

Delegated Report		Analysis sheet	Expiry Date:	18/11/2016
		N/A / attached	Consultation Expiry Date:	
Officer		Application Number		
Michael Cassidy		2016/5631/P		
Application Address		Drawing Numbers		
Mount Pleasant Sorting Office, Farringdon Road, EC1A 1BB		See Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
<p>Request for Environmental Impact Assessment (EIA) Screening Opinion in connection with the provision of 125 residential units including one, two and three-bedroom flats in a series of five linked buildings ranging from four storeys to eight storeys (plus lower ground); approximately 1,200sqm of commercial space; a newly created communal open space over 900sqm in size that will be enclosed by the proposed block on three sides; communal roof terraces private to the residents and accessible by lift; widening of the western end of Mount Pleasant to create a new 'pocket' park adjacent to Christopher Hatton Primary School and with traffic calming measures along the section of road fronting the development site; parking, related to relevant accommodation, for disabled drivers to be located on Gough Street and Phoenix Place for residents and Mount Pleasant for visitors; and a minimum of 242 long stay cycle parking spaces and 16 short stay cycle parking spaces.</p>				
Recommendation:		EIA Not Required		
Application Type:		Request for Scoping Opinion		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	N/A					
CAAC/Local groups comments:	N/A					

1. Site Description

- 1.1 The Mount Pleasant site, as identified in the Mount Pleasant Supplementary Planning Document as shown in Figure 1, is located in Clerkenwell Ward (Islington) and straddles the borough boundary with Camden along Phoenix Place, with that part of the site in Holborn & Covent Garden Ward (Camden). Part of the site is located within the Rosebery Avenue Conservation Area and is adjacent to four other Conservation Areas (CA): Bloomsbury CA, Hatton Garden CA, Clerkenwell Green CA and New River CA, and is adjacent to a number of listed buildings.

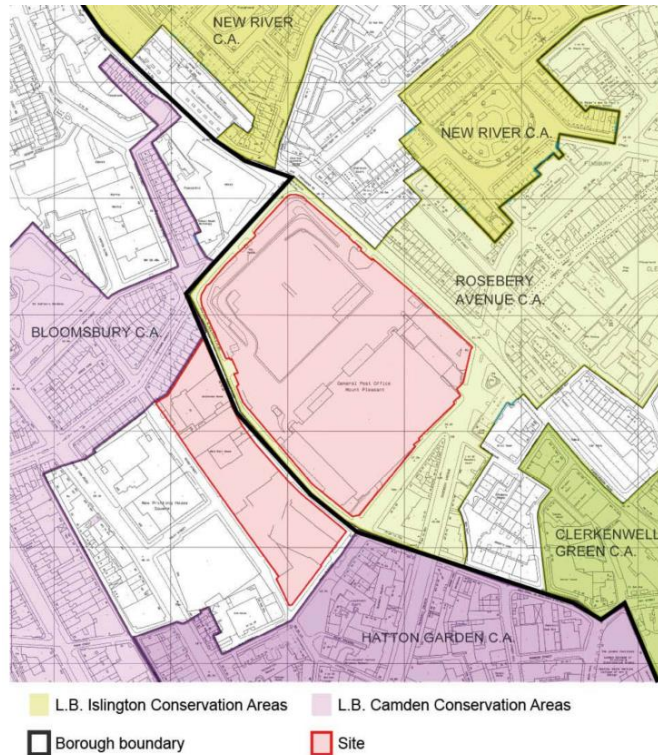


Figure 1: Mount Pleasant Site and Conservation Areas

- 1.2 The site is 4.8 hectares overall, with 3.6 hectares in Islington and 1.2 hectares in Camden, and is located within the Central Activities Zone, as defined by the Greater London Authority. It is located between the more residential areas to the north, and the more commercial areas to the south. There is a large change of level across the site dropping from north to south.

