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Tibbalds

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Dear David,

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**REQUEST FOR SCREENING OPINION UNDER REGULATION 5 OF THE
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2011**

On behalf of our client, The London Borough of Camden, we write to request a formal EIA Screening Opinion in relation to the emerging mixed-use residential and workspace development proposals for the above Site.

In accordance with Regulation 5(2) of the EIA Regulations:

- A Site location plan is enclosed; and
- A brief description of the nature and purpose of the development and its possible effects on the environment is set out within this letter.

Site and Surrounding Area

The Site is located in West Hampstead in the north west of Camden in an area, which is characterised by predominantly residential uses. It is bound to the north by a railway line, to the south by Maygrove Road and three-storey mixed commercial buildings, to the west by existing commercial buildings and Maygrove Peace Park and to the east by light industrial buildings.

The Site's footprint is roughly rectangular in shape and covers an area of approximately 1.05 hectares. It is currently occupied by 33 single storey, light industrial units, open space (Maygrove Open Space) and an electricity substation. Access is from Maygrove Road via Liddell Road.

The Site benefits from extremely good public transport links, located within close proximity to West Hampstead Thameslink, West Hampstead Underground and

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Killburn Underground. Consequently the Site has a Public Transport Accessibility Level (PTAL) rating of 4-5.

Camden's planning policy map identifies Maygrove Open Space. Maygrove Peace Park to the west is also designated open space and there are two nearby Conservation Areas (West End Green and South Hampstead). The Site is also close to an 'Area of Intensification' as identified in the 2011 London Plan and a 'Growth Area', as identified in Camden's 2010 Core Strategy.

Planning History

There is no recent planning history for the Site although Camden's records show that a planning application for the erection of a 21m high telecommunications mast and six antennae was submitted in May 2000 but later withdrawn in July 2000.

Proposed Development

The proposed development comprises the redevelopment of the Site to provide a mixed-use development comprising a four-form entry infant school, a nursery, approximately 100 new mixed tenure dwellings in the form of 4/5 storey terrace apartments and a tower of approximately 11 storeys and a 4/5 storey commercial building of approximately 4,000 sq. m.

Vehicular and pedestrian access to the Site will be via a new controlled access point, situated at the western end of the Site. A secondary point of access to the school will be provided adjacent to the eastern boundary of the Site, which will be restricted to pedestrians, emergency vehicles and school operational parking.

The proposed scheme will be car-free with the exception of car parking for disabled occupiers and visitors and operational car parking associated with the school. The residential units will be designed to meet Code for Sustainable Homes rating level 4 (as a minimum) and the commercial and school uses to meet BREEAM 'Excellent' standards.

It is estimated that the development would take approximately 45 months to construct, commencing in May 2015. It is currently anticipated that the development will be implemented in two phases. Phase 1 will involve demolition and site clearance, site preparation and enabling works, the creation of the two access routes and the construction of the school. Phase 2 will involve the construction of the residential terrace, the residential tower and the commercial building.

Screening Assessment

The proposed development does not fall within any of the categories contained in Schedule 1 of the EIA Regulations 2011.

The proposed development is considered to represent an *Urban Development Project* falling within Column 1 of Schedule 2 (10 (b)).

Schedule 2 development is defined by the EIA Regulations as:

“development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where –

- a) *any part of that development is to be carried out in a sensitive area; or*
- b) *any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;”*

A sensitive area is defined by the EIA Regulations as:

- a) *“land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981(a);*
- b) *a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(b);*
- c) *the Broads(c);*
- d) *a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(d);*
- e) *a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(e);*
- f) *an area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000(f);*
- g) *a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010(a);”*

The Site does not lie within or directly adjacent to any sensitive area as listed

above, however, the applicable site area threshold of 0.5 hectares in the corresponding part of Column 2 of that table is respectively met and exceeded in relation to the proposed application Site.

Therefore, the proposed development is considered to represent an Urban Development Project as set out Column 1 of the table in Schedule 2 Category B 10 (b) *Infrastructure Projects: Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas* because the threshold category for 10 (b) is 0.5 hectares.

Consequently the proposed development should be classed as Schedule 2 development for the purposes of the EIA Regulations.

Planning Practice Guidance (paragraph 17, Screening Schedule 2 projects, “*When is an Environmental Impact Assessment required?*”) states that if a proposed project is listed in Column 1 and exceeds the relevant thresholds set out in Column 2 the proposal needs to be screened by the local planning authority to determine whether significant effects are likely and hence whether an assessment is required.

Planning Practice Guidance (paragraph 18, Screening Schedule 2 projects, “*What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?*”) states that only a very small proportion of Schedule 2 development will require an assessment and it should not be presumed that development above the indicative thresholds should always be subject to assessment and that each development will need to be considered on its own merits

The Guidance states that when screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations, these three headline criteria are listed below.

