

Report of the Head of Planning, Sport and Green Spaces

Address COMET STORE WILLOW TREE LANE HAYES

Development: Variation of condition 19 (Restriction on Sale of Goods) of planning permission 198/APP/2001/69 dated 24/04/2001 in order to enable the sale of additional goods from Unit 2, Willow Tree Land Retail Park (S73 Application)

LBH Ref Nos: 56751/APP/2014/3915

Drawing Nos: 3907/PU1002
3907/PL/1003
3907/PL/1000C
and 390/PL/1001C
Statement on Traffic and Highways
Retail Study
letters received 12 & 25 January and 14 February 2014
Site Location Plan BPD1
application cover letter 04 11 14

Date Plans Received: 04/11/2014 **Date(s) of Amendment(s):**

Date Application Valid: 04/11/2014

1. SUMMARY

The application seeks to amend condition 19 of planning permission 198/APP/2001/69 to allow for the sale of additional non food goods and ancillary sale of food and drink from the former Comet Store, in order to expand the acceptable range of goods.

The application is supported by a detailed planning and retail impact statement which concludes that there are no sequentially preferable sites that could accommodate the prospective occupier's floorspace and operational requirements and that the proposal would not result in a significant detrimental impact on retailing in the adjoining town centres, given the type of business likely to operate from this particular unit. Subject to the amended sales restrictions condition, there are no objections to the principle of the development.

It is not considered that the expansion in the range of goods sold at the site would give rise to any significant additional traffic generation which would be detrimental to the operation of the highway network. Subject to conditions, the existing car parking and servicing facilities for the unit would be retained for use by the proposed unit.

There are no external amendments proposed and the proposal would not affect the character and appearance of the surrounding area. The development would not result in any additional impacts on the amenity of nearby residential occupiers.

Approval is recommended accordingly.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, , including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3 NONSC External Appearance

Notwithstanding the appearance of the proposed development as shown on the approved plans, further details of design and external appearance of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. Development shall be carried out in accordance with the approved details.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until full details of both hard and soft landscaping works including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development and in accordance with the programme agreed by the Local Planning Authority. The new planting and landscaping operations should comply with the requirement specified in BS3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be 'replaced during the next planting season.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policy BE38 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 TL7 Maintenance of Landscaped Areas

Details of the arrangements to ensure the continued maintenance of all landscaped areas within the Local planning Authority before any development shall be submitted to and approved in writing by the local planning authority before any part of the approved development is commenced.

REASON
To ensure that the approved landscaping is properly maintained in accordance with policy

BE38 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

6 NONSC Car Parking Layout

The car parking spaces shown on approved Drawing No.3907/PL/1001C shall be laid out, including the marking out of spaces in the parking bays, prior to the first occupation of the development, and these spaces shall be kept continuously available for car parking and shall not be used for any other purposes.

REASON

To ensure that there is adequate provision for car parking within the site in accordance with policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NONSC Loading Area

The loading area, turning area and sight lines must be permanently retained and used for no other purpose at any time

REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

8 NONSC Cycle Storage

Further details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be brought into use prior to the first occupation of the development permitted, in accordance with the approved details and retained permanently.

REASON

To provide adequate facilities for cyclists in accordance with policy AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

9 NONSC Means of Enclosure

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the design and materials of all means of enclosure, as indicated in the letter from Chartwell Land dated 4 August 2000. The boundary treatment shall be completed prior to the first occupation of the development, in accordance with the approved details and retained permanently.

REASON

To protect the visual appearance of the area and the living conditions of neighbouring occupiers, in accordance with policies BE13 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

10 NONSC Refuse Storage

Details of on-site refuse storage for the retail development (including any open air storage facilities) for waste material awaiting disposal, including details of any screening, shall be indicated on plans to be submitted to and approved by the Local Planning Authority. Such facilities shall be provided prior to occupation of the development and thereafter permanently.

