

Neil Lucas  
Director, Planning  
DP9 Ltd

## BY EMAIL

18<sup>th</sup> August 2015

Dear Mr Lucas

Re: Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 5 (1) 2011 and Amendment Regulations 2015: Request for EIA Screening Opinion for the redevelopment of Chesterfield House, Wembley, HA9 7RH

Thank you for your letter dated 29<sup>th</sup> July 2015, received by e-mail on the 3<sup>rd</sup> August in which you requested that the planning authority adopt a screening opinion of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, as amended, in respect of a forthcoming planning application for the proposed redevelopment of the aforementioned site.

The proposed development is for the redevelopment of Chesterfield House with circa 240 residential dwellings, with a mix of 1 bed, 2 bed and 3 bed dwellings provided on the upper six floors of a seven storey plinth plus two towers one of circa 21 storeys (49 metres) and another of circa 26 storeys (87 metres). On the ground floor, a community centre (circa 141 sqm GIA) retail space (circa 410 sqm GIA) will also be provided, together with a public space plus parking for 7 cars and servicing area.

Having considered the proposals as detailed in your letter, Brent Council is of the opinion that the application does not fall within Schedule 1 Development of the Environmental Impact Assessment Regulations 2011 but within Schedule 2 Development, Part 10, Infrastructure Projects (b) – Urban development projects (ii) the development includes more than 150 dwellings. Brent Council has also given consideration to the characteristics of the development, its location and potential impact as set out in Schedule 3 of the Environmental Impact Assessment Regulations 2011 and Planning Practice Guidance. Planning Practice Guidance indicates the types of case in which, an EIA is more likely to be required. It states:

*‘Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.’*

EIA is more likely to be required where:

- (i) the area of the scheme is more than 5 ha; or*
  - (ii) it would provide a total of more than 10,000m<sup>2</sup> of new commercial floorspace; or*
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*(iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).'*

*'Account is also to be taken of the physical scale of such developments, potential increase in traffic, emissions and noise.'*

(Reference: National Planning Practice Guidance, Environmental Impact Assessments, Annex: Indicative Screening Threshold Paragraph 57)

Taking into account the scheme's scale, nature and location, the Council considers that the new development is on a significantly greater scale than the previous use and due to its height it is anticipated it will result in significant environmental effects. Therefore, the Local Planning Authority considers that the forthcoming application for this site requires an Environmental Impact Assessment.

### **Ecology and Nature Conservation**

Planning Practice Guidance states, in general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. Environmentally sensitive locations are considered to comprise:-

- a) Sites of Special Scientific Interest, any consultation areas around them (where these have been notified to the local planning authority under article 10 (u)(ii) of the GPDO), land to which Nature Conservation Orders apply and international conservation sites; and
- b) National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and scheduled monuments.

There are no areas which have an ecological designation (as listed above) on or immediately around the site. I am of the view that the proposed development would not cause any significant adverse impacts.

### **Traffic related impacts-Movement and Safety**

The council does not consider that the development will result in significant impacts on highway capacity to warrant an EIA related to this issue. The council accepts that the development will lead to some traffic and air pollution within the vicinity of the development but that the impact is not significant when taking into account the existing situation should the existing building be occupied.

### **Contamination**

It is considered that there is slight risk of contamination at the site but on the basis of experience with other application sites it is not considered to be large enough, complex or unusual enough to require an EIA related to this issue.

### **Archaeology and Architectural Context**

The site is not located within an Archaeological Priority Area (as defined on the UDP proposals map). It is not located within a conservation area, the nearest is Wembley High Street Conservation Area. This conservation area due to its topography and the presence of extensive areas of suburban housing between it and the application site is considered to have limited views to the south. At this stage it is unclear whether the proposed development due to its height would be visible from this conservation area. There are no listed buildings in close proximity and as such it is considered that impact on the setting of those closest is unlikely to be significant. The development will be very visible from much of King Edward VII Park, although not statutorily listed it is on the London Historic Parks & Gardens Trust Inventory.

Overall, the scale and height of the proposed buildings means it is unlikely to have significant impact on the setting of features of historic or cultural importance and warrant an EIA in respect of this issue.

### **Air Quality and Noise**

The site does fall within Brent's Air Quality Management Area. The development is not likely to release significant pollutants or hazardous, toxic or noxious substances into the air and the proposed use is not predicted to have a significant effect upon air quality or traffic generation in the area which would require an EIA related to this issue.

It is anticipated the proposal will result in an increase in noise levels during construction. However, the noise levels are not considered to be significant enough to warrant an EIA in respect of this issue.