In addition, the Guidance states that it is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities in determining whether a project is likely to have significant environmental effects, a set of indicative thresholds have been produced; these sorts of development that fall under “urban development projects” are listed in the table below.

Schedule 3 criteria (2011 EIA Regulations)

1. Characteristics of development;
2. Location of development; and
3. Characteristics of the potential impact.

Indicative thresholds (Planning Practice Guidance, Annex: Indicative screening thresholds)

Development type	Schedule 2 criteria and thresholds	Indicative criteria and threshold	Key issues to consider
10 Infrastructure Projects			
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums leisure centres and multiplex cinemas	The area of the development exceeds 0.5 hectare	<p>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.</p> <p>Sites which have not previously been intensively developed:</p> <ul style="list-style-type: none"> (i) area of the scheme is more than 5 hectares; or (ii) it would provide a total of more than 10,000 m² 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). 	Physical scale of such developments, potential increase in traffic, emissions and noise.

It is therefore required for the proposal to be assessed against the three criteria set out in Schedule 3 of the Regulations. These criteria are considered below:

1. Characteristics of Development

The size of the development

The proposed development is of no greater scale in terms of land coverage than the existing industrial use at the Site, however it will be denser and taller. In the context of the schedule 3 indicative criteria and thresholds for urban development projects the Site is not greater than 5 hectares, the nature of the use will not result in markedly different environmental impacts, the Site does not have a high level of contamination, nor will the development introduce more than 10,000m² of commercial floorspace.

In addition the development is being introduced onto previously developed land of industrial use within an urban setting, which has been subject to a number of recent mixed development proposals.

The cumulation with other development

As stated above the Site is located near to an 'Area of Intensification' and 'Growth Area'. In addition to development granted planning permission within these designated areas, several planning applications have also been granted for other proposals in the surrounding area. It is not therefore considered that such cumulative impacts would lead to significant environmental effects for the purposes of the Regulations.

Other approved planning applications of particular note are 187-199 West End Lane (2011/6129/P) for 198 residential units including retail and employment floorspace, 163 Iverson Road (2012/0099/P) for 36 residential units, 159-161 Iverson Road (2013/7505/P) for 19 residential units, 65 and 67 Maygrove Road (2012/5934/P) for 91 residential units and 59 Maygrove Road (2009/4598/P) for 29 residential units.

The use of natural resources

The proposed development will be built to sustainable standards and recycling will take place where possible. The future application will be accompanied by the following information:

- An assessment of how it will contribute towards the GLA and LB Camden targets for carbon emissions through energy efficiency measures, low carbon sources and renewable energy; and
- An assessment to demonstrate how the wider essential and preferred sustainability requirements of the GLA and LB Camden will be addressed as part of the development.

The operational phase of the development will not generate significant environmental effects.

The production of waste

All demolition and construction work will be undertaken in strict accordance with an approved management scheme and code of practice, which will include details of site waste management. The proposed use of recycling facilities during the operational phase will ensure that any potential effects are not significant.

Pollution and nuisances

A Construction Management Strategy will be implemented during site works (including demolition and construction) to ensure best practice to minimise disturbances including noise, vibration, dust and smoke emanating from the Site. A desktop land contamination assessment will be submitted as part of the application and standard measures will be put in place to ensure that there are no significant effects resulting from any existing contamination on the Site.

The following information will also accompany the future planning application to demonstrate that the development would not give rise to harmful pollutants leading to significant environmental effects:

- An air quality assessment providing such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area;
- An acoustic and vibration assessment providing such information as is necessary to allow a full consideration of noise and vibration associated principally with mitigation of the adjacent railway line, the installation of plant and equipment, the carrying out of operations and activity or use that may adversely affect adjoining or nearby noise sensitive properties; and
- A lighting strategy providing such information as is necessary to allow a full consideration of external lighting.

Risk of accidents

The contractors will implement measures in accordance with Health and Safety legislation and follow requirements and best practice during the demolition and construction phases to minimise the risk of accidents that could impact on people or the environment.

Appropriate environmental control measures will also be put in place during demolition and construction to ensure that any significant effects from materials that may be present, which could cause harm to humans or the

environment, are prevented.

There are no anticipated significant risks of accidents during the operation of the development given the nature of the proposed land uses.

2. Location of Development

The existing land use

There are existing residential, commercial and open spaces around the Site that may be affected by disturbance during the demolition and construction phases. However, these will need to accord with good practice and Environmental Health and Safety Legislation and will be temporary in nature, so it is not considered that these will result in significant environmental effects.

