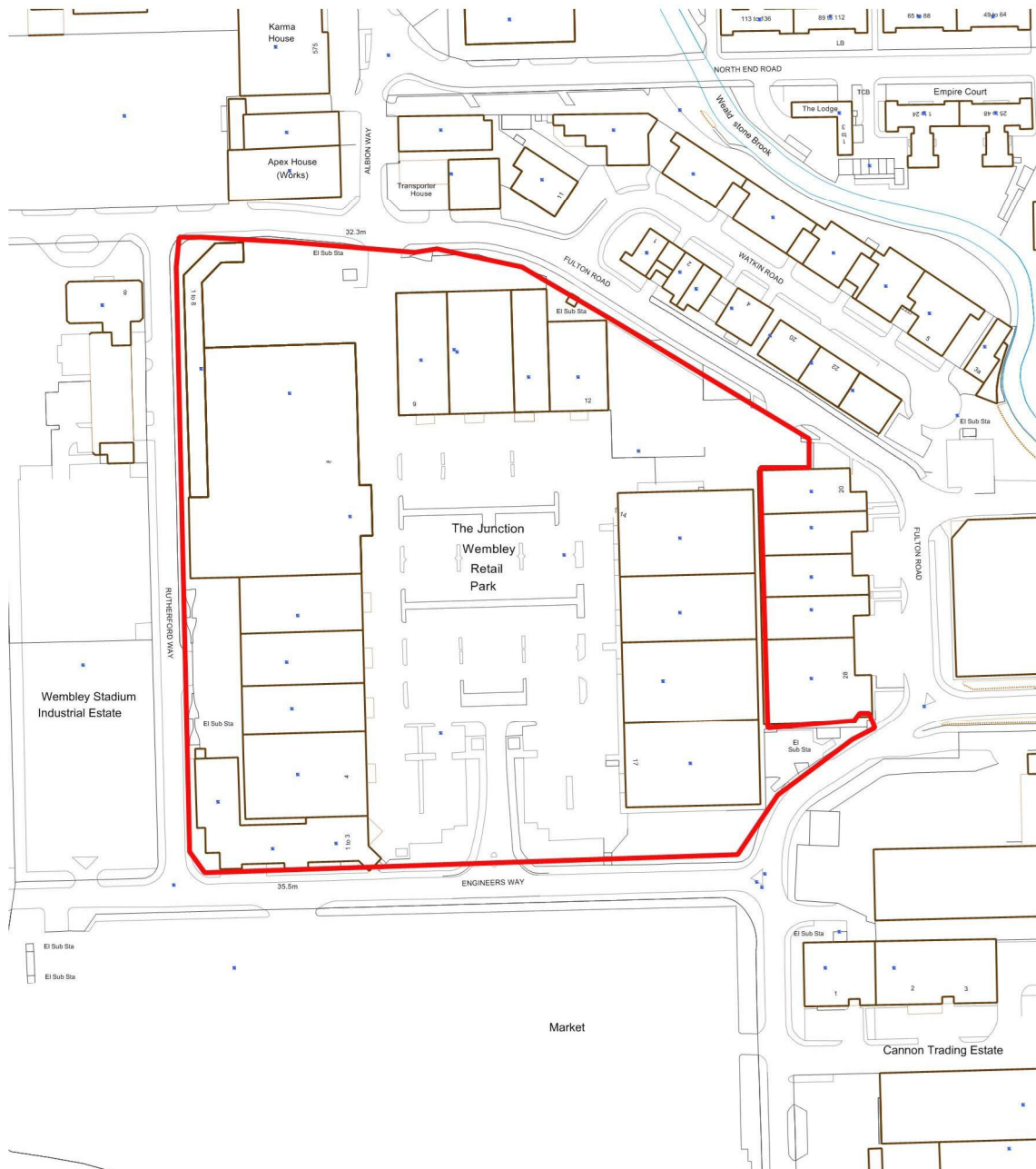




### Planning Committee Map

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

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 16 June, 2011

**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:** Internal and external changes to retail park, including extension to and part demolition of units, involving:

- Installation of mezzanine floor within unit "A" of Western terrace (formerly occupied by MFI)
  - Extension and alterations to Eastern Terrace, including part demolition of unit "M" (Comet), subdivision of floorspace to allow creation of servicing bays and associated access, erection of extension to terrace to create new unit, construction of mezzanine floors, alteration to front, side and rear facades of terrace, installation of extract ducts within roof;
  - Creation of servicing yard and associated access within Eastern Terrace and changes to surface levels in service yard;
  - Creation of new access to highway within Fulton Road frontage and alterations to existing access and associated works;
  - Alterations to car parking layout;
  - Landscape works to north and south of eastern terrace;
- Creation of new service yard to serve proposed new unit and unit "N" (Dreams).

