

Your Ref

Our Ref CWB/aviva/Ruislip/feb15/01

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By Email

Dear Katherine

**SOUTH RUISLIP – FORMER DO IT ALL AND LAND OF LEATHER, UNIT A & B VICTORIA ROAD RETAIL PARK
PLANNING APPLICATIONS 64445/APP/2014/2465, 64445/APP/2014/2463 & 64445/APP/2014/2467**

As you know, we act for AVIVA Investors Ltd, the freehold owners of the 2 x retail warehouse units on Victoria Road, South Ruislip comprising the former Focus Do It All and Land of Leather units. Further to our meeting 5th February, also attended by Adrien Waite of the Council, we set out below our response to the comments raised by the Greater London Authority (GLA) in their Stage 1 Report dated 29 October 2014.

As you are aware, the GLA state that their comments relate to all three applications. We reserve our position in this regard.

Revised Drawings

As you will be aware, our clients have revised the application drawings to reflect the following:

- 1) Discussions with the Council regarding the retention of the western boundary wall of the former garden centre.
- 2) Discussions with Transport for London (TfL) regarding car parking
- 3) The relationship of the access and car parking of the proposed redevelopment of the adjoining ARLA foods site and the application site.
- 4) Updated tenant requirements
- 5) Additional information on the condition of the roof of the building.

Therefore, we enclose the following drawings which would request are substituted for those already submitted:

Drawing Title	Submitted Drawings	Revised Drawings
Proposed Site Plan with Existing Access	1242-PI110	1242-PI110 F
Proposed Site Plan with Citygrove Scheme Access	1242-PI111	1242-PI111 E
Proposed Floor Plan and Cross Section	1242-PI112	1242-PI112 B
Proposed Elevations	1242-PI113	1242-PI113 C

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Context

Before considering the comments specifically, we would make the following general observations:

- The applications, on a solus or cumulative basis, do not propose any additional retail floorspace. Indeed, having regard to, inter alia, the existing garden centre, the applications effectively result in a net reduction in sales space (circa 1,000 sqm).
- The applications are tenant specific and assume a grant of permission will be subject to a condition which tailors it to the retailers operations.
- The level of car parking proposed is no greater than existing or recently granted as part of the ARLA foods proposals.
- The proposals will deliver 65 new jobs.

Sequential Test

The Planning and Retail Study includes a comprehensive sequential assessment of centres in LB Hillingdon and LB Harrow as agreed and based on up to date surveys. These centres are the same as those reviewed in relation to the application for Matalan to occupy Unit A which was approved by the Council in 2014 (6445/APP/2013/1050).

As you are aware, we have adopted a flexible approach including undertaking the sequential assessment for the individual applications and applying a circa 25% discount to the proposed floor area of each. We would respectfully suggest that case law would indicate that a combined approach could be applied (i.e. the sequential assessment should apply to the proposal as a whole). That approach would be compatible with that of the GLA's in commenting on the proposals whereby the two S73 applications and the full planning application for the external works have been combined, effectively resulting in a "composite" application.

Notwithstanding, our sequential assessment has demonstrated that even on this particularly robust basis, there are no sequentially preferable sites that are available or suitable.

Assessment of Impact

The GLA's welcomes our cumulative assessment and raises two issues:

- 1) Raises concern that the convenience floorspace of the proposed B&M Homestore (to occupy Unit B) is not included in the assessment
- 2) Recommends that the Council "undertakes a thorough review of the findings of the retail impact assessment" having regard to the cumulative impact of the proposals with the proposed ARLA foods development and Sainsbury extension on South Ruislip Centre and other centres in LB Hillingdon and LB Harrow.

With regards 1) above and as set out in our Planning and Retail Statement, the B&M Home Store's product range will include a limited food range focusing on ambient, non-perishable packaged goods such as confectionary, soft drinks and cupboard staples including tinned food, cereals, teas and coffee, etc. We are advised by B&M that this is expected to comprise no more than 10% of the gross area of the store or circa 225 sqm (circa 190 sqm net).

This small level of turnover will be diverted from a wide variety of retail destinations, including a number of out-of-centre foodstores. The range of food goods sold by B&M Homestore is small and does not provide the range that could substitute for a main weekly trolley shop or even a top-up shop. The purchase of food within a B&M Homestore is based on impulse buys only, and thus will not replace regular trolley shops or top-up shops to customers' regular shopping destinations. The store's average basket spend is approximately £11.00. Obtaining an extra £1.00 on impulse buys is highly material to the viability of the store given the low average spend per trip. However shoppers categorically do not visit a B&M in order to,

for example, conduct a grocery shop. The proposed condition will limit the amount of floorspace permitted to sell food and drink goods to a very small amount.

Notwithstanding the above, we are advised by B&M that the average sales density of a typical store overall is circa £1,800-2,000 per sqm net. However, the food, etc element typically trades below the average and would generate less than £100,000 per annum on average. Even if one were to assume a typical sales density of £1,800 per sqm and apply this to the sales are expected to be used for the sale of food and related goods, it would result in a turnover of only circa £340,000 per annum. By way of comparison, even at this inflated rate, the turnover represents less than 0.5% of the forecast turnover of South Ruislip Centre in 2017.

It is for the Council to determine reach its own conclusion in relation to point 2) above.

