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## Delivered by Email

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Dear Sir or Madam,

## **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2011: REQUEST FOR SCREENING OPINION PURSUANT TO REGULATION 5**

### **DEVELOPMENT PROPOSAL – LATCHMERE HOUSE FORMER HM REMAND CENTRE, KT2 5NX**

We write on behalf of our client Berkeley, to formally request the adoption of a Screening Opinion pursuant to Regulation 5 of the above Regulations, in relation to the following proposed development at Latchmere House former HM Remand Centre, Church Road, KT2 5NX.

Berkeley's proposals for the site are currently the subject of a pre-application enquiry lodged with both the London Borough of Richmond upon Thames (LBR) and the Royal Borough of Kingston upon Thames (LBK).

The description of development is:

*Demolition of existing prison buildings, excluding Latchmere House, which is to be retained and extended. Provision of circa 73 residential units: predominantly single family dwellinghouses together with apartments within the converted Latchmere House. Alterations to existing access via Church Road. Associated landscaping, on-site roads and car parking.*

It is our view that the site does not constitute an EIA development for which an Environmental Statement would be required. This request for screening should be read in conjunction with the following submitted documents:

- Site location plan
- Indicative scheme masterplan
- Indicative layout plan for Latchmere House
- Indicative schedule of house types
- Indicative schedule of apartments within Latchmere House

- Pre-application report dated 25 July 2013, which has been previously submitted to both councils. The above documents supersede the pre-application report, which is provided for background information.

### **The site**

Latchmere House was originally constructed as a private residence. It has been used as an HM Remand Centre and most recently as a resettlement prison.

The site is located to the south of Ham Common and is partly located within both the London Borough of Richmond and the Royal Borough of Kingston.

The surrounding area to the east, south and west is predominantly occupied by low-to-medium density suburban housing, served by local shops on Tudor Drive, to the south-west. The nearest town centres are Kingston-upon-Thames, to the south, and Teddington, to the west, on the other side of the Thames. To the north and north-east are the open spaces of Ham common and Richmond Park, beyond.

The buildings on the site are a mixture of utilitarian blocks associated with prison use, of generally one or two storeys. Latchmere House was originally built as a residential property and later extended and altered, such that it has three storey, two storey and single storey elements. Two outbuildings associated with the house remain on site although they have been heavily altered. The site is substantially tarmacked but retains some green areas including a number of mature trees. The site is bounded by a tall perforated security fence of approximately 4m in height.

Access to the site is to the north-west, from Church Road, via a road which also provides access to Latchmere Close and Bainbridge Close

The application site comprises approximately 3.6 hectares, located partly within the London Borough of Richmond and partly within the Royal Borough of Kingston. The proposals will be dealt with as two separate planning applications, albeit that we would expect implementation to be linked within a legal agreement. The indicative masterplan shows the borough boundary.

The Richmond part of the site is located within the Ham, Petersham and Richmond Riverside Ward and is partially within the Ham Common Conservation Area. The site adjoins Ham Common, which is designated as Metropolitan Open Land, Public Open Space and an Other Site of Nature Importance. The site is also adjacent to the Ham Common Archaeological Priority Area.

The Kingston part of the site is located within the Tudor Ward and is within the Kingston Neighbourhood policy Local Development Framework designation. In addition, the site is adjacent the Tudor Estate Local Area of Special Character and close to the Tudor Drive Local Centre and the Borough Strategic Walking Network along Tudor Drive.

Within the site there are trees subject to Tree Preservation Orders.

Vehicular access is via Church Road, to the north-west. The PTAL rating is 0-1.

### **Determining whether an Environmental Impact Assessment is required**

The determination of whether EIA is required rests in the consideration of whether the development is:

- Schedule 1 development – in which case EIA is necessary; or
- Schedule 2 development – in which case EIA is necessary only if the development is likely to have significant environmental effects as referenced in Schedule 3 of the Regulations.

The proposed development does not meet any of the categories of development in Schedule 1 of the Regulations for which EIA is mandatory. However, it could be considered to fall within one of the categories of development set out in Schedule 2 of the Regulations, namely Category 10b 'urban development project'.

