

Delegated Report		Expiry Date:	24/10/2016	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
1 Triton Square & St Anne's Church, Laxton Place London NW1 3DX		2016/5446/P			
Proposal(s)					
Request for Environmental Impact Assessment (EIA) screening opinion for works comprising extension of existing office building including reconfiguration of the ground floor and office entrance, infilling of the atrium and a three storey extension at roof level to provide 15,500 sqm of additional floorspace and erection of part 9 and part 6 storey residential block following demolition of St Anne's Church.					
Recommendation(s):		EIA Not Required			
Application Type:		Request for Screening Opinion			
<p>The site is a 1.19 Hectares in size and is primarily made up of 1 Triton Square and St Anne's RC church. To the south of the site is 2 Triton Square, a 7-storey office building. Directly to the east of the site is 10 Brock Street a 10, 16, and 8 storey office building and Regent's Place Plaza. To the west of the site, is a 10 storey office building at the junction of Osnaburgh Street and Triton Street including the Diorama Theatre and 7 storey residential block (1 Osnaburgh Street).</p> <p>The church site is bounded by Laxton Place to the west, a 3 storey residential terrace (1-4 Laxton Place) to the north and open space to the east of the site (associated with Westminster Kingsway College to the north east). Immediately to the west of the church site is the 5 storey residential building 8-9 Laxton Place.</p> <p>The site is currently occupied by 1 Triton Square, St Anne's RC church, Longford Square (to the north of the site), a substation and pedestrian routes to the south, east and west (Triton Square).</p> <p>The '1 Triton Square' site is occupied by a 7 storey building (plus basement) with a large central atrium over what would have been the trading floor at first floor level and crèche, retail and gym at ground floor level with plant at basement level and 7th floor level (roof).</p> <p>Neither of the sites is within a conservation area but immediately to the east of the church site is the Regent's Park Conservation Area (the boundary is on the west side of Laxton Place). Opposite (to the north west) of the church site is the Grade II* Church of St Mary Magdalene. The listing description notes the stained glass east window is of special interest as being one of Augustus Pugin's last designs, made by Hardman. This window faces towards Laxton Place. The eastern half of 1 Triton Square falls within a viewing corridor of the London View Management Framework (Parliament Hill summit to the Palace of Westminster).</p>					

Relevant History

9003269: Planning permission was granted on appeal 9/11/90 for the 'Redevelopment in outline of the site by the erection of a building comprising 290 000 sq. ft. of predominantly office accommodation inclusive of a design centre and studio and mixed uses including a sports unit at ground floor level'. The site was completed in 1997 for The First National Bank of Chicago. The building was designed for the bank with a large trading floor at first floor level (above ground floor retail, gym and crèche) and offices and a large (38m wide) atrium above.

2015/5247/P: A certificate of lawfulness for a proposed development was granted 03/11/2015 for the 'Infill of internal atrium at second, third, fourth and fifth floor levels to create additional office floor space'. The certificate of lawfulness has not been implemented.

Relevant policies

Town & Country Planning Act 1990

Development Management Procedure Order 2010

Town & Country Planning (Environmental Impact Assessment) Regulations 2011 & Regulations 2015

NPPF 2012 - NPPG section 5 of Environmental Impact Assessment and Annex A Indicative Screening Thresholds

Assessment

An Environmental Impact Assessment (EIA) Screening Opinion has been submitted for consideration in respect of the proposed emerging application for a 15,500sqm office extension to 1 Triton Square and the provision of 22 affordable housing units on the St Anne's RC church site (approximately 2,500sqm GIA).

Assessment

The 2011 EIA Regulations (as amended) define EIA development as being either:

- a) Schedule 1 development; or
- b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The development does not fall within any of the descriptions given in Schedule 1 and thus cannot be considered a Schedule 1 development.

The development is considered to fall within Schedule 2 10(b) (column 1) which is an "urban development project". Column 2 sets out the thresholds and criteria for which schedule 2 development proposals need to be screened by the LPA. The proposal exceeds the threshold in column 10(b)(ii) as the development includes more than 1 hectare of urban development which is not dwellinghouse development.

