

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

**Date:** 19 March 2019

**Report of**

Head of Planning

**Contact Officer:**

Claire Williams 0208 379 4372

**Ward:**

Edmonton Green

**Ref:** 18/04914/RE4

**Category:** Full

**LOCATION:** Vacant Land To The South Of Units 4, 5, 6, 9 And 9A Orbital Business Park, 5 Argon Road, Edmonton, N18 3BW

**PROPOSAL:**

Capping of the site with a maximum of 400mm material across the existing levels of the site.

**Applicant Name & Address:**

Regeneration Team  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

**Agent Name & Address:**

Mr Edward Bright  
SLR Consulting Limited  
3rd Floor, Brew House  
Jacob Street  
Bristol  
BS2 0EQ

**RECOMMENDATION:**

In accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, planning permission be deemed to be GRANTED subject to conditions.

## 1.0 Recommendation

1.1 That in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, planning permission be deemed to be GRANTED subject to conditions.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be maintained in accordance with the following approved plans and documents: PLA 01 (Site Location Plan), PLA 02 (Site Location Plan), PLA 03 (Block Plan), PLA 04 (Existing Site Layout), PLA 05 (Proposed Capping Area), PLA 06 (Existing Sections), PLA07 (Proposed Sections), TP01 (Existing Topographic Survey), Design and Access Statement (January 2019), , Flood Risk Assessment (dated January 2019), Construction Management Plan (January 2019), Ground Investigation Report (September 2018), Socio Economic Benefits (January 2019), Utilities Strategy (January 2016), Viability and Cost Analysis for Water Transport, Planning Statement (dated January 2019), Meanwhile Use Import Criteria dated 15<sup>th</sup> February 2019, Letter dated 18<sup>th</sup> January 2019, Ecological Constraints (dated 25<sup>th</sup> February 2019), Ground Investigation Interpretative Report (dated January 2019) .

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted may not commence until a scheme to sample any imported materials has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed material imported on site does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework, Policy CP32 of the Core Strategy and Policies DMD64 and DMD66 of the Development Management Document.

4. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved sampling scheme shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and demonstrate that the site import criteria as defined in the submitted IKEA Clear, Meanwhile Use Import Criteria document produced by SLR dated 15 February 2019 have been met.

Reason: To ensure that the site does not pose any risk to the water environment by demonstrating that the requirements of the approved site import criteria have

been met. This is in line with paragraph 170 of the National Planning Policy Framework, Policy CP32 of the Core Strategy and Policies DMD64 and DMD66 of the Development Management Document.

5. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, 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 the site does not pose any further risk the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework, Policy CP32 of the Core Strategy and Policies DMD64 and DMD66 of the Development Management Document.

6. If during the proposed works contamination not previously identified is found to be present at the site then no development (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.

Reason: To ensure that the development does not contribute to, 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. This is in line with paragraph 170 of the National Planning Policy Framework, Policy CP32 of the Core Strategy and Policies DMD64 and DMD66 of the Development Management Document.

7. Development shall not commence until a photographic site access site survey to include a photographic condition survey of the roads, footways and verges leading to the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no damage to the public highway in line with Policy DMD47 of the Development Management Document.

8. The development shall not commence until a Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with our DMD Policy 61 SuDS Requirements:

- a) Shall be designed to a 1 in 1 and 1 in 100-year storm event with the allowance for climate change
- b) Follow the SuDS management train and London Plan Drainage Hierarchy by providing a number of treatment phases corresponding to their pollution potential
- d) The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact
- f) The details submitted shall include levels, sizing, cross sections and specifications for all drainage features

Reason: To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property and ensure that the drainage system will remain functional throughout the lifetime of the development in accordance with Policy CP28 of the Core Strategy, DMD Policy 61, and Policies 5.12 & 5.13 of the London Plan and the NPPF and to maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value

9. Prior to occupation of the development, a Verification Report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing. This report must include:

- As built drawings of the sustainable drainage systems including level information (if appropriate)
- Photographs of the completed sustainable drainage systems
- Any relevant certificates from manufacturers/ suppliers of any drainage features
- A confirmation statement of the above signed by a chartered engineer

Reason: To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property and ensure that the drainage system will remain functional throughout the lifetime of the development in accordance with Policy CP28 of the Core Strategy, DMD 61, and Policies 5.12 & 5.13 of the London Plan and the NPPF

10. All areas of trees, scrub or other vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To protect biodiversity in accordance with paragraph 170 of the NPPF and Core Strategy Policy 36.