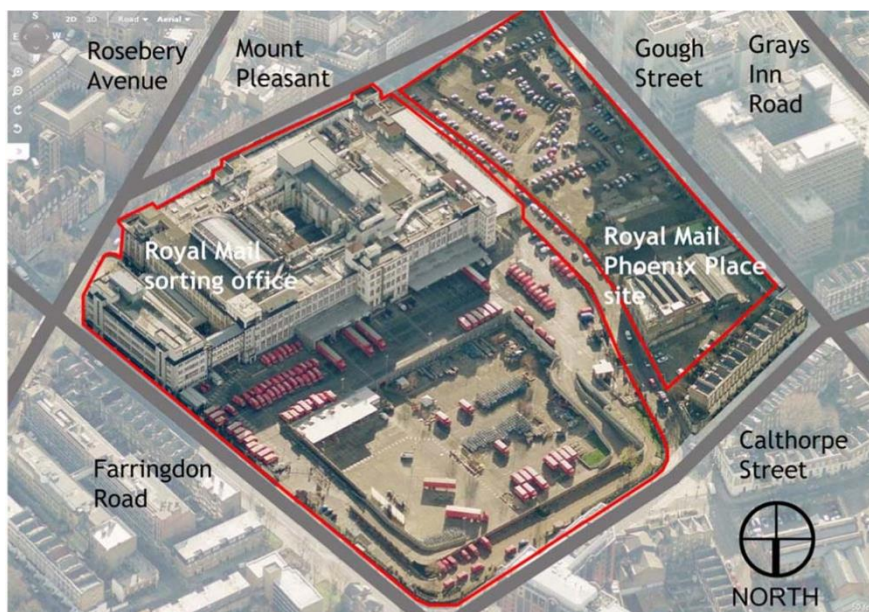


Figure 2: Mount Pleasant Site location, looking south

1. Site Description (continued)

- 1.3 The 1.17ha (gross) / 1.03ha (net) Camden part of the site (approximately ¼ of the overall Mount Pleasant site and the subject of this Screening Opinion), includes mainly the open areas of land within Royal Mail's ownership lying between Gough Street (SW), Mount Pleasant (SE) and Phoenix Place (NE). It excludes the site of the approved British Postal Museum & Archive (BPMA) building (Nos.15-21 Phoenix Place) at its northern end, and thus only directly adjoins the rear boundaries of the properties at Nos.26-32 (even) Calthorpe Street. The site includes a number of small storage buildings, as well as an extension to the rear of the BPMA building, and is predominantly given over to staff parking use on part unmade and unmarked land, with some smaller operational vehicle parking evident. There are approximately 250 spaces able to be occupied within the staff parking area occupying the southern half of the site, with a further 30 vehicles able to park in a further area immediately south of the BPMA building.
- 1.4 The Camden site benefits from several vehicular access points, onto all 3 adjoining roads. The Islington site, bounded by the Sorting Office buildings, Phoenix Place to the west, Calthorpe Street to the north and Farringdon Road to the east is used 24-hours per day as a delivery and service yard for the adjacent Mount Pleasant Sorting Office (MPSO) (which is located on the south-eastern boundary). The Site accommodates approximately 300 operational vehicles. The delivery and service yard comprises two levels, with upper and lower level parking and loading areas which are connected by ramps along the north-eastern and south western boundary of the Site. The lower level 'Bathtub' is used by the Applicant for vehicle (vans and Heavy Goods Vehicles (HGV)) parking and manoeuvring, articulated lorries and smaller rigid vehicles, equipment, waste and fuel storage, together with the loading and unloading of mail into the Mount Pleasant Sorting Office.
- 1.5 The existing main vehicle entrance and exit point to the Islington site is located opposite Nos.142-146 Farringdon Road. Larger vehicles (Articulated vehicles and HGVs) move around the lower level of the site (the 'bathtub') and up ramps to the upper level to exit the site onto Phoenix Place or onto Farringdon Road. Smaller vehicles (LGVs) move around the top level of the site (adjacent to Calthorpe Street). An existing basement exit point is located on the corner of Phoenix Place and Mount Pleasant and an exit point is located at street level, onto Phoenix Place.
- 1.6 Ground levels across the site fall from west to east, across both the width and length of the site, and a variety of different levels are also evident within the site. The Camden site also includes the western half of the Phoenix Place highway. Excluding areas of public highway, the Camden development site roughly comprises 1.03ha.
- 1.7 This Screening Opinion relates to a parcel of land (0.43ha), as shown in Figure 3 below, forming the southern part of the Camden site lying between Gough Street, Mount Pleasant and Phoenix Place. It is currently being used as a car park associated with the Sorting Office.
- 1.8 A variety of different uses and types of built form adjoin the wider Camden site, including terraced housing to the north, the rear of large office buildings accessed from Grays Inn Road (the ITN building and New Printing House Square) across Gough Street, a variety of commercial and mixed use buildings on Mount Pleasant, tower blocks at Laystall and Mullen Court, the Christopher Hatton Primary School to the south, and mansion blocks and an office building formerly serving as the Serious Fraud Office building on Elm Street, to the south west.
- 1.9 The wider locality hosts a similar range of uses and types of built form, with mixed use intensive development more commonly found along Farringdon Road and Grays Inn Road, a stronger and lower density residential character evident in the land between those roads to the north, and higher rise, mixed use and more intensive development typically characterising the land to the south of the site.