Whilst the Regulations note that urban development projects may include shopping centres and car parks, the list is not exhaustive and the EU Directive 85/337/EEC *Interpretation of definitions of certain project categories of annex I and II of the EIA Directive* states that housing development should also be considered to fall within the 'urban development project' category within category 10 *Infrastructure projects*.

Accordingly it is necessary to consider whether the development would be located in a 'sensitive area' as defined in the Regulations and whether it would meet the relevant thresholds and criteria contained in Schedule 2 of the Regulations. If it does the development would be deemed 'Schedule 2' for the purposes of the Regulations and it would then be necessary to consider whether it would be likely to have 'significant' environmental effects.

### **Sensitive area**

The Regulations define sensitive areas as being:

- Sites of Special Scientific Interest (including their consultation areas);
- Land to which Nature Conservation Orders apply;
- International conservation sites;
- National Parks;
- Areas of Outstanding Natural Beauty;
- World Heritage Sites;
- Scheduled Monuments.

The site is not located within a 'sensitive area'. Ham Common, to the north, is identified within Richmond's Proposals Map as an 'Other Site of Nature Importance'; however, this has only local

importance and is designated within planning policy but is not considered a sensitive area within the scope of the Regulations. No Nature Conservation Order applies to the site.

Whilst the site is not within a sensitive area as defined by the Regulations, a simple consideration of high level sensitivity is not a robust assessment of the potential effects which could arise from any development, therefore we go on to consider the potential impacts of the proposal in more detail, with regards to the relevant thresholds and criteria of Schedule 2.

### **Schedule 2 Thresholds and Criteria**

Relevant thresholds and criteria for categories of development listed in Schedule 2 are contained in the second column of the Schedule.

The 'urban development projects' category has a threshold of 0.5 hectares. In this case 0.5 hectares is exceeded and this prompts a consideration of the potential significance of any environmental effects.

In our view, a level of judgement needs to be applied to determining whether significant effects from a development are likely. The main factors we consider to be relevant are:

- the location of a development - the more environmentally sensitive the location, the lower the threshold at which significant effects will be likely;
- the physical scale of development - EIA is unlikely to be required for the re-development of land unless the new development is on a significantly greater scale than the previous use, the site has not previously been intensively developed, or the types of impact associated with the development are of a markedly different nature to current site uses; or
- there is a high level of contamination or pollution existing on site or likely to arise.

To consider the potential 'significant' environmental effects in more detail, the applicant has utilised the selection criteria provided in Schedule 3 of the Regulations as set out below.

### **Significant Environmental Effects**

What may constitute a 'significant' effect must be assessed on the basis of the individual quantifiable facts and evidence base available relative to a particular development proposal. It is often not possible to make a screening opinion based on full information, and thus it is the **likelihood of significant effects** arising which is important.

Schedule 3 of the Regulations provides a list of selection criteria which should be taken into account in considering a screening opinion. In considering these criteria, a rational view must be taken on the likelihood of effects arising. In our view, EIA is more likely to be required where a development is:

- a significant development of more than local importance;
- a development in a particularly environmentally sensitive or vulnerable location; or

- a development with unusually complex or potentially hazardous environmental effects.

It is also relevant to note that the basic test for the need for environmental assessment in a particular case is the likelihood of 'significant' effects on the environment.

### **Schedule 3 Selection Criteria**

In considering whether EIA is required, regard should be had to the following criteria set out in Schedule 3 to the Regulations:

- characteristics of the development;
- location of the development; and
- characteristics of the potential impact.

#### ***Characteristics of the development***

Size of the development:

The existing floorspace is approximately 8,500m<sup>2</sup> and the proposed floorspace is approximately 12,500m<sup>2</sup> GEA.

The scale of the replacement buildings will be broadly similar to that of the existing buildings, with regards to site coverage and maximum storey heights. The existing buildings are generally one – two storeys, with Latchmere House being the tallest building, given its three storey element. The proposed buildings will be two storey plus use of roof space to provide further floorspace.

The density of residential development proposed is considered appropriate to the site context: the proposed density will be approximately 30-39 units per hectare, compared with typically residential densities in the area of between 9.7 and 83 dwellings per hectare.

#### **Cumulation with other development**

We have conducted a search of the surrounding context, focusing on an area within 1km from the site. We are not aware of any major applications within a 1km radius of the site; however, there are proposals to open a new free school at the site of the North Kingston Centre on Richmond Road, which is planned to open in September 2015. Planning permission associated with the free school has not yet been sought.