11. No vegetation clearance or capping is to occur within 8m of the River Lea or in the Flood Area in the north east corner as shown on the submitted drawing PL1 05 dated January 2015.

Reason: To minimise impacts on the River Lea in accordance with paragraph 170 of the NPPF and Core Strategy Policy 36.

12. Any excavations left open overnight are to be fitted with a plank or similar ramp to allow trapped animals to escape.

Reason: To protect biodiversity in accordance with paragraph 170 of the NPPF and Core Strategy Policy 36.

## **2.0 Note for Members**

- 2.1 The application has been brought to the Planning Committee because the applicant and landowner is Enfield Council.

## **3.0 Summary of Reasons for Recommendation**

- 3.1 The report seeks approval for the capping of vacant scrubland within land designated to come forward as phase 2 of the Meridian Water development. Capping is the importation of material to raise ground levels to ensure contamination on the site is contained. Once the site is capped the site will be fit for use to serve meanwhile uses as part of the regeneration of Meridian Water. Under a separate planning application, planning permission is sought for a change of use of the existing industrial warehouse buildings located to the north of the site and the land within the application site to events and entertainment space in order to accommodate the Field Day Festival on 7<sup>th</sup> and 8<sup>th</sup> June 2019. This planning application will come before Committee in due course.

- 3.2 The reasons for recommending approval of this application are:

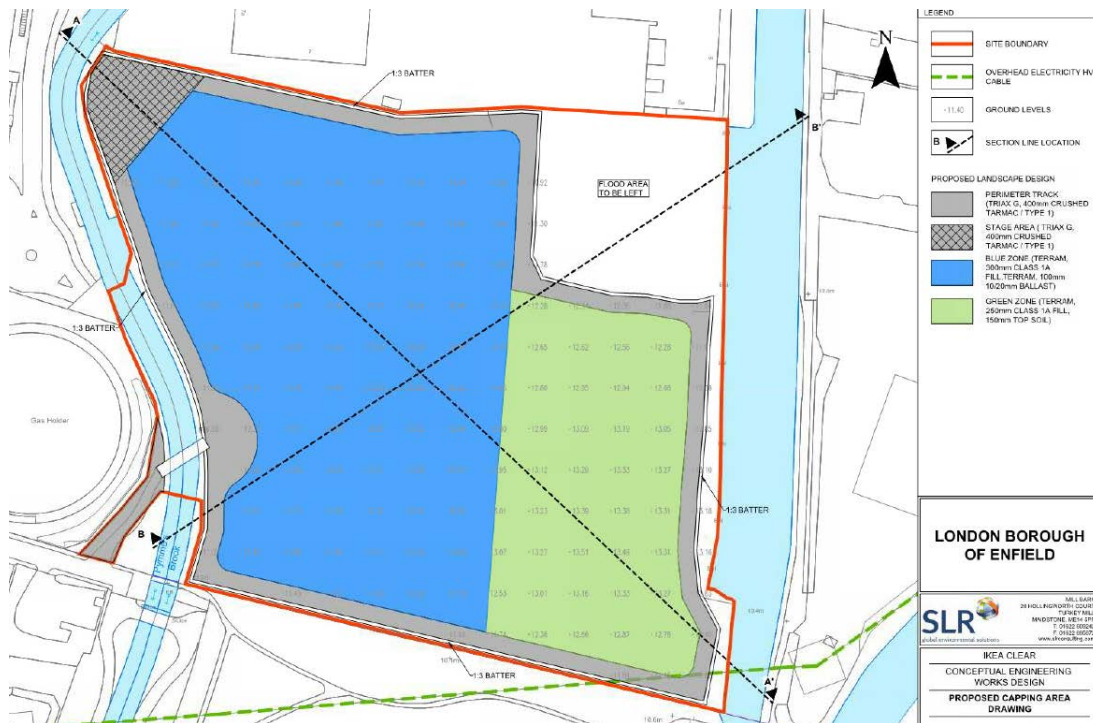
- i) The works seeks to facilitate a meanwhile use on vacant land prior to the implementation of the wider regeneration of the Meridian Water development that will attract visitors to the borough, entertainment for local people, generate income and provide jobs.
- ii) The proposed works would provide an environmental barrier to prevent contamination from impacting on temporary uses of the site and reduce the impacts on human health in terms of contamination.
- iii) The development is acceptable in terms of parking and traffic generation.
- iv) The development would not result in any demonstrable harm to visual or residential amenity, ecology or flood risk.