REASON

To ensure that the visual amenity of the area is not prejudiced and in the interests of the living conditions of nearby residents, in accordance with policies BE13 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

11 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

12 DIS3 Parking for Wheelchair Disabled People

A proportion of parking spaces (with dimensions of 4.8m x 3.6m to allow for wheelchair transfer to and from the side of car) shall be reserved exclusively for people using wheelchairs and clearly marked with the Universal Wheelchair Symbol both vertically and horizontally. Such parking spaces shall be sited in close proximity to the nearest accessible building entrance which shall be clearly signposted and dropped kerbs provided from the car park to the pedestrian area. These parking spaces shall be provided prior to the occupation of the development in accordance with the Council's adopted car parking standards and details to be submitted to and approved by the Local Planning Authority. Thereafter, these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

13 DIS4 Signposting for People with Disabilities

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of special services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities, in accordance with Policy R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

14 DRC1 Surface Water/Sewage Disposal

Before any part of this development is commenced, details of a scheme for the disposal of surface water and sewage shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of this scheme shall be carried out before

any part of the approved development is occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the proposed development drainage is in accordance with the required standards and that the development does not give rise to an increased risk of flooding, nor to an overloading of the sewerage system in the locality in accordance with Policy OE7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 5.13 and 5.14

15 DRC5 Surface Water Disposal

Surface water discharge from the development will be restricted and on-site storage shall be provided. The method of assessment of storage to be determined by the Local Planning Authority. The mode of storage and flow restriction shall be submitted to and approved by the Local Planning Authority. All works which form part of this approved scheme shall be carried out before any part of the approved development is occupied (unless otherwise agreed in writing by the Local Planning Authority).

REASON

To ensure that the proposed development does not exacerbate an existing flooding problem or cause a new flooding problem, in accordance with Policy OE8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 5.13 and 5.14

16 NONSC Hours of Use

The retail stores shall not be open for sale of goods to the general public on Monday to Saturday (inclusive) and Bank Holidays before 0800 hours nor later than 2000 hours and on Sundays before 1000 hours nor later than 1700 hours without the prior written consent of the Local Planning Authority

REASON

In the interests of the amenity of residential properties in the area, in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

17 NONSC Deliveries

No delivery of goods and stock shall take place on Monday to Saturday (inclusive) and Bank Holidays before 0800 hours or after 2000 hours and none at all on Sundays without the prior written consent of the Local Planning Authority.

REASON

In the interests of the amenity of residential properties In the area, in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

18 NONSC Noise

No noise from the premises hereby approved shall be audible inside neighbouring residential premises between 2300 hours and 0700 hours.

REASON

In the interests of the amenity of residential properties in the area, in the interests of the amenity of residential properties in the area, in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

19 NONSC Goods restriction

The retail development hereby approved for the former Comet store (Unit 2) shall be used solely for the sale of:- DIY articles, garden materials and goods; building and decorating equipment and related goods; furniture and furnishing; floor coverings; white goods and other electrical goods and accessories; computers; office stationery; motor goods and accessories; toiletries; toys and gifts; pet products; cleaning, household and homeware products; packaged and canned food and drink excluding fresh food and hot food and non pre-packaged items (with food sales covering no more than 12% of the total retail area (i.e. not only sales floorspace); and for no other purpose including any other use within Class A1 of the Town and Country Planning (use Classes) Order (as amended). Unless prior written consent is obtained from the Local Planning Authority.

The retail development hereby approved for the unit currently occupied by B & Q (Unit 1) shall be used solely for the sale of: - DIY articles, garden materials and goods; building and decorating equipment and related goods; furniture and furnishing; floor coverings; white goods and other electrical goods and accessories; computers; office stationery; motor goods and accessories and for no other purpose including any other use within Class A1 of the Town and Country Planning (use Classes) Order (as amended). Unless prior written consent is obtained from the Local Planning Authority.

REASON

To accord with the National Planning Policy Framework and to protect the vitality and viability of local shopping centres.

20 NONSC Size of retail Unit

The minimum size of retail unit to be provided in the building hereby approved shall be 929m².

REASON

To comply with the terms of the application and to maintain planning control.

21 NONSC Exernal Goods Storage

No storage of goods associated with the retail use shall take place outside the building hereby approved.

REASON

In the interests of residential and visual amenity and pedestrian and vehicular safety in accordance with policies BE13 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

22 COM14 No additional internal floorspace

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policies AM14 and AM15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 4.7 and 4.8 of the London Plan (2011).

23 COM16 Noise from Plant

The rating level of noise emitted from any item of plant or machinery at the site shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises. The measurements and assessment shall be made in accordance with BS 4142 'Method for rating industrial noise affecting mixed residential and industrial areas'.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1

The applicant is advised that where the conditions requiring the submission of details have been discharged in connection with the original permission, the Local Planning Authority will not require these details to be re-submitted as part of this new planning permission where those details would remain the same.

