



Quod

Brent Local Plan: Statement in Response to Inspector's Matters, Issues & Questions

Matter 1

AUGUST 2020

IKEA PROPERTIES INVESTMENTS
LIMITED

Q100004

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1 Introduction

IKEA Properties Investments Limited and their interests

- 1.1 IKEA Properties Investments Limited ('IKEA') operate an existing retail store and associated offices in Wembley ('the Site').
- 1.2 The Site comprises a retail (A1) store (c. 33,500sqm) and IKEA offices (B1) (c. 1,858sqm) above, surface and multi-storey car parking (c. 1,500 spaces) and a standalone, three-storey office block – the Panther Building – extending to c. 4,000sqm and also occupied by IKEA.
- 1.3 IKEA have occupied the store since its development under outline planning permission granted in March 1987 (ref. 86/1916) and reserved matters approval in September 1989 (ref. 87/1673). They have also occupied the Panther building since planning permission was granted in May 1996 (ref. 95/0508).
- 1.4 Despite these well-established uses, the Site has been subject to a longstanding strategic industrial/employment designation pre-dating its development by IKEA. The draft Local Plan carries forward a designation of this nature and includes the Site within the Wembley Strategic Industrial Location (SIL) with no recognition of its current function. The SIL designation places a significant and unwarranted constraint on the Site's development potential.
- 1.5 IKEA have consistently objected to the SIL designation (and related draft Policy BE2) as the Site makes no contribution whatsoever to London's existing or future industrial capacity. Its SIL designation is not consistent with the evidence base and, consequently, the SIL boundary is not effective or justified by evidence and is unsound.

The Focus of this Statement

- 1.6 This Statement responds directly to **Question 1.11** of the Inspector's Matters, Issues and Questions ('MIQs') which states:

"Has the Plan been prepared to be in general conformity with the London Plan?"
- 1.7 Quod have submitted a separate Hearing Statement in response to Matter 6 which deals more specifically with the SIL designation affecting the Site and should be read alongside this Statement.
- 1.8 As this Hearing Statement explains, the inclusion of the Site within the Wembley SIL (within the draft Local Plan) does not accord with the adopted and emerging London Plans for the following reasons:
 - The London Plan requires local planning authorities to define SIL boundaries through Development Plans based on clear and robust evidence. The relevant evidence does not support the Site's inclusion in SIL, confirming that it has no industrial function and that redevelopment for industrial only uses (as policy requires) is unviable.

- The London Plan requires Development Plans to consider the scope for intensification, co-location, and substitution of SIL to deliver a more efficient use of land. A recent planning approval immediately adjoining the Site to the east confirms that, in the view of the GLA and local planning authority, non-industrial uses in this location are acceptable and there are opportunities to intensify surrounding industrial land as an alternative. The draft Local Plan does not reflect these conclusions however, and it cannot therefore be consistent with London Plan requirements.

1.9 It follows that the Site's inclusion within the Wembley SIL does not satisfy the soundness tests of Paragraph 35 of the National Planning Policy Framework (NPPF), given that it is not **justified** by an appropriate strategy and based on proportionate evidence; not **effective** or deliverable over the plan period; and not **consistent with national policy** which states (Para. 120) that sites should be reallocated for a more deliverable use in plan updates, where there is no reasonable prospect of an application coming forward for the use allocated in the plan.

1.10 Without modification the Local Plan cannot be found sound. Consistent with London Plan requirements when defining SIL boundaries, Quod respectfully suggest the following amendments:

- The Site is removed from the Wembley SIL and Policy BE2.
- A bespoke designation (or leaving the site as "white land") is afforded to the Site in replacement, recognising the existing retail/office uses and their likely retention throughout the plan period.
- Alternatively, and as a last resort only, Policy BE2 should recognise the Site's appropriateness for co-location through its mixed-use intensification.

2 London Plan

London Plan (March 2016)

- 2.1 Policy 2.17 of the adopted London Plan protects SILs as “*London’s main reservoirs of industrial land and related capacity*”.
- 2.2 The London Plan does not define SIL boundaries. Rather, Policy 2.17 (part ‘D’) requires Boroughs to identify SILs on proposals maps and develop local policies based on clear and robust assessments to protect their function and enhance their attractiveness and competitiveness for industrial activities.
- 2.3 Policy 2.17 restricts non-industrial development in SILs unless part of a strategically co-ordinated process of SIL consolidation through a Development Plan document or planning framework, or it comprises a limited range of ‘appropriate’ uses – specifically small scale ‘walk to’ services for industrial occupiers, or employment workspace for SMEs or new industrial sectors.

New (Draft) London Plan (Intent to Publish, December 2019)

- 2.4 Draft Policy E5 requires SILs to be managed proactively through the plan-led process, to sustain them as London’s largest concentrations of industrial land. Through Development Plans, the Policy (part ‘B’) requires local planning authorities to:
 - Define detailed SIL boundaries in policies maps, having regard to the scope for intensification, co-location, and substitution.
 - Develop local policies to protect and intensify the function of SILs and enhance their attractiveness and competitiveness.
 - Explore opportunities to intensify and make more efficient use of land in SILs.
- 2.5 Policy E5 is restrictive of non-industrial uses in SILs, except through a strategically co-ordinated process of SIL consolidation carried out through a planning framework or Development Plan document, or as part of a coordinated masterplanning process in collaboration with the GLA and Borough.
- 2.6 Draft Policy E7 requires Development Plans to be proactive and consider whether certain industrial, logistics and related functions in selected parts of SIL could be intensified to provide additional capacity.
- 2.7 Policy E7 notes that intensification can facilitate the consolidation of an identified SIL to support the delivery of residential or other uses. In doing so, this process must ensure that a minimum of “*no overall net loss*” of industrial capacity is achieved, amongst other matters, and that industrial activities within and surrounding the site are not compromised.

3 Representations

- 3.1 To be consistent with the London Plan, the draft Local Plan must align with adopted Policy 2.17 and emerging (draft) Policies E5 and E7.
- 3.2 Two key London Plan requirements apply in this case, being (i) the need to define SIL boundaries through Development Plans based on clear and robust evidence; and (ii) the need to consider the scope for intensification, co-location and substitution of SIL to deliver a more efficient use of land.
- 3.3 The relevant evidence base and wider relevant considerations are considered further below.

Employment Land Demand Study ('ELDS') (July 2015)

- 3.4 The ELDS seeks the protection of the Wembley SIL to ensure capacity and meet projected demand for industrial land. The Site makes no contribution to these aims and will not be redeveloped solely for industrial land in the future; its inclusion within SIL is anomalous, unnecessary, and unjustified.
- 3.5 Removal of the Site from SIL and/or its development for alternative use would have no material bearing upon the Borough's existing or future industrial capacity.

Employment Land Site Analysis ('ELSA') (November 2018)

- 3.6 The ELSA underpins draft Policy BE2 and recognises that the Site is "*dominated by large format retail uses*", considering that the eastern part of the Wembley SIL (to include the Site) is a sustainable location for housing with opportunities for intensification (P79).
- 3.7 The Wembley SIL as a whole was subsequently not considered appropriate for co-location due to its PTAL rating and unneighbourly uses; however, these matters do not apply uniformly across the SIL and the Site responds more favourably.
- 3.8 The Site's PTAL (3/2) is higher than many other SIL areas (including 0, 1a and 1b), with further opportunities to improve this alongside future development including connections to Neasden Underground station (c. 600m to the north-east). The Site's established uses are also compatible with residential use, unlike the majority of the Wembley SIL which is industrial in nature.

West London Employment Land Evidence ('WLELE') (May 2019)

- 3.9 The WLELE identifies (Table 79) the Wembley SIL as one potential area for future co-location due to favourable site-specific circumstances, including local rental values, network access and potential demand.
- 3.10 Paragraph 13.10 notes that co-location is likely to come forward where, amongst others, it does not prejudice the overall area operation, and does not degrade the industrial land balance.

- 3.11 The Site makes no contribution to industrial function and its development for co-location would fully align with these matters.

Viability Study (March 2019)

- 3.12 The independent viability evidence recognises the Council's emerging requirements for industrial floorspace. It concludes, however, that re-providing industrial floorspace is unviable unless supplemented by residential and office uses:

"...reprovision of industrial floorspace can result in viable outcomes when industrial floorspace is supplemented by residential or office floorspace, or a combination of both... When industrial floorspace is provided without other uses, the developments are unviable (the existing industrial floorspace has a higher capital value than the residual values of the development opportunity). Our appraisals also indicate that when industrial floorspace is supplemented by residential and offices, developments are viable" (P4).

- 3.13 It would not be possible for the Site to re-provide industrial floorspace as it has a long-established retail and office use. Regarding the latter, the viability evidence (Para. 6.9) concludes:

"industrial floorspace would never be provided to replace office floorspace" (Quod emphasis).

- 3.14 The existing retail use would have a much higher capital value than existing industrial floorspace in Quod's view, and it would therefore also be unviable for the Site to be viably redeveloped for industrial only use as policy currently requires.

- 3.15 This is a pertinent point given the Site's current SIL allocation. Draft Policy BE2 currently restricts the Site's redevelopment to industrial uses only, and non-industrial uses (i.e. those necessary to ensure viability) are prohibited. This would include, for example, re-provision of retail and is wholly unsound.

- 3.16 The draft Local Plan is not consistent with the viability evidence and does not satisfy the London Plan requirements for SIL boundaries to be based on clear and robust evidence. Without the removal of the Site from SIL, or the co-location of additional uses, there is no viable prospect of redevelopment and its industrial protection is flawed.

Proposed Development at Tesco, Brent (ref. 19/1636)

- 3.17 The London Plan requires Development Plans to define SIL boundaries with regard to the scope for intensification, co-location, and substitution. With this in mind, it is necessary to consider a recent planning approval at an existing Tesco store in Brent. This store lies adjacent to the east of the Site where the same SIL designation applies.

- 3.18 Full planning permission was granted on 7 August 2020 (ref. 19/1363) for solely non-industrial development – specifically a new two-storey A1/A3/D2 building (c. 4,000sqm), and the internal subdivision of Tesco to create an additional 1,500sqm retail (A1) unit. This is despite Brent being a "provide" industrial borough and the protection afforded to SIL in both local and London Plan policies.

3.19 In approving these non-industrial uses within the SIL, the Officer Report¹ draws on the recommendations of the GLA Stage 1 Report² and considers the wider potential for industrial intensification within this part of the SIL:

“The GLA have commented on the principle of the proposed intensification of non-industrial uses within this SIL location. They have acknowledged that this part of the SIL is currently occupied by the Tesco Extra store, ancillary uses and car parking, and as such is not used for industrial purposes, and this position is long-established. It is noted that nearby SIL, which is in low-density industrial use, could be reasonably intensified before the SIL on this site comes forward as part of a comprehensive redevelopment” (Para. 1.27) (Quod emphasis).

3.20 The above conclusions apply equally to the Site as they do to Tesco. The Officer and GLA Stage 1 Reports are appended to this Statement (**Appendix 1 & 2**), and Quod respectfully request that they are included within the Examination Library.

3.21 It was further considered unnecessary to consider the Tesco and IKEA sites as part of a comprehensive regeneration involving the nearby St Raphael’s Estate at the current time.

3.22 The London Plan requires opportunities for industrial intensification to be considered when defining SIL boundaries through Development Plans. As evidenced above, the Council have recently accepted outside of the Local Plan process that (i) the Tesco and IKEA sites have a long established, non-industrial function; and (ii) the surrounding areas present a reasonable opportunity for intensification.

3.23 These two important points have not been reflected in the draft Local Plan however, and the continued inclusion of the Site within the SIL is inconsistent with the London Plan requirements to consider these matters further.