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

**CONTACT:** Signet Planning Ltd

**PLAN NO'S:**

Please see condition No. 2

---

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

- A contribution of £70,175, due upon Material Start and index-linked from the date of committee, for Training, non-car access and wider Transport/Highway improvements and/or Air Quality in the local area.
- Submission, approval and implementation of a Sustainability Implementation Strategy which demonstrates:
  - Compliance with the TP6 Sustainability Check-list ensuring a minimum of 50% score is achieved;

- the delivery of the new-build unit in a form capable of achieving BREEAM Excellent;
- the delivery of the refurbished and new-build units to meet the level of CO2 reduction set out within the Sustainability Statement;
- compensation should the above not be delivered;
- adherence to the Demolition Protocol.
- Join and adhere to the Considerate Constructors scheme
- Notwithstanding the submitted draft Travel Plan, a Travel Plan shall be submitted and approved in writing by the Local Planning Authority prior to first occupation of any of units as newly constructed or refurbished.
- To notify “Brent In2 Work” of all job vacancies, including those during construction and operation of the building.
- To safeguard the south-western corner of the site for future highway widening for a period of 25 years from the date of consent, and to offer that land for adoption upon request from the Council within this period;
- Submission and approval of an ATTrBuTE compliant Framework Travel Plans and Delivery and Servicing Plans prior to occupation, and final Travel and Delivery and Servicing Plans within 6 months of occupation of the development;
- Section 278 Highway Works to provide new access points onto Fulton Road for the service yards and to reinstate the existing access points to footway, in include amendments to Traffic Regulation Orders to prohibit on-street parking opposite the proposed new access for the service yard for Units 5 & N.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan, Local Development Framework Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## **EXISTING**

This application relates to Wembley Retail Park on Engineers Way, a retail park that currently comprises 13 stores set out in a horseshoe arrangement around a 460 space customer car park. The site currently has a combine retails floors space of 20,470 square metres. Originally built in the early 1980s the retail park was the subject of a major refurbishment in the mid 2000s.

The site is situated between Engineers Way (South), Rutherford Way (West), Fulton Road (North) and units 20-28 (even) Fulton Road (East). Vehicle access for customer parking is currently via Engineers Way with additional access for servicing provided from Rutherford Way and Fulton Road.

## **PROPOSAL**

This application proposes the refurbishment of the Eastern Terrace, alterations to the parking and servicing layout, alterations to the site accesses, the construction of a mezzanine floor within unit “A” in the Western Terrace (formerly occupied by “MFI”) and various landscaping works and other external alterations.

The works to the Eastern Terrace include demolition of part of the terrace, construction of an extension to the terrace to provide a new retail unit, alterations to provide rear servicing access for the units within this terrace, the construction of mezzanine floors within the units, external re-cladding and other associated works.

## **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, re-cladding 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, re-cladding 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 foot way 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 foot way 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).

#### **10/2675 – Granted 27/7/2011**

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.

#### **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 considered**

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.

## **POLICY CONSIDERATIONS NATIONAL**

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

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 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 2.15 Town Centres
- 2.16 Strategic Outer London Development Centres
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Diverse Retail Sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.21 Trees and Woodlands

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)  
 Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment  
 (April 2004)

## **LOCAL**

### **Brent Local Development Framework Core Strategy 2010**

- CP 1 Spatial Development Strategy
- CP5 Placemaking
- CP 7 Wembley Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP 16 Town Centres and the Sequential Approach to Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures

### **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), STR12 (Air Quality), STR14 (Quality of urban environment), STR15 (Public Realm), and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

#### Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- BE13 Areas of Low Townscape Quality
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable  
TRN9 Bus Priority  
TRN10 Walkable environments  
TRN11 The London Cycle Network  
TRN12 Road safety and traffic management  
TRN15 Forming an access to a road  
TRN22 Parking Standards – non-residential developments  
TRN31 Design and Land Take of Car Parks  
TRN34 Servicing in new developments  
TRN35 Transport access for disabled people & others with mobility difficulties  
Appendix TRN2 Parking and Servicing Standards  
SH2 Major Town Centres  
SH19 Rear servicing  
WEM9 Comprehensive Development – The National Stadium Policy Area  
WEM12 Short stay car parking in the Wembley Regeneration Area  
WEM16 Urban design quality – Wembley Regeneration Area  
WEM17 The public realm – Wembley Regeneration Area

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road  
SPG12 Access for disabled people  
SPG17 Design Guide for New Development  
SPG19 Sustainable design, construction and pollution control  
SPD Section 106 Planning Obligations

### **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**

The applicants have submitted a Sustainability Statement which includes the TP6 Sustainability Checklist, an Energy Assessment and BREEAM pre-assessments for the refurbished and



new-build elements of the proposal.

