

PD10206/JPB/HB  
email: [harriet.barber@montagu-evans.co.uk](mailto:harriet.barber@montagu-evans.co.uk)

15 May 2017

Toby Huntingford  
Planning Services  
London Borough of Brent  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 0FJ

Dear Mr Huntingford

**PROPOSED DEVELOPMENT AT FAIRGATE HOUSE, 390-406 WEMBLEY HIGH ROAD, HA9 6AS – APPLICATION FOR SCREENING DIRECTION PURSUANT TO TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2011 (AS AMENDED)**

On behalf of our clients, Fairgate Developments Ltd, we write to you under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As Amended) (“the Regulations”) to request a Screening Opinion in respect of their proposals for the mixed use redevelopment of 390-406 Wembley High Road, which will hereafter be referred to as “the Site”.

In accordance with the Regulations, this letter provides the following information to allow you to determine whether the above scheme requires an Environmental Impact Assessment (“EIA”):

- A location plan and description of the site;
- A description of the nature and purpose of the development;
- A Scheme Information Document, prepared by Lifschutz Davidson Sandilands; and
- A draft schedule of application documents (**Appendix 1**).

**SITE DESCRIPTION**

The Site is 0.49 ha in size and comprises Fairgate House (390-400 High Road), Pittman House (402-406 High Road) and land to the rear, which is currently used for car parking.

Fairgate House provides six floors of office accommodation above ground floor retail uses (c. 800 sqm of floorspace). The offices extend to approximately 2,150 sqm and have been largely vacant since 2009/10. They are generally in a poor condition. Fairgate Developments owns the freehold interest of Fairgate House, including the two ground floor retail units.

Pittman House, which has recently been acquired by Fairgate, comprises a three storey building with three retail/café units at ground floor and two storeys of offices above.

Immediately west of Fairgate House is a vehicular access to the parking and servicing to the rear of the site, which we understand provides for 38 car park spaces. The land on which this car park is located is currently controlled by Fairgate under a long lease from Network Rail. To the north, beyond the parking/servicing area, is a treed railway embankment owned by Network Rail, which is known as Wembley Chiltern Embankment.

The Site is allocated within the Wembley Area Action Plan under site proposal W4 (Wembley High Road/Chiltern Line Cutting South), which is approximately four hectares in size and is identified as having a potential development capacity of 890 units.

The Site is also part of the Wembley Housing Zone and falls within the Council's wider ambitions of adapting and restructuring this part of the High Road to better connect the town centre with the stadium developments.

Given the high level of accessibility to a wide range of public transportation options, the Site has a PTAL rating of 6A. It is located approximately 450 m from Wembley Central overground/underground station. In addition, Wembley Stadium rail station is located 400 m to the east of the site. There are several bus stops located on the High Road with direct services to Euston (N 18), Charring Cross (N 18) and Golders Green (N 83).

The Site is situated within the secondary shopping area of Wembley Town Centre. To the west, this mainly comprises traditional shop units with offices or residential uses above in buildings of 3-4 storeys in height. This extends as far west as Chesterfield House, which is located at the junction of High Road and Park Lane. However, to the east the character is based upon post war office buildings.

Whilst we understand that the Site is close to a Local Flood Risk Zone, the Site is not situated in an area liable to flooding (based upon the EA's on-line flood maps). There are trees in the pavement (beyond Fairgate's ownership) in front of the site. Wembley Chiltern Embankment is designated as a Site of Nature Conservation Importance.

## **REDEVELOPMENT PROPOSALS**

It is proposed that a full planning application will be made in autumn 2017.

The proposed development would comprise the redevelopment of the Site to provide three buildings (G + 4, G + 16, and G + 23), containing 300 sqm of ground floor retail/commercial floorspace and 189 apartments at upper levels. The proposals include a single storey basement, which connects all three buildings and provides back of house, plant and parking areas.

The proposals have been subject to extensive discussions with Officers and, prior to the submission of an application, will also be subject to CABI design review, pre-application discussions with the GLA and public consultation with the local community.

The proposed development will be liable for the Mayor of London's and the London Borough of Brent's Community Infrastructure Levy ('CIL').

## **REQUIREMENT FOR AN ENVIRONMENTAL IMPACT ASSESSMENT**

This letter sets out the process by which it is determined whether an EIA is required for the development, with reference to Schedules 1, 2 and 3 of the Regulations.

Firstly, it is considered whether the development qualifies as Schedule 1 development.

Secondly, it is considered whether the development qualifies as Schedule 2 development. This is done by reference to the selection criteria for screening Schedule 2 development, as set out in Schedule 3.