3.24 Applying the Council’s approach from the Tesco approval (ref. 19/1363) equally to the Local Plan process, as the London Plan requires, it should therefore be concluded that the Site (and Tesco land) make no contribution to industrial capacity and there are more appropriate opportunities for intensification in the surrounding area.

3.25 Consequently, there are no sound planning grounds to retain the Site within SIL; to do so will unnecessarily stifle its development potential. The Site should therefore be removed from the SIL to support the delivery of alternative uses, and the draft Local Plan cannot be consistent with the London Plan in its current form.

3.26 The draft London Plan (Policy E7) also requires that, in consolidating SIL to support the wider delivery of uses, as a minimum “no overall net loss” of industrial capacity would prevail. It is established that the Site has no industrial function in its current use, and this requirement would therefore be satisfied.

3.27 Despite the above, however, both the adopted and emerging Local Plan still designate the Site and Tesco land within the Wembley SIL. This is without any sound planning ground.

¹ Planning Permission 19/1363, Officer Report, Paragraphs 1.25 – 1.31

² GLA Planning Report GLA/4981/01 (24 June 2019), Paragraphs 20-22.

4 Conclusions

- 4.1 This Hearing Statement responds to **Question 1.1** of the MIQs and demonstrates that the draft Local Plan is not in conformity with London Plan requirements, specifically those imposed by adopted Policy 2.17 and emerging (draft) Policies E5 and E7.
- 4.2 These policies require local planning authorities to define SIL boundaries through their Development Plans with regard to: (i) clear and robust evidence; and (ii) the scope for intensification, co-location, and substitution of SIL land to deliver a more efficient use of land.
- 4.3 Dealing with each London Plan requirement in turn:

Local Plan Evidence

- 4.4 The evidence underpinning the Local Plan does not support the Site's inclusion in SIL. In summary:
- The Site's allocation within SIL is anomalous as it has no industrial function.
 - There is no reasonable prospect of solely industrial redevelopment at the Site. In such cases, the NPPF requires its reallocation for a more deliverable use (Para. 120).
 - The independent evidence confirms that SIL land would not be viable for redevelopment without the co-location of other uses.
 - The Council's evidence suggests that the Site is appropriate for alternative uses.
 - SIL is protected to safeguard existing industrial floorspace and meet projected future demand. The protection of the Site will not achieve either of these aims; rather it would stifle development unnecessarily.
 - The Council and GLA have confirmed (in August 2020) that the adjoining Tesco site is appropriate for non-industrial uses, despite the SIL allocation also applying.

Scope for Intensification, Co-Location and Substitution of SIL Land

- 4.5 The draft Local Plan does not align with the recent conclusions of the Council and GLA in approving non-industrial development on land adjacent to the east of the Site (operated by Tesco). Both sites are within the SIL and the conclusions apply equally.
- 4.6 It was concluded that the Tesco land was long established in retail use and that there are opportunities to intensify surrounding industrial land as an alternative.
- 4.7 These conclusions establish that there is scope for the intensification of SIL land elsewhere, and that the substitution of SIL land in this location can deliver a more efficient use (i.e. as per the London Plan requirements).

- 4.8 The draft Local Plan does not apply the same approach, and for it do be consistent with the London Plan it must remove the Site from the SIL. This would remove an unnecessary and unjustified restriction from the Site, ensuring that a more efficient use of land could be delivered. Whilst it is noted that there is no current intention to redevelop the IKEA store or Panther building, future asset management of the site during the plan period may come forward
- 4.9 Without modification the Local Plan cannot be found sound, as it is not justified by an appropriate strategy and based on proportionate evidence, it is not effective or deliverable over the plan period and is not consistent with national policy.



Appendix 1

OFFICER REPORT, PLANNING PERMISSION 19/1363

Delegated Report**Case No.**

19/1363

LOCATION: Tesco, Great Central Way, London, NW10 0TL**PROPOSAL:** Erection of a two-storey building within existing car park comprising commercial floor space within Use Class A1/A3/D2 use to provide 7 units, including a service yard boundary fence with sliding gate. Alterations to the facade of the existing Tesco store. Associated development including alterations to the car park layout, relocation of car wash/valet areas within car park, landscaping and provision of cycle parking.**RECOMMENDATIONS****Grant permission subject to conditions.****CIL DETAILS**This application is liable to pay **£447,926.91** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 3681 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Shops	1259		1259	£40.00	£0.00	£75,090.36	£0.00
(Brent) Restaurants and cafes	688		688	£40.00	£0.00	£41,034.29	£0.00
(Brent) Assembly and leisure	1734		1734	£40.00	£0.00	£103,420.71	£0.00
(Mayoral) Shops	1259		1259	£0.00	£60.00	£0.00	£78,112.57
(Mayoral) Restaurants and cafes	688		688	£0.00	£60.00	£0.00	£42,685.82
(Mayoral) Assembly and leisure	1734		1734	£0.00	£60.00	£0.00	£107,583.16

BCIS figure for year in which the charging schedule took effect (lc)	224	323
BCIS figure for year in which the planning permission was granted (lp)	334	
TOTAL CHARGEABLE AMOUNT	£219,545.36	£228,381.55

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

EXISTING

The application relates to the Tesco Extra Superstore situated on Great Central Way in Neasden, and to the north west of the A406 North Circular Road. Neighbouring uses include Brent IKEA store and a range of industrial and commercial operations. Although having an established retail use, the site is identified as a Strategic Industrial Location (SIL) within the Local Plan.

The existing superstore has been partially sub-divided to include two units, namely a Post Office and Nando's Restaurant (confirmed as lawful under planning ref. 10/2664).

The site is largely made up of a 558-space car park, with a car wash and car service unit located to the north/ north-western part of the site, and a petrol filling station to the west of the site nearest to the main access route from Drury Way.

The application site is not within a Conservation Area nor is it a Listed Building. However, parts of the northern and southern ends of the site are designated as land liable to surface water flooding, and the Brent Canal Feeder runs to the immediate south-west of the site (separating it from IKEA). The site has a PTAL rating of 2 ('Poor').

PROPOSAL IN DETAIL

The proposals involve the erection of a new two-storey building comprising 3,835 sqm (GEA) of Class A1/A3/D2 use. This would be located in the western area of the existing car park and replace the existing car facilities (which are being relocated as part of this application). The ground floor of the new building would accommodate 6 new commercial units comprising of A1 and A3 uses, and the first floor would be one unit comprising a gym (Class D2) use.

The proposed net internal floorspace for each of the seven units within this block would be as follows:

- Unit 3* – Use Class A3 - 308m² (NIA) (includes a mezzanine floor)
- Unit 4* – Use Class A3 – 229m² (NIA);
- Unit 5* – Use Class A1 – 229m² (NIA);
- Unit 6* – Use Class A1/A3 – 344m² (NIA);
- Unit 7* – Use Class A1/A3 – 344m² (NIA);
- Unit 8* – Use Class A1/A3 – 342m² (NIA); and
- Unit 9* – Use Class D2 – 1,734m² (NIA).

* This corresponds with the units as marked on the proposed site plan (1819-A-P-0100 Rev H). Units 1 and 2 relate to the existing Nando's Restaurant and Post Office, both contained within the main superstore area (see planning history section for further details).

The proposals also include a new external service yard with bin storage allocated to each unit. The service yard will be accessed by a new vehicular entrance, accessed from the existing road to the south which serves the petrol station. Each new ground floor unit provided within the commercial terrace will have direct access to the reconfigured car park. The first floor unit will be accessed through a new lift and staircase lobby located at the north of the building.

New signage to the side of the existing retail store, and new signage associated with the prospective tenants of the new units is proposed. The existing car servicing facilities (including a valet and car wash) are to be relocated to an alternative location within the car park, to the east of the site, to accommodate the new commercial terrace.

The proposals have been amended during the course of the application, with the key changes summarised as follows:

- Initially the application also involved the sub-division of the existing Tesco store to incorporate a new A1 unit, measuring 1,420 sqm, however this element of the proposals has been omitted;
 - The re-location of the commercial terrace 10m eastwards to enable a larger service yard and improved pedestrian walkways and landscaping, as well as responding to Thames Water concerns;
- The provision of electric vehicle charging points and additional cycle parking, including for cargo bikes, following concerns raised by highways officers and Transport for London in this regard.

RELEVANT SITE HISTORY

A number of planning applications have been submitted in connection with the operation of the Tesco store, however these are largely based around minor extensions and external alterations to the store rather than anything directly relevant to the scale of the proposed development. Nevertheless the key planning history relevant to this application includes:

10/2664 (Application granted as lawful on 7/12/10)

Replacement of the store existing ancillary customer restaurant with a Nando's restaurant.

APP/5006/A/79/01137 (appeal allowed on 13/08/1982)

Original development of site with a retail superstore, petrol filling station, ancillary servicing, parking and landscaping.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application. Planning applications are required to be determined in accordance with the development plan (inclusive of all below documents) unless there are material considerations that would warrant other considerations being reasonably made.

National

Revised National Planning Policy Framework 2019

Regional

The London Plan consolidated with alterations since 2011 (March 2016)

Local

Brent Development Management Policies 2016

DMP 1 – General Development Management Policy

DMP 7 - Brent's Heritage Assets

DMP 8 - Open Space

DMP 9 - Waterside Development

DMP 9b – On Site Water Management and Surface Water Attenuation

DMP 11 – Forming an Access on to a Road

DMP 12 – Parking

DMP 13 – Movement of Goods and Materials

DMP 14 - Employment Sites

Brent Local Development Framework Core Strategy 2010

CP 1 - Spatial Development Strategy
CP 5 - Placemaking
CP 6 - Design and Density in Place Shaping
CP 15 - Infrastructure to Support Development
CP 16 - Town Centres and the Sequential Approach to Development
CP 18 - Protection and Enhancement of Open Space, Sports and Biodiversity
CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures
CP 20 - Strategic Industrial Locations and Locally Significant Industrial Sites

Supplementary Planning Guidance Documents

Mayoral Supplementary Planning Guidance:

Town Centres SPG (2014) - particular reference to policy 6.3

Brent Supplementary Planning Guidance:

SPD1 Design Guide for New Development

The draft London Plan has been subject to an Examination in Public and an “Intend to Publish version” has now been published. This now carries greater weight in the assessment of planning applications.

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key relevant policies include:

Draft London Plan (intend to publish version) 2019

Key policies include:

SD6: Town centres and high streets
SD7: Town centres: development principles and Development Plan Documents
SD8: Town centre network
D4: Delivering good design
D8: Public realm
E5: Strategic Industrial Locations
T2: Healthy Streets
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car parking

Brent's Local Plan

Key policies include:

BP5: South
BD1: Leading the Way in Good Urban Design
BE2: SIL and LSIS
BE4: Supporting Strong Centres Diversity of Uses
BG12: Trees and Woodlands
BSUI2: Air quality
BSUI3: Managing flood risk
BT2: Parking and Car Free Developm

CONSULTATIONS

The owner/occupier of 444 properties within a 100m radius of the site were initially notified of the development on 25/04/2019:

A Site Notice was displayed 08/05/2019.

A Press Notice was published 09/05/2019.

One response has been received as a result of this consultation exercise, raising the following issues:

Objection	Response
Proposals would result in an unsustainable, car-based development which is not compliant with the London Plan or Brent policies	See paragraphs 2.2-2.10, 2.21-2.39
Proposed units could be sited in town centre locations which are easily accessible by walking, cycling and public transport	See section 1 of main report assessing the principle of the proposals in land use terms.
The case for the mixed-use re-development of this site, and potentially the adjacent IKEA site, would be compromised by granting permission for this development	See paragraphs 1.22-1.26 for further consideration of this issue.

