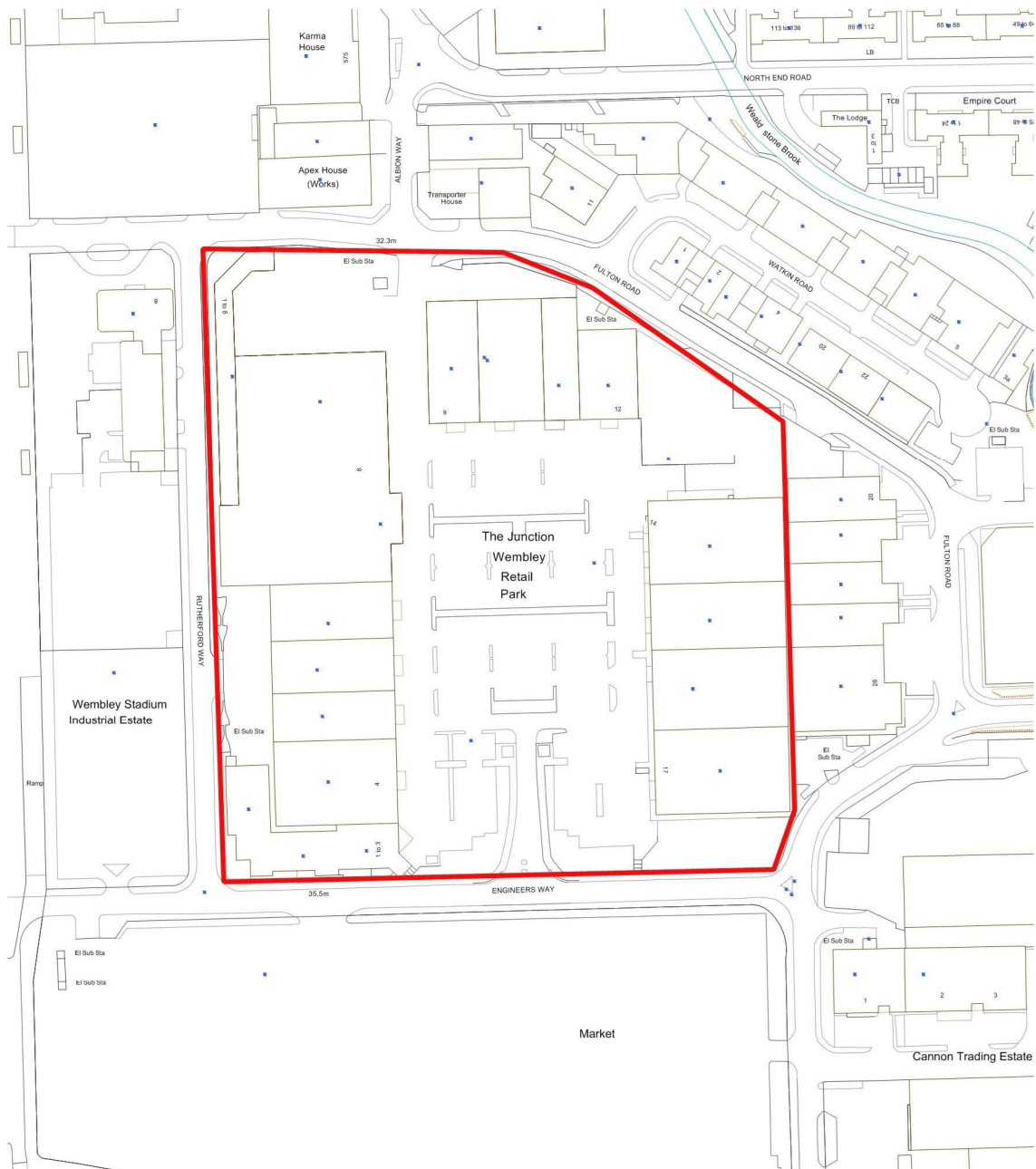




**Planning Committee Map**

Site address: All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9

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This map is indicative only.

**RECEIVED:** 10 November, 2010

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9

**PROPOSAL:** Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17). Condition 3 is proposed to read:  
(Save in relation to the area of the retail park shown edged [Green] on plan [A] which may be used for open A1 retail use). The new retail premises shall be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

**APPLICANT:** Quintain (Wembley Retail Park) Limited

**CONTACT:** Signet Planning

**PLAN NO'S:**

Wembley Retail Park Statement in Support of a Planning Application, reference WRP.R.STATEMENT, dated November 2010

Wembley Retail Park Statement Appendix 2

Wembley Retail Park Statement Appendix 3

Wembley Retail Park Statement Appendix 4

"Plan A" Site Location Plan

Un-numbered drawing titled "Key Development Sites"

SAW/GJ/JM/ ITL6110-001C TN - Technical Note dated 12 October 2010

Wembley Retail Park Marketing Report dated October 2010

Appendix 1 To Marketing Report: Borehamwood Shopping Park

Appendix 1 To Marketing Report: The Brewery Romford

Appendix 1 To Marketing Report: Two Rivers Shopping Park

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**RECOMMENDATION**

That Planning Permission is Granted.

**SECTION 106 DETAILS**

The Section 106 Agreement for the 2004 consent (reference 04/2158) only referred to financial contributions and these have already been paid to the Council. As such, a Section 106 agreement is not required for this variation of consent.