## **4.0 Site and Surroundings**

- 4.1 The application site is approximately 4.3 hectares. The site is vacant and comprises vegetation: bushes, trees and low-lying scrub. The site was previously known as Leaside Chemical Works and processed gasworks waste. The site was also used for soil screening and concrete crushing.
- 4.2 To the north of the site are industrial buildings that are used for various commercial activities, to the east is the River Lee Navigation beyond which is a bus garage, to the south is Tottenham Marshes Nature Reserve - a public open space and recreational facility and to the west is Pymmes Brook. Further to the west is the site of a former gasholder site which is now decommissioned and cleared, and beyond which is Ikea.
- 4.3 The site is located within the Orbital Business Park; however, it does not fall within the Strategic Industrial Land designation. The site lies predominately in Flood Zone 2 with the land to the north eastern corner of the site within Flood Zone 3. The site also falls within the Lea Valley West Bank Archaeological Priority Area. The site is located next to the River Lea, which is a priority habitat as per the NPPF, and at this location is part of the Lea Valley Site of Metropolitan Importance for Nature Conservation (SMINC).

## **5.0 Proposal**

- 5.1 Permission is sought for the capping of the site with a maximum of 400mm of material across the existing ground level of the site.
- 5.2 It is proposed to cap all areas of the site that lie within Flood Zone 2. The land within Flood Zone 3 which is located within the north eastern corner of the site will not be capped. Up to approximately 15,000 cubic metres of material will be imported for the undertaking of the capping and will include the materials set out below. A perimeter track and a stage area within the north western corner of the site are proposed to be constructed of crushed tarmac.
- Approximately 8,925m<sup>3</sup> of Class A1 fill (bulk fill earthworks material – aggregate size ranges between 90mm and fines);
  - Approximately 2,200m<sup>3</sup> of gravel / ballast (uniformly sized aggregates);
  - Approximately 1,395m<sup>3</sup> of topsoil; and
  - Approximately 2,452m<sup>3</sup> of tarmac/Type 1 mix (mix of angular aggregate sized between 63mm (max) and sand, although most of the aggregate in the mix is less than 32mm diameter) – Materials to be Waste and Resources Action Programme (WRAP) compliant



5.3 Prior to the capping of the site, vegetation will be cleared, and the topsoil scraped from the upper surface. The works are proposed to be completed by 1<sup>st</sup> May 2019.

5.4 Given its former use, the site is subject to contamination which poses a potential risk to human health and therefore if the site is to be used for meanwhile purposes prior to full redevelopment, it is necessary to import granular capping material with a membrane as an interim solution to reduce risks to human health.

## 6.0 Relevant Planning History

6.1 19/00632/FUL - Use of buildings and adjacent land to host the Field Day 2019 music festival on 7th-9th June 2019 for up to 25,000 visitors. Festival opening times 7th/8th June 12pm-3am, 8th/9th June 12pm-3am with no outdoor performances after 10.30pm on both days. Associated works to the adjacent land including alterations to existing vehicular bridge over Pymmes Brook to facilitate pedestrian access. – Pending consideration. Determination date 17<sup>th</sup> May 2019.

6.2 18/04932/SCOP - Request under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for an EIA Scoping Opinion for Meridian Water Phase 2 for an outline planning application for a residential led mixed-use development of approximately 2000 homes and Meridian Water Strategic Infrastructure Works including roads, bridges, remediation, earthworks, utilities and flood attenuation works. – Response issued 15<sup>th</sup> February 2019.