#### Sustainability Checklist

The applicants have scored the TP6 Sustainability at 52.5%. Officers have considered the submitted checklist, and have scored the Checklist at 36.3 %. This is due to an absence of sufficient evidence to support many of the measures, some points not being awarded by officers and one point that had been disregarded by the applicant is considered applicable by officers. However, additional points have been allocated in relation to three measures. Your officers consider that, if the approval of additional supporting information is secured through the submission and approval of a Sustainability Implementation Strategy, the checklist will achieve a score of 50.3 %, thus exceeding the minimum level of 50 %.

The Sustainability Checklist is accordingly considered acceptable subject to the submission, approval and implementation of a Sustainability Implementation Strategy.

#### The Mayor's Energy Hierarchy

The London Plan 2011 requires major schemes to be assessed in relation to the Mayor's Energy Hierarchy and to achieve a 25 % reduction in CO<sub>2</sub> over and above the reductions required under the Building Regulation 2010.

#### Insulation Levels - "thermal efficiency and air tightness".

The submitted sustainability statement specifies U-values (how well a building component, e.g. a wall, roof or a window, keeps heat inside a building) that are considerably lower than the 2006 levels that are also set out within that table. However, the London Plan now requires proposed u-values to be compared to 2010 Building Regulations rather than 2006. As such, the levels are below target levels, but not significantly so. The proposal also specifies that the new-build element will achieve levels of "air-tightness" that are 50 % below target levels. It is assumed that this also relates to 2006 levels.

The statement specifies that the proposed new-build unit will achieve levels of CO<sub>2</sub> that are 27 % below Building Regulations 2006 levels, or 3 % below 2010 levels.

The London Plan 2011 requires major developments to achieve levels that are 25 % below 2010 levels and in itself, the above measures would not achieve this target. Based on the figures provided in the Sustainability Strategy, your officers consider that the 25 % London Plan target would require a reduction in CO<sub>2</sub> over slightly under 21 tonnes of CO<sub>2</sub> per year.

The existing Eastern Terrace is to be renovated and this in itself will achieve significant reductions in CO<sub>2</sub> levels. Whilst it is anticipated that the refurbishment of the Eastern Terrace will assist the ability to let and the rental yield of the units within the Retail Park, these units can trade without the works being undertaken. It is accordingly considered that "credit" should be given to the improvements associated with the renovation work.

The Sustainability Statement sets out that the refurbishment of the units will achieve a 420 tonne reduction in CO<sub>2</sub> per annum. This reduction associated with the renovation works is many times greater than the reduction in CO<sub>2</sub> associated with the London Plan 25 % target for the new-build unit (21 tonnes CO<sub>2</sub> per annum).

As such, the proposal, when viewed holistically, will achieve CO<sub>2</sub> reductions far in excess of that required and is accordingly considered acceptable with regard to the target reductions.

#### Decentralised Energy:

The submitted Sustainability Strategy does not consider the feasibility of CHP or CCHP in accordance with the London Plan. However, the scheme proposes only retail use rather than a mix of uses and your officers accordingly consider that CHP or CCHP is unlikely to be feasible for the site. Furthermore, the applicant has estimated that the heat demand for the units comprises

only 2 % of the CO2 demand which also affects the feasibility of CHP. There is no district-wide heating or cooling network in the local area, and, while the Council has aspirations for the provision of a district wide heating network in the Wembley Regeneration Area, given the low heat demand specified within the submitted strategy, your officers do not consider it necessary to require the ability to connect to the system in the future.

### Renewable Energy

The applicant has considered a number of different technologies but has discounted them for various reasons. While your officers concur in most cases, the feasibility of mounting PV cells on structures on the roofs to limit the reduction in output associated with the orientation has not been explored. Nevertheless, the London Plan 2011 sets an overall target for CO2 reduction and the proposal goes well beyond the minimum levels set out within the associated policy and as such, the use of “on site renewables” is not required for this development.

### Summary – The Energy Hierarchy

Your officers consider that, when considering the proposal holistically, the proposal exceeds the minimum requirements set out within the London Plan and accordingly is considered to be acceptable.

