and other commercial floorspace that can realistically be supported. In this sense it is noteworthy that the "up to 4,000 sqm" of A class uses (A1, A2, A3, A4, A5) permitted under site allocation SA 2 and the outline planning permission is a maxima figure, not a requirement.
27. No changes are proposed to the approved development at ground floor level. The scheme would retain its 5no. retail units and therefore its active frontages to the north, east and west. As such, it would continue

to play an important function within the masterplan area and complement other commercial provision which is approved, being delivered and/or occupied (refer to the schedule at Appendix 3).

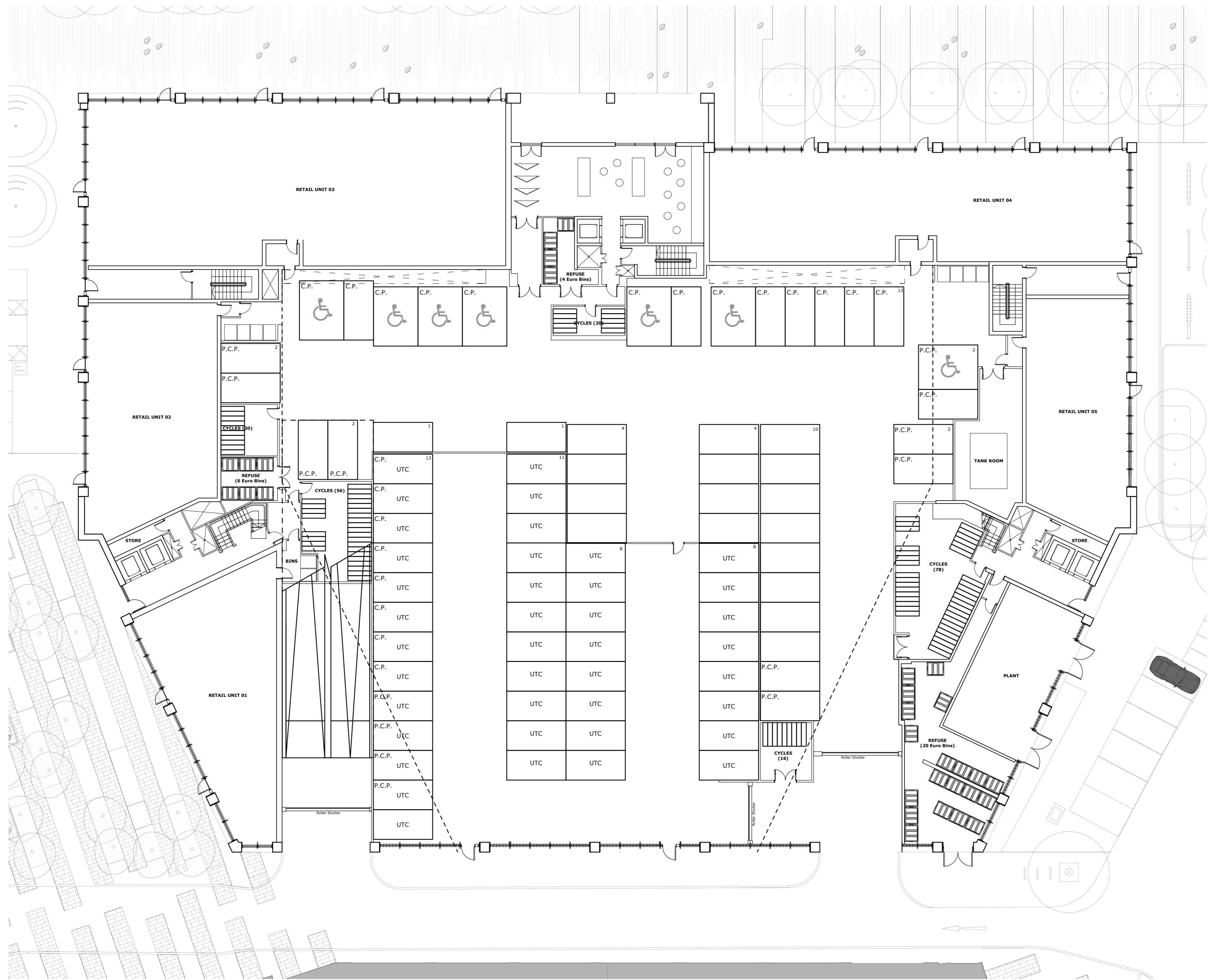
28. Furthermore, the 3no. additional residential units proposed would result in more household expenditure (for example, on retail goods and services) to support local shops and other businesses.

