



**Planning Committee Map**

Site address: 1-11 odd Rutherford Way & 1-17 inc The Junction Wembley Retail Park, Engineers Way, Wembley, HA9

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This map is indicative only.

**RECEIVED:** 16 June, 2011

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 1-11 odd Rutherford Way & 1-17 inc The Junction 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 units A and B within the Western retail terrace and unit F within the Northern retail terrace.

Planning consent reference 04/2158 was for:  
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)

**APPLICANT:** QUINTAIN (WEMBLEY RETAIL PARK) LTD

**CONTACT:** Signet Planning Ltd

**PLAN NO'S:**

Plan A

927-DP-001-H

927-DP-010-M

Planning and Retail Statemnet dated 10 June 2011

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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**

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**

The proposed amendment would remove the “bulky goods” restriction from two units within the Western Terrace (formerly MFI and Allied Carpets, shown as units A and B on the submitted drawings) and one unit within the Northern Terrace (World of Sofas, Unit F detailed on the drawings), thus allowing general retail usage to occur from these units. This is to be considered in conjunction with the previous application to remove the bulky goods restriction in relation to the Eastern Terrace (planning permission reference 10/2675) and the application for extensions and alterations to the units that is also being considered by the Planning Committee (reference 11/1572).

The committee report for the previous application (reference 10/2675) did acknowledge that this further application to remove the restriction on another three of the units had been submitted and members were aware of this when they resolved to grant the earlier application.

The “bulky goods” restriction would be in place for the remaining three units within the Western Terrace (Halfords, Carpet Right and Wickes) and three units within the Northern Terrace (Harveys, Sleepmasters and Dreams).

## **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).

### **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:**

#### **11/1572 – currently being considered, and recommended for approval**

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).

### **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

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

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
6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.13	Parking
6.14	Freight

## **LOCAL**

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

CP 1	Spatial Development Strategy
CP5	Placemaking
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

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  
TRN22 Parking Standards – non-residential developments  
TRN34 Servicing in new developments  
Appendix TRN2 Parking and Servicing Standards  
SH2 Major Town Centres  
WEM9 Comprehensive Development – The National Stadium Policy Area

Brent Council Supplementary Planning Guidance and Documents  
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**

Not applicable.

### **CONSULTATION**

Consultation letters sent: 8 July 2011

Site Notice erected: 8 July 2011

Letters were sent to 71 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 to the provision removal of the bulky goods

restriction subject to the proposed restriction regarding convenience retail.

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

**Environmental Health:** Did not comment on this application.

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

#### External Consultees

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

#### **REMARKS**

The use of the units within this retail park is restricted through conditions attached to previous planning consents and as such, the applicants have submitted this separate application to remove the bulky goods restriction for three additional units. However, it was submitted concurrently with the proposals to renovate (including part demolition and part extension) the remaining terrace of the retail park and to construct mezzanine floors within Unit A of the Eastern Terrace (together with other associated works).

This application solely considers the proposed removal of the restriction on retail grounds, but has regard to the additional retail floorspace that would be provided should the renovation application (reference 11/1572) be approved and implemented. The full details of the works are set out within the associated Committee Report, but for the avoidance of doubt, involve a reduction in ground floor retail floorspace (by 683 square metres) and an increase in mezzanine floor retail floorspace (of 3,490 square metres), thus resulting in a net increase in retail floorspace of 2,807 square metres. The proposal also includes a number of improvements to the Retail Park.

#### **Increase in “out of centre” retail floorspace**

The existing floorspace of the units A, B, and F totals 4,977 square metres, of which 3,909 square metres is at ground floor level and 1,068 square metres at mezzanine floor level. This proposal would increase the quantum of general comparison retail floorspace (i.e. without the bulky goods restriction) from 6,819 sqm (as consented through reference 10/2675) to 11,796 sqm with this consent, and to 14,603 sqm should the application for extensions and alterations (reference 10/1572) be approved. The total floorspace within the retail park, including the proposed extensions, would be 23,277 sqm, with 8,764 sqm of floorspace to remain subject to the “bulky goods” restriction.

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

Your officers consider that much of the discussion set out within the committee report for application 10/2675 remains applicable to this site, and the relevant parts of the previous committee report have been appended to this report (end of Remarks section).

In particular, this relates to the elements of report that discuss the “Sequential Test”, the “Potential Impact on Investment in Centres”, the “Impact on Town Centre Vitality and Viability” and the “Impact on the development of allocated sites outside the town centres”.

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

Neither of the Section 73 applications (this application together with application reference 10/2675 that was approved recently) proposed an increase in floorspace in themselves and the report for reference 10/2675 noted that there would not be an increase in floorspace. Such an increase is proposed within the application for extensions and alterations to the retail park (reference 11/1572, being considered concurrently). However, the Retail Assessments for these two applications



conclude that *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.* It also highlights the condition regarding the existing retailers within the town centre (the “3 year rule”) which also assists in mitigating against any potential impact on in-centre trade and turnover.

Your officers continue to concur with this view and consider that the proposal is acceptable with regard to in-centre trade and turnover and trade in the wider area.

#### Test of Scale

Again, this proposal in itself does not propose additional floorspace, but the concurrent application for works looks to increase retail floorspace by 2,807 square metres.

The LDF Core Strategy establishes the policy objective relating to the provision of additional retail floorspace while the proposed condition regarding the total retail floorspace within the “North West Lands”, “Civic Centre” site and Retail Park looks to ensure that the retail provision is in accordance with the level of provision set out within the Core Strategy.

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**

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. In this respect, a supporting statement prepared by i-Transport and submitted with the earlier application for Units 14-17 (ref: 10/2675) would be equally relevant to this application.

This earlier report compared 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). Although the shortage of available data (e.g. no London stores were available for comparison) led to quite a large degree of variance between the study sites, the analysis failed to show any significant difference between trip rates for purely bulky goods retail parks and those with an element of non-bulky goods retail. As such, this proposal to relax the restriction on goods sold at Units A, B and F is considered unlikely to give rise to any significant increase in traffic flows to and from the estate.

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 parking capacity within the site. Even so, rigorous on-street parking restrictions in the surrounding roads would prevent overspill parking.

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

Your officers consider that the conditions attached to this consent should mirror those attached to the previous consent which removed the bulky goods restriction for the Eastern Terrace, save for the changes which are required to remove the restriction in relation to units A, B, and F. The site specific conditions referred to within this report include the 25 year period for un-restricted retail use and the “3 year rule” in relation to the ability for retailers within the existing designated town centres.

### **Conclusion**

Your officers consider that the conclusions in relation to this application remain unchanged from those set out within the report for the previous application, reference 10/2675.

*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.*

### **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 m2 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.

#### **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.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Draft National Planning Policy Framework  
Planning Policy Statement 1  
Planning Policy Statement 4  
Planning Policy Statement 12  
The London Plan 2011  
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 denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H 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 retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H 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 retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H 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 retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H 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 denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H hereby approved shall not be occupied by any retailer occupying premises within the Wembley Major Town Centre and/or Wembley Park District Centre at the date of this planning permission unless:
1. the retailer last occupied premises within the Wembley Town Centre and/or Wembley Park District Centre at least three years prior to the date that the retailer occupies premises within the retail park; and
  2. prior written notice has been served on the Local Planning Authority specifying the identity of the proposed retailer, the proposed date of occupancy within the retail park and the date that the retailer last occupied premises within the aforementioned Centres;

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:**

None Specified

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