### BREEAM

The Sustainability Strategy provides formal confirmation that the units will be “delivered in a state capable of achieving BREEAM “Excellent” and your officers consider that this is in accordance with the Core Strategy in relation to units that will be constructed by the developer to shell and core and then fitted out by the end user. However, the BREEAM pre-assessments only achieve “Very Good” with the assumptions associated with the production of a “green guide”. As such, your officers recommend that the commitment to provide the units in a state capable of achieving BREEAM “Excellent” is captured within the Section 106 Agreement.

### Sustainability Conclusion

The proposal is considered acceptable with regard to sustainability subject to the submission and approval of further information that is to be secured through the Section 106 agreement, namely the Sustainability Implementation Strategy and the further information in relation to the BREEAM “Excellent” requirement.

### **CONSULTATION**

Consultation letters sent:	8 July 2011
Site Notice erected:	8 July 2011
Press notice dated:	14 July 2011

Letters were sent to 72 adjoining or nearby owners or occupiers, including the two who submitted letter of objection regarding the previous application to vary condition 3 of planning permission ref: 04/2158 (reference 10/2675).

No responses have been received.

### Internal Consultees

#### **Transportation:**

No objections on Transport Grounds subject to:

- Financial contributions towards non-car access and wider highway improvements (see Section 106 section of this report);
- Safeguarding the south-western corner of the site for future highway widening for a period of 25 years from the date of consent;
- Submission and approval of an ATTrBuTE compliant Framework Travel Plans and Delivery and Servicing Plans prior to occupation, and final Travel and Delivery and Servicing Plans

- within 6 months of occupation of the development;
- Section 278 Highway Works to provide new access points onto Fulton Road for the service yards and to reinstate the existing access points to footway, in include amendments to Traffic Regulation Orders to prohibit on-street parking opposite the proposed new access for the service yard for Units 5 & N.

The Transport comments are discussed in detail within the remarks section of this report.

**Policy:**

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

**Environmental Health - Noise and Air Quality:**

Based on the assumption that in the future the adjacent site will be redeveloped for residential or mixed use the following comments relate to measures required to protect future end users closest to the proposed service corridor:

1. Consideration must be given to the location of sensitive habitable rooms or amenity areas such that they are located , wherever practicable, away from the service corridor's entrance;
2. Mitigation measures will be required to ensure that the retail park does not expose future residents to unacceptable noise levels. In addition, it is likely that any future development will be subject to post-completion testing to verify measures are effective;
3. Outdoor spaces will be exposed to daytime noise levels that should not exceed 55 dB as recommended noise range for gardens by BS 8233:1999.

Details of the ventilation extraction equipment must be submitted prior planning permission granted including the specification of the fan and any silencers fitted. This information should be submitted to the Local Authority for approval prior to granting planning permission if possible.

**Environmental Health – Environmental Assessment**

A desktop assessment has not been submitted in relation to this application. The site was occupied by the Palace of Engineering in the past, so the potential for underlying contamination exists. This site is of a commercial nature and is to be predominantly covered in hardstanding and essentially “low risk”. However, it is still the developer’s responsibility to identify land affected by contamination, and to secure a safe development and therefore demonstrate that the site is suitable for use, as set out within Planning Policy Statement No. 23. It is therefore recommended that the standard conditions are attached regarding a Site Investigation and remediation works.

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

External Consultees

**Environment Agency:**

The proposal will only be acceptable if the following measures as detailed in the Flood Risk Assessment and associated drawings submitted with this application are implemented and secured by way of a planning condition on any grant of permission:

- i. Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm to current rates so that it will not increase due to the effects of climate change.

Reason: To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

**Thames Water:**

Informatives have been recommended.

**Wembley National Stadium Limited:** No comments received.

## REMARKS

The key elements of the proposal are as follows:

- Renovation of and alterations to the Eastern Terrace;
  - Demolition of part of the southern unit;
  - Construction of a new unit at the northern end of the terrace;
  - External alterations (cladding, fenestration, signage zones etc);
  - Creation of an enclosed rear servicing yard;
- Construction of mezzanine floors (Eastern Terrace and unit "A" of Western terrace)
- Alterations to servicing yard adjacent to Fulton Road;
- Creation of accesses to the highway (Fulton Road) and removal of existing accesses;
- Alterations to parking layout
- Landscaping
- Other associated works

### Design and appearance

These comments relate solely to the Eastern Terrace as no external alterations are proposed to the southern and northern terraces.

The eastern terrace is the last remaining terrace within the retail park to be renovated and at present is in a poor state of repair. The proposal removes the existing front servicing bays and replaces these with enclosed servicing areas to the rear.