**EXISTING**

The subject site is situated between Engineers Way (South), Rutherford Way (West), Fulton Road (North) and units 20-28 (even) Fulton Road (East). The Western and Northern terraces within the retail park were renovated under this planning consent (reference 04/2158) and Planning Consent reference 05/0227 and 05/1526 approximately 5 to 6 years ago.

Vehicle access for customer parking is currently accessed via Engineers Way to the south, with servicing undertaken from Rutherford Way, Fulton Road and through the parking area. Servicing that takes place via the parking area serves the four units within the Eastern terrace which have not been renovated and still have servicing bays within the building frontages.

## **PROPOSAL**

The proposed amendment would remove the “bulky goods” restriction from the Eastern Terrace, thus allowing any retail usage to occur from these units. The “bulky goods” restriction would remain in place for the Northern and Western terraces. However, a separate application has now been submitted which looks to remove the bulky goods restriction from three additional units within the Retail Park.

## **HISTORY**

### **04/2158 – Granted 6 October 2004**

Creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to units 6-9, demolition of units 3, 4 and 5, demolition of 3 loading bays to existing units 1a & 1b, erection of extension to units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for units A-D off Rutherford Way, provision of service area for units H-E off Fulton Road, provision of service area for units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (As amended by letter dated 05 July 2005)

### **05/0227 – Granted 21 April 2005**

Demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to Units 6-9, demolition of Units 3, 4 and 5, demolition of 3 loading bays to existing Units 1a & 1b, erection of extension to Units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to Units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for Units A-D off Rutherford Way, provision of service area for Units H-E off Fulton Road, provision of service area for Units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (as accompanied by photographs 1-6, photograph 7 [proposed example canopy], and Schedule of Materials) and subject to a Deed of Agreement dated 21/04/2005 under Section 106 of the Town and Country Planning Act 1990 (as amended)

### **05/1526 – Granted 22 July 2005**

Alteration to restaurant and 'Pod' customer amenity building footprints, including decreased area to 'Pod' customer amenity building and internal access to service yards off Rutherford Way, increased area to restaurant and subdivision of restaurant to form two separate restaurant units [use class A3] and details of elevational treatments, provision of roof level plants on each of the two restaurants and customer amenity building including 1.5 metre high screen enclosures, enlargement of service yard off Rutherford Way, provision of internal access from Unit E between offices to Rutherford Way and roof level plant and 28 roof lights to office buildings in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area (as accompanied by Vulcalap Aluminium Weatherboard [Anodised] cladding sample)(As amended by letter dated 8 November 2005 - new tower windows) Drawing no.s L99-314 363 Revision D supersedes L99-314 363 Revision B

### **05/3409 – Granted 24 January 2006**

Variation of condition 5 (to retain for Unit 14 the 4 car-parking spaces previously required to be removed) of Full Planning Permission reference 05/0227 dated 21 April 2005, for demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft

landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to Units 6-9, demolition of Units 3, 4 and 5, demolition of 3 loading bays to existing Units 1a & 1b, erection of extension to Units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to Units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for Units A-D off Rutherford Way, provision of service area for Units H-E off Fulton Road, provision of service area for Units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (as accompanied by photographs 1-6, photograph 7 [proposed example canopy], and Schedule of Materials) and subject to a Deed of Agreement dated 21/04/2005 under Section 106 of the Town and Country Planning Act 1990 (as amended) (accompanied by covering letter dated 29th of November 2005).

### **Associated applications**

#### **Unit 16:**

#### **08/2783 – Granted 12 December 2008 for a temporary period expiring on 11 December 2011**

Change of use of large bulky goods retail shop to Oriental/ Far Eastern Centre comprising small retail (Use Class A1) shops and cafe/bar (Use Class A3 and A4) to accommodate tenants of former Oriental City in Colindale

#### **Recently submitted applications:**

#### **11/1566 – currently being validated**

Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to allow the unrestricted sale of non-food goods from Units A and B of the Western Terrace and Unit F of the Northern Terrace.

#### **11/1572 – currently being validated**

Extension and refurbishment of Eastern Terrace to include installation of mezzanine floors, subdivision, new servicing arrangements, new landscaping and amendments to car parking, and the creation of mezzanine floor within Unit A (applicant's description)

### **POLICY CONSIDERATIONS**

The policies considerations set out within this section of the report relate to the proposed variation of condition and not to the previous application as a whole.

### **NATIONAL**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Government planning policy in general requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. However, in considering proposals for retail development, National, Regional and Borough policies require that the sequential approach to development be applied. For development over 2,500 sq m there is also a requirement to assess retail impact to ensure that there is no adverse effect upon existing town centres, including upon efforts to regenerate them. Relevant Planning Policies are as follows:

#### *PPS4 Planning for Sustainable Economic Growth*

- *EC10 Determining planning applications for economic development*
- *EC14 Supporting evidence for planning applications for main town centre uses*
- *EC15 The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
- *EC16 The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
- *EC17 The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan.*

## **REGIONAL**

The Mayor of London

The London Plan consolidated with alterations since 2004

The Draft Replacement London Plan has been subject to its Examination and Public and as such, is a material planning consideration.