Statutory/ External Consultees

Greater London Authority

The GLA has commented on a number of strategic issues raised by the scheme, which are summarised as follows:

Principle of development: Whilst the proposal would provide new jobs and new retail space in the Opportunity Area, it involves the provision of main town centre uses outside of a town centre and will be heavily car reliant. The applicant must satisfy the sequential and impact tests. The development of further retail on an existing retail park on SIL is strongly discouraged but, subject to its impact on town centres, could be acceptable in this instance owing to the established use. The applicant should explain their long-term vision for the site to include industrial uses and housing (paragraphs 17-24 of GLA's Stage 1 comments).

Urban design: The proposed public realm improvements are insufficient to promote active travel and do not support improved connections to adjacent sites or to public transport options. Further discussions are required on this aspect of the scheme (paragraph 25-27).

Environment: The Energy Hierarchy has broadly been followed but the applicant should consider additional PV and provide evidence of communication on connection to a district heating network. An Air Quality Neutral approach has not been taken and further air quality mitigation measures are required. A full review of flood risk should be provided, and flood resilience and emergency planning measures should be included. A fully detailed drainage strategy should be provided. The applicant should consider green roofs and walls and provide the Urban Greening Factor score (paragraphs 29-35).

Transport: The proposed amount of car parking is unacceptable. Walking, cycling, landscaping, public realm and public transport improvement is required. The vehicle and bus trip generation must be revised. Disabled parking and electric vehicle charging points, including a rapid charging hub, in line with London Plan and draft London Plan standards must be provided. A revised travel plan should be submitted and secured within the s106 agreement. A Delivery and Servicing Plan and a Construction Logistics Plan should both be secured by condition (paragraphs 36-43)

Officer comments: *The views of the GLA are considered and discussed in more detail within the relevant sections of the main body of the report. Concerns have been partly addressed by revised*

proposals, particularly in terms of sustainable transport improvements, and further comments have been received from the GLA which have been documented in the main body of the report.

Transport for London

Initial objections raised on the basis that the originally submitted proposals do not comply with London Plan policies, and that the proposals undermine the Mayor's Vision Zero for London Action Plan due to the high car mode share and the continuing dominance of the vehicles in the layout of the site over pedestrians, cyclists and bus passengers.

Officer comments: It is considered that issues raised by TFL above have either been addressed through revised drawings/ further information, or can be satisfactorily addressed by condition. See transport section of main considerations for further analysis of TFL's comments.

Canal and River Trust

Following receipt of amended drawings and documents in regard to impact of water discharge to the Brent Canal Feeder, no objections are raised.

Thames Water

No objections subject to relevant conditions and informatives. See section 10 of main section of report for further details.

Environment Agency

Objection. Drainage strategy does not include the part of the site which includes the relocated car wash area, and therefore doesn't show adequate connection to foul water drainage system here.

Officer comments: This issue is discussed in more detail in section 10.6 of the main remarks section below.

LB Barnet

No comments to make on the revised application, following initial concerns that the retail impact assessment failed to take consideration of the proposed re-development of the Brent Cross Cricklewood Regeneration Area S.73 consent (planning ref: F/04687/13), and retail/ commercial floorspace approved here.

Officer comments: This issue is addressed in more detail within section 1 of the main remarks section below.

LB Ealing

No objections raised.

Internal consultees

Local Lead Flood Authority

No objections, subject to confirmation that the proposed drainage will connect into a SuDS system which serves the existing carpark. This has been confirmed by the applicants and the GLA's officers, and therefore it is considered that subject to a condition requiring mitigation measures to be installed before units operate, it would satisfy concerns.

Environmental Health

Environmental health supports the application subject to a number of conditions relating to air quality impact, construction noise and dust and contaminated land. See detailed considerations section of report for further comments on these issues.

Statement of Community Involvement

The applicant has set out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process was based around the following methods:-

- A public consultation event was held at the store on the afternoon/ early evening of 28.02.19, with three representatives from Tesco Stores Ltd and the planning consultant. Approximately 40 people viewed the proposed drawings plans, with feedback with a representative from LB Brent, the architects and the landscape architect. Residents and businesses within a 100m radius were also included in a letter drop before the application was submitted, informing them of the intention to make an application. The applicant's statement of community involvement suggests that feedback was largely positive, with an increase in activity and facilities for Tesco customers (including a coffee shop, other retailers, the proposed gym) encouraged.

DETAILED CONSIDERATIONS

1. Land Use / Principle of development

Principle of additional retail and other commercial floorspace in out-of-centre location

1.1. Chapter 7 of the revised NPPF (2019) sets out the key role town centres play in strong communities and encouraging sustainable development, which is identified as the principal purpose of the planning system. Paragraph 89 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment is over a proportionate, locally set floorspace threshold.

1.2. Core Strategy Policy CP16 (Town Centres and the Sequential Approach to Development) states that the Council will promote Wembley Major Town Centre as the preferred destination for major new retail, leisure and other town centre development. A sequential approach will be taken to new major retail and other town centre uses in general, with priority given to Major Town Centres, followed by District Centres, Local Centres, Neighbourhood Centres, and finally out-of-town Centres.

1.3. Policy DMP2 (Supporting Strong Centres) states that for all proposals involving more than 500 sqm gross retail floorspace, which are outside of town centres and do not accord with the Local Plan, a retail impact assessment must be submitted. Policy BE4 (Supporting Strong Centres Diversity of Uses) of the emerging Local Plan re-iterates this view.

1.4. London Plan Policy 4.7 and draft London Plan Policy SD8 are also of relevance, stating that retail and town centre use development outside of centres is strongly discouraged. Proposals for new, or extensions to existing, edge or out of centre development are subject to an assessment of impact.

1.5. The site is also located within the Wembley Opportunity Area. London Plan Policy 2.13 and draft London Plan Policy SD1 state that proposals in Opportunity Areas should seek to optimise residential and non-residential outputs, contain a mix of uses and support wider regeneration. The London Plan identifies the Wembley Opportunity Area as having an identified development capacity for up to 11,000 new jobs and a minimum of 11,500 new homes, increased to up to 13,500 jobs and 14,000 homes in the draft London Plan.

1.6. The Wembley Area Action Plan sets out aims to enhance the vitality and viability of Wembley town centre as the focus for new retail and town centre uses and maintaining a range of retail and local services in other town centres. It outlines a need for 27,000 sq.m. of comparison and 12,500 sq.m. of convenience retail space up to 2026 in the town centre. Policy WEM24 of the WAAP states that Edge of centre retail development will be considered appropriate only when existing town centre sites have been developed or where the proposed use, because of its size, is incapable of being accommodated on an existing town centre site.

1.7. As outlined within the policy context above, the proposed development would be largely in conflict with local, regional and national planning objectives and therefore a robust justification needs to be put forward to overcome these in-principle concerns. As a result, the applicants have

submitted both a sequential test and Retail Impact Assessment (as part of the same document, dated April 2019) which have been independently assessed by a qualified retail planning consultant, Urban Shape, considered against the findings of Brent's Retail and Leisure Study (October 2018).

Sequential Assessment

1.8 Paragraph 5.2 of the document sets out that an assessment of the following sequential sites in, and on the edge of, the centres closest to the application site has been undertaken as follows:

- Wembley (Major) Town Centre;
- Wembley Park District Centre;
- Neasden District Centre;
- Harlesden District Centre;
- Willesden Green District Centre.

1.9 Urban Shape have confirmed that this is a robust approach, and significantly have confirmed that – following consideration of relevant case law and the requirements of the NPPF – that the different components of the application scheme do not need to be ‘disaggregated’ in order to fit one of more centrally available sites. This means that there is no requirement for the six A1/A3 units proposed within the commercial terrace to be disaggregated into individual vacant sites/ units within the centres listed above, for the purposes of this assessment.

1.10 Urban Shape sought clarification from the applicants that flexibility had been sought in terms of the format and scale of the proposal in considering alternative sites, i.e. whether a reduced size scheme/number of units has been considered, as is required by the NPPF and PPG. The applicants have confirmed that such flexibility has been sought in its assessment, citing the *Aldergate v Mansfield* Judgment, which sets out that an assessment of alternative sites for the broad type of development proposed, by approximate size, type and range of goods incorporates the requirement for flexibility. This position was taken forward by the Inspector and Secretary of State in the *Cribbs Causeway* decision, whereby the alternative sites were assessed on the basis of whether they could accommodate a “broadly similar” development to that proposed. The assessment has been undertaken on this basis, and Urban Shape have confirmed this approach is acceptable.

1.11 The applicants have correctly identified alternative sequential sites through consideration of the adopted Wembley Area Action Plan, Brent Site Allocations DPD, and the applicants’ own assessments of the agreed centres. With regard to the proposals’ impact on Wembley Town Centre, Urban Shape initially raised concerns with the lack of consideration of sites W1 and W8 (as designated within the AAP) as potential sites for the proposed development. The applicants have provided further information on these two sites, confirming that they would not be feasible for the proposed development. Site W1 (Wembley West End) benefits from a planning permission which is in the process of being implemented (ref. 15/4473), and in any case only includes an approved commercial floorspace of 1,312 sqm. Similarly, planning permissions have been granted for the entirety of Site W8 (Land West of Wembley Stadium), and while not entirely built out, any remaining parcels are not considered ‘available’ for development. This has been reviewed and confirmed as acceptable by Urban Shape.

1.12 With regard to the Harlesden District Centre, both the Council’s Site Allocations DPD and Retail and Leisure Study identify the Harlesden Plaza site as a major opportunity site. The applicants have only considered the surface car park which forms part of the wider allocation in the Site Allocations DPD. The Retail Study (recommendation SB3) identifies the wider Plaza site as the ‘principal opportunity site in Harlesden town centre’ and that ‘redevelopment should seek to intensify the site to introduce a new residential community to the town centre whilst retaining active ground floor frontage’, as well as ensuring that any redevelopment re-provides a comparable size foodstore to the existing Tesco. Similarly, the DPD seeks the comprehensive redevelopment of the

site to include a supermarket, residential development, community space and public open space.

1.13 The applicants conclude that whilst the car park element of the wider site could be considered 'available' for development, developing this would evidently prejudice the wider long-term redevelopment of the site, and therefore is not feasible a sequentially preferable alternative site. Urban Shape concur with this view.

1.14 Finally, the applicants' assessment considers a number of sites in Wembley Park, Willesden Green and Neasden district centres. Urban Shape are satisfied that the sites considered are not suitable and available for development, owing either to their constrained size or fact that they remain in active use.

1.15 Having clarified concerns with the overall approach to the sequential assessment, and clarified the position with regard to two sites in the Wembley Town Centre, Urban Shape are satisfied that there would not be any sequentially preferable alternative sites in the Borough to feasibly accommodate the proposed development. On this basis, the Council accepts that this part of the assessment would comply with local, regional and national policy.

Impact Assessment

1.16 Officers agreed at pre-application stage that the retail impact assessment should be based around the two key criteria, namely (1) the impact on existing, committed and planned investment in centres, and (2) the impact on town centre vitality and viability, in order to meet the objectives of NPPF and DMP2 of the Council's Local Plan.

1.17 With regard to the proposed Class A3 and D2 components of the scheme, Urban Shape have agreed with the applicants' conclusion that these would not result in a significant adverse impact on the vitality and viability of any town or district centres, and that the first strand of the NPPF paragraph 89 impact test, relating to in-centre investment, would be passed. Officers agree with this approach.

1.18 In terms of the proposed class A1 floorspace, the retail impact assessment undertaken by the applicants concludes that, based on the patterns of trade draw assumed in the Retail Statement, the impact on the Borough's existing network of defined town centres is unlikely to result in a 'significant adverse' impact arising on any existing centre, with any impacts arising are low in percentage terms. However, Urban Shape initially raised concerns that the patterns of trade draw in respect of the proposed A1 retail floorspace overstate the proportion of trade drawn from the adjacent IKEA store and potentially Brent Cross Shopping Centre (depending on the end occupiers of the scheme) whilst under-representing trade draw from existing centres, particularly Wembley.