### ***Schedule 1 Development***

The proposed development does not fall within Schedule 1 of the EIA Regulations and, therefore, does not automatically require an Environmental Statement (ES) to be completed.

### ***Schedule 2 Development***

Schedule 2 of the Regulations identifies those developments which may require the need for an EIA. Typically, those developments which require an assessment can be considered as:

- a) Major developments which are of more than local importance;
- b) Developments which are proposed for particularly environmentally sensitive or vulnerable locations; or
- c) Developments with unusually complex potential hazardous environmental effects.

### ***Schedule 2 Development – Sensitive Areas***

The site does not fall within a sensitive area, as defined in Regulation 2 of the EIA Regulations, and therefore does not automatically trigger the need for Environmental Impact Assessment screening.

### ***Schedule 2 Development – Urban Development Projects***

Paragraph 10 of Table 2 was amended in 2015 to clarify the thresholds for Urban Development Projects. Paragraph 10, Part (b) sets out the thresholds for Urban Development Projects that require EIA assessment as follows:

- i. The development includes more than 1 hectare of urban development which is not dwelling house development; or
- ii. The development includes more than 150 dwellings; or
- iii. The overall area of the development exceeds 5 hectares.

The development at the Site is not automatically required to carry out an EIA by virtue of the size of the site (0.49 ha), which falls below the 5 ha threshold. However, the proposed scheme contains circa. 189 residential units, which triggers to threshold of 150 dwellings as set out at part (ii) of Paragraph 10(b) of the Regulations.

In light of the above, the proposed scheme has been assessed against the criteria contained within Schedule 3 of the EIA Regulations, in order to determine the requirement for an EIA.

### ***Schedule 3 – Selection Criteria for screening Schedule 2 development***

In accordance with the Regulations, the Council must give consideration to the characteristics of the development, its location and potential impact as set out in Schedule 3 of the Regulations when determining whether a development is EIA development:

These are considered in turn in the remaining sections of this letter.

#### ***1. Characteristics of Development***

In relation to this matter, it is noted in the Regulations that the characteristics of development must be considered having regard, in particular, to:

- a) *the size of the development*

As set out above, at approximately 0.49 ha, the Site area does not exceed the threshold set for urban development projects in Schedule 2 of the Regulations.

At present the Site is occupied by a combination of office (vacant) and ground floor retail uses, in addition to a surface level car park. The proposals would deliver approximately 189 residential apartments, together with circa. 300 sqm of ground floor retail/commercial floorspace. The scheme also includes a number of landscaped amenity spaces, in addition to a single storey basement, which will

provide back of house, plant and parking areas. The proposed scheme would rise to between 5 and 24 storeys (ground plus 4-23) in height.

Whilst the amount of development on Site would increase above the current level, the proposals have been designed to respond sensitively to the existing context of the surrounding area. The proposed development is considered to be appropriate to this location. Full discussion of the scheme will be included in the Design and Access Statement and the Planning Statement to be submitted with the application, and a Townscape and Visual Impact Assessment will also form part of this application. A development of this size, will not have a significant urbanising effect and will not lead to other impacts of a more-than-local nature and in any event of environmental significance.

*b) the cumulation with other development*

Recently two major residential led tall buildings have been completed in close proximity to the subject site, namely Elizabeth House and Wembley Central, being developments of 13 and 12 storeys respectively.

On the southern side of High Road, opposite Fairgate House, is the Ark Elvin Academy (formerly Copland Community School), at which planning permission was granted on 11 April 2006 for the erection of mixed use commercial, residential and educational development, extending, in part, to 28 storeys (02/2699). This permission has, however, since expired and permission was granted on 23 October 2015 for a replacement 3 storey secondary school (15/3161). We note that there is a parcel of land to the front of the proposed secondary school, which has the potential to be brought forward for further development in the future.

A further scheme, Brent House, was granted planning permission on 15 September 2016 (15/4743). This development comprises a residential led mixed use development of between 8 and 10 storeys, which will provide 248 residential units, including 74 affordable units, and flexible commercial space at ground floor level. Since the grant of planning permission in September 2016, a number of pre-commencement conditions have been discharged and a number of further approval of details applications are currently pending determination. This indicates that this consent is likely to be implemented in the foreseeable future.

In addition to the above, on 22 September 2016 planning permission was granted for a residential led mixed use development of between 21 and 26 storeys (15/4550) at Chesterfield House. This development, which is located approximately 150 m to the west of the Site, comprises 777 sqm (GEA) of flexible retail/office floorspace and 175 sqm (GEA) of community floorspace at ground floor level and 239 residential units, including 136 units for market sale, 68 for discounted market rent and 35 for the private rented sector. Again, since the grant of planning permission in September 2016, a number of pre-commencement conditions have been discharged and a number of further approval of details applications are currently pending determination, which suggests implementation is forthcoming.