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

2A.8	Town Centres
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities

## **LOCAL**

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 7 Wembley Growth Area

CP 16 Town Centres and the Sequential Approach to Development

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road) and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

Policies

TRN23 Parking Standards – Residential developments

Appendix TRN2 Parking and Servicing Standards

SH2 Major Town Centres

SH19 Rear servicing

WEM9 Comprehensive Development – The National Stadium Policy Area

WEM27 Opportunity sites at the Junction of Olympic Way and Engineers Way

Brent Council Supplementary Planning Guidance and Documents

Draft Wembley Link SPD

Destination Wembley – A framework for development (2003) Supplementary Planning Guidance

- This guidance set out the Council's key principles regarding the redevelopment of Wembley: A comprehensive approach which properly addresses the setting of the stadium, producing a development where all the different elements relate well together.
- An accessible part of town, which offers a choice of routes into and through the area that are easy to grasp.
- A high quality development with comfortable public streets and civic spaces lined by modern, exciting buildings. A rich mix of uses combining leisure, retail, entertainment and other commercial uses to create an active, interesting and attractive urban environment throughout the year.
- One of the most accessible locations in the capital because of improvements to the existing rail and underground stations and the highway infrastructure with improved links to the North Circular.
- A well integrated and connected place which links into the High Road and surrounding community,

- allowing people to move safely and easily through the area.
- A development which promotes sustainability through adopting best practice.
- An engaged community that benefits from the new jobs, new services and facilities for local people stemming from the physical, economic and social regeneration of the area.

### **Wembley Masterplan 2009**

The Council adopted a revised version of the Wembley Masterplan in 2009, which superseded the 2004 Masterplan. The subject site falls within the "North East" district. The character and nature of the area, following a comprehensive process of regeneration, is described as follows:

*Whilst the North West area features civic and town centre functions, by contrast the North East District should be more local and domestic in character. This district provides the vital link between the bustling new mixed use districts in the North West and around Olympic Way, and the currently isolated residential properties at Danes and Empire Courts.*

Key principles that are set out in the Masterplan include:

- *The creation of a new park of at least 1.2 hectares.*
- *A new 'local' square with a more intimate character and setting;*
- *The enhancement of the Wealdstone Brook and creation of a publicly accessible natural environment;*
- *A transition in scale, creating a measured and gradual change from more intense commercial and leisure developments around Olympic Way to an open and green character further east;*
- *The re-connection of North End Road as a strategic vehicular route, vital to the lasting success and continued accessibility of the district.*

### **Other Council Publications**

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

### **SUSTAINABILITY ASSESSMENT**

Not applicable.

### **CONSULTATION**

Consultation letters sent: 10 November 2010

Site Notice erected: 17 November 2010

Letters were sent to 70 adjoining or nearby owners or occupiers.

Letters of objection (2) were received from a tenant of a "Pacific Plaza" unit, Doki Limited, and from the group of "Pacific Plaza" tenants.

The letter from Doki Limited discusses:

- The demand for their products;
- The increase in the number of customers;
- Their customer's comments, which relate to the variety of shops within Pacific Plaza and difficulties accessing the premises on Event Days;
- The negotiations regarding their lease;

The letter from the group of tenants discusses:

- The existing temporary planning permission for Pacific Plaza, which is due to expire at the end of 2011;
- That the other tenants within the retail all agree that their customer numbers have increased since Pacific Plaza commenced trading;
- That the supermarket within Pacific Plaza have agreed to open in 2 weeks if a lease can be agreed;
- That many local residents look forward to the opening of the supermarket;
- That they may need to move if this consent is granted, and that they are worried about this as they are local businesses trying to be successful;
- That they intend to operate a kids education club as well as offering a community centre once a longer lease has been agreed;
- That the FA and UEFA were asking to use their facilities for the Champions League Final and that they will be offering apprenticeships to students from the College of NW London;

- That people from Brent Council and Fountain Studio visit the premises, and Fountain Studio staff have asked to use the stage area for kids dance lessons and music;
- That they hope to extend, and to provide a banqueting hall;
- That these things will increase the number of people visiting the park;

“Pacific Plaza” previously occupied Unit 16 within the Eastern Terrace of the retail park. Accordingly to a press release from Quintain, the lease for Unit 16 expired on 31 December 2010 and they ceased trading in early April. The representative of Doki Limited who commented on this planning application also commented on the Quintain North West Lands application (reference 10/3032), specifying that the sub-tenants were paying rent to the Head Tenant, but that Head Tenant had not paid rent to Quintain since April 2010. The comments in this paragraph provide background information in relation to the third party comment discussed above. However, they are not directly relevant to this planning application.

#### Internal Consultees

##### Transportation:

Subject to a condition limiting the scope of the proposed open A1 use to exclude food retail uses, there would be no objections on transportation grounds to this proposal. However, consideration should be given to completing the rear servicing facilities for these units approved through planning consent 04/2158.

##### Policy:

The comments from Planning Policy have been incorporated into the remarks section of this report.

Consultation letters were sent to Ward Councillors. No comments were received.

## REMARKS

This application looks to vary condition 3 which places the “bulky goods” restriction upon the retail usage. This report will focus solely on the implications of the proposed wording and any associated implications rather than the development as a whole. The proposed wording alters the nature of the retail use and the primary part remarks section of the report examines the policy context of this proposed change. Any potential implications for transportation and also discussed.

The Planning Committee recently considered the application for the Quintain “North West Lands”, situated to the North of Engineers Way and the West of Olympic Way, within which, a maximum of 30,000 square metres of Use Class A1 to A5 floorspace was proposed.