1.19 The applicants have responded by undertaking additional scenario testing (set out as Scenarios 2 and 3 within a revised Retail Assessment). Scenario 2 assumes the proposed class A1 floorspace will be occupied by national/multiple retailers, and therefore will compete to a greater extent with other nearby 'higher order' centres e.g. Wembley and Harlesden; Scenario 3 assumes the floorspace would be occupied by more 'day to day' retailers more akin to the offer in nearby district centres, and therefore tests a higher level of trade draw from these centres. Both scenarios reduce estimated trade draws from IKEA from 15% to 5%, which Urban Shape have confirmed would be more robust.

1.20 The scenarios conclude that the greatest impact in terms of trade draw would be 1.2% on Wembley Town Centre (under Scenario 2), and 1.3% on Harlesden District Centre (under Scenario 3). Both scenarios conclude that total combined impact on each centre would be less than 1%. Having reviewed this further analysis, Urban Shape are satisfied that based on the patterns of trade draw identified by the applicants under any combination of the three scenarios tested, the relevant Town and District centres within the Borough identified would not experience a 'significant adverse' impact in terms of their vitality and viability.

1.21 Urban Shape also commented that greater consideration should be given within the retail statement to proposed town centre floorspace at Old Oak Common as part of a cumulative impact assessment, given the Old Oak and Park Royal Development Corporation (OPDC) Retail & Leisure Needs Assessment identifies the potential for a number of centres in Brent to experience trade diversion as a consequence of development coming forward in the OPDC area.

1.22 The applicants have addressed this point by reviewing the emerging OPDC Local Plan. This states that the new town centre floorspace at Old Oak will not come forward until after the end of the impact assessment period (2023). The applicants also state that *'there is currently no detailed proposal that can be assessed and it is not therefore possible to accurately model and consider the cumulative impact that might arise'*.

1.23 Having reviewed the emerging OPDC Local Plan, Urban Shape have identified that the applicants position on this is sound. Old Oak South is likely to be come forward partly within a 11-20 year timeframe and partly in a 21year+ timeframe, therefore beyond the timeframe of the impact assessment to 2023. Meanwhile, Old Oak North could come forward within a '0-21 year' timeframe, however there appear to be 'uncertainties in relation to the delivery of development at Old Oak North' with the major landowners, Car Giant, expressing concerns over the emerging Local Plan's soundness during the Examination in Public. On this basis, it is considered reasonable to assume that the development of the new major centre at Old Oak will not be coming forward by 2023, which is the justified timeframe of assessment of impact for this application (i.e. to 2023). Urban Shape are therefore satisfied that the cumulative impact of the proposed scheme here, alongside the proposed floorspace at Old Oak Common, is not applicable in this instance.

1.24 The GLA has confirmed that it would be satisfied with the conclusions of both sequential and retail impact assessments, provided that they were independently reviewed by the Council. Given the findings of Urban Shapes' thorough and detailed review, officers consider that the relevant policy tests have been met, and the proposals would accord with policy Core Strategy Policy CP16 and Policy DMP2 of the Local Plan, as well as relevant London Plan Policies and the NPPF.

Proposed non-industrial uses within Strategic Industrial Location

1.25 The proposal is located within the Wembley Strategic Industrial Location (SIL). London Plan Policy 2.17 and draft London Plan Policy E5 are clear that SILs should be protected in London. Retail and leisure development proposals in SILs should only be allowed where they are small scale 'walk to' services. Core Strategy policy CP20 protects SIL for industrial uses in the B use class (excluding B1a other than when ancillary) and closely related sui generis uses. The Draft New London Plan also identifies Brent as a borough that is to provide additional industrial capacity.

1.26 Policy BE2 (SIL and LSIS) of the emerging Local Plan states that development in these locations will be supported where it intensifies employment uses. In regard to the Wembley SIL, the policy emphasises the need for sites to be protected solely for employment uses within B1c, B2, B8 and closely related sui generis categories. Development will be supported which increases the amount of employment floorspace in these use classes, including start-up space, move on space. Any loss or reduction in floorspace will be resisted.

1.27 The GLA have commented on the principle of the proposed intensification of non-industrial uses within this SIL location. They have acknowledged that this part of the SIL is currently occupied by the Tesco Extra store, ancillary uses and car parking, and as such is not used for industrial purposes, and this position is long-established. It is noted that nearby SIL, which is in low-density industrial use, could be reasonably intensified before the SIL on this site comes forward as part of a comprehensive re-development.

1.28 The GLA have also commented that the potentially short to medium term nature of the additional retail development proposed on this established retail site within SIL could be acceptable in this instance with regard to London Plan industrial land policy, subject to its impact on town centres.

As outlined above, this impact has been demonstrated to not be significantly adverse, and therefore meet the relevant tests of both the Local and London Plan, and the NPPF.

1.29 The GLA did however initially request an outline vision for the longer-term redevelopment of the wider site, incorporating industrial uses along with residential development. The applicants responded to these comments by stating that initial discussions were held with the Council regarding the regeneration strategy for the area, which centres on the St Raphael's Estate to the west of the application site. However, the Tesco site (as well as IKEA adjacent to it) were not within the potential regeneration zone, although officers were interested to explore ways in the future in which the sites could potentially facilitate any scheme. It is clear that the masterplan is still at a very early stage, with regeneration officers confirming that it would be unreasonable and unfeasible to require an outline masterplan for how this site (as well as IKEA adjoining it) could be re-developed to be supportive or complimentary of the wider St Raphael's Estate strategy under this 'ad-hoc' application.

1.30 It is also important to note that this site is not allocated for re-development within the emerging Local Plan. Furthermore, Policy BP5 (South) of the same document briefly touches on the potential re-development of the St Raphael's Estate, but there is no mention of the potential wider regeneration of this area or any linkages/ connections with the adjacent IKEA/ Tesco sites.

1.31 The GLA have reviewed these comments and confirmed that the provision of an indicative masterplan for the site is not possible on the basis that it would be premature and alternative options, such as linking it to the Council's estate regeneration plans, would not be fairly and reasonably related to the development. GLA officers were also content that the comments generated some discussion about the future redevelopment of this site and that the Council is working on its own plans, satisfying their initial comments in this regard. Officers agree with this approach and the proposals are therefore acceptable in this regard.

2. Transport and highways considerations

2.1 This site lies within the designated Wembley Area Action Plan, so the car parking standards set out in that document apply to this site.

Impact of proposals on car parking provision

2.2 The maximum allowance for food stores over 2,500m² is 1 space per 30m². For the existing floor area of 9,112m², up to 368 off-street spaces would be allowed for the main store, plus 2-5 spaces for the two smaller retail/food & drink units. The current provision of 559 standard width spaces therefore exceeds the maximum allowance by a considerable amount, so the removal of parking from the site to accommodate further development is acceptable in principle.

2.3 The seven new units created total 3,639 sqm. The smaller ground floor units are assumed for the purposes of this assessment to be non-food retail units (although potential food and drink and/or leisure uses are also being applied for) and these would be allowed up to one space per 50m², giving a further allowance of 75 spaces. The first floor unit is confirmed as being for a gym and under DMP standards, it is expected that use is made of existing public parking spaces within the main car park for this use.

2.4 The reduced total of 423 standard width spaces would therefore still exceed standards, but by a much smaller degree than at present. The reduction in the over-provision of parking within the site is therefore welcomed in principle.

2.5 To assess the impact that the proposal might have on parking conditions, the applicant undertook surveys of car park occupancy over a weekday and Saturday in July 2018. This showed the maximum car park occupancy at 310 cars, thus leaving plenty of surplus space on a fairly typical week in the year. There are likely to be other times of the year when car park occupancy rates would be greater, particularly in the lead-up to Christmas. However, there are no concerns that the proposal would lead to overspill parking on-street in the surrounding area by customers, as the extensive waiting restrictions in

place close to the site leave little or no opportunity for on-street parking.

2.6 The disabled parking provision is proposed to remain unaltered at 28 spaces. The reduced level of overall parking means that 6% of spaces would now be reserved for Blue Badge holders, which complies with Brent's standards.

2.7 There is a small reduction in the number of child/parent spaces overall, from 24 currently available to 16. However, the highways officer considers this acceptable in principle. Concerns over the location of these spaces have been resolved, with a number of both disabled and parent & child spaces brought immediately outside the entrances to the new commercial block.

2.8 Initial concerns were also raised regarding a shortfall in new electric vehicle charging points (EVCP) being provided in connection within the reconfigured car park, which initially were short of the London Plan standards for the car park as a whole, which would require 10% active and 10% passive provision. Revised drawings have been submitted showing the provision of 45 EVCP within the car park, a minimum of 16 of which would be active and located nearest to the main store. Although this is slightly below the London Plan minimum, it is acknowledged that this is a significant uplift given there is currently no provision serving the existing Tesco store. On this basis, the proposals are considered acceptable, and a condition is attached to ensure this technology is secured prior to first occupation of any new units.

Cycle parking (including cargo bike provision)

2.9 In terms of bicycle parking, the foodstore would require 48 customer spaces, with a further 24 required for the new retail and food & drink units and 18 for the gym. A further eleven secure spaces would be required for staff of the new retail units and gym, alongside 54 spaces for staff of the retained foodstore.

2.10 Following highways concerns, a total of 62 short-stay and 28 long-stay cycle parking spaces have been provided, including space for 2 cargo bikes. 34 of these spaces would be provided for the existing Tesco store, and would be conveniently located nearest to the entrance to both the existing store and the new commercial block. Given no changes are now proposed to the Tesco store in terms of floorspace, this is considered acceptable. The spaces would be secure and accessible, and a condition is attached ensuring that all spaces are provided before first occupation of the proposed units hereby approved.

Servicing and deliveries

2.11 With regard to servicing, standards are set out in Appendix 2 of the adopted DMP 2016. This requires the main foodstore to be provided with four full-size loading bays. The existing service yard at the rear of the store meets this requirement. For the new block of six ground floor retail units, deliveries by 12m vehicles are required for the retail block as a whole. The first floor gym has no particular day-to-day servicing needs.

2.12 Revised drawings have been received showing the re-positioning of the commercial terrace 10m eastwards, which has the effect of enlarging the proposed service yard for these new units, widening it by 10m. This greatly increases the manoeuvring space within the yard, welcomed by highways officers, with further tracking provided to show that 10m rigid and full-length articulated lorries are able to turn within the yard and also that vehicles delivering to units 7 and 8 can stand without blocking the access gates. This position is acceptable.

2.13 The entrance to the new service yard from the existing store access road from Drury Way has also been repositioned and widened so that 10m rigid lorries no longer need to encroach over the opposing lane of the access road to turn left into the yard, which is welcomed. Indeed, it has been widened more than strictly necessary, so there is scope to provide some kerbed landscaping on the north-western side of the service yard entrance, rather than the hard surfacing that has been shown.

2.14 Sliding gates are again proposed at the service yard entrance and although they are now set 8.5m from the access road, they should again be kept open throughout normal trading hours to ensure the access road is not obstructed by lorries waiting to enter the yard. The kerb radius on the eastern side of the service yard entrance remains at 2.5m and as before, delivery vehicle movements should be signed to turn right out of the service yard and back onto Drury Way only.

2.15 A Framework Delivery & Servicing Plan has been submitted with the application. The Plan acknowledges the need to ensure that units sharing the rear service yard co-ordinate their delivery schedules so that deliveries take place at different times. However, it does not provide any detail on how this will be done (e.g. setting up and operation of a delivery booking system). It does confirm that the service yard will be kept clear of stored goods and regularly monitored though and to this end, bin stores are indicated around the edges of the service yard for refuse storage for each unit.

2.16 No restrictions on delivery hours are proposed, with deliveries confirmed as being likely to occur between 7am-9pm Mondays to Saturdays and 8am-5pm on Sundays and Bank Holidays. Measures to limit peak hour deliveries through the booking system would also be beneficial. No consideration has been given to trying to share or consolidate deliveries between the various tenants either, which should also include the existing foodstore.