It will be necessary to consider the cumulative effects of the proposed development together with all consented and emerging schemes, in particular in terms of traffic and car parking. An Environmental Statement will not be needed to undertake such an assessment; the supporting documentation (in particular the Transport Assessment) will assess the proposals with a consideration to the context of the surrounding area.

*c) the use of natural resources*

There will be no significant use of natural resources as part of the construction or operation of the scheme.

Sustainable techniques and materials are to be employed in the construction of the proposed development, which would deliver residential units that meet the London Plan energy requirements and Mayor's Housing SPG. The commercial units would be designed to meet BREEAM Excellent, in accordance with Policy CP19 of the Core Strategy. This will ensure that the use of natural resources is kept to a minimum.

d) *the production of waste*

Construction-Waste Production

A degree of waste will be created through the demolition and removal of existing material from the Site, however this can be effectively managed in order to ensure that there is minimal impact on the surrounding area.

A Site Waste Management Plan (SWMP) will be agreed with the Council prior to the commencement of construction. This will identify how waste will be reduced, reused and recycled on site as well as recording details of all materials that leave the site.

Operational-Waste Storage

In terms of the final scheme, provisions for the collection and disposal of waste will be detailed within the planning submission.

e) *pollution and nuisances*

The scheme does not include any uses or activities that would pollute or cause a nuisance to neighbouring uses.

Pollution and nuisance from the demolition of the existing buildings is expected to be kept to a minimum. Should any effects be caused from these activities, these are likely to be minimised to noise, vibration and dust, although these will not be at a level which will have a detrimental impact upon local residents.

Dust and Noise

Measures will be taken to reduce noise and dust levels during the construction phase of the development.

The potential for dust resonance at the source will be reduced through effective management and controls. Any construction activity that has the potential to create dust will be planned with adequate controls measure in place.

Sensitive receptors, such as local residents, will be informed of the proposed site activities which have the potential to generate noise and/or dust. Consultation and instruction will be provided by site/ project managers that hold an Environmental Awareness qualification as a minimum. Individuals with specific qualifications including noise and dust resonance training will also be available for consultation.

Nuisances

Hours of work for site specific activities will be detailed in the site register. Permitted hours of work throughout the duration of the project are restricted to comply with planning and agreements with local authorities.

f) *the risk of accidents, having regard in particular to substances or technologies used.*

No processes involving hazardous substances or potentially-dangerous activities are proposed on the site.

The scheme is being designed with safety and security in mind, and the risk of accidents has been considered when preparing the layout of the development.

The risk of accidents is inherent in building operations, although this risk can be mitigated as far as possible through best practice procedures.

In summary, whilst the number of proposed residential units exceeds the EIA threshold in Schedule 2 of the Regulations, it is considered that the scheme would not give rise to any significant detrimental impacts. Any impacts are capable of being addressed within the suite of technical documents that would be submitted with the application. We are, therefore, of the view that this scheme does not require an EIA.

### 2. Location of Development

This consideration looks at the environmental sensitivity of geographical areas likely to be affected by development.

There are no statutorily designated sites (Sites of Special Scientific Interest (SSSI), National Parks etc.) identified within a 2 km radius of the Site. However, the northernmost part of the Site is located within a non-statutorily designated ecological site; the Wembley Chiltern Embankment Site of Nature Conservation Importance (SNCI). The London Plan identifies that development proposals should give sites of borough and local importance the level of protection commensurate with their importance. The proposals include the potential for an increase in biodiversity through the inclusion of a high quality landscaping scheme. Furthermore, an Arboricultural Assessment and relevant Ecological Assessments will be undertaken and submitted as part of the application, which will consider any impacts on the SINCI and identify, where appropriate, any mitigation measures to be incorporated within the development. It is not, therefore, considered that an ES will be necessary in terms of ecological impacts.

The development site is located principally within an urban location and is surrounded by a mix of commercial and residential development. The location of this Site is urban in character and it is not considered that the Site is overly sensitive to this form of development. The proposals comprise land uses which are compatible with the surrounding land uses.

Within the London context, this area is considered to be of medium-high density. There is capacity for the area to absorb development and careful regard will be had to ensuring that the amenity of existing properties will be maintained.