The policy considerations in relation to town centre uses was set out within the committee report for that application, with extracts from that report as follows:

*Policy CP 7 of the LDF Core Strategy supports the eastward expansion of the existing Wembley Town Centre to facilitate the provision of an additional 30,000 m2 of retail floorspace. The preamble to this policy sets out the long term aspiration to link the retail areas of Wembley and Wembley Park, but qualifies that this is contingent on the creation of a continuous retail link from the High Road. It is envisaged that the creation of the new retail street will help facilitate the redevelopment of the eastern end of the High Road. The new shopping street, together with the delivery of commercial, retail, leisure and community facilities will drive change in this part of Wembley.*

*This aspiration is also supported by LDF Policies CP 1 and CP 16 which highlights Wembley as the preferable location for town centre uses, together with hotels and conference facilities, delivering the majority of the borough’s new retail and office development.*

*The preamble to LDF Core Strategy policy CP 16 sets out the recommendations of the Brent Retail Need and Capacity Study (Feb 2006), estimating that there is scope for an additional 27,000 m2 of gross comparison and 5,200 m2 of convenience retail floorspace by 2016, increasing to 90,000 m2 and 12,500 m2 respectively by 2026. While these are Borough wide figures, Wembley is promoted within Planning Policy as the main shopping destination and it the preamble specifies that Wembley will be in a position to accommodate a major share of the identified floorspace.*

*Policy WEM27 is a saved policy of the Unitary Development Plan which relates to the Major Opportunity Site at the junction of Olympic Way and Engineers Way and is applicable to the application site. This promotes uses contributing towards the development of a visitor destination of regional importance, including major retail/leisure uses, offices, hotels and residential. However, it specifies that only food stores with a floorspace*

*below 2,500 sq m gross are considered acceptable. With regard to this issue, the Site Specification Allocations (SSA) Post Submission Changes report (currently out to consultation) specifies the following:*

*One exception, however, is the policy within WEM27 (the UDP Wembley Inset Plan) which fixes the size of foodstore that could be provided within the WEM27 site to 2,500m<sup>2</sup>. While the general land use principles set out in WEM27 still apply, its objectives for retail use in Wembley have altered over time, and are reflected by the above policy CP7. Particularly, there is evidence that there are significant retail needs in the Borough for both comparison and convenience goods over the period of the LDF, as set out in the Core Strategy. The council would therefore accept the need to be more flexible in considering any application involving a foodstore in excess of the 2500m<sup>2</sup> limit set in WEM27. The council would consider any such application having proper regard to the considerations set out in PPS4, notably the availability of sequentially preferable sites for a foodstore within Wembley Town Centre, as well as the potential impact or regeneration benefits of such a proposal.*

*The proposed retail should be assessed in conjunction with the committed development, including the new retail to be delivered within the Quintain Stage 1 consent (largely restricted to Designer Outlet Shopping and Specialist Sports retail), the "LDA consent" for the land adjacent to Wembley Stadium Station and the change of use and extensions to York House to form part of the Quintain Designer Outlet Centre. These comprise in excess of 34,000 m<sup>2</sup> of consented retail space. Of these, the Quintain Plot W05 (also containing the new Hilton Hotel and a student accommodation block) is under construction whilst Quintain have indicated that they intend to commence works on plot W07 (designer outlet, food and drink and a cinema) later this year. A 1,200 m<sup>2</sup> retail unit that will front West Olympic Way has also been approved within the Civic Centre building and is currently under construction.*

This proposal differs significantly from the North West Lands proposal. It does not propose new retail floorspace as the application in itself would only alter the current restrictions in the type of retail use in relation to the eastern terrace. It also differs in location and proximity to the town centre as expanded in accordance with the recently adopted LDF Core Strategy policies discussed above. This matter is discussed in more detail later in the report.

The applicants have prepared a Planning Statement which deals primarily with the application of planning policy, particularly the sequential approach to development and retail impact.

The broad conclusions in the Statement are that the proposals can form a key part of the overall regeneration of Wembley and can deliver key national retailers, currently lacking in Wembley, within 12 months of planning permission being granted which will assist in producing a retail led regeneration in advance of the completion of the new High Street on the North West Lands site (identified as West Olympic Way within the "North West Lands" planning application, reference 10/3032). The applicants specify that the new High Street is unlikely to be delivered until post 2016. Key national retailers can establish themselves in Wembley prior to the development of the new High Street. It is expected that these key retailers will want to move to the new High Street once it is established.

In undertaking a sequential assessment of alternative sites, the applicants conclude that there are no suitable or available sites within the primary or secondary areas of the town centre for the large units required. They also conclude that the proposal is site specific and intended to rejuvenate the existing retail park.

The applicants propose to not allow occupation of any of the units, for a period of 10 years after consent is granted, by retailers who are currently represented in Wembley High Road. In this way, the potential trading impact on Wembley town centre will be minimised. It is also pointed out that the Retail Need and Capacity Study undertaken by Roger Tym and Partners on behalf of the Council in 2008 identifies a need for a significant increase in retail floorspace in the borough to meet growing demand (32,200 m<sup>2</sup> up to 2016). Brent's Core Strategy recognises that Wembley will accommodate a major share of this new floorspace. Although the proposal does not result in any increase in retail floorspace, the applicants are proposing an associated legal mechanism to ensure that the relevant capacity figure for 2016 is not breached.