2.17 Overall, the revised scheme showing improvements to the service yard are welcomed, and the scheme would in principle be acceptable in terms of deliveries and servicing. However, an updated version of the Framework Delivery & Servicing Plan, detailing the points above is required. Officers have attached a condition ensuring that this is submitted and approved before first occupation of the new commercial block.

Pedestrian access

2.18 The revised scheme ensures that pedestrian access to the new retail terrace is proposed via a 4.2m, which addresses earlier highways concerns. This will link to the existing footpath entrance from Drury Way to the main foodstore and a new pedestrian route eastwards across the car park to link to the existing bus stops and footpath links to the adjoining Ikea store and North Circular Road footbridge.

2.19 No pedestrian route has been designed into the scheme from the southern end of the terrace back towards Drury Way as initially suggested by highways officers. However, the widening of the service yard access means that it would be increasingly difficult to accommodate a safe pedestrian access along this route. On balance, given the nature of the site and need to ensure the service yard is accessible here, the absence of this additional pedestrian route is considered acceptable.

Proposed signage

2.20 Existing totem signs around the site are to be increased in height by up to 2.8m in order to display the company names of the tenants of the new units. The signs are sited clear of junction visibility splays and an increase in their height does not affect highway safety. An informative is attached advising the applicants that separate advertisement consent would be needed for these signs.

Trip generation and wider transport impact

2.21 To understand the impact of the proposal on the wider transport networks, a Transport Assessment has been submitted with the application. Concerns were raised both by Transport for London and Brent's highways team about the shortcomings of this assessment, and in particular the lack of any full audit under either the PERS or Healthy Streets Assessment processes conducted to identify any necessary improvements to walking, cycling and public transport routes, despite the clear difficulties in safely accessing the site by foot or bicycle.

2.22 A full audit of the site against the requirements of TFL's Healthy Streets Assessment has also been carried out. Following discussion with TfL and Brent officers, seven key routes to the site were identified as in need of improvement, which are summarised as:

1. Village Way Residential Area
2. Neasden Station
3. Bridge Road Residential Area and Woodheyes Road Bus Stops
4. London Cycle Network Route 85 (North of site from Crest Academy)
5. London Cycle Network Route 85 (south of site, from Grand Union Canal, Paddington Branch/ Stonebridge Park)
6. Harrow Road via River Brent Path
7. Great Central Way via River Brent Path

2.23 Having identified these routes, discussions have focused around improved linkages to the site from Neasden Station, and in particular an improved pedestrian route from the footbridge across the North Circular Road (A406) to the south of the site into the premises.

2.24 The applicants have also submitted a revised 'Sustainable Travel Improvements Plan' and outlined a number of measures which have been proposed in order to encourage more sustainable travel to the site. These include:

- Developing new walkways to the retail terrace (as shown on the proposed drawings)
- Regenerating the bus terminus (which has developed following discussions with TFL)
- Significantly improving the provision of cycle and electric vehicle parking spaces (see full details above).

2.25 Officers are satisfied that these measures would, in combination with the approx. 24% reduction in the number of car parking spaces overall, enhance sustainable transport methods across the site to a degree which is considered acceptable on balance. The above measures would need to be implemented before first occupation of any of the proposed units, and these would be secured by condition.

2.26 With regard to proposed improvements to the other identified routes, the applicants have pointed out that these would require works outside of the red line site and could be undertaken as part of wider transport improvement projects, and they suggest utilising the significant CIL funding (c. £113,000) which would be secured by the development. On balance, given the improvements that have been committed to by the applicant (see 2.24), the improvements set out in 2.23 to 2.24 are not considered necessary to make the development acceptable in planning terms. Decisions on CIL spending are made by Councillors after the receipt of the funding and are not made at application stage and the Council would not commit to spending CIL contributions secured by this development at this stage. Nevertheless, it is not considered necessary to secure the works or contribution towards it through S106.

2.27 With regard to trip generation itself, the transport assessment considered likely trip numbers to the proposed new floorspace based upon comparisons with similar retail, restaurant and fitness clubs across the country (n.b. the range of comparable sites in London is limited, so a wider search has been undertaken). This estimates that the number of additional visitors would total 88 in the weekday morning peak hour (8-9am), 224 in the weekday evening peak hour (5-6pm) and 578 in the Saturday lunchtime peak hour (12-1pm).

2.28 Not all of the above trips would be new trips to the site though. Based on research, an estimated 30% of the above trips would be by people who would already be visiting the foodstore anyway, who would in future extend their length of stay on the site to also visit one of the other stores, have a meal or visit the fitness centre (n.b. this interrelationship between the existing foodstore and the new units is important when considering the scope of any proposed mitigation measures such as Travel Plans).

2.29 The remaining trips have then been allocated to different modes of transport based upon data taken from the 2011 Census for journeys to work in Brent, with 34% of journeys estimated to be by car drivers. However, 'journey to work' modal share is not considered representative of modal share for shopping journeys and based upon survey data for other supermarkets in Brent, a car driver modal share of 43% is considered more realistic. However, this is not considered to make too significant a difference to the results.

The resultant estimated additional vehicular generated by this proposal thus total 23 arrivals/13 departures in the morning peak hour (8-9am), 69 arrivals/38 departures in the afternoon peak hour (5-6pm) and 101 arrivals/83 departures in the Saturday lunchtime peak hour (12-1pm). These estimates are considered to be robust, particularly as it has been assumed that the existing foodstore will continue trading at its existing level despite the reduction in its floorspace.

2.30 Surveys of traffic flows at the two roundabout junctions from the site onto Drury Way and Great Central Way were undertaken in July 2018 (although the site access junction from Drury Way was not surveyed, which means a full count of vehicles into and out of the site was not gathered). These flows have then been growthed up by about 10% to take into account increases in traffic flow arising from nearby developments to the year 2025. The predicted increases in traffic to and from this site have then been added to the growthed up flows.

2.31 The operation of the two roundabout junctions have then been tested using industry-standard software and the results show all arms at both junctions operating well below the recommended maximum ratio of flow to capacity (rfc) of 0.85. There are therefore no concerns over the ability of the site access junctions to accommodate the additional traffic generated by this proposal.

2.32 The amount of traffic added to the wider network along Great Central Way and Drury Way would also amount to less than 5% of existing flows, so is not considered significant enough to warrant analysis of junctions further afield, particularly as some of the future traffic visiting the site would be passing along Drury Way or Great Central Way anyway as part of a longer journey.

2.33 The road accident history for the adjoining highways has also been examined for the five year period spanning 2014-2018. This identified nine personal injury accidents between the two roundabout accesses to the site, of which one was serious, which is considered to be low. The greatest number of accidents (six) were recorded at the signalised junction of Drury Way and Great Central Way, involving either rear end shunt accidents or right-turning accidents. None of the recorded accidents involved pedestrians or cyclists. As such, the adjoining roads are not considered to have an existing accident problem that would be worsened by this proposal.

2.34 For other modes of transport, new public transport trips are estimated at 21 journeys in the morning peak hour (8-9am), 53 journeys in the evening peak hour (5-6pm) and 138 journeys in the Saturday lunchtime peak (12-1pm). Given that the nearest station (Neasden Underground) is about a 15 minute walk away, most of these passengers are assumed to travel by bus, which would amount to about two additional passengers per bus during weekday peak hours and 3-4 per bus on a Saturday. This additional level of demand would not put undue pressure on local bus services, and this has been accepted by TfL.

2.35 For other modes, walking trips are estimated at 17 trips in the morning peak hour, 42 trips in the evening peak hour and 109 trips in the Saturday peak hour, whilst cycling trips are estimated at 1 trip in the morning peak hour, 3 in the evening peak hour and 8 in the Saturday lunchtime peak.

Travel Plan

2.36 To promote the use of non-car modes of transport to the site, a Framework Travel Plan has been submitted though. This proposes to appoint an overarching Travel Plan Co-ordinator for the development, with Travel Plan Representatives for each of the units. The co-ordinator will be responsible for implementing Travel Plan measures, such as promoting walking and cycling through the provision of information on safe routes, setting up a walking buddy scheme, promotion of the Cycle to Work Scheme amongst tenants, provision of public transport information and identifying the potential for car sharing amongst staff. The primary target will be to reduce staff travel by car by 25% and increase walking and cycling by 10% over five years, based upon the outcome of initial staff travel surveys to be conducted within 3 months of occupation of the units.

2.37 However, concerns were raised by both TfL and Brent's Highways officers regarding a number of shortcomings within the Framework plan. These have now been addressed, with the key change being

the inclusion of staff and customers of the main Tesco store into the plan. This is considered critical to the success of any Travel Plan, given it would remain comfortably as the major retail unit within the site, with by far the greatest number of staff and customers. Their inclusion ensures that opportunities for economies of scale and for promoting car sharing etc. amongst staff of different units are greatly enhanced.

2.38 It is considered that there are still some shortcomings with the Framework Travel Plan, in particular lacking specific measures no measures or targets to reduce car use amongst customers, albeit the number of car parking spaces has been reduced significantly across the site. It would also have been useful to undertake a full travel survey for the existing foodstore now to obtain a baseline position for staff and customers from which future targets can be more clearly identified, as well as making a greater commitment to incentives such as promotion of a car sharing scheme or access to public transport season ticket loans.

2.39 However, given the improvements which have been outlined above and the relatively limited accessibility of the site in terms of public transport overall, the Framework Travel Plan is acceptable on balance. This is subject to a condition to secure the provision of a detailed, comprehensive Travel Plan prior to first occupation of any of the units hereby approved.

3. Urban design and public realm considerations

3.1 London Plan Policies 7.1 and 7.4 and draft London Plan policy D1 and D2 seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment.

3.2 The GLA raised initial concerns with the lack of improved connections within the site and quality of the proposed pedestrian routes which would be included within it, resulting in the scheme remaining car dominated. The applicants have addressed these concerns by improving the internal north-south pedestrian route in front of the new commercial terrace and along the southern part of the parking area to connect into the bus stop along on the boundary with IKEA. This route has been improved through increased width, delineation from cars, soft landscaping and being moved away from vehicular movements as much as possible.

3.3 It is acknowledged that despite these improvements, the site remains largely car dominated and hard surfaced. However, significant weight must be placed on the existing situation, with a large retail store having been here for more than 30 years, and the site heavily constrained by physical barriers imposed by the North Circular Road and the underground line to the north, which make it extremely difficult to improve connections to nearby public transport routes and neighbouring residential areas without significant re-development. Having said this, conditions have been attached to secure bus stop improvements within the site, as well as a scheme to improve pedestrian access to the site from the North Circular footbridge to the south (these are outlined in more detail within the transport section of the report below). On this basis, it is considered that the GLA's concerns would be addressed in this regard.

3.4 With regard to public realm in general, the GLA are satisfied that this is sufficiently generous to allow effective pedestrian circulation between the Tesco Extra store and the new development. The proposal would include a large area of active shopping frontage along this pedestrian route between the existing store and the new retail development with new seating and planting, which is supported in design terms. Officers agree with these views and the proposed development is considered acceptable.

4. Scale, height and massing of proposed two storey commercial building

4.1 Although the proposed building would be two storeys, it would only sit slightly taller than

the existing Tesco store, and given the overall scale and footprint of the site, would not appear overly dominant when seen in longer views from the North Circular Road and Drury Way. The elevational treatment of the new retail units would be in keeping with the main design features of the existing Store, having a curved sweeping canopy which runs the full length of the store fronts and replicates that to the main Tesco store.