2 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the former Comet Store on Willow Tree Lane/Glencoe Road in

Hayes. The store is located within a retail park which contains another large unit, currently occupied by B & Q. There is a large area of car parking to the east.

The unit measures 2,323sqm gross. It was built pursuant to planning permission 198/APP/2001/69 dated 24 April 2001, but has been vacant since November 2012 when the business went into administration.

The Willows, Willow Tree Lane Local Centre lies within 130m of the site and the core shopping area of this centre lies within 260m of the site. Accordingly, the site is located within an edge of centre location.

3.2 Proposed Scheme

The proposal is to seek under section 73 of the Town and Country Planning Act a variation of condition 19 of planning permission 198/APP/2001/69, in order to allow the sale of additional goods, including food.

The proposed wording of condition 19 is as follows:

"The retail development hereby approved shall be used solely for the sale of:- DIY articles, garden materials and goods; building and decorating equipment and related goods; furniture and furnishing; floor coverings; white goods and other electrical goods and accessories; computers; office stationery; motor goods and accessories; toiletries; toys and gifts; pet products; cleaning, household and homeware products; packaged and canned food and drink excluding fresh food and hot food and non pre-packaged items (with food sales covering no more than 12% of the total retail area (i.e. not only sales floorspace); and for no other purpose including any other use within Class A1 of the Town and Country Planning (use Classes) Order (as amended). Unless prior written consent is obtained from the Local Planning Authority."

The additional range of goods that are sought to be sold from the former Comet store relates to toiletries, toys and gifts, pet products; cleaning, household and homeware products, packaged and canned food and drink excluding fresh food and hot food and non pre-packaged items (with food sales covering no more than 12% of the total retail area).

This application relates only to the former Comet store and not to the B & Q store, although both units were approved under the same planning permission.

3.3 Relevant Planning History

Comment on Relevant Planning History

The unit was built pursuant to planning permission 198/APP/2001/69 dated 24 April 2001, for the following development at land forming part of former BT Depot Site, Willow Tree Lane, Hayes:

'Erection of 2,323m² (25,000ft²) non-food retail warehouse (Class A1) comprising one retail unit of 1,393.8m² (15,000ft²) and one retail unit of 929.2m² (10,000ft²) together with additional car parking and landscaping'

Condition 19 of this permission limits the types of goods that can currently be sold from both the existing B & Q store and former Comet store as follows:

"The retail development hereby approved shall be used solely for the sale of: - DIY articles,

garden materials and goods; building and decorating equipment and related goods; furniture and furnishing; floor coverings; white goods and other electrical goods and accessories; computers; office stationery; motor goods and accessories and for no other purpose including any other use within Class A1 of the Town and Country Planning (use Classes) Order (as amended), unless prior written consent is obtained from the Local Planning Authority".

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was posted on the site and 21 surrounding and nearby owner/occupiers/retail outlets have been consulted individually. No responses have been received in relation to the consultation.

EALING COUNCIL

The Council raises no objection to the proposal.

Internal Consultees

HIGHWAY ENGINEER - No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application seeks to extend the range of goods which can be sold from the retail unit. The existing restriction on the sale of goods is in place in order to ensure that the retail unit does not have an unacceptable impact on the vitality or viability of the adjoining shopping centre.

The main issue in respect to the principle of the development would be the impact of the proposal in respect of the vitality and viability of town centres. This would be assessed against the criteria set out within the NPPF, in particular chapter 2, Policy 2.15 Town Centres of the London Plan, and Policy E5 of the Hillingdon Local Plan:Part 1 - Strategic Policies.

Policies in relation to out of centre retail development have not been saved, but are replaced with confirmation that national planning policy will set out the relevant guidance for the determination of retail proposals. The NPPF therefore provides the principle policy against which the principle of additional sale of retail goods should be assessed. Retail is defined as a main town centre use in the NPPF and given that the proposal is not located within an identified town centre, an assessment of the proposals against the tests of the the NPPF is required.

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test for main town centre uses that are not in an existing centre and are not in accord with an up to date Local Plan. Paragraph 26 requires an impact assessment for retail proposals which are outside town centres and are not in accordance with an up-to-date Local Plan.