### **Sequential Approach to Development**

The applicants have applied the sequential test to the retail floorspace that is proposed to be unrestricted. The submitted retail assessment specifies that the site is out-of-centre but will be edge of centre following the eastward expansion of the town centre (discussed above), but have assessed the proposal on an out-of-centre basis as this reflects the current situation. Your officers consider that the future consideration of the site as edge-of-centre (rather than out-of-centre) would be contingent on the actual expansion of the



town centre into the North West Lands and also the expansion of the town centre uses into the Olympic Office Centre site which is situated between Olympic Way and the application site. Nevertheless, this site has been treated as out-of-centre for the purposes of this application by both the applicants and your officers.

In applying the sequential approach to development, there are a large number of sites in, or on the edge of, Wembley town centre that remain undeveloped. Consequently, there continues to be plenty of scope for additional floorspace to be provided to maintain and regenerate Wembley town centre. However, in applying the sequential approach in the particular circumstances of this proposal, there are a number of reasons why these sites are inappropriate.

The proposals seek to establish Wembley as a location that will attract key national retailers in advance of the development of the new High Street which is proposed for the North West Lands site. It is expected that, by relaxing the restrictions on the nature of goods that can be sold from the retail park, the sorts of national retailer that will ultimately seek to be present in the new High Street can be attracted earlier and thus help establish Wembley as a key retail location in advance of the development of the new High Street after 2016. It has not been possible, despite marketing efforts, to attract many of these retailers into the newly developed Central Square or the High Road.

Units and sites that may be normally sequentially preferable are either not suitable because they are not large enough, or are not currently available and are unlikely to be for some time. For example, the site identified in the Wembley Link SPD at Copland School/Brent House has been earmarked for a large retail unit but will not be available until after 2013. This site has been identified for convenience retail purposes and as such, is not considered to be a sequentially preferable site in relation to this application as the retail park units would be restricted through condition to comparison retail usage (but may include convenience retail floorspace that is minor and ancillary to an individual unit). The South Way site, where outline consent was given for retail development as part of a mixed use scheme, is unavailable until compensation is agreed through the CPO negotiations. These are not anticipated to be completed before 2014.

The final building within Central Square is proposed to include a retail unit which would be comparable in size to the smaller of the units within the retail park (approximately 750 square metres). However, the proposals relate to a significantly greater total quantum of floorspace and your officers do not consider that this comprises a site suitable to accommodate the proposed development.

The Quintain Stage 1 scheme includes development specifically for designer outlet shopping and sports retail and is not considered appropriate for the type of retailing proposed for the retail park. According to the applicants all of the designer outlet floorspace has now been taken up in any event.

Your officers consider that the "North West Lands" site, being edge-of-centre following the eastward expansion of the town centre, is a sequentially preferable location for the provision of un-restricted retail floorspace. As discussed previously, the Planning Committee recently resolved to grant permission for up to 30,000 square metres of retail floorspace within this site. Within the Statement, the applicant sets out that, as a major land owner within Wembley with control over the North West Lands, Stage 1 site and the Retail Park, they can ensure that there is fluid movement from the retail park to the new retail street within the North West Lands upon its completion. The statement specifies that retailers will be encouraged to do so through lease renegotiation, financial inducements and provision of appropriate trading floor plates etc.

Your officers concur with the view set out within the Statement that attracting key national retailers to Wembley is likely to assist in producing a retail led regeneration in advance of the delivery of the new retail street within the North West Lands application site and as such, is likely to help support the delivery of other schemes such as the North West Lands. As such, your officers consider it appropriate to allow an exception to the sequential approach in this instance, subject to the consideration of retail impact, discussed next in the report.

### **Retail Impact**

The Statement provides an assessment of impact based on the criteria set out within Policy EC16.1 of PPS4.

#### **Potential impact on investment in centres**

When looking at potential impact on investment in centres in the catchment area of the proposal, the Statement discusses the proposals in relation to other sites in Wembley, including the Quintain Stage 1 site, the LDA Site (adjoining Wembley Stadium Station), Central Square, the Wembley Market site, the Wembley West End site, Copland and Brent House sites. The Statement also discusses other sites in Kilburn

together with the Ealing and Harrow Centres and the Brent Cross development.

The statement concludes that it is *not considered the proposal will have any adverse impact on other proposals coming forth elsewhere in Wembley or further afield. Indeed, to the contrary, it is considered the impacts of the proposal on planned investments will be wholly positive.*

In reaching this conclusion, the proposal the assessment has regard to the differing nature of the retail offer within certain schemes (the Quintain Stage 1 consent being designer outlet and sports and Brent House/Copland scheme being convenience retail), the greater floorspace of individual units within the eastern terrace of the retail park (average of 1,362 square metres is specified, with a minimum of 750 square metres to be secured through condition), the quantum of retail floorspace in comparison to other schemes, such as the Brent Cross Scheme which includes 110,927 square metres of retail floorspace) and the potential for “linked trips” to generate additional spending within the existing Wembley town centres.

#### Impact on Town Centre Vitality and Viability

An assessment of the health of the town centre shows that Wembley has a relatively low vacancy rate when compared to the national average, but that there is an under representation of national multiples and lack of larger units which would be needed to attract them. Although Wembley is a vital and viable centre with a low level of vacancy, it will remain a focus for low key and low value outlets resulting in ongoing decline when compared to neighbouring centres such as Harrow, Ealing and Brent Cross. The centre suffers from an inability to offer a suitable number and range of larger units.