Managing Existing Out of Centre Retail

The applicants are asked to confirm whether an alternative use development (residential) has been considered given the longevity of vacancy.

Clearly, the application site has been vacant for some considerable time (now approaching 6 years). However, during this period the owners have actively sought to re-let the property, including seeking permissions to facilitate the requirements of prospective occupiers.

As you are aware, the owners have entered into Agreements for Lease with ALDI and B&M to occupy the premises subject to the grant of permission. These are legally binding agreements.

In any event, the investment restrictions on the owning Fund allow non-commercial investment of only up to 5% of Net Asset Value and does not allow fully speculative development (or acquisitions solely for that purpose). Regardless of the contractual position the owners are in with ALDI and B&M, its governance would not allow for it.

Finally, we would highlight that the proposals will make best use of the buildings in line with the purpose they were originally constructed and deliver circa 65 new jobs.

Urban Design

We note that the GLA do not raise any issues.

Transport

As you are aware, Vectos, for the applicants, have been liaising directly with TfL (James Forrest). The parties have agreed the following:

- A reduction in car parking spaces from 218 to 194. This compares with 218 existing car parking spaces and approved as part of the previously consented Matalan proposals.
- The introduction of 20 active electric vehicle charging points and 11 passive electric vehicle charging points
- An increase in cycle parking spaces.

I attach correspondence between the parties for your information.

We understand that TfL have responded directly to the Council confirming the above but commenting that the number of spaces remains in excess of the London Plan maximum standards. With regards the latter, we consider it is material to the determination of the application that the existing and formerly approved developments provide for more car parking and less electric charging points and cycle parking. Therefore, on balance we trust that you will agree that the level of car parking is appropriate and acceptable.

Sustainable Energy

As you are aware, effectively the proposals involve the reoccupation of the building with minor alterations to meet the operational requirements of the prospective tenants. As such we respectfully suggest that a full energy strategy is not appropriate. However, we respect the GLA's objective to improve energy efficiency/sustainability and attach a Sustainability Statement which is summarised below:

- It is now proposed to over-clad the existing roof. Over-cladding is a sustainable solution as it a) utilises the existing structure/does not result in the disposal of the existing materials and b) materially improves (by circa 100%) the insulation of the roof in accordance with prevailing Building Regulations.
- The replacement shop fronts will be Building Regulation compliant
- The tenant fit outs will include:
 - LED or similar lighting reducing energy for lighting consumption by approximately 50% compared with normal high frequency lighting schemes.
 - Retail area lighting controlled by automatic bi-level control for Stocking and Trading functions. The automatic off function ensures no lighting is left on overnight.
 - Non Retail area lighting controlled by individual PIR's in each room to ensure lighting goes off in unoccupied areas.
 - Car park lighting will utilise LED lighting, controlled by both Photocell and time switch.
 - The retail area in Unit A (ALDI) will be heated entirely with waste heat derived from the refrigeration system. No mechanical air conditioning is provided to the retail to further reduce summer time energy demand.
 - Car park lighting will utilise LED lighting, controlled by both Photocell and time switch.
 - Local electric water heating is used to minimise storage and pumping losses and to ensure that only the necessary amount of HWS is produced. There are no circulating mains.

Taken together with the other sustainability measures (i.e. Travel Plan, increased cycle parking and the provision of 31 electric vehicle car charging points) represents a significant and material improvement to the property compared with the existing position and recently approved schemes.

The potential for connection to a nearby district heating system, the provision of a single energy centre and other measures have been discounted given the scale and particular circumstances of the site, including viability.

Servicing

We also discussed the servicing requirements of the tenants. As discussed, the prevailing permission includes a restriction on the hours of serving as follows:

"Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hours to 1800 hours Monday to Fridays; 0800 hours to 1300 hours on Saturdays; and not at all on Sundays and Bank Holidays"

The incoming tenants require the scope for the following servicing hours as a minimum:

Monday-Saturdays-7am -10pm

Sundays and Bank Holidays-9am to 6pm

As you are aware, the property is accessed directly from Victoria Road and benefits from dedicated rear/side service yards. There are no residential properties adjacent the service yards. Indeed, the closest relationship between residential properties and the application site will be that between the service area for Unit A and the housing in Tiptree Road. However, there is significant separation between them and in any event there are existing commercial properties (accessed off Braintree Road) intervening.

The service yard for Unit B is to the south west side of the building. It has no relationship with any existing housing.

Typically, ALDI (Unit A) will have circa 2 X deliveries a day and B&M (Unit B) circa 5 X deliveries per week.

Therefore, we request that should the Council grant planning permission each a revised servicing hours condition is imposed as set out below:

"Deliveries and collections, including waste collections, shall be restricted to the following hours: 0700 hours to 2200 hours Monday to Saturdays; 0900 hours to 1800 hours on Sundays and Bank Holidays"

S106

You have indicated that the Council will be seeking a S106 agreement to secure employment initiatives and deliver the Travel Plan measures. This approach follows the same principles secured in relation to the Matalan application. On behalf of our clients, we confirm that this is acceptable, the applicant's solicitor is Selda Ok; contact details below:

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We trust that you now have all the necessary information to recommend that applications for approval at the 24 March Committee. However, should you require any further information or wish to meet again to discuss matters please contact me as soon as possible.

Yours faithfully



Craig Blatchford MRTPI
Director
On Behalf of Blue Sky Planning Ltd

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