## **Conclusions**

29. This Statement has been prepared in support of a full planning application to change the use of first floor commercial/ plant space at the Assembly Buildings to 3no. residential units.
30. Specifically, it is focused on justifying the loss of proposed commercial space resulting from the proposals.
31. It is proposed that commercial floorspace amounting to just 161 sqm would be lost, from the first floor (or mezzanine) level of Retail Unit 01. This unit is one of three within the approved development originally designed with flexibility for first floor commercial uses, subject to the installation of mezzanines by the future ground floor occupants. The delivery of commercial floorspace at the first floor level of Retail Unit 01 has never been guaranteed therefore, and there is no planning basis for requiring the implementation and/or occupation of such floorspace.
32. No changes are proposed at ground floor level and accordingly, the approved development would still include 5no. retail units comprising 1,232 sqm of ground floor commercial space (plus 788 sqm of commercial space at first floor level within Retail Units 03 and 04 subject to the installation of mezzanines by the future ground floor occupants). It would therefore maintain its retail function and required contribution to the masterplan area as a whole.
33. Regarding the plant space proposed to be lost at first floor level, this would in no way harm the future operation of the commercial (or residential) uses as it is no longer required.
34. Overall, the applicant is seeking an acceptable change of use which is compliant with the relevant development plan and London Plan policies; and would result in additional household expenditure to support local shops and other businesses, including within the masterplan area. The commercial floorspace to be 'lost' resulting from the proposals is not significant in scale terms and is further cognisant of retail market conditions and challenges, which represent a material change in circumstances since the Council's adoption of the site allocation (and indeed most recent approval of the Assembly Buildings scheme) in 2020.
35. The application proposals should therefore be supported and approved without delay.

Enc.