## Wider Meridian Water Site

- 6.3 16/01197/RE3 – Development of Phase 1 of Meridian Water comprising up to 725 residential units, new station building, platforms and associated interchange and drop-off facilities including a pedestrian link across the railway, a maximum of 950 sqm retail (A1/A2/A3), floorspace, a maximum of 600 sqm of community (D1) floorspace, a maximum of 750 sqm of leisure (D2) floorspace, associated site infrastructure works including ground and remediation works, roads, cycle-ways and footpaths, utility works above and below ground, surface water drainage works, energy centre and associated plant, public open space and childrens play areas, and various temporary meantime uses without structures (landscaping and open space). OUTLINE APPLICATION - ACCESS ONLY. An Environmental Statement, including a non-technical summary, also accompanies the planning application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended by the 2015 Regulations). – Granted 10/07/2017 – works have commenced on implementing the station which is expected to be complete in Summer 2019.

## **7.0 Consultation**

### **7.1 Statutory and Non-Statutory Consultees**

- 7.1.1 Traffic and Transportation: No objection. Condition suggested requiring a photographic site access site survey be undertaken prior to works commencing to make sure that there is no damage to the public highway.
- 7.1.2 Environmental Health: No objection.
- 7.1.3 Tree Officer: No objection.
- 7.1.4 SuDS Officer: No objection subject to a condition requiring a sustainable drainage strategy.
- 7.1.5 Environment Agency: No objection subject to conditions.
- 7.1.6 Natural England: No objection.
- 7.1.7 Canal and River Trust: No objection. Suggested that the waterways could be used for heating and cooling of buildings, the transportation of freight and surface water discharge.
- 7.1.8 Ecological Consultant: No objection subject to conditions.
- 7.1.9 Historic England: No objection.
- 7.1.10 Greater London Archaeological Advisory Service (GLAAS): No objection. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.



## 7.2 Public:

7.2.1 Consultation letters were sent to 17 adjoining and nearby occupiers. Site notices were posted, and a press notice was published in the local paper. No responses were received.

## **8.0 Relevant Planning Policies**

### 8.1 London Plan (2016)

Policy 2.14 - Areas for regeneration  
Policy 2.16 - Strategic outer London development centres  
Policy 4.1 – Developing London’s economy  
Policy 5.3 – Sustainable design and construction  
Policy 5.12 - Flood Risk Management  
Policy 5.21 - Contaminated Land  
Policy 6.3 - Assessing Effects of Development on Transport Capacity  
Policy 6.13 – Parking  
Policy 7.15 – Reducing noise and enhancing soundscapes  
Policy 7.19 – Biodiversity and access to nature  
Policy 7.21 - Trees and Woodland

### 8.2 Core Strategy (2010)

Core Policy 24 - The Road Network  
Core Policy 27 – Freight  
Core Policy 28 - Managing Flood Risk through Development  
Core Policy 29 - Flood management infrastructure  
Core Policy 31 - Built and landscape heritage  
Core Policy 32 - Pollution  
Core Policy 36 - Biodiversity  
Core Policy 37 - Central Leaside  
Core Policy 38 - Meridian Water

### 8.3 Development Management Document (2014)

DMD47 - Access, New Roads and Servicing  
DMD57 - Responsible Sourcing of Materials, Waste Minimisation and Green Procurement  
DMD59 - Avoiding and Reducing Flood Risk  
DMD61 - Managing Surface Water  
DMD63 - Protection and improvement of watercourses and flood defences  
DMD64 - Pollution control and assessment  
DMD66 - Land contamination and instability  
DMD68 – Noise  
DMD75 – Waterways  
DMD78 -  
DMD79 - Ecological Enhancements  
DMD80 - Trees on development sites  
DMD81 - Landscaping

## 8.4 Other Policy

National Planning Policy Framework 2018 (NPPF)  
National Planning Practice Guidance 2016 (NPPG)  
Upper Lee Valley Opportunity Area Planning Framework (July 2013)  
Edmonton Leaside Area Action Plan (Proposed Submission – January 2017)  
Meridian Water Master Plan (July 2013)  
Draft London Plan (2018)

## 9.0 **Analysis**

9.1 This report sets out an analysis of the issues that arise from the proposals in the light of adopted strategic and local planning policies. The main issues are considered as follows:

- Principle of development
- Contamination
- Flood risk
- Impact on ecology
- Traffic and transportation

### Principle

9.2 Meridian Water is a major regeneration area and will deliver a significant number of new homes and jobs in the borough. Meanwhile uses animate sites, create jobs, attract visitors and can also keep sites secure from fly tipping and anti-social behaviour whilst the longer-term regeneration ambitions are realised.