1. Site Description (continued)

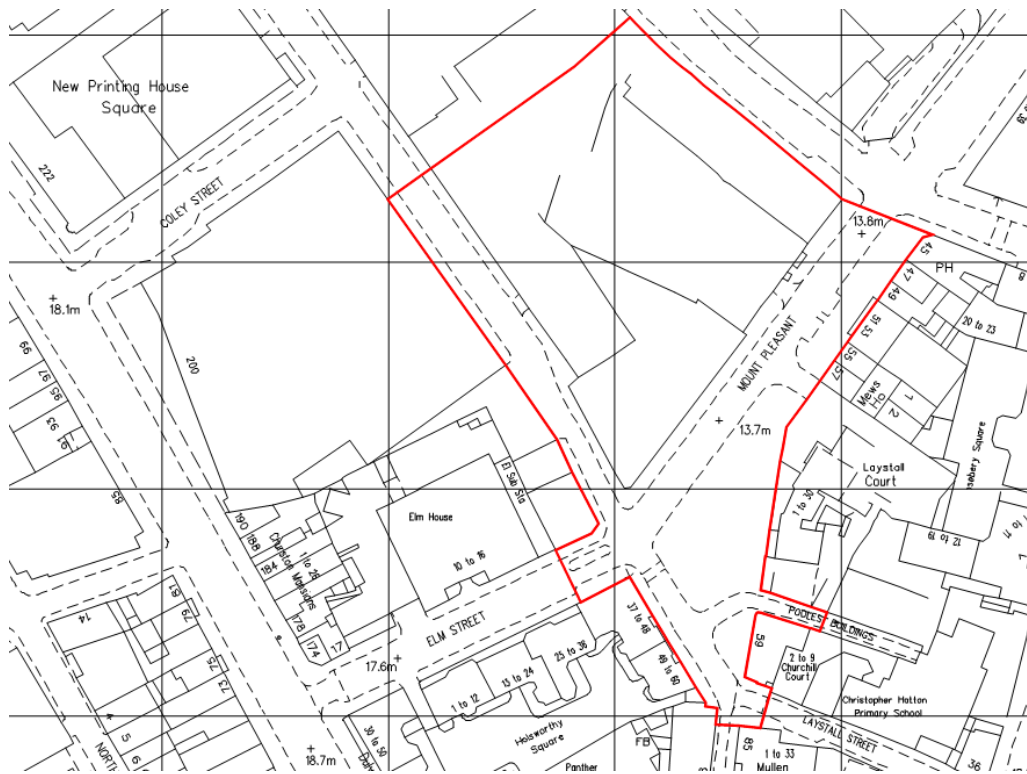


Figure 3: Mount Pleasant Community Right to Build Order Site

- 1.10 The wider site represents the greater part of the land which is the subject of the Mount Pleasant Supplementary Planning Document (LB Camden & Islington joint adopted February 2012). The Camden site lies between the Bloomsbury and Hatton Garden Conservation Areas, with the Islington site within the Rosebery Avenue Conservation Area. The Camden site also comprises the greater part of Site 24 within the Site Allocations Document DPD (September 2013).
- 1.11 The DPD promotes 'a mixed use development, primarily residential, which could include other uses such as business, community and retail uses, which makes efficient use of this highly accessible Central London location and also helps to meet the operational needs of Royal Mail'. The site also has a section of the London Suburbs Archaeological Priority Area (relating to the position of Civil War defences) running through its middle part and is entirely within the Central London Area. The site benefits from an excellent PTAL (6b). The Camden site itself lies within the Parliament Hill to St Pauls Strategic Viewing Corridor (2A.1) and the Kenwood House view (3A.1) which extends across part of the Islington site.
- 1.12 Within the immediate locality of the site are a number of listed buildings, including the aforementioned terraces on Mount Pleasant and Calthorpe Street.

2. Relevant History

Wider Mount Pleasant Site

- 2012/5808/P - Request for scoping opinion under the Town and Country Planning (EIA) regulation in respect of mixed use redevelopment involving up to 15 storey buildings comprising approximately 750 residential units, 6100m² Office, and 4000m² of flexible retail floorspace, new community facilities and 420 x car parking spaces – Issued 08/01/2013.

3. Proposal (continued)

- 2013/3807/P - Comprehensive redevelopment, following the demolition of existing buildings, to construct four new buildings ranging from 5 to 15 storeys (above basement level) in height, to provide 38,724sqm (GIA) of residential floorspace (345 dwellings) (Class C3), 823sqm (GIA) of flexible retail and community floorspace (Use Classes A1, A2, A3, D1 or D2), with associated energy centre, waste and storage areas, basement level residential car parking (54 spaces), the re-provision