**Appendix 1 – approved drawings**



2m 6m 10m  
4m 8m

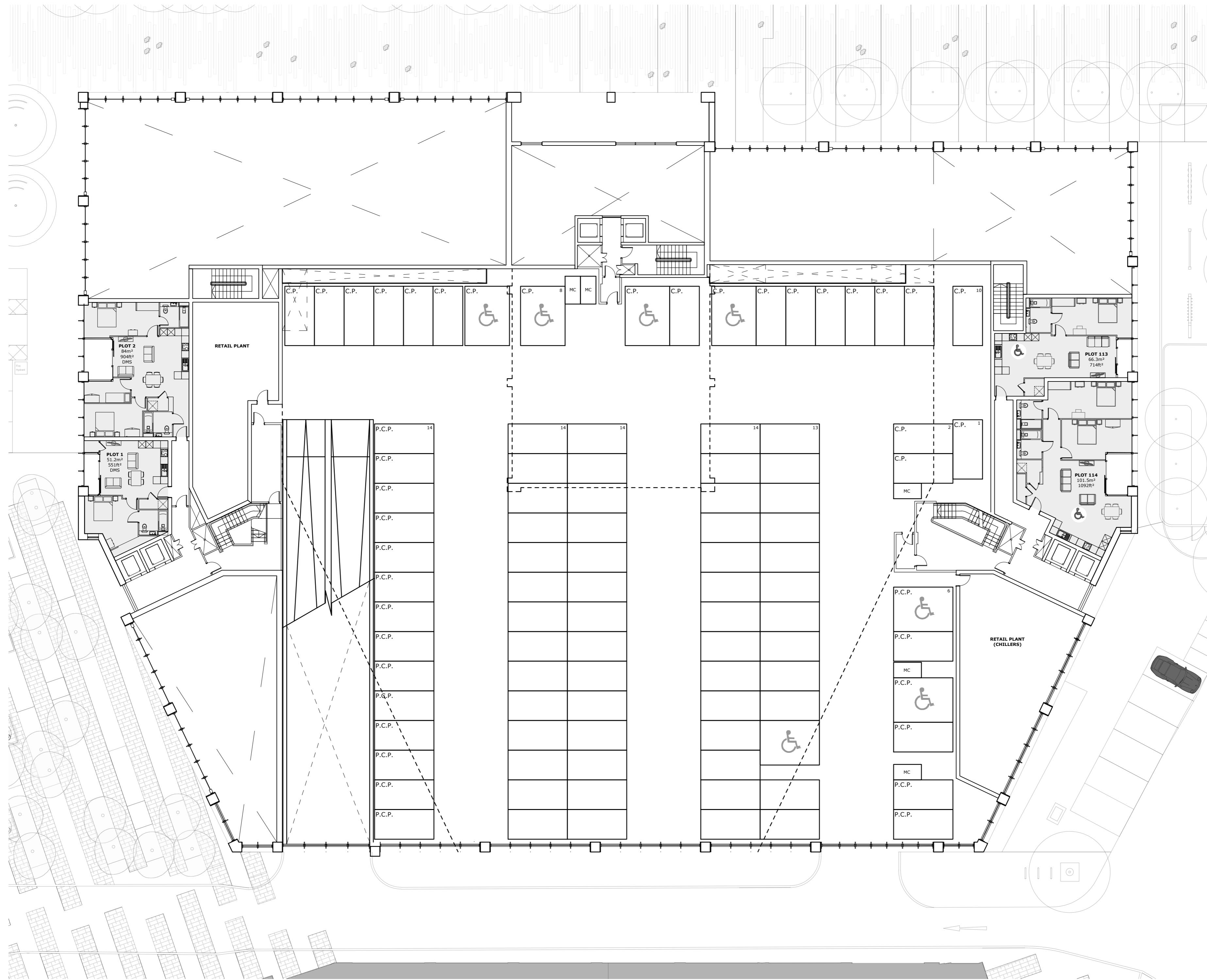
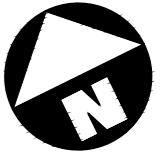
A Amendments to Refuse, Cycle & Plant stores JM 07/07/20  
rev description by date

## PLANNING ISSUE

Title Proposed Ground Floor Plan  
Site The Assembly Buildings, Hayes  
Drg. WH199/20/P/25.01b  
Date March 2020 Rev A  
Drawn JM Scale 1:200 @ A2

**Weston Homes**

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2m 6m 10m  
4m 8m

A	Increased private residential amenity space	JM	37/07/20
rev	description	by	date