9.3 The application site is currently vacant land and along with the land to the north of the application site will form the largest meanwhile use opportunity area within Meridian Water. The proposed development will facilitate future meanwhile uses on the site to provide activity while proposals for the regeneration of phase 2 of the Meridian Water development come forward. It is recognised that full remediation of the site will be undertaken as part of the long-term redevelopment of the site. The capping of the site will not prejudice the redevelopment of the site coming forward as promoted through the Local Plan.

### Pollution

9.4 The site is subject to contamination which poses a potential risk to human health. The proposal seeks to import granular capping material with a membrane as an interim solution to allow for the meanwhile use of the site without impacting on human health. The full remediation of the site would be undertaken as part of the longer-term redevelopment of the site.

- 9.5 It has been determined that a minimum of 300mm thickness of capping would be sufficient to protect human health and ensure no source pathway receptor linkages. The proposed 400mm of material will therefore ensure there is no pathway for contaminants to impact on human receptors.
- 9.6 Guidance has been provided in the submission on the material to be imported. The supporting documents confirm that a Materials Management Plan will be produced, and this will include details of the source of the material that will be compliance tested (with a frequency of at least one sample every 250m<sup>3</sup> of material) and comprise a robust system for demonstrating the same material is used on site. A verification plan is also to be produced.
- 9.7 The Environmental Health Officer has raised no concerns with the proposed development because the ground investigation report adequately addresses potential contamination issues and the proposals for capping for the meanwhile use will not disrupt the contamination pathway between ground contaminants and any human receptors.
- 9.8 The Environment Agency has requested conditions that would require details of a scheme to sample any imported materials, a verification report demonstrating the completion of works set out in the approved sampling scheme and a monitoring and maintenance plan are submitted to and approved in writing by the LPA. These conditions are recommended, however there are discussions taking place with the EA on the wording and trigger points of the conditions and Members will be updated on this matter at Committee. The EA have also explained that an Environmental Permit will be required for the importation of the materials.
- 9.9 With the attachment of the suggested conditions, the proposal would be in accordance with Policy DMD64 of the Development Management Documents which sets out that planning permission will only be permitted if pollution and the risk of pollution is prevented, or minimised and mitigated during all phases of development.
- 9.10 It should be noted that the materials brought on to site for the proposed capping works is likely to be utilised elsewhere in the subsequent redevelopment of the Meridian Water site.

#### Flood Risk and SuDS

- 9.11 Policy DMD59 states that new development must avoid and reduce the risk of flooding, and not increase the risk elsewhere. Policy DMD61 states that a Drainage Strategy will be required for all development to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan.
- 9.12 The application site falls within Flood Zones 2 and 3 and is therefore considered to have a high to medium probability of flooding. The site is also at risk of surface water flooding. Increasing ground levels has the potential to increase the risk of flooding elsewhere as it would effectively remove floodplain storage.

- 9.13 The site currently consists of made ground. The supporting information states that the proposal would comprise materials that are free draining with infiltration characteristics similar to or more permeable than the existing made ground on the site. Surface water run-off will continue to infiltrate into the ground with no uplift in the rates of storm water runoff. The supporting information also states that even during the most severe event modelled the proportion of the capped area that could be inundated is very small and maximum flood depths would be shallow.
- 9.14 Material will be imported on the site that will be impermeable and compacted. The SuDS Officer has been consulted and requested that information is provided that demonstrates that the capping material will be permeable. An overland flow route must be provided because there are low spots on the site where ponding will occur. Works need to be undertaken to level out of the contours so there is less ponding, and the site drains better. Members will be updated at Planning Committee on the progress of this matter being addressed to avoid the need to attach the drainage strategy condition.
- 9.15 The Environment Agency were consulted on the scheme and raised no concerns in terms of flood risk. The EA acknowledged that a flood risk activity permit will be required for any proposed works in, under, over or within 8 metres of the top of the bank of the River Lee and this has been submitted by the applicant.