Wembley retail park, for an interim period until the new High Street is developed on North West Lands, can meet the pressing need for national multiple retailers in the area to serve the needs of local people who currently have to travel some distance to Harrow, Ealing and Brent Cross.

Given the low number of key national retailers within the town centre, one of the primary concerns about the proposal was that retailers currently in Wembley may vacate the High Road to occupy units in the retail park. The applicants recognise this concern and proposed to not allow any retailer to decant from the High Road to the retail park for a period of 10 years after consent. However, this approach does not mitigate against any loss after this 10 year period, and also would prevent those retailers who are vacant from the town centre for a number of years to return to Wembley within a retail park unit. Your officer consider that the potential impact can be mitigated by attaching a condition which prevent retailers who occupy premises within the existing town centre from occupying a unit within the retail park unless they have been absent from the town centre for at least 3 years.

In addition to this, the proposal looks to provide a significantly different retail offer from that within the existing town centre in relation to the floorspace of the units. The units as approved are significantly greater in size than those typically located within the existing Wembley centres, and it is proposed that the ability to subdivide into smaller units will be restricted unless the gross internal floorspace remains at or above 750 square metres.

#### Impact on the development of allocated sites outside the town centres

The Statement concludes, and your officers concur, that none of the allocations are for retail led development and as such, it is unlikely that the proposal will have an adverse impact on these sites coming forward for development.

#### Impact on in-centre trade and turnover and trade in the wider area

Given that there is no net increase in retail floorspace as a result of the proposal, the potential impact is likely to be significantly less than if it were to be new floorspace. It is expected that most of the trade diversion will be recovered trade currently leaking outside the Wembley catchment area as well as helping to meet the need for new floorspace as estimated in the Retail Need and Capacity Study, 2008.

In addition to this, the aforementioned condition regarding the existing retailers within the town centre (the “3 year rule”) also assists in mitigating against any potential impact on in-centre trade and turnover.

#### Test of scale

As discussed in the previous section, there is no increase in retail floorspace. The proposal also will not have any impact on the position of Wembley within the retail hierarchy of North West London. Your officers consider that the scale of the proposal is appropriate.

#### **Retail Conclusions**

Overall, it is considered that the benefits of attracting major national retailers to the retail park and to Wembley outweigh potential adverse effects of impact on the High Road. Whilst the North West Lands site is considered sequentially preferable, your officers concur with the views set out within the submitted Statement that attracting the major national retailers will assist the regeneration of Wembley.

### **Transportation**

This site is located on the northern side of Engineers Way (a local commercial access road), between its junctions with Rutherford Way and First Way.

The site is currently occupied by a retail park comprising 13 retail units and two food & drink units totalling 17,545m<sup>2</sup>. The majority of the units (Units 1-12) around the western and northern sides of the park were built/refurbished as part of a major refurbishment and re-planning of the layout of this site undertaken in 2006 (ref: 04/2158). However, the approved refurbishment of Units 14-17 along the eastern side of the retail park (including the provision of a new service yard and access road to the rear of Unit 16) was never completed.

Customer car parking for a total of 456 cars (incl. 19 disabled and 11 transit sized spaces) and 100 bicycles has now been provided in the centre of the retail park, accessed via a priority junction from Engineers Way. Servicing provision is provided to the rear of the refurbished units with access from Rutherford Way and Fulton Road, but the units along the eastern side of the site require servicing from the customer car park.

A condition was attached to the above planning consent for the refurbishment of the retail park, limiting the type of retail to bulky-goods only.

This application seeks to vary that condition to allow open retail use within Units 14-17 (totalling 5,494m<sup>2</sup>) along the eastern side of the site. It is not intended for any food retailer to occupy any of these units though, with the list of potentially interested parties including the likes of Next and Mothercare. No alterations to access, parking or servicing arrangements are proposed, so these units will still be serviced from the customer car park.

On-street parking along Engineers Way is prohibited at all times and this road is generally 0% parked. Previous visits and aerial photographs of the retail park itself show it to be generally lightly parked.

Public transport access to this particular unit is moderate (PTAL 3), with Wembley Park station (Metropolitan and Jubilee lines) within 960 metres (12 minutes' walk) and two bus services within 640 metres (8 minutes' walk). However, this will improve over time as the Wembley Park Boulevard is opened and buses are diverted along its length.

### **Transportation Discussion**

In terms of parking and servicing standards, there are no distinctions between differing types of retail use, so any relaxation to the 2004 permission to allow a more open retail use will have no impact on parking or servicing standards.

Nevertheless, consideration needs to be given to the potential impact the proposal may have on traffic generation and parking demand for the retail park. To this end, a supporting statement has been prepared by i-Transport and submitted in support of the application to consider these potential impacts.

To do this, traffic data held for a Saturday afternoon peak hour (2-3pm) for a total of 16 retail parks across the United Kingdom (12 of which purely comprise bulky goods outlets and four of which include "non-bulky goods" stores) has been compared. The shortage of available data means that there is quite a large degree of variance between the sites used for the study in terms of size and location though, with none of the sites used being located within London.

Nevertheless, the analysis showed little difference between trip rates for purely bulky goods retail parks and those with an element of non-bulky goods. Indeed, the results even showed a slightly lower level of trip generation for those sites with non-bulky goods stores. As such, the proposal in its own right is not considered likely to give rise to any significant increase in traffic flows to and from the estate beyond that that would be caused if Units 14-17 were to be occupied by bulky goods outlets.