## PLANNING ISSUE

Title Proposed 1st Floor Plan

Site The Assembly Buildings, Hayes

Drg. WH199/20/P/25.02b

Date March 2020

Rev A

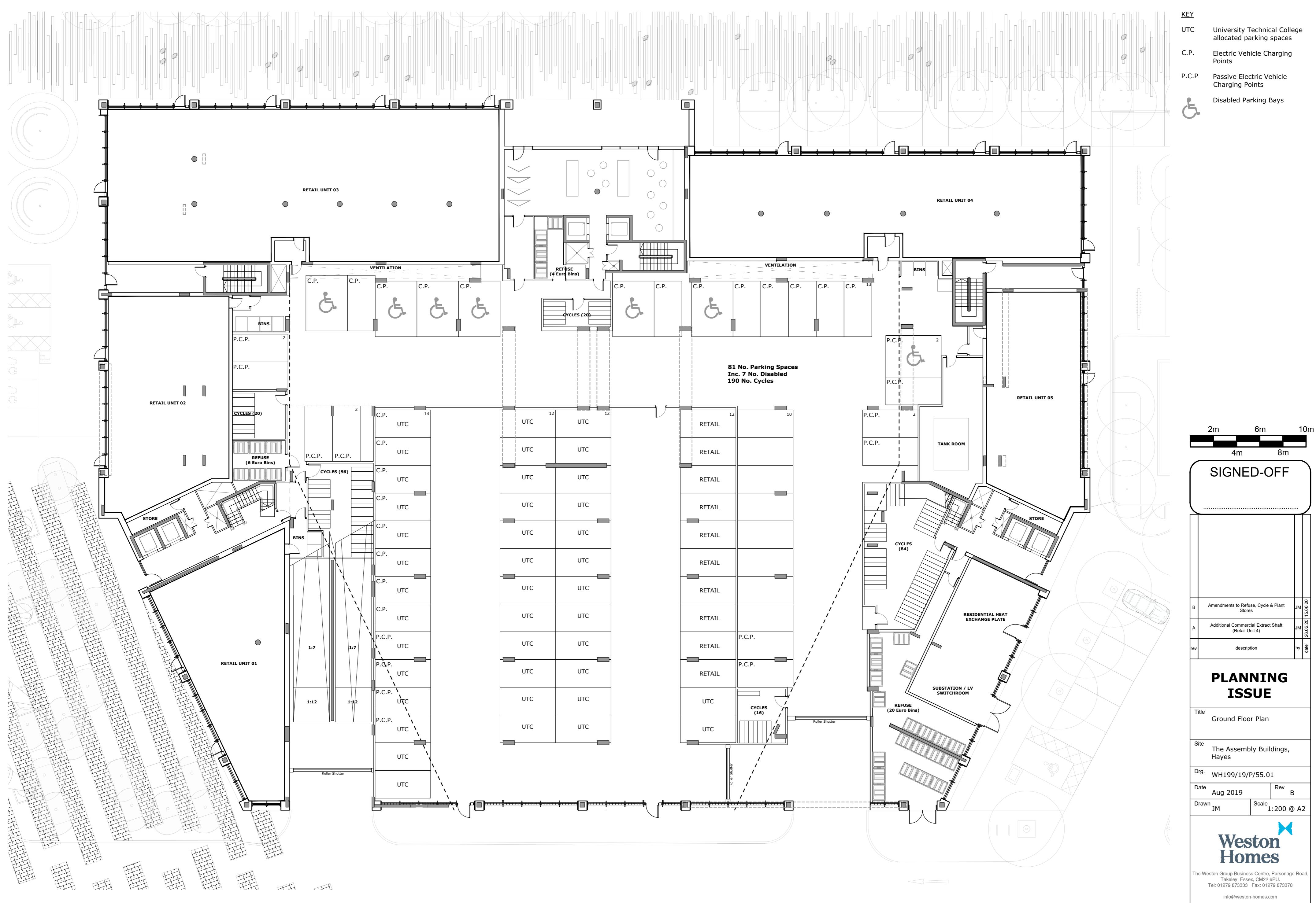
Drawn JM

Scale 1:200 @ A2

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**Appendix 2 – proposed drawings**





**Appendix 3 – schedule of other commercial provision within the masterplan area**

Outline Building Name	Building Name	RMA/S73	Commercial Provision	Delivered?
The Pressing Plant	The Gramophone	59872/APP/2020/2517  Approved: 20.01.2021	- Cinema - Retail Space - Bar - Restaurant - Exhibition Spaces - Ancillary Spaces	No
The Machine Store	The Machine Store	59872/APP/2016/3454  Approved: 25.04.2017  Contains The Pressing Plan - now superseded by above	- Bar - Health centre	Yes - bar and health centre not occupied
The Boiler House	The Boiler House	59872/APP/2016/1837	- 504sqm of ground floor commercial space	Yes - only one unit occupied
The Material Store	The Material Store (Fizzy)	59872/APP/2015/3991  Approved - 07.01.2016	- Commercial unit (communal hub) over 2 storeys on N elevation	Yes - communal hub
The Power House	The Power House	59872/APP/2019/784	- B1 floor space - Cafe	Approved - not built
The Picture House	The Global Academy	59872/APP/2015/1798	- University Technical College	Built and occupied
The Cabinet Building	The Cabinet Building	59872/APP/2012/1839	- 2,914 sqm GEA of B1 office floorspace	Currently vacant

The Shipping Building	The Shipping Building	/	- Existing office space	Existing - occupied
The Record Stack/ the veneer building	The Music Box	59872/APP.2016.1930	- Car park	Built and in use
The Veneer Building	/	/	/	Vacant
The Veneer Store	The Veneer Store	59872/APP.2014/1928	- Car park	Not built - vacant site