#### Trees, Landscaping and Biodiversity

- 9.16 The site is vacant and comprises vegetation - bushes, trees and low-lying scrub. There are no trees on the site that are protected by virtue of a Tree Preservation Order or trees of significant amenity or biodiversity value and therefore the proposal is acceptable in this respect.
- 9.17 The proposed works will result in the removal of existing vegetation on the site and will be located in close proximity to the Pymmes Brook and the River Lee Navigation. Policy DMD78 states that development that has a direct or indirect negative impact upon important ecological assets will only be permitted where the harm cannot reasonably be avoided, and it has been demonstrated that appropriate mitigation can address the harm caused.
- 9.18 The site has the potential to be used by reptiles and nesting birds. A submitted ecology report concludes that although reptiles are likely to be absent from the site, the site is suitable for use by foraging Black Redstarts but does not contain any suitable nesting sites as the species tends to nest in structures or on naturally occurring ledges. It also states that the River Lea may be used as a dispersal corridor for otter and water vole, but that they are unlikely to inhabit the site, and that other protected species such as badgers, are likely absent from the site. Mitigation measures will be secured through the attachment of conditions as suggested by the Ecological Consultant requiring the works are carried out in an ecologically sensitive manner and requiring the retention of a buffer strip and therefore the proposed development is considered acceptable.

### Traffic and Transportation

- 9.19 It is proposed that vehicles will enter the site from the northern boundary, via Orbital Business Park, and depart the site via the existing access bridge and Leaside Road. A total of 30-40 loads are expected to be delivered per day dependent on load size and testing of material. The site will not be accessible to members of the public or non-operational staff for the duration of the works. Potential sub-contractors will be informed that parking is restricted on site and that there is limited parking within nearby roads. Parking will be monitored, especially on neighbouring roads, to ensure off-site parking is dealt with considerately.
- 9.20 Wheel washing facilities which will comprise a pressure washer unit at the site compound to minimise mud being transported on to adjacent roads; this will be supplemented where required with a provision for cleaning of the road outside the construction entrance with a road sweeper. Run off from the proposed wheel washing facility will be contained on site, so no run-off will be allowed to drain onto or over the adopted public highway
- 9.21 The Traffic and Transportation team have been consulted on the proposed development and raise no concerns with the proposal. The information provided satisfies the general requirements of a Construction Traffic Management Plan, however a condition has been suggested requiring a photographic site access site survey be undertaken prior to works commencing on site to make sure that there is no damage to the public highway. Members will be updated at Planning Committee on the progress of this matter being addressed to avoid the need to attach the condition.
- 9.22 Policy DMD75 of the DMD seeks development to maximise transportation of freight by water. Canal and River Trust suggested that the waterways could be used for the transportation of freight. However, the supporting statement has explained that the absence of a viable direct water route with fully developed transshipment facilities would render the option of water transport unviable from a logistical point of view and unsustainable from a project finance perspective.

### Impact on adjoining occupiers

- 9.23 The nearest residential units are located approximately 500m to the west of the site on Kimberley Road. Ikea, Tesco, Meridian Way and the railway line are situated between the application site and the nearest residential units. Given the significant distance of the proposed development from residential units it is considered that the proposal would not result in any undue harm to the residential amenity of any residents within the vicinity of the site.
- 9.24 With regard to the impact on adjoining businesses, the proposal in terms of vehicle movements per day will not impact on the functioning of the local road network or impact on the access to the business units to the north of the site.

## **10.0 Conclusion**

10.1 The proposed scheme is essential for the delivery of future meanwhile uses to take place on the site. The proposal would create a safe environment for people to make use the site in the interim period before the proposals for Meridian Water phase 2 come forward. Subject to the attachment of conditions relating to ecology, materials, contamination and drainage, the proposal is considered acceptable and in accordance with relevant policies of the London Plan and the Enfield Local Plan.