of Royal Mail staff car parking (approximately 196 spaces) cycle parking, residential cycle parking (431 residential spaces) hard and soft landscaping to provide public and private areas of open space, alterations to the public highway and all other necessary excavation and enabling works. The application is accompanied by an Environmental Statement – Granted by Mayor of London (call-in) on 30/03/2015.

3. Proposal

- 3.1 This screening opinion relates to a Community Right to Build Order (CRTBO) that has been submitted by the Mount Pleasant Neighbourhood Forum under Regulation 22 of The Neighbourhood Planning (General) Regulations 2012 (as amended) for the redevelopment of the Camden part of the Mount Pleasant Sorting Office (MPSO) site (approximately ¼ of the overall site).
- 3.2 The proposed order seeks permission for the redevelopment of the southern part of the Mount Pleasant site to provide 125 residential units including one, two and three-bedroom flats in a series of five linked buildings ranging from four storeys to eight storeys (plus lower ground); approximately 1,200sqm of commercial space; a newly created communal open space over 900sqm in size that will be enclosed by the proposed block on three sides; communal roof terraces private to the residents and accessible by lift; widening of the western end of Mount Pleasant to create a new 'pocket' park adjacent to Christopher Hatton Primary School and with traffic calming measures along the section of road fronting the development site; parking, related to relevant accommodation, for disabled drivers to be located on Gough Street and Phoenix Place for residents and Mount Pleasant for visitors; and a minimum of 242 long stay cycle parking spaces and 16 short stay cycle parking spaces.

4. Relevant policies

- Town and Country Planning Act 1990 (TCPA 1990)
- Localism Act 2011 (LA 2011)
- Development Management Procedure Order 2010
- Neighbourhood Planning (General) Regulations 2012 (as amended)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and Regulations 2015
- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance Note 'Environmental Impact Assessment' (PPG) - Paragraphs 008, 017, 018, 024, 025 and 059.

5. Assessment

- 5.1 As set out above, this CRTBO proposal relates to the redevelopment of the site to include up to 125 residential units and 1200sqm of commercial/retail floorspace.