4.2 The facade has a simple, modern form with column articulation and design will be in keeping with the existing Tesco buildings arrangement and height. The proposed cladding would be predominantly dark grey, with a glazed curtain walling glazing system with glazed side-hung swing doors and overhead aluminium spandrel panels, and an insulated profiled roof panel roofing system with insulated gutters. Subject to a condition ensuring samples are made available for officers to view and approved before works commence, this is acceptable. The GLA have also confirmed that they are happy with the scale and architecture of the proposed building.

4.3 The proposed replacement totem and new fascia signage (to both the commercial terrace and the east elevation of the main Tesco store) is acceptable in principle, again subject to condition requiring further details submitted before occupation of the proposed units.

4.4 Overall, officers consider the scale, height and massing of the proposed building to be acceptable, according with policy DMP1 of the Local Plan and the advice set out within SPD1.

5. Impact on neighbouring residential amenity

5.1 Notwithstanding the wider highways, noise and air quality implications of the proposals which are assessed in other relevant sections of the report, neighbouring residential properties are a significant distance away from the site and therefore there would not be any material impacts on neighbouring occupiers as a result of the external alterations and new buildings proposed by this application.

5.2 Implications from additional traffic, noise, air quality etc are considered in more detail within relevant sections of the report below.

6. Environmental health considerations

Air Quality

6.1 London Plan Policy 7.14 and draft London Plan Policy SI1 requires development proposals to minimise exposure to existing poor air quality and make provision to address local air quality problems, particularly within Air Quality Management Areas (AQMAs). Policy SI1 further states that development proposals should take an Air Quality Neutral approach and not lead to further deterioration of air quality and should not create unacceptable risk of high levels of exposure to poor air quality.

6.2 The proposed site is within an air quality management area and therefore the applicant has submitted an air quality impact assessment which considers the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. This has been submitted.

6.3 In relation to the impact the development will have on local air quality when operational, although the NO₂ levels will exceed the national objective for annual mean and hourly exposure, this is due to the existing air quality levels within the area and the impact of the development on air quality levels would not be significant.

6.4 However, concerns were initially raised by both Brent's Regulatory Services team and the GLA regarding the lack of any air quality neutral assessment having been made. This has subsequently been submitted and has been reviewed by relevant officers. Officers consider that

appropriate mitigation measures would be implemented to ensure the development would be neutral in terms of carbon emissions, which include the installation of electric charging points.

6.5 Officers recommend that a condition should be added to any approval to ensure that the NOx emissions for the building should meet the air quality neutral benchmark of 592 kg/annum, and this has been agreed by the applicant. A further condition is attached to ensure that all mitigation measures set out in the assessment are implemented before first occupation of the units approved.

Construction Noise and Dust

6.6 The development is within an Air Quality Management Area and located very close to other commercial and residential premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Officers recommend a condition is attached requiring the submission and approval of a Construction Method Statement before works commence, outlining measures that will be taken to control dust, noise and other environmental impacts of the development. Subject to this condition, the proposals are considered acceptable in this regard.

6.7 A further standard condition is also attached ensuring that all non-road mobile machinery meets low emission construction standards.

Contaminated Land

6.8 The site to be redeveloped has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. Officers recommend that a condition is attached requiring this to be submitted before any works commence, with any remediation works required to be carried out in full and a verification report submitted to LB Brent if required.

Noise from proposed uses

6.9 London Plan Policy 7.15 requires development to mitigate and minimise the existing and potential adverse impacts of noise and vibration. This relates to impacts on the development itself from existing sources, or that which it might generate either on or off site, directly or indirectly that could have an adverse impact on those in the vicinity. Para. 6.4 of the Local Plan states that areas adjacent to the North Circular Road in Brent have been identified as amongst the most affected by traffic noise in the UK.

6.10 A detailed noise assessment has been submitted with the proposals, and correctly measures impacts both from the additional activity within the site emanating from the proposed uses (as well as associated plant), and from wider transport activity associated with greater traffic and vehicle movements. The report demonstrates that there would not be significant noise impacts resulting from the proposed development, given the existing situation and frequency of traffic movements already in place on the North Circular Road. A condition is attached ensuring that proposed plant installed to the commercial uses meets minimum background noise levels.

7. Energy and sustainability

Energy (carbon emission reduction)

7.1 Policy 5.7 of the London Plan also requires all major developments to provide a reduction in carbon emissions through the use of on-site renewable energy generation, where feasible.

7.2 A detailed Energy Statement has been submitted with the application, which follows the Energy Hierarchy and this has been welcomed by the GLA. In addition, the GLA's Carbon Emission Reporting spreadsheet has been developed to allow the use of the updated SAP 10 emission factors, and again this is welcomed.

7.3 The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated is confirmed to emit 52 tonnes of Carbon Dioxide per annum. This equates to a 37% reduction on the minimum building regulations (2013), which meets the carbon dioxide savings set within Policy 5.2 of the London Plan. No offsetting is therefore required.

7.4 The details of the energy efficiency improvements are as follows:

Be Lean (total savings within the new building from 'be lean': 25 tonnes CO₂/year: 17% reduction on Regulated total)

- Using building fabric which significantly improves on the thermal performance of a building regulation compliant building
- Orientation of building so it is south-east facing, allowing more natural daylighting and reducing need for artificial lighting, and use of canopy shading to minimise overheating
- High levels of air tightness throughout the scheme
- The use of energy efficient lighting and heating and controls
- The use of mechanical ventilation with heat recovery (MVHR)
- Heating provided to each dwelling through individual combi boilers, and use of room thermostats and other heat monitoring systems

Be Clean (total savings from 'be clean': Zero)

- The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development, and this has been confirmed by LB Brent.
- The applicant is proposing individual heating systems due to the development being small/medium sized retail units which will be fitted out by tenants. The GLA have confirmed that this is acceptable in this instance.
- The applicant suggests that units can be provided with an appropriately sized duct entry point to allow a future connection to a district heating network. A condition is attached ensuring that the proposed building is future-proofed for a connection to a district heating network.

Be Green (total savings from 'be green': 28 tonnes CO₂/year: 19% reduction on Regulated total)

- The installation of air source heat pumps in the fit-out, to provide heating and cooling
- The installation of 1,000 sqm of solar PV panels on the roof of the new building.

7.5 While the GLA were broadly satisfied with the above measures, they raised queries regarding the potential for PV panels to be installed to the existing Tesco store, and the potential for improved greening and use of living roofs/ walls on and around the site. The applicants have provided evidence that the existing roof of the store is not strong enough to support large-scale PV panel installation, and this is accepted. The applicants have also stated that the provision of green walls is heavily limited by areas of north-facing facades, the positioning of extensive glazing, covered canopies, entrance/exits/means of escape positions, service yards and maintenance requirements/access. This position is accepted, and the GLA have raised no further concerns on this matter.

7.6 Officers recommend a condition to ensure that full details of the PV panels and air source heat pumps (including drawings and a technical specification) are submitted and approved by the Council, before first occupation of any of the units approved.

Sustainability (including BREEAM and water reduction)

7.7 Core Strategy Policy CP19 requires non-major residential development to achieve a rating of BREEAM excellent. In addition, it requires major development and proposals for sensitive uses in Air Quality Management Areas to be accompanied by a Sustainability Statement demonstrating at the design stage, how sustainable design and construction measures will mitigate and adapt to climate change over the intended lifetime of a development. The statement must demonstrate that the scheme has incorporated the advice set out in the Mayor's Sustainable Design and Construction SPG and meets the requirements of relevant London Plan policies.

7.8 The applicants have submitted a sustainability statement (including a BREEAM 2818 pre-assessment report) which has been reviewed by the GLA and Brent officers. The report concludes that the ground floor A1/A3 units would achieve a potential BREEAM rating of 'very good' (69.57%), and the first floor gym would achieve a rating of 'excellent' (70.2%). Given that this is a 'shell-only' development, and that the ground floor units are very close to achieving an excellent rating, the proposals are considered acceptable in sustainability terms. A condition is attached requiring confirmation that these BREEAM ratings would be met at a design and post-construction stage.

7.9 With regard to water, the GLA also asked for further review for the potential to incorporate water harvesting into the building. The applicants responded by setting out that water use would be minimal, with customers generally not using WCs within the proposed A1/A3 uses, so they are not going to be used a lot and save a lot potable water. This requirement is better geared towards higher use building such as school, hotels or offices. This view is accepted and no further concerns have been raised by the GLA in this regard.

8. Trees and urban greening

8.1 An arboricultural implications assessment and layout plan has been submitted with the application. The assessment identifies that there are a number of trees planted around the site which are of a variable condition, which is considered typical of car park landscaping where rooting conditions are often constrained. While some trees are showing low vigour, others are worthy of retention with significant future growth potential.

8.2 7 individual trees and four groups of trees (with a maximum of 4 per group) have been recommended for removal, which are all category B, C or U trees. Some are recommended for removal due to their condition, which is particularly so with some of the trees along the south-western edge of the main car park. The proposed landscaping arrangement plan indicates 20 trees would be re-planted, predominantly to the north-western corner of the site, although precise details of species and size have not been provided at this stage. In addition, some pruning is also recommended for retained trees showing a variety of issues relating to their relationship with structures on the site, and the result of damage or poor-quality past pruning. A

8.3 The Council's arboricultural officer is satisfied with the assessment that these would have a low value and therefore their removal is acceptable. There are no trees which are subject to a Tree Preservation Order which would be affected by the proposal. Although precise details of re-planting have not been provided, officers are satisfied that this can be considered in further detail as part of a condition requiring full details of tree planting, which will be secured as part of a detailed landscaping strategy.

8.4 A landscaping masterplan and outline planting strategy has also been submitted. Improvements to this have been secured as a direct result of the GLA's initial comments that new green infrastructure should be installed to improve the site's urban greening factor, with a target of 0.3 for new commercial developments. This demonstrates that there would be adequate re-planting of both trees and shrubs to mitigate the loss of planting to the western end of the site, as a result of the proposed commercial terrace and service yard. A full landscaping strategy, including details of all species of all new trees, shrubs and hedges, will be secured via condition.

8.5 The applicants have also confirmed that the provision of green walls is heavily limited by areas of north-facing facades, the positioning of extensive glazing, covered canopies, entrance/exits/means of escape positions, service yards and maintenance requirements/access. While additional greening would be strongly encouraged, this position is accepted.

9. Ecology

9.1 Although the majority of the site is hard surfaced, to the immediate south-west of the site is the

Brent Canal Feeder and a small strip of land adjacent to this which forms part of Brent's SINC. The applicant has therefore correctly provided an Ecology Report as part of the submission.

9.2 The report indicates that the site itself is considered to be of limited value for birds and bats and of no value to protected fauna, and the proposed development would pose no serious risk to wildlife within the adjoining SINC and Canal Feeder. However, it does state that enhancement measures including bird boxes and the planting of native ground fauna, and the removal of features including Japanese knotweed and rubbish clearance would aid greater habitation of certain species within the site, and therefore contribute to the objectives of Policy WEM39 of the WAAP, as well as overarching biodiversity objectives within the London Plan. Officers therefore recommend a condition to secure these measures as part of the development. The execution of a high quality soft landscaping scheme as part of the development can also contribute in this respect.

10. **Flood risk and drainage**

10.1 The site falls largely within flood zone 1 of the Environment Agency's flood designations (the lowest flood risk), however parts of the site (to the north-east and south-east) are located within Flood Risk Zone 3a, and susceptible to surface water flooding given the proximity to the Brent Canal Feeder. A FRA and drainage strategy have been submitted with the application.

10.2 Concerns were initially raised by the GLA, the Canal and River Trust and Thames Water regarding the proposed drainage strategy, particularly in terms of surface water run-off and its potential impact on the Canal Feeder. Revised details have been provided which show that the proposal incorporates indirect connection points to the nearby Thames Water network via already existing connections, as well as confirming that expected foul water flow rates and the required storage volume for the foul water pumping station accord with the requirements of Part H Building Regulations. The commercial terrace itself has also been re-positioned to sit 10m eastwards, thereby ensuring that the terrace can utilise these connections.