The London Plan Policy 4.7 addresses retail and town centre development, stating that "Mayor supports a strong partnership approach to assessing need and bringing forward capacity for retail, culture and leisure development in town centres. Policy 4.8 seeks to promote a successful competitive and diverse retail sector advocating sustainable access. The supporting text to Policy 4.8 in relation to edge of centre retail sites, supports a reduction in car dependency, whilst acknowledging that in some circumstances there may be a potential for a wider mix of uses and a greater integration with existing centres.

In respect of the current application, the applicant has submitted a Planning and Retail Assessment. With regard to the principle of permitting the variation of goods condition, the planning and retail statement assesses the proposal in relation to the NPPF, principally the sequential and the impact tests. The Assessment seeks to demonstrate that there are no sites in sequentially preferable locations available within the catchment area to accommodate the application proposals, while proposal would not have a significant adverse impact on the vitality and viability of the nearby town centres.

SEQUENTIAL ASSESSMENT

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test for main town centre uses that are not in an existing centre and are not in accord with an up to date Local Plan. Town centre uses should be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centres sites be considered. For edge and out of centre locations, preference will be given to accessible sites that are well connected to the town centre.

Whilst the site is located within an established retail location, it does not fall within a defined centre, nor is it allocated for retail development in an up-to-date development plan

document. It has been established that the subject unit is edge of centre relative to the Willow Tree Lane Local Centre. There is excellent pedestrian connectivity to the rest of the Local Centre from the subject unit and the adjoining car park. The boundary of the Local Centre is within 130m walk of the unit and the defined shopping frontages are within 260m of the site.

For the sake of robustness, and at the request of officers, the applicants have also included Hayes Town Centre; Uxbridge Road District Centre; and Southall Town Centre in the sequential analysis. The conclusions of the assessment are set out below:

. Willow Tree Lane Local Centre

This centre currently accommodates a Tesco Extra store and a parade of small shop units. There are no suitable available opportunities to locate the proposed B&M store within this centre as there is only one small vacant shop within the existing parade.

. Hayes Town Centre

B&M already has a store (1,412sqm gross) at Unit 1, Argent Centre, Pump Lane, on the edge of Hayes Town Centre. B&M's requirement to locate at Willow Tree Lane reflects that this store will serve a different catchment than the existing Hayes store. The extent of the primary catchment of the B&M store at Pump Lane excludes Willow Tree Lane but includes Hayes Town Centre and Uxbridge Road District Centre. B&M does not require a second store in Hayes Town Centre. The applicant contends that in any event, there are no suitable opportunities available to accommodate B&M's business model within Hayes Town Centre.

. Uxbridge Road District Centre

Uxbridge Road District Centre is within the primary catchment of the existing B&M store at Pump Lane. B&M does not require a second store within that primary catchment area and in such close proximity to its existing store in Hayes. The centre is characterised by small shop units with the traditional high street part of the centre and there are no suitable vacant units that could

accommodate B&M's business model requirements. The larger units within the centre are located within Lombardy Retail Park but again, there are no vacant units available in the Retail Park to accommodate B&M's requirements.

. Southall Town Centre

Southall town centre is located over 10 minutes drive time from the application site and represents a different market opportunity to that presented at Willow Tree Lane local centre. The assessment of Southall town centre has identified only 25 vacant units none of which are remotely large enough to accommodate the application proposal.

It is concluded that there are no sequentially preferable opportunities in town centres assessed, to accommodate the application proposal and it is considered that the application passes the sequential test.

IMPACT ASSESSMENT

It is considered that the main issue relates to the potential impact the proposal could have on the adjoining town centres. Therefore, it is important that the applicant sufficiently demonstrates that the expansion in the range of goods to be sold will not divert such a significant proportion of trade from town centre locations so as to harm their viability and vitality.

The application proposal does not involve the development of any additional retail floorspace. Furthermore, the existing retail unit that the application relates to is only 2,323sqm gross and many of the goods ranges that the prospective occupier will sell from the premises are already permitted.

The additional goods ranges that will be sold only relate to toiletries; toys and gifts; pet products; cleaning, household and homeware products; packaged and canned food and drink excluding fresh food and hot food and non pre-packaged items (with food sales covering no more than 12% of the total retail area (i.e. not only sales floorspace).

The proposal to allow B&M to occupy the vacant former Comet unit will result in a reduction in turnover from this unit compared with the previous occupier.

The above factors the applicant argues, indicate that the retail impact effects of the application proposal are unlikely to be significant.