5. Assessment (continued)

- 5.2 Schedule 9 of the LA 2011 introduces provisions into the TCPA 1990 allowing for the making of neighbourhood development orders, such as a CRTBO, which grant planning permission for development or development of a class specified in the order. Schedule 4 C (6) of the TCPA 1990 states that an LPA must decline to consider a proposal for a CRTBO if they consider “that -
- a) *the specified development falls within Annex 2 to the EIA directive [Council Directive 85/337/EEC] and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, or*
 - b) *the specified development is likely to have significant effects on a qualifying European site [offshore marine site in Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007 and site within meaning of Conservation of Habitats and Species Regulations 2010] (whether alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site”.*
- 5.3 The 2011 EIA Regulations (as amended by the 2015 regulations) 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.
- 5.4 The development proposal is not within an environmentally sensitive area and does not fall within any of the descriptions given in Schedule 1. It cannot therefore be considered a Schedule 1 development. The development is, however, considered to fall under the consideration of Schedule 2 10(b) (column 1) as an “urban development project”.
- 5.5 Paragraph 017 (When is an Environmental Impact Assessment required?) of the PPG 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 (LPA) 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. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area may not be Schedule 2 development. Such projects do not usually require further screening or Environmental Impact Assessment”.
- 5.7 Paragraph 018 (What is the procedure for deciding whether a Schedule 2 project is likely to have significant effects?) also requires that “when screening Schedule 2 projects, the LPA 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 an 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”.
- 5.8 Paragraph 30 (Establishing whether a proposed development requires an environmental impact assessment) further provides a reference flowchart to determine whether an EIA is required.

5. Assessment (continued)

- 5.9 Paragraph: 059 (What is the procedure for dealing with relevant projects that are below the screening thresholds introduced by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015?) clarifies that “Projects which are wholly outside of sensitive areas and do not exceed the new screening thresholds are not Schedule 2 development and should not be screened by the local planning authority”.
- 5.10 As set out above, the development proposal is considered to fall under the consideration of Schedule 2 10(b) (column 1) as an “urban development project”. Column 2 sets out the exclusion thresholds and criteria for which schedule 2 proposals need to be screened by the LPA. These are as follows:
- i. The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
 - ii. the development includes more than 150 dwellings; or
 - iii. the overall area of the development exceeds 5 hectares
- 5.7 Annex A of the PPG also advises that an EIA 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”. An 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 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)”.
- 5.8 Account is also to be taken of “the physical scale of such developments, potential increase in traffic, emissions and noise.”
- 5.9 The CRTBO proposals do not exceed the exclusion thresholds and criteria, as set out in Column 2, for which schedule 2 proposals need to be screened by the LPA. Notwithstanding this, in considering the proposals it is important to take into account both the extant planning permission (ref. 2013/3807/P) covering both the development site and the remaining three quarters of the wider Mount Pleasant Site and the relevant national and European guidance case law in relation to EIA development that affects interpretation of the regulations.
- 5.10 Article 5 of the EIA Directive advises that an EIA must describe and assess “the project” – defined as “the execution of construction works or of other installations or schemes [or] other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources”. Schedule 4, Part 1 of the EIA Regulations refers to the need to describe and assess “the whole development”.
- 5.11 In cases where there are two or more interlinked developments which are the subject of separate planning applications, whether they are a single “project” or part of the “whole development” will be a matter of fact and degree. In the case of *Ecologistas en Accion-CODA v Ayuntamiento de Madrid*: C-142/07 [2008] All ER (D) 328 (Jul), the European Union Court of Justice noted “the purpose of the directive cannot be circumvented by the splitting of projects and the failure to take into account the cumulative effect of several projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment.” AG Kokott’s test in this case was whether the projects were “connected, follow on from one another, or their environmental effects overlap.”