Given the limited scale of the proposal in terms of floorspace uplift, together with the fact that residential use would be appropriate to the context of the site, it is not considered that the proposal would give rise to any significant impacts either on its own or cumulative with other proposed/approved developments in the area sufficient to be likely to give rise to significant environmental effects such as would justify an EIA.

The Council should give due consideration of any other scheme(s) that may be considered relevant to the present proposals, for the purposes of cumulative impacts in EIA terms.

#### **Use of natural resources and the production of waste**

The development will not result in a significant use of natural resources. Resource use will be confined to construction materials and on-going running costs such as power and water. Demolition materials will be re-used or recycled where appropriate and practicable.

The proposed development would not be a high user of natural resources during the construction or operational stages. The new and refurbished buildings would be an improvement to the existing buildings in terms of their environmental effects given the sustainable design standards proposed.

#### **Pollution and nuisances and risk of accidents**

The proposal will not result in hazardous substances being stored or potentially dangerous activities being carried out on the site.

The demolition of the existing building will result in some waste materials and the construction phase will result in potential for dust, noise and traffic disruption effects for nearby residents and users of the district centre. However, these can be satisfactorily dealt with by appropriate demolition, waste and construction management measures which are commonly employed in urban settings and which are known to be successful; this may include a Construction Management Plan. The re-use of some materials from the demolished buildings will be considered where practical.

The proposed development would not introduce any non-conforming or unusual processes or activities relative to the site context, which would suggest any level of risk to existing or future occupiers and or residents.

**As a result of the above, the character of the development is not considered likely to raise any significant effects sufficient to warrant an EIA.**

#### ***Location of development***

The site does not form nor is it located within an area of environmental sensitivity as defined in the Regulations. The existing land use has limited inherent value in terms of natural resources and the environment.

With regards to selection criteria 2 (vi) of Schedule 3 it is noted that air quality in London does in some cases exceed EU targets. The proposal is not considered likely to have a significant impact on air quality and will be designed to respond to planning policies relating to both councils' designations as a Air Quality Management Areas. The absorption capacity of the natural environment in this respect is considered satisfactory.

The site is partly within the Ham Common Conservation Area and Latchmere House is considered a Building of Townscape Merit, within Richmond. As such, the site forms part of a landscape with some historic and cultural significance, albeit of local importance. The proposals are considered to have a positive impact on the conservation area, given the retention and investment in Latchmere House and the improvements to its setting that the redevelopment of the site will bring. This will include landscaping and replacement of the remand centre buildings with good quality housing laid out in a way that responds to and enhances the setting of Latchmere House. It is considered that there will be no adverse impacts in this respect that could be considered a significant effect on the environment, as referred to within the Regulations.

The site is not within an area at risk of flooding, according to the Environment Agency's online mapping tool; nevertheless, a Flood Risk Assessment will be submitted with the application. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

**As a result of the above, the location of development is not considered likely to give rise to significant environmental effects sufficient to warrant an EIA.**

#### ***Characteristics of the potential impact***

The characteristics of the effects envisaged from the development are not considered to create any distinct or unusual potential effects. The following matters are considered to be the relevant environmental considerations in line with the criteria of Schedule 3 (3). There are not considered to be any trans-frontier impacts, although where we consider an impact to be reversible / irreversible, permanent or temporary, direct or indirect we set this out below.

#### **Traffic and Transportation**

The traffic impact of the development is not considered to be significantly different to the traffic impact of the last use of the site as a remand centre. The application will be accompanied by a full Transport Statement or Assessment, as applicable. Initial results from the transport analysis are clear that the peak vehicle flows will not be significantly different between established and proposed uses.

The residential development will make use of the existing site access. The access point will provide a suitable highways environment in terms of safety and capacity.

The proposals will include provision of sufficient car parking in line with planning policy, which will ensure that the capacity of the road network is not impacted significantly by an increased demand for on-street parking. The proposals will include sufficient provision of cycle parking, with reference to planning policy.

It is not considered likely that there will be any significant transport impacts that cannot be mitigated satisfactorily and fully considered through the normal planning process. The scale of the development is not significant in the context of the road and transportation infrastructure within the vicinity of the

site, nor the wider context. Furthermore, the scale of the proposals is not considered significantly different to that of the previous use of the site, in terms of the provisions of the Regulations.