The proposed design reflects that of a modern retail park development. Large amounts of glazing are proposed facing the central parking and access area whilst the flank and rear walls of the terrace remain relatively blank. Your officers consider the design to be acceptable, subject to the quality of materials and detailing for which a condition is recommended, and it is considered that the proposal represents a significant improvement compared to the existing buildings.

Large signage zones are indicated at the front of each unit and a signage zone that is larger still is indicated on the southern flank walls of the property. Such signage would require advertisement consent and as such, is not the subject of this application.

### Increase in "out of centre" retail floorspace

The floorspace provided within the retail park is affected by:

- the part demolition of the southern unit within the Eastern terrace (the Comet unit) (decrease in floorspace);
- the provision of the rear servicing area within space that is currently occupied by units (decrease in floorspace);
- the provision of mezzanine floors within Unit A of the Western Terrace (increase in floorspace);
- the construction of mezzanine floors within Units J and K and the element of Unit M (Comet) that is to remain, within the Eastern Terrace (increase in floorspace);
- the construction of a new unit, including mezzanine floor, attached to the northern flank wall of the Eastern Terrace (increase in floorspace).

This results in a net increase in floorspace of 2,807 square metres, from 20,470 square metres to 23,277.

However, due to the nature of the changes, the amount of floorspace at ground floor level actually decreases by 683 square metres while the floorspace at mezzanine level increases by 3,490 square metres.

This additional floorspace is to be provided within the Eastern Terrace, for which un-restricted Use Class A1 usage was granted recently following consideration by the planning committee on 6 July

2011 (reference 10/2675). An application is also being considered to allow un-restricted retail within units A and B within the Western Terrace and Unit F within the northern terrace (reference 11/1566). The other area of mezzanine floorspace proposed within this application is within unit A and therefore, should application 11/1566 be approved, all of the additional floorspace that is proposed will be able to be used for un-restricted retail purposes.

The applicants have submitted a planning and retail assessment which examines the policy implications of the provision of additional retail floorspace in this location.

Officers consider that much of the discussion set out within the committee report for application 10/2675 remains applicable to this site despite the increase in floorspace and the associated text has accordingly been copied into this report (see text at end of report). In particular, the comments relating to impact on investment in centres, impact on town centre vitality and viability and the impact on development of allocated sites outside the town centres remain applicable to this development.

The retail assessment sets out that mezzanine floorspace is usually considered to trade at approximately 50% of company average. As such, it sets out that the 3,490 square metres of additional floorspace that is proposed at mezzanine level is the equivalent of 1,745 square metres of new floorspace in terms of potential impact. When taking into account the 683 square metre reduction in ground floor space, the proposal would therefore be the equivalent of 1,062 square metres of new floorspace.

Conditions were attached to the 2010 consent (10/2675) which restricted the minimum size of units and restricts the ability of existing retailers from the current town centres to move to the retail park and it is recommended that these conditions are also attached to this consent.

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

Whilst this application proposes a net increase in floorspace (in contrast to the previous application which did not), the retail assessment concludes 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. It also highlights the aforementioned condition relating to retailers within the existing town centres which assists in mitigating against any potential impact on in-centre trade and turnover.

#### Test of scale

The proposal 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

Your officers consider that the retail conclusions remain unchanged from the previous application to allow unrestricted retail use within the eastern terrace:

*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.*

#### **Transport**

##### Layout

Customer car parking for a total of 463 cars (incl. 19 disabled and 11 transit sized spaces) and 100 bicycles has been provided in the centre of the retail park, accessed via a priority junction from Engineers Way. Servicing facilities are provided to the rear of the refurbished units with access from Rutherford Way and Fulton Road.

The rear parts of the existing units within the Eastern Terrace will be demolished to provide a

shared covered service yard with 7m headroom, providing individual full-size loading bays for each unit together with a shared access route. To facilitate access, the existing crossover into the service yard from Fulton Road is to be repositioned about 12m westwards and widened to 17m width.

A separate shared service yard for the northernmost unit (Unit 5) and existing unit N is also proposed, with access via two new 11.5m wide crossovers separated by a 6m wide central island from Fulton Road.

The number of car parking spaces within the central car park will also be increased to 499 (incl. 25 disabled) as a part of this proposal, as a result of no longer having to service the units along the eastern terrace from the car parking area. A 3.5m wide footway will be provided along the front of the eastern terrace, of which 2m width will sit below a glazed overhanging canopy to provide weather protection.