5. Assessment (continued)

- 5.12 Paragraph: 025 (How should multiple applications be treated?) further states that “an application should not be considered in isolation if, in reality, it is an integral part of a more substantial development (Judgment in the case of *R v Swale BC ex parte RSPB* [1991] 1PLR 6). In such cases, the need for Environmental Impact Assessment must be considered in the context of the whole development. In other cases, it is appropriate to establish whether each of the proposed developments could proceed independently (*Candlish* [2005] EWHC 1539; *Baker* [2009] EWHC 595)”.
- 5.13 The case of *R (Catt) v. Brighton Hove City Council* [2013] EWHC 977 (Admin) per Lindblom J further noted that an LPA “does not need to resurrect the past or speculate about proposals the future may bring”. Similarly, *R (Hockley) v. Essex CC* [2013] EWHC 4051 per Lindblom J concluded that there was no need for “conjecture about future development on other sites that might or might not act with the development in question to produce...cumulative effects”.
- 5.14 More recently in the case of *Larkfleet v South Kesteven District Council*, [2015] All ER (D) 51 (Aug), the Court of Appeal dismissed an appeal relating to a grant of planning permission for the construction of a link road. Although the road and a previously approved housing development were linked, the two projects were “separate” for EIA purposes. The Court of Appeal upheld the High Court’s dismissal of the claim for judicial review of the planning permission. It confirmed that the decision to assess what amounted to a project for EIA purposes was for the planning authority to make. It agreed that the two developments, while connected, were sufficiently independent that they were not one project.
- 5.15 The court rejected the appellant’s argument that this principle meant that two developments interrelated to each other, could not be assessed separately, on the basis that it was clear from the terms of the EIA Directive that just because two sets of proposed works may have a cumulative effect on the environment, this does not make them a single project for the purposes of the Directive. Instead the EIA Directive contemplates that where there are two interrelated projects, cumulative effects will need to be assessed for each project. In this case the relief road was subject to an EIA and had considered the impact of the residential development as far as it could. The court also noted that as these proposals were present in the local plan policy, that they would have been further underwritten by the fact that alternatives will have been assessed at the strategic level through scrutiny under the Strategic Environmental Assessment Directive 2001/42/EC.
- 5.16 National and European guidance also require decision-makers to take the cumulative effects of development into account as part of any EIA screening decision. In the case of *Commercial Estates Group Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 3089 (Admin), the court considered European guidance on EIA screening, which describes “cumulative impacts” as being “impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project”. There is, however, no guidance on the meaning of “reasonably foreseeable”.
- 5.17 Paragraph: 024 (When should cumulative effects be assessed?) of the PPG advises that “each application (or request for a screening opinion) should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together. For example, where the applications in question are not directly in competition with one another, so that both or all of them might be approved, and where the overall combined environmental impact of the proposals might be greater or have

5. Assessment (continued)

different effects than the sum of their separate parts”.