The capacity of existing public transport services is not considered likely to be materially affected, given the quantum of development relative to the overall residential population within the surrounding area. These impacts can be assessed through the normal planning process and any impacts can, where necessary, be mitigated using tried and tested approaches, which are known to be effective.

It is considered that the development is in accordance with the relevant policy guidance and that the transport demand generated by the proposed land uses can be successfully accommodated by the local highway, public transport, walking and cycling networks. Any impacts will be of a local and manageable nature, which can be fully considered via the planning process and addressed through tried and tested mitigation measures which are known to be effective.

### **Air Quality**

The proposed development is unlikely to result in potentially significant effects on air quality, given that the proposed use is residential.

Effects from the construction phase are not considered to be significant, particularly as there are effective controls available to the local authority to ensure nuisance effects do not occur to surrounding receptors.

The proposal may involve plant within / associated with Latchmere House itself and/or individual equipment within each unit, such as boilers and so forth. Similarly, the new houses are likely to have equipment such as boilers. It is not anticipated that significant emissions would be associated with this. Any impacts will be local and suitable mitigation will be possible if required as part of the planning process, utilising tried and tested mitigation measures, which are known to be effective.

### **Noise and Vibration**

The proposals are unlikely to give rise to significant noise and vibration given that the use proposed is residential. Noise and vibration as a result of demolition and construction will be adequately controlled with tried and tested methods (such as controlled working hours) and these effects will be temporary in nature.

Plant noise, if applicable, will be mitigated to appropriate levels in accordance with both councils' standards and relative to existing background noise, using tried and tested mitigation measures.

### **Socio-Economic**

The proposals will result in the introduction of residential floorspace, which is appropriate to the area and will help to meet housing need and demand. The residential floorspace will include a mix of



private units and affordable housing provision. The exact mix will be subject to the deliverability of the scheme. The proposals will also provide construction jobs and related economic benefits.

The proposal is not of a size or development type that would give rise to significant socio-economic effects in terms of the provisions of the Regulations. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

### **Daylight and Sunlight**

No significant impact is envisaged on the daylight and sunlight of light sensitive neighbours given the scale of the proposals and distance to neighbouring properties of the proposed buildings.

Any impacts would in any case be local and insufficient to result in a requirement for an EIA.

### **Ecology**

RSK Group plc was instructed to produce an Extended Phase 1 Habitat Survey Report (2012).

There has been some evidence of badgers in the area and as such a pre-construction survey is recommended to check for any signs of activity.

Some of the buildings and trees on site have the potential to support roosting bats. An external inspection has been carried out; however, further surveys are recommended.

There is a low potential for reptiles within existing grassland; a watching brief is recommended.

There is a potential for nesting bird habitat, which has implications for the clearing programme. If dead wood is to be removed it is recommended that a Stag Beetle survey is undertaken.

Overall, the site has limited ecological value and no substantial impacts are anticipated. Any impacts will be manageable with recognised and accepted mitigation, where relevant, and are unlikely to be of any more than local importance or of significance with regards to the provisions of the EIA Regulations.

The site includes mature trees, with a number of Tree Preservation Orders in place. As such, an arboricultural survey has been undertaken. The proposals will retain protected mature trees where possible. There will also be additional tree planting as part of the landscaping scheme, which as a whole will bring about an ecological improvement to the site. Arboricultural matters on the site are considered of no more than local importance. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

### **Townscape, Visual and Built Heritage**

We consider that the removal of existing buildings (except for Latchmere House) and the proposed site layout and housing design will improve the setting of Latchmere House, as a Building of Townscape Merit and for the same reason improve the character and appearance of the Ham Common Conservation Area.

The proposals will also have a townscape benefit to adjacent residential areas and to views from the north, due to the replacement buildings and the removal of the existing boundary fence, which is approximately 4m in height.

The site is not affected by any strategic views, nor are the proposals of a scale likely to result in any significant visual impacts from surrounding areas and will not be significantly different from the existing buildings in terms of height and bulk.