10.3 The revised drainage strategy also identifies that oversized pipes and a below ground attenuation tank would be installed to provide water storage, and would represent the site's only feasible SUDS method. As outlined above in the sustainability section of the report, water harvesting was also considered by the applicants but not considered feasible due to the relatively low amount of grey water usage across the commercial terrace.

10.4 The revised strategy concludes that there would be a substantial restriction in surface water discharge rates (3xgreenfield run-off rates, which equates to 4.8l/s). The GLA and Brent's flood risk officer have confirmed that this would meet the minimum London and Brent policy requirements in terms of sustainable drainage principles, and therefore would be acceptable. A condition will require that the measures as outlined in the drainage strategy are adhered to throughout the development.

10.5 Following receipt of the revised FRA and drainage strategy, the Canal and River Trust also confirmed that earlier concerns regarding potential drainage into the Brent Canal Feeder had been satisfied. However, an informative is attached requiring the applicants to secure written agreement from the Trust, should access be required to their land during any construction works.

10.6 The Environment Agency (EA) raised an objection on the grounds that the drainage strategy fails to adequately show adequate connection to the foul water discharge system to the re-located car wash/valet service, which would now be to the south-east of the site. A search of planning history of the site shows that permission was originally granted for this facility in Sep 2008 (ref. 08/0288), and later re-located to its current position (where the proposed commercial parade would be) following pp granted in June 2010 (ref. 10/0922). As part of this latter permission, details of suitable connection to the foul water drainage system from this facility were provided. It is acknowledged that the new facility would be located closer to the Brent Canal Feeder, however it is reasonable to assume that future connection to an existing drainage system would be possible to satisfy the Agency's concerns. Officers therefore consider it appropriate for a condition to be attached, requiring precise details (i.e. through an addendum

drainage plan) showing connection to the foul water drainage system, before the proposed car wash/ valet service begins to operate in its new position, in order to address the EA's concerns.

Equalities

In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

The scheme would involve the provision of additional retail and commercial floorspace in an out-of-centre location, which is in conflict with the overarching objectives of the NPPF and local and regional policy to encourage sustainable development. However, the applicants have clearly demonstrated via sequential and retail impact tests that the proposals would not have a significantly adverse impact on the Borough's or adjoining policy-designated shopping centres, and as such would be acceptable. The site also has a long-established history of retail use, and therefore the proposals would not directly result in the loss of land within the Wembley Strategic Industrial Location.

Revisions to the scheme have overcome objections in transport, sustainability, energy, flood risk and ecology terms, subject to conditions requiring a number of sustainable transport improvements and enhancements being made to the site prior to first occupation of any of the units hereby approved. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policies, and therefore recommend the application for approval subject to the conditions set out in this report.

RECOMMENDATION: Grant Consent



Appendix 2

**GREATER LONDON AUTHORITY (GLA) STAGE 1 REPORT,
PLANNING PERMISSION 19/1363**

Wembley Tesco Extra
in the London Borough of Brent
planning application no. 19/1363

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Erection of a two-storey building within existing car park comprising 3,530 sq.m. of commercial floor space to provide 7 retail units. Alterations to the facade of the existing Tesco store and subdivision of the ground floor to facilitate creation of a 1,470 sq.m. retail unit. Alterations to the car park layout, relocation of car wash/valet, landscaping and provision of cycle parking.

The applicant

The applicant is **Tesco PLC** and the architect is **LOM**.

Strategic issues summary

Principle of development: Whilst the proposal would provide new jobs and new retail space in the Opportunity Area, it involves the provision of main town centre uses outside of a town centre and will be heavily car reliant. The applicant must satisfy the sequential and impact tests. The development of further retail on an existing retail park on SIL is strongly discouraged but, subject to its impact on town centres, could be acceptable in this instance owing to the established use. The applicant should explain their long-term vision for the site to include industrial uses and housing (paragraphs 17-24).

Urban design: The proposed public realm improvements are insufficient to promote active travel and do not support improved connections to adjacent sites or to public transport options. Further discussions are required on this aspect of the scheme (paragraph 25-27).

Environment: The Energy Hierarchy has broadly been followed but the applicant should consider additional PV and provide evidence of communication on connection to a district heating network. An Air Quality Neutral approach has not been taken and further air quality mitigation measures are required. A full review of flood risk should be provided, and flood resilience and emergency planning measures should be included. A fully detailed drainage strategy should be provided. The applicant should consider green roofs and walls and provide the Urban Greening Factor score (paragraphs 29-35).

Transport: The proposed amount of car parking is unacceptable. Walking, cycling, landscaping, public realm and public transport improvement is required. The vehicle and bus trip generation must be revised. Disabled parking and electric vehicle charging points, including a rapid charging hub, in line with London Plan and draft London Plan standards must be provided. A revised travel plan should be submitted and secured within the s106 agreement. A Delivery and Servicing Plan and a Construction Logistics Plan should both be secured by condition (paragraphs 36-43).

Recommendation

That Brent Council be advised that the application does not comply with the London Plan and the draft London Plan, for the reasons set out in paragraph 47 of this report; but that the possible remedies set out that paragraph could address these deficiencies.

Context

1 On 9 May 2019, the Mayor of London received documents from Brent Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3E of the Schedule to the 2008 Order:

- *3E "Development —(a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for use falling within any of the following classes in the Use Classes Order—*
 - *(i) class A1 (retail);*
 - *(iii) class A3 (food and drink);*
 - *(xii) class D2 (assembly and leisure).*

3 Once Brent Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The approximately 5 hectare site is located in the Wembley Opportunity Area in a Strategic Industrial Location (SIL). The site is also within a Strategic Area for Regeneration and the Brent Housing Zone. The nearest town centre is Neasden District Town Centre, which is approximately 700 metres to the north.

6 The site is currently occupied by a 10,238 sq.m. (NIA) Tesco Extra store with ancillary car parking and a petrol station. The site is bounded to the east by the A406 North Circular Road and low-rise commercial development, to the north by the B4557 road, railway lines and an industrial yard and to the west and south by a large IKEA warehouse store and associated service yards.

7 The site is on the North Circular Road and from this road the site is approximately 400 metres from Neasden Underground Station (Jubilee Line), as measured in a straight line; however, the actual walk would be over 1 kilometre long beside and via a bridge over the 6-lane North Circular Road. It is accessible by five bus routes from a bus stop within the site. The Public Transport Access Level (PTAL) of the site is 2/3, on a scale of 0-6b where 6b is the highest. As such, public transport accessibility is low to moderate.

8 The pedestrian and cycle environment is generally poor. Cyclists use routes on site dominated by heavy goods vehicles and cars and must use the carriageways of adjacent roads. The North Circular and the railway lines are barriers to movement and result in a noisy environment with poor air quality. Drury Road links to the only residential area within easy walking distance and it has footways of variable quality often with parked cars obstructing the route. On site there is little provision for pedestrians and bus passengers must walk through the large car park between the bus stops and the store.

Details of the proposal

9 The applicant is proposing the reconfiguration of the existing Tesco Extra store to accommodate a new unit and the construction of a separate two-storey building to the south-west of the store on existing car parking. This would create an uplift of 3,502 sq.m. (NIA) in retail, food and beverage and leisure uses.

10 The development would reduce the existing Tesco Extra store in size to 8,454 sq.m. by subdividing the ground floor to create a new 1,470 sq.m. retail unit and increasing the size of two smaller units to 120 sq.m. and 166 sq.m. in size respectively.

11 A separate two-storey building would cover 3,530 sq.m. and contain 7 units, including two restaurant/cafe units, three flexible commercial units and one retail unit on the ground floor and a gym on the first floor.

12 The proposals also include external alterations to the appearance of the Tesco store, public realm and landscape works and alterations to the car park layout.

Table 1: Existing and proposed floorspace

Floorspace by use (NIA)	Existing (sq.m.)	Proposed (sq.m.)	Difference (sq.m.)
Tesco Extra store	9,973	8,454	-1519
Retail (in changes to Tesco store)	265	1,756	+1,491
Retail/restaurant/cafe (new building)	0	1,796	+1,796
Gym	0	1,734	+1,734
Retail/ restaurant	10,238	13,740	+3,502

Case history

13 There is no strategic planning history associated with this site. The applicant has engaged in pre-application discussions with the GLA in relation to this site. The principle of development within an Opportunity Area was supported. The additional retail development on an existing retail site albeit in SIL could be acceptable, although the proposal would require a number of public realm and transport improvements to make it sustainable. Overall, the proposal was not supported due it being retail and leisure development in an out-of-centre location, subject to the outcome of the proposed sequential test and impact assessment.

Strategic planning issues and relevant policies and guidance

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Brent 2010 Core Strategy Development Plan Document (DPD); the 2011 Site Specific Allocation Development Plan Document; the 2016 Development Management Policies; and the 2016 London Plan (Consolidated with Alterations since 2011).

15 The following are also relevant material considerations:

- The National Planning Policy Framework (February 2019);
- National Planning Practice Guidance;
- The draft London Plan (consultation draft December 2017 incorporating minor suggested changes published in August 2018), which should be taken into account on the basis explained in the NPPF;
- The Wembley Area Action Plan (January 2015); and,
- The Brent Preferred Options Local Plan (November 2018).

16 The relevant issues and corresponding policies are as follows:

- Opportunity Areas *London Plan;*
- Retail *London Plan; Town Centres SPG;*
- Strategic Industrial Locations *London Plan; Land for Industry and Transport SPG;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Environment *London Plan; Sustainable Design and Construction SPG; London Environment Strategy;*
- Transport & Parking *London Plan; Mayor's Transport Strategy.*

Principle of development

Opportunity Area

17 London Plan Policy 2.13 and draft London Plan Policy SD1 state that proposals in Opportunity Areas should seek to optimise residential and non-residential outputs, contain a mix of uses and support wider regeneration. The London Plan identifies the Wembley Opportunity Area as having an identified development capacity for up to 11,000 new jobs and a minimum of 11,500 new homes, increased to up to 13,500 jobs and 14,000 homes in the draft London Plan. The Wembley Area Action Plan sets out aims to enhance the vitality and viability of Wembley town centre as the focus for new retail and town centre uses and maintaining a range of retail and local services in other town centres. It outlines a need for 27,000 sq.m. of comparison and 12,500 sq.m. of convenience retail space up to 2026 in the town centre.

18 The proposal for new retail and leisure development would help meet the objectives to provide new jobs and new comparison retail space in the Opportunity Area. However, the proposed development would take place outside of a town centre, which is contrary to the town centre first approach set out in the London Plan and the NPPF. This is considered further below. The development will also be heavily car reliant, which is contrary to the overall aims of London Plan Policy 2.13 and the draft London Plan.

19 Draft London Plan Policy SD8 states that the full potential of existing out of centre retail parks to deliver housing intensification should be realised, and that this should not result in a net increase in retail or leisure floorspace. It is acknowledged that this part of the Opportunity Area requires several strategic transport and land use interventions to unlock its residential and industrial development potential. A comprehensive masterplan in agreement with the Council is essential before the benefits of the site can be realised. In this case, whilst the further provision of retail is undesirable, the simple and functional design of the proposal and the short-term leases typically associated with retail occupiers means the development should be easy to demolish and would not preclude the future optimisation of the site for mixed-use development. However, this is not guaranteed, and the

applicant should however outline its long-term vision for the site in conjunction with the neighbouring IKEA site and with the Council, and which should include industrial and residential uses. The proposed further retail development on a retail park is strongly discouraged but may be accepted as an interim development, subject to an outline vision for the site, detailed consideration of sequentially preferable sites and its impact on town centres.

Strategic Industrial Locations

20 London Plan Policy 2.17 and draft London Plan Policy E5 are clear that SIL should be protected in London. Retail and leisure development proposals in SILs should only be allowed where they are small scale 'walk to' services.

