

Harriet Barber  
Planner – Planning and Development  
Montague Evans

## BY EMAIL

19<sup>th</sup> May 2017

Dear Ms Barber

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 Proposed Development At Fairgate House, 390-406 Wembley High Road, HA9 6AS.

Thank you for your letter dated 15<sup>th</sup> May 2017, 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 existing site of approximately 0.49 ha site currently 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 (approximately 2,150 sqm largely vacant since 2009/10) above ground floor retail uses (c. 800 sqm of floorspace). Pittman House comprises a three storey building with three retail/café units at ground floor and two storeys of offices above. The description of the proposed development is for the redevelopment of the existing 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.

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. However, 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:

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*'(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  
(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 A: Indicative Screening Threshold)

Taking into account the scheme's scale, nature and location, associated proposed assessments and mitigation measures together with the cumulative impact of the wider site allocations and other known development sites in the vicinity it is not anticipated it will result in significant environmental effects. Therefore, the Local Planning Authority does not consider that the forthcoming application for this site requires an EIA.

### **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 on these types of environmentally sensitive locations. The site extends into a Site of Importance for Nature Conservation (SINC) of Borough Importance Grade 1. This includes semi-natural broadleaved or mixed woodland forming the main habitat. It has ecological value in its own right, but also in its role as a wildlife corridor linking ecological assets in the Borough. The proposal would introduce built development into the SINC whilst seeking to incorporate measures, such as a landscaping scheme to mitigate impacts on this ecological asset. An ecological assessment should be submitted with the application. The significance of the asset and size of impact is not sufficient to warrant EIA in relation to these issues.

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

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 and the likely measures to reduce the use of private vehicles in relation to this site. A transport assessment should identify impacts and suitable mitigation measures to reduce the potential for adverse impacts of the day to day functioning of the site. The council does not consider that the development will result in significant impacts on the movement network to warrant an EIA.

## Contamination

It is considered that there is slight risk of contamination at the site but it is not considered to be large enough, complex or unusual enough to require an EIA. However, the possibility of contamination should be investigated further through a Phase 1 Ground Condition Survey being submitted in association with the planning application.

## Archaeology and Architectural Context

The site is not located within an Archaeological Priority Area (as defined on the proposals map), but is adjacent to a Site of Archaeological Importance which will need to be taken into account through an appropriate assessment. It is not located within a conservation area. It is close to the National Stadium Wembley which is subject to Local Plan policies seeking to protect longer distance views to it and in particular its arch. Nevertheless, scale and height of the proposed buildings in the context of adjacent development which is about to commence means it is unlikely to have significant impact on the setting of features of historic or cultural importance. Therefore in relation to these issues it is not considered to warrant the submission of an EIA. The justification of the heights and form of the development together with its impacts on the setting of the stadium/longer distance views can be set out in the design and access statement, together with a townscape/views assessment to accompany the planning application.

## 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 likely to have a significant effect upon air quality or traffic generation in the area when taking into account existing and proposed developments. However, the application should be accompanied by an air quality assessment.

It is anticipated the proposal will result in an increase in noise levels during construction. The development particularly the residential element could potentially be subject to the noise impact of adjacent transport infrastructure, in particular the railway line. However, the noise levels generated from the development and impacting on it will be subject to mitigation measures through the appropriate construction method statement and logistics plan and noise impact assessment. As such the impacts are not considered to be significant enough to warrant an EIA.

## Flood Risk and Water Quality

The site is a mixture of buildings or hard standing and a semi-natural environment. It is located in Flood Zone 1 and has a low probability of fluvial flooding, the surface water flooding risk is very low and there is no flood risk from reservoirs. A drainage strategy with associated proposed mitigation measures will accompany a planning application to ensure that the development does not cause an unacceptable flood risk and potentially provide an opportunity for betterment in relation to surface water run-off volume and water quality. The impacts on flood risk and water quality are not significant enough to warrant an EIA.

## 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 there are none that are significant enough to warrant an EIA.

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Date of Decision: 19<sup>th</sup> May 2017

On behalf of the Council of the London Borough of Brent

*P. Lewin*

Paul Lewin  
Planning Policy & Projects Manager  
Regeneration & Environment  
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 – Redevelopment will introduce residential and reprovide commercial space in taller buildings, resulting in development of part of a semi-natural site of Borough ecological value.	No – The development is an intensification of an existing brownfield site within an urban context. The proposed uses are consistent with what would be expected in development plan policy. Given the urban characteristic of the area, plus know impacts of other adjacent development it is not considered that there will be significant impacts to warrant EIA.
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 (as set out in a Site Waste Management Plan) which is true of a significant proportion of the new materials required.	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. The use of environmental standards such BREEAM excellent for the commercial elements will limit impacts compared to standard processes.
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 as part of a waste management and construction management plan.
5. Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	No – 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 – 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, 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

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		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?	No, there is no high level record of contamination within the area that would lead to an assessment that this could be possible as a result of the proposed development.	No – The level of contamination would not be 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?	Yes – the project will through the provision of dwellings result in changes in the demography of the area, introducing more residents and providing much needed housing. Existing employment space will not be re-provided to the extent of that which exists, although there will be some replacement. Nevertheless, other commercial development in the vicinity is likely to compensate for loss of employment space.	No – in the context of the predicted overall population growth in Brent the proposed number of dwellings is unlikely to have significant adverse effect.
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?	No – the wider area has been subject to development plan proposals for its regeneration as well as the adjacent sites considered previously in association with planning permissions which have taken account of cumulative development impacts.	No – The proposed development is not expected to introduce a cumulative significant adverse impact.
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 – whilst the development is in the vicinity of the Wembley National Stadium, it is not considered to be sufficiently close to affect it in the context of other proposed development.	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?	Yes, the development includes part of a Site of Importance for Nature Conservation (SINC).	No, there are no nationally or internationally designated ecological assets that would be impacted on by the development. The SINC is of local importance and will be subject to mitigation measures to reduce the impact of development. As such the impact is not so