The proposals will involve the demolition of two outbuildings associated with the original operation of Latchmere House when in residential use; however, following a detailed consideration of their limited significance and the benefits from their demolition with regards to the overall planning merits of the proposals, it is not considered that retention of these outbuildings would be desirable. The buildings are much altered and compromised.

The heritage issues pertinent to the proposals are considered of local importance and can be fully assessed as part of the planning applications. There are no issues of significance with regards to the EIA Regulations.

### **Archaeology**

The northern part of the site is adjacent to the Ham Common Archaeological Priority Area.

CgMs Consulting was instructed to undertake an Archaeological Desk Based Assessment (2012) and an Archaeological Evaluation (2013). The Desk Based Assessment report concluded that there is potential for archaeological finds and that proposals that would have severe and/or widespread below ground impacts should be subject to trial trenching. However, given any potential remains are considered likely to be of only local significance the report concludes that any investigation works can be required by a condition of any planning permission.

Nevertheless, an Archaeological Evaluation has also been carried out; evaluation trenches were dug on site, although these were limited to the western part of the site due to the potential presence of badgers on other parts of the site. The report notes that no archaeological features or finds were encountered during the evaluation and the site is considered of low archaeological potential.

The site is likely to have been subject to ground disturbance during the construction of the existing buildings. No basements are proposed as part of the development scheme.

Should any archaeologically significant findings emerge during demolition works, these can be properly recorded. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective. There are therefore unlikely to be any significant archaeological effects.

### **Ground Conditions**

Listers Geotechnical Consultants were due to produce a Ground Investigation Report (2012). The report identifies no significant likely ground contamination but states that isolated pockets may be encountered during construction. Groundwater contamination risk is considered to be very low. No site remediation measures are identified as necessary.

Any waste materials generated by the remedial works and ground works would be classified and segregated by material type to minimise disposal costs.

Should any contamination found will be fully mitigated using tried and tested methods that are known to be effective. There are therefore unlikely to be any significant effects.

### **Demolition and Waste Management**

The demolition of existing buildings on site is not likely to raise undue or on-going effects that cannot be adequately addressed by relevant demolition/construction management conditions, such as requiring dust control measures. These tried and tested mitigation techniques are known to be successful in controlling temporary, construction stage effects.

No significant issues are anticipated with regards to the Regulations. Construction stage effects are temporary and will be reversed once construction ceases.

### **Sustainability and Energy**

The sustainable design and energy efficiency of the proposed buildings and refurbished Latchmere House will be addressed locally through assessment against relevant planning policies and using recognised assessment methodologies. This will ensure satisfactory resource use during the operational stage.

Given the limited scale of the development, with regards to the provisions of the Regulations, these issues can be fully addressed through the planning process and there is no need for an EIA therefore.

### **Wind Effects**

The development would not include tall buildings or a form of development that could lead to significant wind effects. The quantum and scale of development on the site will not be dissimilar to the

existing level of built form on the site; it is considered that there will be no significant impacts in EIA terms.

### **Surface Water**

The site currently has a substantial amount of developed area and hard standing. Under the proposals, a significant amount of shared open space and private garden spaces will allow for a good amount of surface water infiltration rather than direct run-off. The proposals will be designed to ensure that run-off levels are no higher than the existing site and we would expect that run off levels can be reduced below existing levels.

The site is not within an area at risk of flooding, according to the Environment Agency's online flood risk map.

### **CONCLUSIONS**

Given the nature of the development and lack of sensitivity of the site in EIA terms, it is concluded that any effects of the development will be local to the site and its immediate surroundings and no 'significant environmental effects' are likely to arise.

For the reasons set out above, these effects are not considered significant or of an unusually complex nature. Any effects will be of local importance and, as a result, the likely effects are capable of being properly considered as part of the normal planning application process and do not warrant an EIA.

As such, it is our view that the proposed development does not comprise EIA development and that no Environmental Statement should be required to accompany the planning application.

We therefore kindly request that the local planning authority adopts a Screening Opinion to confirm that no Environmental Statement will be required for the proposal. In accordance with Regulation 5(5) we look forward to hearing from you within the statutory 21 day period.

When replying, I would be grateful if you would confirm that you have the authority to do so on behalf of the Council.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'O. Jefferson', enclosed within a large, loopy circular scribble.

**Oliver Jefferson**

**Senior Planner**