The proposed (499) parking spaces falls below the maximum standard (573 spaces) and will serve to bring the retail park into line with current parking standards, with the overall provision of parking averaging about 1 space per 50m<sup>2</sup>, which is considered appropriate being in line with London Plan standards and draft LDF standards. The increase in floor area is considered unlikely to lead to any overspill parking from the site, with the opportunity for on-street parking nearby being very limited due to extensive waiting restrictions, particularly if a CPZ is introduced in the area in the future.

Standard PS15 requires 5% of spaces to be widened and marked for disabled people and the proposed provision of 25 such spaces accords with requirements. The provision of 100 covered cycle parking spaces is sufficient to satisfy the Cycle parking standards.

The car park layout is considered acceptable and the associated improvements to the pedestrian facilities within the site, in terms of new and improved zebra crossing points and a wider covered footway along the front of the eastern terrace, are welcomed.

Transportation expressed concern regarding the access arrangements relating to the new servicing yard for Units 5 and N. However, following the submission of further tracking information and the incorporation of additional signing to make entry and exit arrangements clear, the proposals are considered to be acceptable providing the gates are kept open throughout normal trading hours and adequate visibility splays being provided from the exit.

One upshot of the proposed access arrangements though is that parking along the northern side of Fulton Road directly opposite the access will need to be prohibited at all times. This will affect a length of kerbside space that could accommodate about three cars, along which parking is unrestricted other than on Wembley Stadium event days, when parking along the entire length of Fulton Road is prohibited.

However, the fact that parking space along Fulton Road is generally unoccupied at evenings and weekends suggests that these spaces are only used by either local businesses and their employees or by commuters from nearby Wembley Park station and on this basis, their loss would be unlikely to be particularly contentious.

The works to provide the new accesses and remove the existing accesses will need to be undertaken through an agreement under Section 278 of the Highways Act 1980 and this will also need to include a sum to cover the Highway Authority's costs in processing the Traffic Regulation Order to extend the waiting restrictions as above, estimated at about £5,000.

With regard to the number of loading bays to be provided, information on typical servicing patterns for comparison retail stores was submitted, taken from surveys of stores across the country held on the TRICS database. This suggests that each store could be expected to receive about two deliveries per weekday on average, with a referenced report on Green Logistics suggesting

average dwell times of about 40 minutes for an articulated lorry and 20 minutes for a rigid lorry.

Given that Brent's servicing standards are based on retail uses in general and do not distinguish between food and non-food retail requirements, it is considered reasonable to relax standards in this case on the basis of the evidence presented, particularly if a Delivery and Servicing Plan is secured for the site. As such, the proposed provision of a full-sized bay for each unit, together with standing space for two further lorries, is considered acceptable.

The Delivery and Servicing Plan will aim to identify ways to reduce, retime and consolidate deliveries to balance the demand for servicing facilities with the proposed provision, thus ensuring that there is no need for vehicles to stand in or unload from the public highway. The above will be achieved through co-ordination between the management team and the individual unit occupiers, with surveys being undertaken within three months of occupancy to identify the scope for improved efficiencies. The Plan will need to be an evolving document, but the aim will be to produce a full written plan for approval within six months of occupation (in this case, occupation of 50% of the units might be appropriate). The Delivery & Servicing Plan should be secured through the S106 Agreement, alongside the Travel Plan for the site.

### Traffic Impact

Transportation commented that they considered the initial projections of additional vehicle trips (7 trips) were unrealistic. Whilst the applicant contended that the previously submitted estimates were realistic, revised calculations were been produced which only considered how average trip rates per square metre fall as retail parks increase in size, with the additional discounting for mezzanine floorspace or for non-bulky goods retail units now removed from the calculations.

This exercise suggests that the additional floorspace will result in an additional 150 two-way vehicle movements in the Saturday afternoon peak hour to and from the site. These flows have then been distributed onto the local highway network in accordance with the conclusions reached in the Transport Assessment for the recent Wembley North West Lands application (i.e. 35% to/from the north (Forty Lane/Forty Avenue), 27% to/from the east (North Circular Road) and 38% to/from the south (Harrow Road/Wembley High Road).

The resulting increase in flows along Engineers Way amounts to about 10% of existing flows to the east of the site and about 22% to the west of the site, with up to 110 additional vehicular trips predicted through the Engineers Way/Empire Way signalised junction in the Saturday afternoon peak hour (although some traffic to and from the northwest may travel via Fulton Road and Rutherford Way instead).

The Transport Assessment for Quintain's North West Lands application, which included detailed modelling of the Engineers Way/Empire Way junction, was then examined, which concluded that the junction will continue to operate with a practical reserve capacity of 18% during the Saturday afternoon peak period once all the development in the area is built out. On this basis, the applicant's transport consultants consider there to be sufficient spare capacity to accommodate the predicted increase in flows through the junction as a result of this proposal, without specifically needing to re-test the junction to demonstrate this and this conclusion is accepted by Brent's Transportation officers.