The Planning Practice Guidance Note 'Environmental Impact Assessment' is also of relevance, with the following being of most relevance:

Section 5 When is an Environmental Impact Assessment required?

Section 5 What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?

When is an Environmental Impact Assessment required?

Section 5 states that if a proposed project is listed in the first column in Schedule 2 and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') 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. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?

Section 5 states that when screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision. Only a very small proportion of Schedule 2 development will require assessment.

To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. This states that 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.

The key issues to consider in assessing potential impacts of development are “the physical scale of such developments, potential increase in traffic, emissions and noise.” The NPPG states “it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

Annex A of the NPPG states that the thresholds are indicative and to be used in conjunction with the general guidance on determining whether Environmental Impact Assessment is required and, in particular, the guidance on environmentally sensitive areas.

Regulation 2(1) defines sensitive areas and this is set out in NPPG Section 5 as follows:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled ancient monuments.

The development is redevelopment of previously developed land and would result in an approximately 50% increase in the floorspace. The office building ‘1 Triton Square’ currently provides approximately 30,000sqm of floorspace and the proposal would retain the existing building and extend it by 15,500sqm to approximately 45,000sqm. The proposed development is not on a significantly greater scale than the previous use, and the types of impact are not of a markedly different nature. There is not a high level of contamination. Nevertheless, the development is required to be considered against the selection criteria specified within Schedule 3, for screening Schedule 2 development.

Schedule 3 comprises three main ‘selection criteria’ areas:

1. the characteristics of development,
2. the location of development (environmental sensitivity) and
3. the characteristics of the potential impact from the proposed development.

Hence in order to assess the proposal, each of the three main selection criteria in Schedule 3 are considered in turn.

Characteristics of development

The characteristics of development include: (a) the size of the development; (b) the cumulation with

other development; (c) the use of natural resources; (d) the production of waste; (e) pollution and nuisances; (f) the risk of accidents, having regard in particular to substances or technologies used.

In terms of a) the size of the development, it is considered that the increase in built form on the site when considered within the context of the surrounding area is not significant in nature. Whilst the massing and site coverage of the built form is not inconsequential, it is not considered to result in a significantly urbanising effect within the existing context and would not lead to impacts of more than local nature or of environmental significance. Significantly, 1 Triton Square would be extended rather than demolished and rebuilt.

Regarding b) cumulative impacts, the site is in close proximity to another recent significant major planning permission: Regent's Park Estate (2015/3076/P): Two-phased mixed use development to provide 116 residential units (Class C3), community facility (Class D1) and retail and commercial space (Class A1/A3/A4) across 8 plots in association with High Speed 2 proposals. Granted Subject to a Section 106 Legal Agreement 09/12/2015.

Whilst it is acknowledged that this is another major application, the potential cumulative impacts of the consented scheme combined with the proposed development are not considered to be particularly complex or be of environmental significance that would warrant further investigation.

The Council's own statutory functions include planning for general and projected growth. As the site lies within the Euston Area Plan (adopted 26th January 2015) and is close to the Euston Growth Area (Camden Local Development Framework 2010), the projected growth in housing and employment will have been taken into account when considering the impact on services (such as through the Council's Infrastructure Planning and allocation of the Community Infrastructure Levy) and aspects of the environment.

Any transport impacts from this development would be covered by the Transport Assessment and Construction Management Plan submitted with the proposals on the site in question. Existing or committed schemes will form part of the baseline for the assessment and thus will be factored into the assessments.

Therefore the cumulative impact is not considered to warrant the requirement for specialist environmental information beyond the level which would normally be required with a planning application for the development in question.

c) the use of natural resources

Although using a variety of materials to allow implementation, such materials would be required to comply with modern building standards and the relevant sustainability/energy efficient construction techniques to result in no significant effects being envisaged in this regard.

d) the production of waste

The demolition of the existing St Anne's Church and the construction of the proposed development will inevitably produce some waste. However material would be recovered, re-used and recycled whether possible to minimise the amount of waste going to landfill. Furthermore the 1 Triton Square building is being extended rather than demolished and rebuilt resulting in less waste being produced. Furthermore, a site waste management plan is likely to be put in place to provide guidance which will facilitate the goal of diverting the majority of construction waste from landfill.