The applicant points out there is good connectivity to the edge of the Local Centre boundary (Tesco Extra car park) and 4 minutes to walk from the subject unit to the entrance to the Tesco Extra store itself. This proximity and connectivity to the Local Centre means that in effect the unit forms part of the centre. The assessment considers that the proposal meets the objectives of Local Plan Policy E5 which encourages the redevelopment of existing sites, refurbishment of existing retail units, or the intensification of existing floorspace. It also meets the objectives of London Plan Policy 4.7 Part B (b) which supports retail uses on well integrated edge of centre sites.

Turnover from Additional Goods Ranges

The additional goods ranges proposed are;

- the convenience goods element comprising of packaged and canned food and drink excluding fresh food and hot food and non prepackaged items The convenience goods elements will be limited to 297sqm (equating to 12% of the unit floorspace). The convenience goods items are lower value items and turnover from this small area of floorspace is estimated as only £1.3M.

- the comparison goods element comprising toiletries; toys and gifts; pet products; cleaning, household and homeware products; The comparison goods turnover of the B&M store is estimated at £7.7M, which is a reduction of £3.4M in the comparison goods turnover of the store when Comet occupied the premises. It is estimated that approximately 50% of B&M's comparison goods turnover equating to £3.9M will be generated from the sale of the additional comparison goods range. The assessment therefore considers the trade diversion effects of the estimated £5.2M of turnover arising from the sale of goods not currently permitted to be sold from the premises

Given that Willow Tree Lane is an established shopping destination anchored by the Tesco Extra store, the principal effect of the B&M store will be to provide additional choice for the centre's existing customer base. Around 70% of the turnover generated from the sale of the additional goods ranges is expected to be diverted from the Tesco Extra store. There is very little overlap with the ranges of goods sold in the other unit shops within the Local Centre which comprise a bookmaker; an optician; a carpet shop; a Post Office CTN; a Dry Cleaner; and two take aways. Therefore, it is not expected that any trade will be diverted from these small shop units.

Around 15% of the turnover generated from the sale of the additional goods is expected to be diverted from Uxbridge Road District Centre. This reflects that some local shoppers who have been visiting Lombardy Retail Park to obtain access to the additional choice of retail facilities available there may choose to meet more of their shopping needs locally at Willow Tree Lane as a result of the additional choice that will be provided by the B&M store. However, the greater scale and range of facilities at Lombardy Retail Park is a limiting factor in the extent of expenditure that can be clawed back.

Some local residents who shop at the existing B&M store on the edge of Hayes Town Centre may instead choose to use the proposed B&M store at Willow Tree Lane and this may have some minor additional effect in terms of reduced linked trip spending in Hayes Town Centre but this is unlikely to be significant.

There would be very limited trade diversion from Southall Town Centre reflecting that the limited scale and nature of the proposal is such that it is unlikely to result in any significant change in shopping patterns in the wider area. Similarly a minor diversion from other facilities such as Hayes Bridge Retail Park is possible due to the additional choice that the proposal will provide at Willow Tree Lane.

Trade Diversion Effects

The net effect of bringing the vacant unit back into active use as a B&M store, the assessment concludes, will be a positive impact on Willow Tree Local Centre as a whole. The predicted diversion of £3.6M spending from the Tesco Extra store is not spending that will be lost from the centre, given that the B&M store will effectively function as part of the centre. It does not represent any threat to the Tesco Extra store, given that its post impact turnover will be £61.3M.

Of the total £9M turnover that B&M will generate from this store, around 60% (£5.4M) will be additional spending in Willow Tree Lane representing a boost to the vitality and viability of the centre.

The overall effect of the proposal will be to have a +8% positive impact on the turnover of the centre. Predicted impacts of 0.7% on Uxbridge Road District Centre (i.e. Lombardy Retail Park); 0.4% from Hayes Town Centre; 0.3% from Southall Town Centre are not considered to be significant and will be imperceptible in reality.

It is considered that the above analysis satisfactorily demonstrates that the proposal will not result in a significant adverse retail impact on any town centre.

Should the application be approved, it is considered that a revised goods restriction condition would be a sufficiently robust mechanism to control the share of sales in merchandise categories outside of those set out in the existing condition, to avoid occupiers of the unit diverting a significant proportion of trade from nearby town centres.

On the basis of the information submitted, it is considered that the proposal would not have a significant adverse impact on the vitality and viability of the nearby town centres, including consumer choice and the range and quality of comparison and convenience retail offer.