The flows to and from the east are not considered to be significant enough to cause any highway capacity issues through the one-way system around Wembley Industrial Estate.

It should be noted that no consideration has been given to potential increases in traffic movements during the weekday evening peak period as might ordinarily be expected for retail use, but the restriction to non-food retail uses means that retail trips are generally far more concentrated into the weekend than might be expected for a food retailer.

### Travel Plan

The Travel Plan that was initially submitted was not considered to be acceptable by Transportation. Further information was subsequently submitted with regard to the proposed Travel Plan for the site, setting out how this will be developed and linked to existing Travel Plans for the area.

Although surveys could be undertaken now for the existing retail park, it is noted that many of the units are currently empty and it is not felt by the applicant's transport consultants that meaningful results would be obtained at the current time. Nevertheless, it is considered by Brent's officers that some baseline modal split information could at least be obtained at the present time for the retail park as a whole, as this is not reliant upon all units being occupied.

To address this issue, the applicant proposes that multi-modal surveys be carried out on opening of the extended retail floorspace and that an initial interim Travel Plan then be developed to a full Travel Plan within six months. A list of headings for the full Travel Plan has been submitted, which whilst fairly comprehensive will need fleshing out in due course. The Travel Plan should apply to all units within the retail park (not just those subject to this application) and it must clearly link with the Travel Plan for the wider Wembley area redevelopment proposals.

Given the shortage of time available to prepare an acceptable framework Travel Plan in advance of the Planning Committee, the above approach is considered acceptable. This should be secured through the Section 106 Agreement, with an ATTrBuTE-compliant interim Framework Travel Plan being submitted for approval prior to occupation of any unit (as it is likely that occupiers of at least some of the units will be known in advance) which is thereafter developed into a full Travel Plan with firm targets once more than 50% of the units are occupied.

### Safeguarding land for highway works at the south-eastern corner of the site

The previous consents safeguarded land at the south-western corner of the site for future highway widening. It is considered that these works should continue to be safeguarded, with the period extended to 25 years. This has accordingly been detailed within the Section 106 Heads of Terms.

### **Landscaping**

Landscape works are proposed to the north and south of the Eastern Terrace, associated with the revised layout of the servicing yard (north) and the provision of a landscaped to allow improved connectivity to the land to the east of the site (south). These landscaping concepts in themselves are considered acceptable, subject to the approval of the details of the landscaping through condition.

However, the 2004 consent secured landscaping throughout the car park area which was to be delivered with the renovation works (with the renovation works undertaken by the previous owners of the site) and therefore is in breach of planning consent. This issue was highlighted within 2010 application (10/2675) and a condition attached regarding the implementation of these works. These works primarily involved the planting of trees throughout the parking area.

Your officers recommend that a condition is attached to this consent regarding the submission, approval and implementation of such landscaping details as a part of this consent.

### **Noise and Air Quality**

In relation to noise and air quality, the primary alterations to the site relate to the eastern terrace and the associated changes to the envelope of the building and the servicing arrangements. Whilst the adjoining site is occupied by commercial units that are not sensitive at present, it is a potential development site that may include other uses such as a primary school or residential dwellings. As such, the potential impact on adjoining sites has been assessed on a "development site" basis.

The submitted noise reports specifies that noise associated with the proposal can be attenuated to acceptable levels within the adjoining site through the incorporation of measures such as an



acoustic fence, a completely enclosed servicing yard, and adequately specified extract plant. Whilst the main element of the servicing yard has been completely enclosed, the access to that yard, which runs along the site boundary, is screened by a 2.5 m high acoustic fence. The submitted information shows that this will restrict the noise levels at ground level to no more than 55 dBA within the adjoining site, your officers consider that further, robust screening is required to safeguard the amenities of the adjoining site. As such, a condition is recommended requiring further details of this treatment.

In relation to Air Quality, Environmental Health have recommended that details of extract ventilation, including the specification of the fan and any silencers, are submitted prior to the granting of planning permission if possible. However, such details are typically required through condition and your officers consider this to be appropriate in this instance.

### **Flood Risk Assessment**

The subject site is within Flood Risk Zone 1 (low risk). However, the site area is greater than 1 Hectare and as such, a Flood Risk Assessment (FRA) is required.

The Environment Agency initially objected to the FRA. However, following clarification from the applicant regarding the actual extent of works within the site, the Environment Agency withdrew their objection providing a condition is attached regarding the Flood Risk Assessment.