Similarly, demand for parking space within the site is unlikely to increase significantly as a result of the relaxation to the bulky goods restriction, with the above exercise suggesting that there would continue to be plenty of spare capacity within the site. Even so, rigorous on-street parking restrictions in the surrounding roads would prevent overspill parking.

All of the above conclusions are based specifically on the premise that none of the units will be occupied by a food retailer though and this should be restricted by condition.

### **Long Term Regeneration of Wembley**

As discussed above, the subject site is situated within the North-East district identified within the Wembley Masterplan 2009 and the Wembley Grown Area as identified within the LDF Core Strategy 2010. In order to achieve the objectives for regeneration set out within these documents, a much greater and different type of development would be required. Whilst the proposed variation of condition is considered acceptable in policy terms, your officers consider it appropriate and necessary to restrict the period for open retail (Use Class A1) usage to 25 years to safeguard the long term regeneration of the area.

### **Other applications**

Other applications have been submitted that relate to the Wembley Retail Park and these applications are currently being checked for validity. One application proposes alterations to the buildings, including part demolition, part extension, construction of mezzanine floors, re-cladding and associated alterations and a revised layout for the rear servicing areas for the eastern terrace. The other application looks to remove the "bulky goods" restriction for two vacant units within the Western terrace of the retail park and one unit within the Northern terrace. These applications will be considered on their merit and your officers do not consider that they affect the conclusions and recommendation for this application.

### **Discussion of third party comments**

Letters were received from previous sub-tenants of the units within Pacific Plaza. This consent would not affect the personal and temporary consent that was granted in relation to the Pacific Plaza, or their ability to re-apply for planning consent which is due to expire on 11 December 2011 or to apply for an alternative consent (notwithstanding the fact that they no longer occupy a unit within the retail park).

As such, the comments within these letters, as set out previously within this report, do not relate to planning issues and therefore cannot form a part of the consideration of this report.

### **Conclusions**

The proposal looks to attract and establish key national retailers within Wembley prior to the completion of the new retail street within the North West Lands site. The benefit of attracting such retailers is considered sufficient to warrant an exception to the sequential approach, and to outweigh potential adverse effects on the High Road. The proposed conditions regarding the minimum size of retail park units (750 square metres) and the restriction on the ability for existing retailers to vacate units within the High Road and move directly to the retail park is considered to provide an adequate level of mitigation against the potential impact on the High Road.

With regard to Transportation, the proposal is not considered likely to result in a significant change in the parking or servicing requirements when compared to a "bulky goods" retail park that is performing well. As such, the proposed variation of condition is not considered likely to have a significant adverse impact on parking, servicing and access.

Given the long term aspirations for the regeneration of Wembley, as set out within the Wembley Masterplan and LDF Core Strategy, it is considered appropriate to restrict the length of time that the units may be used for open retail (Use Class A1) purposes to 25 years.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

(1) The proposed development is in general accordance with policies contained in the:-

Planning Policy Statement 1  
Planning Policy Statement 4  
Planning Policy Statement 12  
The London Plan consolidated with alterations since 2004  
Brent Local Development Framework 2010  
Brent Unitary Development Plan 2004

## CONDITIONS/REASONS:

- (1) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (2) Save in relation to the area of the retail park shown edged green on Plan A hereby approved, the retail premises shall only be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure that the proposed development is consistent with the nature of existing uses on the Wembley Retail Park, the surrounding area and Wembley Town Centre and in pursuance of the Town Centre and Shopping policies of Brent Unitary Development Plan 2004.

- (3) Unless otherwise agreed in writing by the local planning authority the premises within the area of the retail park shown edged green on "Plan A" hereby approved shall be used only for the purpose of retail warehousing for the sale of bulky goods and for no other purpose whatsoever (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification) **save that** until 1 August 2036 such premises may be used for any other purpose within Use Class A1 if at all times prior to 1 January 2016 the aggregate gross internal area which is used for purposes within Use Classes A1 (excluding use for the sale of "bulky goods"), A2, A3, A4 or A5 does not exceed 31,200 square metres at the following locations:

- a). the premises within the area of the retail park shown edged green on "Plan A" and
- b). any other premises which are situated within the land identified as the application site within planning application reference 10/3032 and the land identified as the application site within planning permission reference 09/2450.

The use of the premises within the area of the retail park shown edged green on "Plan A" for purposes within Use Class A1 (other than use as retail warehousing for the sale of bulky goods) shall cease immediately upon the earlier of (a) any exceedance (before 1 January 2016) of such aggregate total area of 31,200 square metres and (b) 1 August 2036.

Reason:

To ensure the development has an appropriate regard to retail need and the mixed-use comprehensive regeneration of the Wembley Growth Area.

- (4) The Use Class A1 premises shall not be used for "Convenience" retail purposes unless said provision is undertaken by the operator of the retail unit, comprises a minor and ancillary element of the individual retail unit and occupies no more than 5 % of the Net Internal Floor Area of the unit unless prior written approval is gained from the Local Planning Authority.

Reason: To ensure a satisfactory development that has an appropriate regard to the sequential approach to convenience retail floorspace.