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		significant to warrant EIA on this issue.
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?	Yes, the development includes part of a Site of Importance for Nature Conservation (SINC). In terms of protected species it may provide nesting or foraging for bats.	No, this matter can be dealt with through an ecological assessment, with the necessary statutory procedures being following if there are protected fauna that would be disturbed by the development.
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 location which could be affected by the project?	No	No
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 pedestrian route from Wembley Central station to the Wembley National Stadium.	No, the pedestrian routes are part of the public highway, which although they might be subject to temporary reduction in size, will still be of sufficient capacity to allow access. The effects are not predicted to be significant enough to warrant an EIA.
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?	Yes – Wembley High Road, the North Circular and other local roads suffer at times from high levels of congestion as do local public transport routes, particularly on event days.	No. The development will not significantly increase movement by private vehicle. If necessary contributions to improve public transport will be attained. The impacts and mitigation measures can be addressed through a transport assessment. Overall the effects are not predicted to be significant enough to warrant an EIA.
18. Is the project in a location where it is likely to be highly visible to many people?	Yes, the development is on a heavily trafficked route and an approach to the National Stadium from key public transport facilities. It is in an elevated position topographically. As such it will be visible to potentially thousands of people at some times.	No. The development sits within a very urban context. Sound urban design principles and good architecture can create a positive outcome on the built environment. It will not have a significant effect to warrant an EIA.
19. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes, the National Stadium Wembley, an iconic world renowned location for football. The site is not located within an Archaeological Priority Area (as defined on the proposals map), although adjacent to a site of Archaeological	No – adjacent development in the form of the redevelopment of Chesterfield House which will rise to 26 storeys provide a backdrop in which the proposed height is unlikely to be of out context. The location and height of the

<b>Questions to be Considered</b> For further guidance on factors to be considered see the more detailed questions listed in the Scoping Guidance	<b>Yes / No / ?</b> <b>Briefly describe</b>	<b>Is this likely to result in a significant effect?</b> <b>Yes/No/? – Why?</b>
	Importance. It is not located within a conservation area.	proposed development is expected to be within parameters set out in the development plan that would protect the long distance views of the stadium and in particular its arch. This matter can be addressed in a Townscape and Visual Impact Assessment. Consideration will need to be given to the adjacent Site of Archaeological Importance through an appropriate assessment. As such no EIA is required on this issue.
20. Is the project located in a previously undeveloped area where there will be loss of greenfield land?	Yes, the SINC although subject to extensive ground works as part of the land associated with rail infrastructure due to subsequent naturalisation is now effectively greenfield land.	No. The area is small, even in a local context and as such is not significant enough to warrant EIA on this matter.
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 area is urban in its nature, surrounded by existing and proposed residential and commercial properties, as well as significant visitor attractions such as the the National Stadium Wembley.	No – the impact of the development in the context of the existing busy urban environment and proposed future developments is not considered to be significant. As such no EIA is required on this issue.
22. Are there any plans for future land uses on or around the location which could be affected by the project?	Yes, the site is within a wider regeneration area identified in the Development Plan.	No. The information submitted with the request for a screening opinion shows how the proposed development has been considered in the context of its existing surroundings and how it could potentially sit with future development on the wider allocated site to make best use of the land and not compromise/undermine wider development plan objectives. As such no EIA is required.
23. Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	Yes, the site is part of a wider regeneration area identified in the Development Plan.	No. The site has been considered in the context is the existing and potential development of adjacent sites and wider area. Impacts on the adjacent areas will be subject to assessments such as Daylight /Sunlight

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		/Overshadowing Assessment, Transport Assessment; SUDS/Drainage Statement; Utilities Assessment; Noise and Vibration Assessment; Air Quality Assessment; Ground Conditions Report; Townscape and Visual Impact Assessment; Construction Management Plan and Site Waste Management Plan. As such no EIA is required.
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?	Yes, the development is in close proximity to the Ark Elvin Academy secondary school, Park Lane Methodist Church and Park Lane Primary School and Nursery, whilst adjacent there is a private nursery at ground floor level.	No. Within the existing and proposed urban context the impacts of development will be limited by use of appropriate conditions and the construction management plan, plus other environmental legislation.
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.	No – in the context of existing volumes of traffic the development will be small and a travel plan will seek to minimise use of the private vehicle and associated impacts.
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 environmental problems?	No. The railway cutting falls away from the site, but without disturbance is likely to be relatively stable and therefore landslides are unlikely. The site is not within a Zone 2 or 3 floodplain, neither is it identified as being at risk of surface water flooding, although the adjacent rail line is.	No, Network Rail will require sufficient measures to ensure ground stability is maintained and that there is effective protection of the rail lines through appropriate retaining structures. The site will be subject to a drainage strategy with associated proposed mitigation measures will accompany a planning application to ensure that the development does not cause an unacceptable flood risk and potentially provide an opportunity for betterment in relation to surface water run-off and water quality. The impacts on landslides, flood risk and water quality are not significant enough to warrant

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		an EIA.

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?