e) pollution and nuisances

f) accidents

The entire borough is designated an Air Quality Management Area due to existing exceedances of recognised standards for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The site is located in

close proximity to the Euston Road (A501) and therefore the ambient noise environment is likely to be dominated by road traffic noise from the surrounding highway network. There is likely to be increased noise during the demolition and construction works including noise from demolition and construction vehicles and plant and equipment. The construction management plan, acoustic assessment, health and safety regulations and the energy strategy for any scheme would all be of relevance. When considered together, such statements, incorporating various measures, mean that pollution and nuisances would be limited as far as possible, and the risk of accidents would also be limited. Due to the accessibility of nearby public transport routes it is not expected that there will be a significant impact on the existing highway network during the operation of the proposed development. The proposed development is expected to be car free (removal of 65 existing spaces) and due to the sites PTAL rating of 6b no significant highway or transport network effects are anticipated. In relation to the operation stage, the end uses are not considered to result in adverse impacts on the environment that are complex or require further investigation given they are compatible with surrounding land use patterns.

Location of development

The environmental sensitivity of geographical areas likely to be affected by the development must be considered, having regard, in particular, to:

(a) the existing land use; (b) the relative abundance, quality and regenerative capacity of natural resources in the area; (c) the absorption capacity of the natural environment, paying particular attention to the following areas— (i) wetlands; (ii) coastal zones; (iii) mountain and forest areas; (iv) nature reserves and parks; (v) areas designated by Member States i.e. conservation of wild birds, natural habitats and of wild fauna and flora; (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded; (vii) densely populated areas; (viii) landscapes of historical, cultural or archaeological significance. Each is considered in turn below:

In consideration a) the existing land use, the site is a brownfield site currently occupied by offices (crèche, retail and gym at ground floor level), a church (St Anne's RC Church), a substation and pedestrian routes and public space, and has limited value in terms of natural resources and the environment and is not considered to be environmentally sensitive as defined in the Regulations.

In terms of b), it is considered that the abundance, quality and capacity of natural resources in the area required to serve the proposed development would not be materially affected by the proposals.

With regards to (c) (viii) the site itself is not of historical, cultural or archaeological significance. However, the site is located adjacent to the Regent's Park Conservation Area and opposite the church site is the Grade II* Church of St Mary Magdalene. The site also falls within a viewing corridor of the London View Management Framework (Parliament Hill summit to the Palace of Westminster). It is not envisaged that the proposals would have an adverse impact on landscapes of historical significance that could be considered a significant environmental effect. A townscape assessment has been submitted which demonstrates that the proposed development would have limited impact on nearby conservation areas. A daylight, sunlight and overshadowing study has also been prepared which shows that there would be limited impact on the Grade II* Church of St Mary Magdalene. This information will also be submitted at application stage and will provide sufficient information to assess the impact on the heritage assets and viewing corridor described above. Further environmental information is not considered necessary.

Characteristics of the potential impact

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); (b) the transfrontier nature of the impact; (c) the magnitude and complexity of the impact; (d) the probability of the impact; (e) the duration, frequency and reversibility of the impact.

In respect of these matters, in the context of the site description, nature of the development as described by the applicant in the supporting information for this request and comments already made in this assessment, the proposals would not result in such impacts ('significant effects') to warrant progression of the EIA to the scoping stage. The proposed scheme seeks to implement redevelopment of the site in a conventional manner; it is not considered to bring about any unusually complex or hazardous environmental effects.

Conclusions

The development is considered to fall within Schedule 2 10(b) (column 1) which is an "urban development project" and the proposal exceeds the threshold in column 10(b)(ii) as the development includes more than 1 hectare of urban development which is not dwellinghouse development.

Given the above, and due to the proposed size, scale and nature of the proposal and the characteristics of the surrounding area, it is considered that the scheme would not constitute a development of more than local importance, be within an 'environmentally sensitive location' or 'create any unusual or hazardous effects' pursuant to the selection criteria of Schedule 3 of the EIA regulations 2011 (as amended).

Therefore, although the development is, by definition, Schedule 2 development, it is not considered to be EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.