The impact of the proposed buildings and the proposed operation of uses will be assessed through the planning application and are not considered to amount to such significant environmental impacts that would amount to EIA development.

The development makes efficient and optimal use of an existing brownfield site.

The relative abundance, quality and regenerative capacity of natural resources in the area

The Site and its surrounding area do not contain important, high quality, or scarce resources that would be affected by the development.

The absorption capacity of the natural environment (including landscape of historical, cultural or archaeological significance)

The Site does not lie within a Conservation Area and it is not considered that the proposed development could impact upon the setting of the West End Green Conservation Area which is located approximately 200m to the north east of the Site or the South Hampstead Conservation Area which is located approximately 300m to the south east of the Site. However, the impact of the residential tower will be tested within a Visual Impact and Townscape Assessment that will form part of the planning application. To inform the Assessment, views from various points around the Site have been agreed with Officers at the London Borough of Camden.

The Site does not lie within designated Archaeological Priority Zone and English Heritage Archaeology has confirmed that no archaeological requirements are recommended.

The northern boundary of the Site, which runs along the railway line, is designated as a Habitat Corridor. Due to the designation and because the proposals involve demolition of existing buildings the following information will be prepared as part of the planning application:

- An ecological appraisal to determine whether any protected species is impacted by the proposals and to identify any mitigation proposals for such impacts; and
- A tree survey and an arboricultural impacts assessment to assess the impact of the demolition and construction works on the existing street trees fronting the Site on Maygrove Road and within the Site. This will identify and make recommendations for the mitigation measures.

The development will not detrimentally affect any areas of high landscape or scenic value and will not be visible from strategically important views as identified within the London View Management Framework.

Therefore the impacts are not considered to be of a magnitude to result in such significant environmental effects that would amount to an EIA being required. Such impacts will also be fully assessed as part of a townscape and visual impact assessment as part of the planning application.

The Site is located within a densely populated area. The entire Borough has been designated an Air Quality Management Area and an Air Quality Assessment will be prepared as part of the application to demonstrate no significant effects in this regard.

The Site is also located within Flood Zone 1 and a flood risk assessment will be submitted with the planning application to demonstrate that there will be no significant flood related implications.

3. Characteristics of the Potential Impact

Extent of Impact

It is unlikely that the development will result in significant environmental effects over a large area due to the limited size and scale of the development.

Transboundary nature of the impact

There is no potential for transboundary impacts.

Magnitude and complexity of the impact

The proposal would not result in a large change in environmental conditions or give rise to any unusual or particularly complex impacts. The number of receptors is not especially high and there will be no significant impacts upon scarce or valuable resources. Environmental standards would not be breached and the detailed design of the proposals, including the associated information submitted in support of the application, would demonstrate that protected sites, areas and features will not be put at risk.

Probability of the impact

No significant effects are anticipated as a result of appropriate design and implementation of mitigation measures.

Duration, frequency and reversibility of the impact

The demolition and construction works will have a temporary impact but, subject to standard mitigation measures, should not result in significant effects. The operational effects will be for the life of the building and any environmental impacts such as noise, smell or vibration will be reduced and mitigated through the incorporation of appropriate measures.

Conclusions

The proposed development does not fall within the definition of Schedule 1 development and is considered to represent an Urban Development Project falling within Column 1 of Schedule 2. It is not located within a 'sensitive area' and it is not considered that the proposed development will have a significant impact on the environment. Consequently it is considered that a planning application for the proposed development will not require a supporting Environmental Statement.

In very exceptional circumstances the Secretary of State can use his/her powers under Regulation 4(8) to direct development that EIA is required for development that does not meet the thresholds or criteria of the EIA Regulations. However, in this case it is not considered that there are any exceptional circumstances that would require an EIA, taking into account the criteria set out in Schedule 3 of the Regulations.

Further information on the likely effects of the development would be provided within the following documents that will be submitted in support of the application:

- Planning, Design and Access Statement
- Construction Logistics Plan
- Visual Impact and Townscape Assessment
- Landscaping, lighting and Public Realm Strategy
- Sustainability Statement and Energy Statement
- Transport Assessment and Travel Plans
- Flood Risk Assessment
- Daylight, Sunlight, Overshadowing and Light Pollution Assessment
- Soil Investigation and Contaminated Land Report
- Tree Survey and Arboricultural Impact Assessment
- Acoustic and Vibration Assessment
- Air Quality Assessment
- Ecological Appraisal

It is not considered that the development will generate such significant environmental effects that would justify the development requiring an Environmental Impact Assessment.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

For Tibbalds Planning and Urban Design



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Enc.

cc. Kate Cornwall-Jones, Senior Development Manager, Children Schools and Families, LB Camden