### **Other impacts**

The council has assessed other possible impacts (as set out in the attached screening checklist) and effects of the development, and considers that whilst on the majority of criteria it will have no or limited impact to warrant an EIA, the visual impact effects related to the height and scale of the proposed building compared to the existing townscape in the immediate locality and further afield are significant enough to warrant an EIA.

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Date of Decision: 18<sup>th</sup> August 2015

On behalf of the Council of the London Borough of Brent

Paul Lewin  
Planning Policy & Projects Manager  
Planning and Regeneration  
Brent Council

# SCREENING CHECKLIST

(taken from Guidance on EIA: Screening, European Commission, June 2001)

## Summary of features of project and of its location indicating the need for EIA

Questions to be Considered For further guidance on factors to be considered see the more detailed questions listed in the Scoping Guidance	Yes / No / ? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
1. Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?	Yes – the site will change from a predominantly mid rise commercial use to a predominantly high rise residential use.	Yes, the form of development is a significant variant from that which exists as it proposes two residential towers of 21 and 26 storeys, whilst the existing building is 7 storeys. The proposed building is 133.7 metres AOD whilst the existing building is at +72.3 AOD. The limited existing provision of tall buildings and in particular buildings of this height mean that proposed building will be visible from considerably further distance than is currently the case from a number of directions.
2. Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	Yes – only those typical of construction activities within an urban area, but limited amounts of non-renewables such as oil based fuels. The majority of materials are existing materials are likely to be recycled which is also true of the new materials required should the proposed building be redeveloped in the future.	No – the construction of this proposed development in this location is not predicted to have a complex or unusual effect and therefore would not have a significant effect on natural resources.
3. Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	No - the proposed development will not involve the use, storage, transport or production of substances or materials which could be harmful to people or the environment.	No – as the proposed use for the redevelopment of the site will not have a significant effect on human health or the environment.
4. Will the Project produce solids during construction or operation or decommissioning?	Yes –There will be waste produced from construction.	No – mitigation to be agreed prior to works.
5. Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	No – The existing building which will have to be removed because of its age may contain substances that are regarded as toxic. There are no elements of the proposed development that will result in the generation or release of noxious, hazardous or toxic substances to air.	No – Method statements for removal of potential toxic materials would be followed in the demolition and removal of the building. It is likely the developers will be use the Considerate Constructors scheme consequently there will not be any environmental nuisance in respect to significant release of pollutants or contaminants.

6. Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Noise and some vibration may be generated by construction and demolition, but this can be managed by conditions.	No – The effects are not predicted to be significant or unusual. Noise, and light will be generated but these effects are not predicted to be significant in this context.
7. Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	High level records of potential contamination areas indicate that the northern part of the site is within the boundaries of Historical Industrial Sites (presumably as part of the railway).	No – The level of contamination would not be so significant enough to warrant an EIA.
8. Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	No – the construction and operation of the site do not involve the use of high risk substances or the use of high risk technologies.	No – It is considered that there would be no significant risk of accidents as a result of the end use of the development.
9. Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No, the amount of housing proposed and loss of existing commercial floorspace will not result in social change.	No in the context of Wembley and Brent, the changes in floorspace are not significant.
10. Are there any other factors which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality?	Yes – whilst each application for development has to be assessed on its impacts, the scale of the development proposed would create a step change in the height of buildings in this part of Wembley against which other sites identified as suitable for tall buildings/applications for tall buildings will be compared/considered against.	Yes – whilst assumptions about potential for tall buildings within Wembley have been considered through the development plan adoption process, the height of buildings for this part of Wembley assumed was considerably lower than that which is proposed in this application.
11. Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?	No, although the cutting is designated as a Site of Nature Conservation Importance in the 2004 UDP.	No
12. Are there any other areas on or around the location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?	No	No
13. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?	No	No
14. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No	No
15. Are there any areas or features of high landscape or scenic value on or around the	No	No

location which could be affected by the project?		
16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes, the site is on a prominent street within a town centre that is used by the public for access to a range of everyday facilities.	The main potential effects are considered to be impact on micro-climate particularly in the areas at the base of the development related to wind turbulence and overshadowing. Prior to assessment it is not known how significant this impact could be in terms of effect on pedestrian comfort/experience in the area, although impact is likely to be local, rather than large scale.
17. Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The High Road experiences high levels of congestion, but the development is proposed to be essentially car free and would remove the likely potential for private car trips due a reduction in parking provision on site compared to that which exists if it was used to its maximum potential, rather than being vacant. The site has very high levels of public transport accessibility (PTAL6) to a variety of public transport routes.	No, in the short term construction traffic and its movement/management may have an impact on the local highway network, but this is not considered to be significant.
18. Is the project in a location where it is likely to be highly visible to many people?	Yes – the site is on a busy thoroughfare within a town centre as well as major public transport routes and in terms of the topography of Brent is in a relatively elevated part of the Borough. The proposed height of the building associated with its massing means that potentially views of it extend to many miles in most directions, but particularly from the west and in the arc from the west to the east when viewed from the south.	Yes, this is considered to be significant. Locally the height of the building, particularly when viewed from adjacent relatively low density sub-urban areas, plus along corridors like Wembley High Road will mean it will be highly visible and represent a significant departure from the existing urban form. For medium to longer distance views from some view points the proposed building might well be viewed in association with a background formed of taller buildings that either exist, such as Wembley stadium and its adjacent development or those which are proposed (some of which is higher than that which currently exists) which are also fundamentally congregated around Wembley Stadium.