- 5.18 In the recent case of *Oldfield v. SSCLG* [2014] EWCA Civ 1446 per Maurice Kay LJ it was also noted that: “it is important that an assessment is made in the light of what is known and what is reasonably predicable or ascertainable at the time”. The future potential development in that case required a Compulsory Purchase Order the issue of which remained unresolved and no planning application was yet forthcoming. In those circumstances it was considered permissible for the SSCLG to conclude that there were at that point no cumulative effects.
- 5.19 On the Phoenix Place site, the extant planning permission scheme is made up of five main elements in four building ‘plots’ together with enabling works that are connected to the retained MPSO operations.
- 5.20 This part of the development would comprise 4 separate buildings (known as Buildings A, B, C and D) in two plots. Plot P1 would comprise Building A and Plot P2 would comprise Buildings B, C and D. In total, 345 flats are proposed, comprising 5 studios, 91 one-bedroom, 176 two- bedroom, 69 three-bedroom and 4 four-bedroom units.
- 5.21 Plot P1 (which is not too dissimilar to the land parcel of the CRTBO order proposal) would comprise a U-shaped courtyard block (Building A) open at its northern end and fronting Gough Street, Phoenix Place and Mount Pleasant. It would have a range of building heights - the lowest being 5 storeys on the corner of Phoenix Place and Mount Pleasant. It then steps up to 15 storeys at the site’s southern apex, on the corner of Gough Street and Mount Pleasant. This is the tallest building proposed on the overall site. Building A would provide 214 flats, with flexible commercial space (604sqm GEA) at ground floor level fronting Mount Pleasant.
- 5.22 As part of the application it was stated that the scheme would come forward in 3 phases – comprising (a) the enabling works, (b) the Phoenix Place scheme and (c) the Calthorpe Road scheme. A S106 legal agreement was attached to the permission which required, inter alia, that a link between the two sites ((b) and (c)) be secured to ensure that the schemes do not come forward in isolation and the wider masterplan objectives come forward in a timely manner.
- 5.23 At the time of the application, the proposed development was considered to be a “Schedule 2” development likely to have significant effects on the environment by virtue of factors such as nature, size or location. Consequently, the application was considered to form an EIA application and an Environmental Statement was prepared in accordance with EIA Regulations. The applicant submitted a Scoping Report (dated 29 October 2012) outlining the scope of the Environmental Statement (ES) at pre-application stage. Following consultation with the relevant consultation and Camden Council issued a joint assessment and opinion on 14 December 2012 and 8 January 2013 (ref. 2012/5808/P) respectively. The Scoping Opinion confirmed that the scheme constituted EIA development and set out advice and instructions in relation to the methodology of the assessment. It identified a range of potential effects that would need to be included in the ES that was required to be submitted with the applications.
- 5.24 The submitted ES was divided into four volumes covering the 1) main assessment text; 2) figures; 3) townscape, heritage and visual impact and 4) technical appendices (including transport assessment, heritage, flood risk, microclimate, explosion risk, daylight, sunlight and overshadowing. It included qualitative, quantitative and technical analysis of the impacts of the development on its surrounding environment in physical, social and economic terms. Each scheme was assessed individually and cumulatively. Development Scenario 1 considered both schemes, Development Scenario 2 was for the Islington proposals, and Development Scenario 3 was for the Camden proposals. Under the various subject headings, the report referred to the content and analyses contained with the ES and upon its findings and conclusions.

5. Assessment (continued)

- 5.25 The CRTBO proposal relates to the redevelopment of the site to include up to 125 residential units and 1,200sq.m of commercial floorspace. When compared with Building A of the extant permission it would be lower in height (4 to 8 storeys as opposed to 5 to 15 storeys), step forward closer to Mount Pleasant and result in 89 fewer residential units (592 units in total across the Mount Pleasant Site) with an increase in non-residential floorspace of 846sqm at ground floor level.
- 5.26 At present, the S106 legal agreement attached to the extant planning permission scheme links the Phoenix Place and Calthorpe Road phases of the development and prevents either of these parts from coming forward in isolation. Were the CRTBO proposal to be implemented, a revised planning permission application to that already granted would be required for the remainder of the site as the development approved could no longer come forward in its entirety and as required by the attached legal agreement; the development site boundary would need to be amended to exclude the parcel of land now forming part of the CRTBO proposal; and the alternative proposal would be materially different from that approved.
- 5.27 The CRTBO proposal can, however, proceed independently of the extant planning permission and there are no restrictions on it that tie it to the extant planning permission. The CRTBO scheme is significantly different from that originally proposed as part of the Camden proposals and can proceed irrespective of what happens on the remainder of the wider site. The only link between it and the remainder of the Mount Pleasant site is that the intended CRTBO development site falls within the red line boundaries of both the extant planning permission site and Site 24 within Camden' Site Allocations Document. Whilst connected in this respect, it is sufficiently independent not to be considered as one project. It is therefore considered that in the case of the CRTBO proposal, there is no need for conjecture about the future development of the other parts of the Mount Pleasant site that might or might not act with the development in question to produce cumulative effects.
- 5.28 It is therefore concluded that the proposal can therefore reasonably be considered as "separate" for EIA purposes. On this basis, given the CRTBO development proposal does not exceed the above exclusion thresholds and criteria and in light of the clarification given in Paragraphs 030 and 059 of the PPG and case law above, it is not considered to constitute EIA "Schedule 2 development". The proposals are not therefore required to be screened under the Regulations to determine whether significant environmental effects are likely and hence whether an assessment is needed.

6. Conclusion

- 6.1 The proposal is not considered to constitute EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).