### 3. Characteristics of the potential impact

The Regulations note that the potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

a) *the extent of the impact (geographical area and size of the affected population)*

Most impacts will be restricted to the Site and its very immediate surrounding areas. The effects will be no more than local, and will not be of environmental significance.

b) *the transfrontier nature of the impact*

There will be no transfrontier impacts.

c) *the magnitude and complexity of the impact*

We expect the overall magnitude of the impact of the proposed development to be negligible to minor, depending on the environmental receptor.

It is likely there will be very minor (imperceptible) impacts on the transport network and all other potential impacts will be mitigated through the planning process. There will also be positive impacts, for example in relation to the provision of housing, the borough's priority land use, and improving the pedestrian experience within the wider area.

We do not expect there to be any complex or wide-ranging impacts arising from the development subject of this screening request.

d) *the probability of the impact*

The probability of impacts occurring is medium. No significant effects will arise from the development. With regards to some environmental receptors, further work is to be completed to identify suitable mitigation measures.

e) *the duration, frequency and reversibility of the impact*

Most impacts will be permanent. There will be some temporary impacts, limited to the construction phases of development. Those impacts can be satisfactorily dealt with by way of the usual controls operated by the local planning authority such as Construction Management Plans.

In summary, the extent of the impact of the scheme is minimal given the Site's existing use and the proposed mixed commercial/residential redevelopment. Whilst the intensity of the land use would be increased over the existing situation, this increase is considered to be appropriate given the urban context of the Site.

The proposals are not anticipated to have complex impacts which cannot be discussed in the technical documentation, which is to be submitted in support of the application in line with normal requirements. In addition, the application would be supported by a Planning Statement, complete with a planning policy justification for the proposals. A full suite of technical reports and supporting material is, therefore, to be submitted as part of the application, which will provide all of the information required by the Council to determine the application. The proposed scope of application documents is included at **Appendix 1** of this letter.

## **CONCLUDING REMARKS**

The proposed development does not fall within Schedule 1 of the EIA Regulations, nor does it fall within a sensitive area, as defined in Regulation 2 of the EIA Regulations.

The scheme does, however, fall within the category of Schedule 2 section 10 (b) 'Urban Development Projects' of the 2015 Regulations (Amendment), and exceeds the applicable criteria by virtue of the number of residential units proposed. In accordance with the Regulations therefore, EIA screening is required.

Accordingly, to consider whether the development is likely to have significant effects on the environment, the scheme has been assessed against the criteria set out in Schedule 3 of the Regulations. When assessed against this criteria and the NPPG, we do not consider that the proposed scheme is of the scale and nature that requires an ES. This is based on the assessment that the proposal is unlikely to have significant effects on the environment, taking account of potential mitigation. In accordance with the Regulations, where development is unlikely to give rise to significant environmental effects, an ES is not required.

The application would be accompanied by supporting documents which would address the potential impacts of the development and propose mitigation measures in accordance with planning policy requirements. These are set out in **Appendix 1** of this letter.

In light of the above, we therefore consider that it would be in accordance with the EIA Regulations and government and local planning policy for the London Borough of Brent to confirm that an EIA is not required for the proposed development. We trust that the information supplied is sufficient for you to screen these proposals against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), and to confirm to us that an ES is not required within the 21 day statutory period.

Should you require any further information to confirm that this is the case, please do not hesitate to contact either Jonathan Best ([jonathan.best@montagu-evans.co.uk](mailto:jonathan.best@montagu-evans.co.uk) / 020 7866 8608) or Harriet Barber ([harriet.barber@montagu-evans.co.uk](mailto:harriet.barber@montagu-evans.co.uk) / 020 7312 7541) at this office.

Yours faithfully



**MONTAGU EVANS LLP**

Enc.

**APPENDIX 1: DRAFT SCHEDULE OF APPLICATION DOCUMENTS**

- Application Form and Notices;
- Site Location Plan;
- Existing Drawings;
- Proposed Drawings;
- Schedule of Areas;
- Design and Access Statement;
- Planning Statement, including an Affordable Housing Statement;
- Design Code;
- Financial Viability Assessment;
- Daylight/Sunlight/Overshadowing Assessment;
- Sustainability Statement;
- Energy Strategy;
- Transport Assessment;
- Travel Plan;
- SUDS/Drainage Statement;
- Utilities Assessment;
- Noise and Vibration Assessment;
- Air Quality Assessment;
- Landscaping Strategy;
- Ecology/Arboricultural Assessment;
- Desktop Ground Conditions Report;
- Townscape and Visual Impact Assessment;
- Construction Management Plan;
- Site Waste Management Plan;
- Statement of Community Involvement;
- Draft S106 Heads of Terms; and
- CIL Additional Information Form.