### **Conditions regarding the use of units**

The use of units is controlled by other planning consents (condition 3 of permission reference 04/2158, condition 2 of permission reference 10/2675, and permission reference 11/1566 if approved) and as such, your officers do not consider necessary to attach a further condition relating to the use of the units. It is recommended that an informative attached regarding the conditions on previous consents that relate to the authorised use within other consents.

### **Conclusion**

This application proposes significant improvements to the visual appearance of the Retail Park through the renovation of the Eastern Terrace. The net increase in floorspace that is proposed is considered acceptable having regard to the tests set out in Planning Policy Statement No. 4 and the LDF Core Strategy. With regard to Transport, the proposal is considered acceptable subject to the submission and approval of a Travel Plan and a Delivery and Servicing Management Plan, Section 278 Highway works, Section 106 financial contributions and the safeguarding of the south-western corner of the site for highway widening works. With regard to air quality, the proposal is considered acceptable subject to a condition regarding plant. However, further details of a additional, more robust screening between the servicing access along the eastern site boundary and the adjoining site is recommended through condition. The landscaping proposals are considered acceptable subject to a condition regarding further details of the landscaping, including tree planting within the parking area.

### **The retail assessment: Extract from the committee report for application 10/2675**

*Text from application reference 10/2675*

*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.*

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

London Plan 2011  
Brent Local Development Framework Core Strategy 2010  
Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance No 17

**CONDITIONS/REASONS:**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Plan A	DP-019E	DP-308A
DP-001H	DP-020C	DP-310E
DP-004B	DP-021A	DP-311D
DP-005E	DP-022	DP-312E
DP-006B	DP-023B	DP-313E
DP-007B	DP-051	DP-314B
DP-008A	DP-052	DP315B
DP-009C	DP-301A	DP-316A
DP-010N	DP-302A	DP-317
DP-014A	DP-303A	DP-318A
DP-015L	DP304A	1435.001
DP-016E	DP-305	1435.002
DP-017D	DP-306	1435.003
DP-018G	DP-307A	1435.004

Planning and Retail Statement dated 10 June 2011  
Summary Report dated June 2011  
Noise Impact Assessment Dated February 2011  
Sustainability Statement Rev 03 dated 20 June 2011  
Transport Statement incorporating Draft Travel Plan dated 10 May 2011  
Marketing Report dated 8 April 2011  
Air Quality Assessment dated March 2011  
Design and Access Statement dated June 2011  
Flood Risk Assessment Revision 022 dated May 2011  
Wembley Retail Park – Noise Assessment dated 19 August 2011  
Technical Note reference SAW/NM/ITL6110-05 TN dated 19 August 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) 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.

- (4) 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.

- (5) 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.

- (6) No development shall commence unless revised details regarding the provision of a robust screening treatment between the servicing access road adjacent to the Eastern site boundary and the adjoining site have been submitted to and approved in writing by the Local Planning Authority and the servicing access road shall not be used for servicing purposes unless the approved details have been implemented in full.

Reason: To ensure a satisfactory development that safeguards the amenities of the adjoining site, having regard to the adjoining site as development land suitable for sensitive uses.

- (7) Details of the air conditioning, ventilation and flue extraction systems including specifications of the fans and silencers and particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local

Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (9) The hard and soft landscaping of the site shall be carried out in full accordance with a scheme for the landscape works and treatment which has been submitted to and approved in writing by the Local Planning Authority, which shall include the areas detailed within the drawings hereby approved together with landscaping proposals for the car park area. The approved details shall be fully implemented prior to the occupation of any units that have been altered pursuant to 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 and any furniture;
  - (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

- (10) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The remediation measures approved pursuant this condition shall be carried out in full.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (11) The development shall not be occupied unless a verification report has been submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (12) Details of the drainage system for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the development shall be carried out in full

accordance with the approved details.

Reason: To ensure an adequate and appropriate means of dealing with surface and foul drainage from the site is provided in the interests of the water environment and the environment of the locality.

- (13) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), WEM009 Wembley Retail Park, May 2011, Revision 022, drawing no. 927-DP-010-N and the following mitigation measure detailed within the FRA: Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm to current rates so that it will not increase due to the effects of climate change.

Reason: To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

#### **INFORMATIVES:**

- (1) The use of units is controlled by conditions associated with planning consent reference 04/2158 (condition 3) and 10/2675 (conditions 2, 3, 4, 6, 11 and 12). It may also be controlled through permission reference 11/1566 if approved.
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (3) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.

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