- (5) The individual units within the development hereby approved shall not be subdivided into smaller units unless the area of the resulting units, measured as gross internal area including mezzanine floorspace but excluding servicing bays, servicing access and shared servicing corridors, is 750 square metres or greater unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in

connection with the completed development so approved, and in the interest of the vitality and viability of the existing designated Wembley Town Centre and Wembley Park District Centre.

- (6) The premises within the area of the retail park shown edged green on "Plan A" hereby approved shall not be occupied by any retailer unless:
- a) prior written notice of the retailer and the date that the retailer last occupied premises within the Wembley Town Centre and/or Wembley Park District Centre (if at all) shall have been provided to the local planning authority; and,
  - b) that retail had not occupied:
    - i. other premises within the Wembley Major Town Centre and/or Wembley Park District Centre (as identified within the Brent Unitary Development Plan 2004) in the three years preceding such occupation of the premises within the Wembley Retail Park; or
    - ii. a premises within the Wembley Major Town Centre at [date of this consent];
- Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved, and in the interest of the vitality and viability of the existing designated Wembley Town Centre and Wembley Park District Centre.

- (7) No goods, equipment, waste products, pallets, scrap or other materials shall be stored or deposited on any open area within the site, except those areas approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site and to ensure adequate parking and servicing is retained in the interests of the general amenities of the locality and the free flow of traffic and conditions of general highway safety within the site and on the neighbouring highways.

- (8) The areas hereby approved for the purpose of car parking, loading, unloading and parking of service vehicles; vehicle turning space; parking or access provision shall be used only for those purposes and ancillary to the development hereby approved and shall not be used for any other purposes such as commercial parking for Wembley Stadium visitors unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways, and to safeguard the Council's transportation strategy for events at the Stadium and control the extent of traffic within the local area on Wembley Stadium Event Days.

- (9) The front entrance doors to the restaurant and customer amenity building hereby approved, shall be made self-closing and thereafter maintained to minimise emission of odours and/or noise to the neighbouring area.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (10) No air-conditioning, ventilation, flue extraction systems or suitable and sufficient extract equipment apparatus for the neutralisation of all effluvia from the processes of cooking for the customer amenity building and restaurant shall be installed unless details, including particulars of noise and vibration attenuation measures to any air-intake louvres or other external openings and filtration (where applicable), have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To safeguard the amenities of the present and future adjoining occupiers.

- (11) No hot-food take-away use, excepting home deliveries, shall operate from the restaurant/bar and customer amenity building premises at any time, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure the proposed use does not result in problems of on-street parking or traffic congestion in pursuance of the shopping and transportation policies in the Unitary Development Plan in the interests of the free flow of traffic and conditions of general highway and pedestrian safety and in the interests of occupiers of neighbouring properties.

- (12) The use of the restaurant premises fronting Rutherford Way and Engineers Way shall only be as a restaurant with ancillary bar and the use of the cafe area as indicated on the plans hereby approved on part of the first-floor level in the customer amenity centre shall only be as a cafe and these premises shall be used for no other use within Use Class A3 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To enable the Local Planning Authority to maintain control of the use of the premises in the interests of the amenities of occupiers of neighbouring dwellings.

- (13) The Travel Plan relating to the non-retail parts of the development that was approved through details pursuant application reference 04/3713 shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the environmental impact from traffic generated to and from the site.

- (14) No development shall commence on any phase until details of all materials for all external work, including samples, relative to that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be built in accordance with the approved details.

Reason: To ensure a satisfactory development which complements and enhances the visual amenity of the area.

- (15) The hard and soft landscaping of the site shall be carried out in full accordance with the details previously approved pursuant to condition 5 of planning permission reference 04/2158 or in accordance with an alternative scheme for the landscape works and treatment of the surroundings of the development which has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 6 months of the date of this consent or in accordance with a phasing plan should such a plan be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this consent. The landscaping scheme shall include:-
- (a) a planting plan, including (including species, plant sizes and planting densities);
  - (b) any proposed walls and fences, indicating materials and heights;
  - (c) any proposed contours and ground levels;
  - (d) any areas of hard landscape works and proposed materials;
  - (e) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that, within a period of 5 years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

#### **INFORMATIVES:**

- (1) Lighting should be diffuse, downward pointing and low-level. Energy usage and saving is a key issue in the promotion of sustainable development, as outlined in Council Supplementary Planning Guidance 19. Lighting should not exceed the minimum required to reduce both unnecessary energy consumption and intrusiveness to local residents and the natural environment.
- (2) This approval does not imply approval of any entertainment-licensing requirements of the Licensing Authority. Further advice on this should be sought from the Council's Health, Safety and Licensing Division, Brent House, 349-357 High Road, Wembley, HA9 6BZ. Tel: 020 8937 5365.

- (3) Any extract ventilation fan should be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, should be 10 dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises – a positive indication that complaints are unlikely. The method of assessment should be carried in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". It is recommended that an approved Acoustic Consultant produce a report. Should the predicted levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise should be submitted to the Local Planning Authority for consideration and approved in writing.
- (4) Any developments, including the bar/restaurant, which employ music or amplified sound, including preaching and chanting, should be designed to ensure that no noise is audible from the nearest noise-sensitive premises, and, in particular, those that are currently proposed to be built in the area. The design range is set out as follows and any further advice regarding this informative and the relevant attached conditions should be communicated to the Council's Environmental Health section.

The Leq,5min should be 10dB below (at 1/3 octaves 63Hz to 20KHz) the internal/external noise levels of the nearest noise-sensitive premises.

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344