The applicant has also put forward that the proposal will bring a vacant unit back into use and therefore provide jobs and benefit employment. It is considered that the application supports and encourages economic growth and job creation and is thus

consistent with overriding national policy which supports sustainable development. No objection is therefore raised to the the principle of the development.

7.02 Density of the proposed development

The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Density is not therefore a relevant consideration. Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application. The application site is not located within or in proximity to any Conservations Areas, Areas of Special Local Character or Listed Buildings.

The application seeks an alteration to a condition restricting the sale of goods. The proposal would not therefore impact on archaeology.

7.04 Airport safeguarding

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail park. It would not therefore have any implications with regard to airport safeguarding.

7.05 Impact on the green belt

Not applicable to this application. The application site is not located in proximity to any land designated as Green Belt.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. It would not therefore have any impacts on the character or appearance of the application site.

7.08 Impact on neighbours

With regard to impact on residential amenity, the proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. As the application proposals do not involve any external alterations, the proposed development will not have a visual impact on nearby residential properties.

In terms of additional traffic/shoppers attracted to the retail unit, the site is within an established retail location where there are sufficient car parking facilities and also existing arrangements for accessing the site via public transport. It is acknowledged that the re-use of the vacant unit will increase the number of visitors to the site, but it is not felt that any increased trips will have a detrimental impact on residential amenity.

In conclusion, it is not considered that this would result in any impacts detrimental to the amenity of nearby residential occupiers.

7.09 Living conditions for future occupiers

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Living conditions for future residential occupiers is therefore not relevant to consideration of this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Whilst the change in the retail offer available at the site has the potential to alter the nature of customers, trips and travel modes to and from the site, no alterations to the existing car parking or access arrangements for the retail unit are proposed. While convenience goods stores can generate different traffic movements than non food stores

the proposal is not for a foodstore, and the extent of convenience goods (279sqm) is limited. The proposal is likely to provide additional opportunities for linked trips to this established retail destination thereby reducing the need to make separate trips which add to vehicle miles and emissions. As such, it is not considered that the proposal will have an unacceptable impact on the local highway network.

With respect of parking, given the level of existing parking at the site it is not considered that there would be any issues with regard to parking levels.

No objections are therefore raised in terms of highway considerations.

7.11 Urban design, access and security

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail park. It would not therefore have any implications with regard to urban design, accessibility or security.

7.12 Disabled access

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. It would not therefore have any implications with regard to disabled accessibility.

7.13 Provision of affordable & special needs housing

The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Considerations relating to affordable and special needs housing are therefore not relevant to this proposal.

7.14 Trees, Landscaping and Ecology

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. It would not therefore have any implications on existing trees, landscaping or ecology.

7.15 Sustainable waste management

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. The unit would be served by existing waste and recycling facilities.

7.16 Renewable energy / Sustainability

Not applicable to this application. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Accordingly, it does not have any implications with regard to renewable energy or sustainability.

7.17 Flooding or Drainage Issues

Not applicable to this application. With regard to flood risk, the site is not within an area of flood risk. The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Accordingly, it would not have any implications with regard to flooding or drainage issues.

7.18 Noise or Air Quality Issues

The application proposals will enable the re-opening of an existing retail unit. With regard to air quality, the proposals will involve the re-use of an existing unit for retail purposes and will not have a detrimental impact on local air quality.

The proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. Accordingly, it would not have any implications with regard to noise.

7.19 Comments on Public Consultations

There has been no response to the public consultation.

7.20 Planning Obligations

There are no ongoing planning obligations associated with the S106 agreement attached to the original planning permission ref:198/APP/ 2001/69.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other issues associated with this proposal.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application.

Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

The application is supported by a Retail Assessment which demonstrates that this minor variation in the ranges of goods that can be sold from the premises will not result in an adverse impact on any town centre. The Retail Assessment also demonstrates that the proposal complies with the sequential approach.

The application will bring a previously developed retail unit back into active use and generate new employment opportunities. Located a short walk from the Willow Tree centre, the application site has strong connections with the town centre and is likely to facilitate linked trips, improving the retail offer and choice available.

As this proposal relates to the use of an existing non food retail unit in an accessible edge of centre location, and the extent of change in retail goods sold is very limited (e.g. only 279sqm floorspace will be used for the sale of a limited range of convenience goods), it is not considered to raise any issues in respect of traffic, transport or accessibility.

The application does not include any external alterations to the premises and therefore no design issues arise.