		However, many of these developments are a number of years away from start/completion, so the current background is more limited in relation to the skyline containing tall buildings. In addition from many viewpoints the proposal is substantively detached from these existing and proposed developments. The building's scale together with its elevated position means that as such it would appear to have significant impact as a relatively isolated feature much elevated above the existing urban form to which the eye would be drawn.
19. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	The Wembley Hill Conservation Area to the north is the nearest heritage asset. The scale of the building means that it will be visible from areas such as Barn Hill conservation area. There are no listed buildings in close proximity to the proposed development.	No it will be appropriate to undertake a desk-top assessment to examine potential for archaeological remains on the site however, impacts on listed buildings and conservation areas are not considered to be significant due to the distance and their characteristics for designation.
20. Is the project located in a previously undeveloped area where there will be loss of greenfield land?	No	No
21. Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?	Yes, the site has existing commercial uses on it (largely vacant office on upper floors) and a mixture of occupied and vacant retail units at ground floor level. It is also located in a town centre with to the south of the Chiltern Line a wide range of main town centre uses in close proximity plus residential properties, whilst north of the line the area is predominantly residential with social infrastructure such as primary school, church and the extensive King Edward VII park.	It is considered that the main issues in relation to existing uses is likely to be visual impact and at a very local level the micro-climate around the base of the development and in adjoining areas due to increased wind and loss of sunlight.
22. Are there any plans for future land uses on or around the location which could be affected by	Yes. The site is part of a town centre and within the	The site is adjacent to allocations W3 Chiltern Line

the project?	boundary of the Wembley Area Action Plan.	Cutting North and W4 High Road / Chiltern Line Cutting South. The development could prove to be a catalyst for bringing forward site W4 as it will change the context of the area both in terms of investor perception and future scale and massing of buildings which realistically are likely to be higher density than might have otherwise been considered due to the precedent set by this proposal. The Wembley Opportunity Area has a residential dwellings target, which this proposal would make a valuable contribution towards.
23. Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	The area surrounding is populated but apart from directly adjacent in King Edward Court and further away at Wembley Point with relatively low density suburban housing.	Local scale visual impact of the development is likely to be the main effect on the area.
24. Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?	There are sensitive uses such as the Park Lane primary school and Park Lane Methodist Church within 100 metres of the site.	No, the occupied building's operational use is not likely to significantly impact on these sensitive uses.
25. Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	No	No
26. Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	Yes – the site is within an Air Quality Management Area.	The impacts are unlikely to be significant. The impact of the construction phase will be temporary and dealt with via a construction management plan or conditions related to a transport assessment so as not to increase congestion. After the construction phase the development is likely to reduce the amount of private car transport/congestion impacts related to the site due to a very low level of provision of parking.
27. Is the project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present	No	No

environmental problems?		
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The **Screening Checklist** provides a list of questions to help identify where there is the potential for interactions between a project and its environment.

These questions have been considered for each “Yes” answer in the **Screening Checklist** and the conclusion and the reasons for it noted in the checklist. The questions are designed so that a “Yes” answer will generally point towards the need for EIA and a “No” answer to EIA not being required.

### Questions to be Considered

1. Will there be a large change in environmental conditions?
2. Will new features be out-of-scale with the existing environment?
3. Will the effect be unusual in the area or particularly complex?
4. Will the effect extend over a large area?
5. Will there be any potential for transfrontier impact?
6. Will many people be affected?
7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected?
8. Will valuable or scarce features or resources be affected?
9. Is there a risk that environmental standards will be breached?
10. Is there a risk that protected sites, areas, features will be affected?
11. Is there a high probability of the effect occurring?
12. Will the effect continue for a long time?
13. Will the effect be permanent rather than temporary?
14. Will the impact be continuous rather than intermittent?
15. If it is intermittent will it be frequent rather than rare?
16. Will the impact be irreversible?
17. Will it be difficult to avoid, or reduce or repair or compensate for the effect?