21 The proposal is located within a Strategic Industrial Location (SIL). It is acknowledged that the SIL is currently occupied by the Tesco Extra store, ancillary uses and car parking, and as such is not used for industrial purposes. It is noted that nearby SIL, which is in low-density industrial use, could be reasonably intensified before the SIL on this site comes forward as part of a comprehensive redevelopment. The potentially short to medium term nature of the additional retail development proposed on this established retail site within SIL could be acceptable in this instance with regard to London Plan industrial land policy, subject to its impact on town centres.

22 However, it is imperative that the applicant works with IKEA and Brent Council to develop a comprehensive masterplan for the wider site as soon as possible. This must include industrial uses along with residential development on the site, in accordance with London Plan Policy 2.17 and draft London Plan Policies SD1 and E5.

Town centres

23 Paragraph 86 of the NPPF states that main town centre uses, which include retail and leisure, should be located in town centres first. Only if suitable sites are not available should out-of-centre locations be considered. The NPPF requires that a sequential test is applied to planning applications for main town centre uses outside of a town centre or that are not in accordance with an up-to-date plan. Furthermore, in line with London Plan Policy 4.7 and draft London Plan Policy SD8, retail and town centre use development outside of centres is strongly discouraged. Proposals for new, or extensions to existing, edge or out of centre development are subject to an assessment of impact.

24 The proposed development would constitute an uplift of 3,502 sq.m. of out-of-centre provision of main town centre uses, which is contrary to the NPPF, the London Plan and the draft London Plan. The applicant has consequently carried out a sequential test and impact assessment. The sequential test assesses a range of town centres in Brent, including Wembley Major Town Centre and nearby district centres, as well as other preferable sites, and the applicant considers that these sites could not accommodate the proposed uses. The Council will have a better knowledge of potentially available sites compared to the GLA and it is understood that it has appointed a consultant to independently appraise the applicant's submission. The Council should ensure that the GLA are updated on the progress of this work. To assess the impact of this out-of-centre provision on town centres, the impact assessment considers the retail, leisure and restaurant impacts of the proposal. The assessment considers that the proposal would have the biggest impact on Wembley Major Town Centre, drawing 0.7% of convenience and comparison goods trade away, and as such would not have a significantly adverse impact on nearby town centres as described in NPPG. The Council and its consultant should confirm the robustness of this assessment.

Urban Design

25 London Plan Policies 7.1 and 7.4 and draft London Plan policy D1 and D2 seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings

and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment.

26 The public realm is sufficiently generous to allow effective pedestrian circulation between the Tesco Extra store and the new development. The proposal would include a large area of active shopping frontage along this pedestrian route between the existing store and the new retail development with new seating and planting, which is supported in design terms. However, the site would remain car dominated, and the proposed public realm improvements are insufficient to promote active travel and do not support improved connections to adjacent sites or to public transport options, as detailed in the transport section below. Furthermore, the proposed macadam surface to the south west of the site is a low quality pedestrian route and should be replaced with a safer raised pedestrian footway. Further discussions are required on this aspect of the scheme.

27 The new building would be of a similar style to the existing Tesco Extra, with a similar roof profile and architecture that is consistent with the surrounding context. As such, the materials and architecture are accepted.

Inclusive design

28 London Plan Policy 7.2 and draft London Plan Policy D3 require that all new development achieves the highest standard of accessible and inclusive design. These policies seek to ensure that all new development can be used easily and with dignity by all. The internal layouts and circulation spaces are sufficiently generous and inclusive and as such the application meets London Plan Policy 7.2 and draft London Plan D3.

Environment

Energy

29 In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary, the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures) and renewable technologies (comprising PV panels and heat pumps). The approach proposed would achieve a 37% carbon dioxide reduction. The carbon dioxide savings meet the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions, such as additional PV, and should provide evidence of communication on connection to a district heating network; the design should allow future connection to such a network.

Water

30 The site is in Flood Zone 1 and greater than 1 hectare in area. A Flood Risk Assessment (FRA) has been submitted as required under the NPPF. The FRA provided for the proposed development does not comply with London Plan Policy 5.12 and draft London Plan Policy SI12 as it does not give appropriate regard to surface water flood risk. A full review of flood risk (including residual risks) from all sources of flooding should be provided, and flood resilience and emergency planning measures should be included to manage these risks.

31 The surface water drainage strategy for the proposed development does not comply with London Plan Policy 5.13 and draft London Plan Policy SI13 as it does not give appropriate regard to the drainage hierarchy and greenfield runoff rate. A fully detailed drainage strategy should be provided.

32 The proposed development generally meets the requirements of London Plan Policy 5.15 and draft London Plan Policy S15 on water use and infrastructure. The applicant should also consider water harvesting and reuse to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit.

Air quality

33 London Plan Policy 7.14 and draft London Plan Policy S11 requires development proposals to minimise exposure to existing poor air quality and make provision to address local air quality problems, particularly within Air Quality Management Areas (AQMAs). Policy S11 further states that development proposals should take an Air Quality Neutral approach and not lead to further deterioration of air quality and should not create unacceptable risk of high levels of exposure to poor air quality.

34 The Air Quality Assessment does not meet the Air Quality Neutral benchmark and further mitigation is required on site. Some of the suggested air quality improvements result from the applicant's transport assessment showing a substantial reduction in heavy-duty vehicle movements in the with development scenario compared to without development, particularly on some sections of the North Circular. Given that additional floorspace is proposed this is considered unlikely and the applicant should clarify this position. The applicant should also provide a rapid charging hub as detailed in the transport section below. The applicant has also not provided sufficient details to assess whether the building emission benchmark will be met, which should be addressed by condition. As such, the development does not comply with London Plan Policies 3.2, 5.3 and 7.14 and draft London Plan Policy S11 on air quality.

Urban greening

35 London Plan Policy 5.10 and draft London Plan Policy G5 state that developments should provide new green infrastructure that contributes to urban greening. Policy G5 also sets out a new Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The proposal includes large areas of roof top space and empty wall space, which provides a good opportunity to incorporate green and brown roofs and green walls and these should be provided where feasible. The applicant has also provided new tree and groundcover planting. The applicant should further increase the level of urban greening towards the UGF recommended target score of 0.3 for commercial developments and should provide this score.

Transport

36 Whilst there would be a reduction of overall car parking on the site from the existing 558 spaces to 443 car parking spaces, this is well above both the current and draft London Plan parking standards, which is unacceptable. Furthermore, it exceeds the maximum of 310 parking spaces required at the busiest time in the applicant's parking accumulation survey. The proposed level of provision would not help deliver the mode shift targets set out in the Mayor's Transport Strategy and in the draft London Plan towards more sustainable travel and may in fact encourage car use through apparent over-provision of parking. The proposal also has the potential to undermine the Mayor's Vision Zero for London Action Plan due to the high car mode share and the continuing dominance of the vehicles in the layout of the site over pedestrians, cyclists and bus passengers. To promote sustainable travel, car parking provision must therefore be further reduced and the space used for active and bus travel and new public realm. Disabled parking and electric vehicle charging points in line with London Plan and draft London Plan standards must be provided. The installation of a rapid charging hub would complement the retained petrol station at the site and the applicant should engage with officers to secure this as part of the proposal. Carer and child spaces should also be included.

37 The transport assessment has several significant issues that mean it is likely to underestimate the number of trips generated by the development, in particular those by car, which is already the dominant mode. To enable an appropriate assessment of impacts and the identification of any necessary mitigation these deficiencies must be addressed prior to determination.

38 The proposal includes 9 long term and 46 short term cycle parking spaces, which meets the minimum London Plan standards for the uplift in floorspace only. The locations of the short stay spaces are considered acceptable. However, to comply with London Plan and draft London Plan policy, the applicant should clarify the locations for the long stay spaces and make additional provision for existing Tesco employees, who are under-provided for currently. The applicant should also provide wider cycle spaces for adapted/ cargo bikes in the long- and short-term parking as well as shower and changing facilities in line with the London Cycle Design Standards.

39 The development would include a pedestrian link between the new retail and related units and the retained car parking and existing store. However, the underlying problems of pedestrian access to and from and within the site would remain and thus there would unlikely to be any mode shift toward walking, let alone cycling for which no additional improvements are proposed. To enable a meaningful mode shift to sustainable travel, offsite improvements as well as further on-site walking/ cycling/ landscaping/ public realm improvements are required. These should provide inclusive and pleasant routes within and outside the site which are as convenient as possible given the significant barriers to movement and would link to the nearest housing areas, on and off-site bus stops, to the adjacent Ikea store and to Neasden Underground Station. An Active Travel Zone assessment should be undertaken to identify improvement needs. In the absence of a significant package of improvements this development risks intensifying an already heavily car dependent development in an unsustainable location, contrary to London Plan Policy 2.8 and draft London Plan policy T1 and T2.

40 The applicant has proposed to provide a new on site bus shelter, which should be secured by s106 agreement. However, this does not go far enough to encourage bus use, the only form of public transport within reasonable distance of the site. Passengers will still have to walk across the access road and the large surface car park between the existing and new retail development and the bus stop.

41 A draft travel plan has been included in the submission. The plan only focuses on measures to promote sustainable travel by employees working on site; however, as the vast majority of the trips will be made by customers, it is more important to provide adequate measures and incentives to reduce these car trips and promote active travel and bus use. A revised travel plan should be submitted and secured within the s106 agreement.

42 A Delivery and Servicing Plan and a Construction Logistics Plan should both be secured by condition.

43 In the absence of progress of a comprehensive masterplan and in the interim a further reduction in car parking and commitment to and delivery of a significant package of active travel and bus mitigation, this application will exacerbate the existing issues arising from a car dominated out of town retail development. This would be contrary to NPPF paragraphs 102 and 103 and both London Plan Policy (2.8 & 13, 6.1 – 3, 6.7, 6.9 & 10 and 6.13) and draft London Plan policy (GG2, T1, T2, T4, T5 and T6.3).

Local planning authority's position

44 Brent Council officers are currently reviewing the application. A committee date for the application has not yet been set.

Legal considerations

45 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

46 There are no financial considerations at this stage.

Conclusion

47 London Plan and draft London Plan policies on Opportunity Areas; industrial land; town centres; design; inclusive design; environment; and transport are relevant to this application. Having regard to these policies the application complies with some of these policies but not with others as per the schedule below:

- **Principle of development:** Whilst the proposal would provide new jobs and new retail space in the Opportunity Area, it involves the provision of main town centre uses outside of a town centre and will be heavily car reliant. The applicant must satisfy the sequential and impact tests. The development of further retail on an existing retail park on SIL is strongly discouraged but, subject to its impact on town centres, could be acceptable in this instance owing to the established use. The applicant should explain their long-term vision for the site to include industrial uses and housing.
- **Urban design:** The proposed public realm improvements are insufficient to promote active travel and do not support improved connections to adjacent sites or to public transport options. Further discussions are required on this aspect of the scheme.
- **Environment:** The Energy Hierarchy has broadly been followed but the applicant should consider additional PV and provide evidence of communication on connection to a district heating network. An Air Quality Neutral approach has not been taken and further air quality mitigation measures are required. A full review of flood risk should be provided, and flood resilience and emergency planning measures should be included. A fully detailed drainage strategy should be provided. The applicant should consider green roofs and walls and provide the Urban Greening Factor score.
- **Transport:** The proposed amount of car parking is unacceptable. Walking, cycling, landscaping, public realm and public transport improvement is required. The vehicle and bus trip generation must be revised. Disabled parking and electric vehicle charging points, including a rapid charging hub, in line with London Plan and draft London Plan standards must be provided. A revised travel plan should be submitted and secured within the s106 agreement. A Delivery and Servicing Plan and a Construction Logistics Plan should both be secured by condition.



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