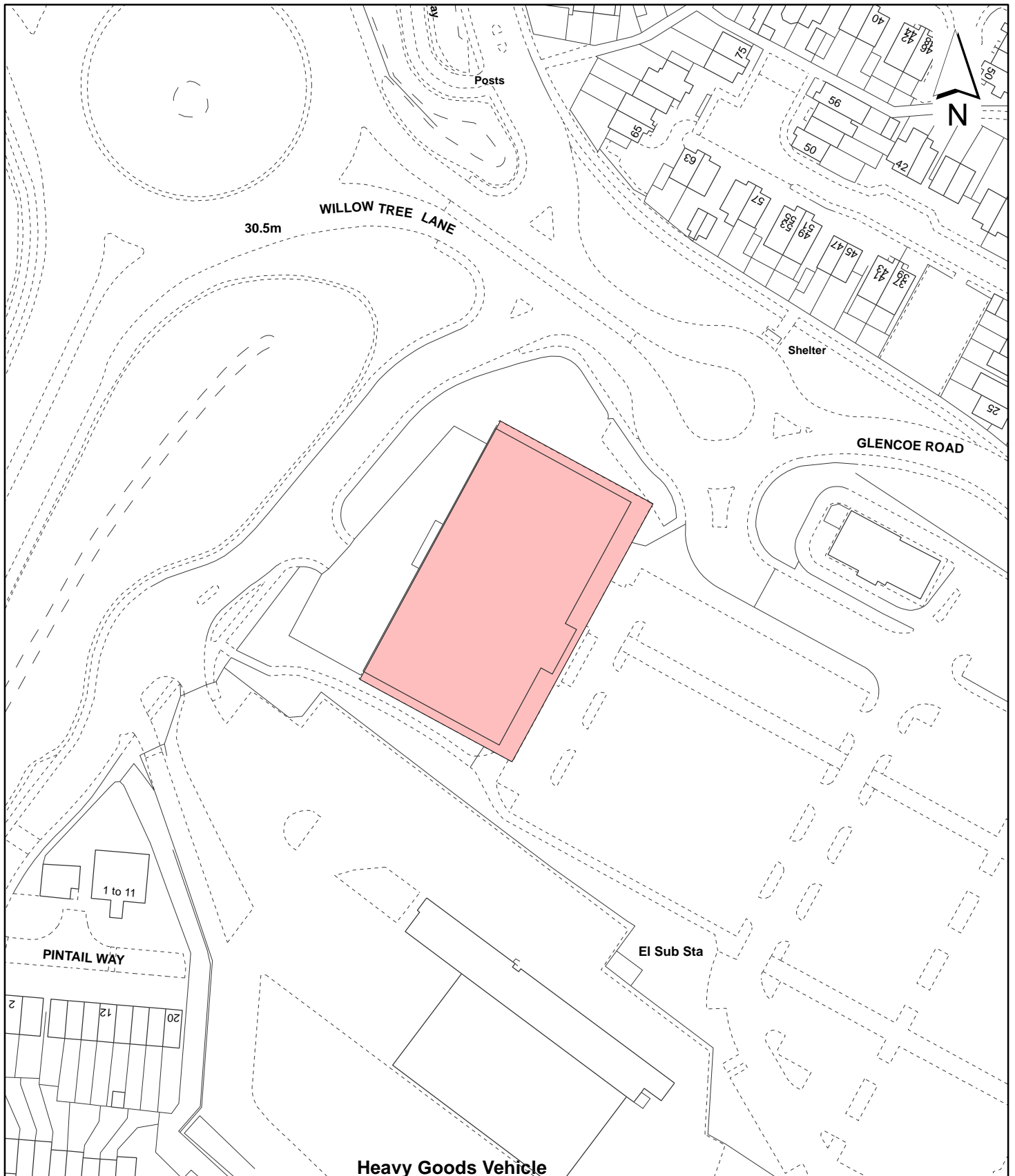
Approval is recommended accordingly.

11. Reference Documents


- (i) National Planning Policy Framework.
- (ii) London Plan
- (iii) Unitary Development Plan Saved Policies September 2007.
- (iv) Core Strategy.

Contact Officer: Karl Dafe

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Notes

 Site boundary

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Site Address

**Comet Store
 Willow Tree Lane
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

56751/APP/2014/3915

Scale

1:1,250

Planning Committee

Major

Date

January 2015



HILLINGDON
 LONDON