

London Borough of Haringey  
Development Control  
639 High Road  
London  
N17 8BD

**Our ref:** NE/2017/127791/01-L01  
**Your ref:** HGY/2017/3117  
**Date:** 24 January 2018

Dear James,

**Hybrid planning permission (part outline, part detailed) for the demolition of Olympia trading estate and Western road buildings and structures, and a phased, residential led mixed use development comprising the construction of buildings across the site to include the following 163,300sqm GEA use class C3 residential; 7,168sqm to 7,500sqm GEA class B1 business; 1,500sqm to 3,950sqm GEA class A1-A5; 417sqm GEA class D1 day nursery; and up to 2,500sqm GEA class D2 leisure; new basement level; two energy centres; vehicular access, parking; realignment of Mary Neuner Road; open space; associated infrastructure and interim works; site preparation works.**

**Outline permission is sought for 103,150sqm class C3 residential; 7,500sqm class B1 business use; 1,500sqm to 3,950sqm class A1-A5; and up to 2,500sqm class D2 leisure use; buildings up to 103.90m AOD; associated cycle and car parking provision; new basement level; energy centre; new public square, public realm works and landscaping; vehicular access and new servicing arrangements; associated highway works; and facilitating works. All matters (appearance, landscaping, layout, scale and access) are reserved. Vehicular access into the basement car park from Mary Neuner Road and Western Road are submitted in detail.**

**Detailed permission is sought for the construction of building A1-A4, B1-B4 and C1; ranging from 2 to 15 storeys to accommodate 622 residential units; 332sqm class B1 business use/class A1-A5 use; 417sqm day nursery; associated cycle and car parking provision; two basements; energy centre; public realm works and landscaping; vehicular access and new servicing arrangements; associated highway works; realignment of Mary Neuner Road.**

**Land at Haringey Heartlands, between Hornsey Park Road, Mayes Road, Coburg Road, Western Road and the Kings Cross / East Coast Mainline, Clarendon Gas Works, Olympia Trading Estate, And 57-89 Western Road N8 & N22**

Cont/d..

Thank you for consulting us on this application and apologies for the late response which was due to the sensitive nature of the site and matters of daylighting the Moselle Brook main river than runs in culvert through the site.

We have had pre-application discussions with the applicant and their agents to help them try to achieve their vision for this development; while also maximising environmental opportunities. We believe there is a great opportunity at the site to de-culvert the Moselle Brook and restore the designated 'main river' to a more natural state as required by the Thames River Basin Management Plan (RBMP) under the Water Framework Directive (WFD) and in line with your adopted local plan policy DM28. Naturalising rivers provides flood risk, water quality, biodiversity and recreational benefits for the area. It is disappointing that de-culverting options have not been deemed feasible at this time and that the Moselle Brook cannot be integrated as a principal feature of this development. However, following our recent discussions on this matter we are able to accept and support the principle of a legal agreement being attached to any planning permission granted that will ensure ongoing monitoring of water quality of the Moselle Brook and a commitment to de-culverting in the future when water quality is satisfactory. We would be happy to advise on this agreement and support with any quality checks or trigger points that may be necessary.

We consider planning permission could be **granted** subject to the following conditions being imposed.

### **Condition**

Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

### **Reason**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

Note: The developer is part way through the process of developing a detailed Remediation Strategy, as required by this planning condition. The condition adopts a holistic approach, as recommended in CLR 11, so cannot be part discharged.

**Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reasons**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

**Condition**

Prior to each phase of development being occupied/ brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reasons**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

**Condition**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

**Reason**

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

The submitted planning application indicates that boreholes have been and will need to be installed at the development site to investigate land and groundwater quality and potentially for geotechnical investigations. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 relating to the deep chalk aquifer.

**Condition**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no

resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

### **Reason**

Deep foundations and piling can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 relating to the deep chalk aquifer.

### **Condition**

Piling for the development hereby permitted may not commence until a groundwater monitoring and maintenance plan in respect of potential contamination mobilised by piling activities, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

### **Reason**

To ensure that piling on the site does not pose any further risk to the deep water environment (Chalk aquifer, SPZ1) by managing any contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

### **Condition**

Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal needs to be submitted to and approved by the local planning authority. The scheme shall be implemented as approved.

### **Reason**

To protect the quality of controlled waters in the local area.

### **Informative**

The soil/land of the proposed rain garden along the route of the Moselle Brook must be free from contamination so that none is leached into the brook or shallow groundwater. This was mentioned in pre-application discussions (our ref: NE/2017/126644/02) and repeated below:

"...keeping the Moselle in culvert and creating a rain garden above the culvert along the course of the brook. If this option is carried forward then the culvert will need to be sealed from contamination in the made ground, the seal will need to be maintained for the life of the development and the rain garden must not cause contaminants to be leached out of the made ground".

### **Additional Information**

#### **Groundwater and Contaminated Land**

The previous use of the proposed development presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site:

- is within Source Protection Zone 1, relating to the deep chalk aquifer.
- and a watercourse is located within the site.

The EIA submitted in support of this planning application provides us with confidence

that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will only be acceptable if the conditions listed above are imposed on any planning permission. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the [contaminated land](#) pages on GOV.UK for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

### **Flood Risk**

We have no concerns with this development regarding flood risk. The site is in Flood Zone 1 and development is outside of the 8m buffer. The Moselle Brook has plenty of capacity for the flows through this site, so we don't expect any increased risk of flooding whenever the day comes to open up the river through the site.

**Decision Notice:** We record outcomes of planning decisions and request that the decision notice is emailed to [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk)

If you have any queries on our response please don't hesitate to contact me on the details below.

Yours faithfully

**Mr Tom Craig**  
**Planning Advisor**

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