

PLANNING COMMITTEE - Date: 20 July 2016

Report of the Executive Head for Economic Development, Planning and Sustainability.

Ref: C2016/73625/OUT	WARD: C11 / WANDLE VALLEY	Time Taken: 18 weeks, 2 days
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Site: Former Felnex Trading Estate Site, 190 London Road, Hackbridge, SM6 7EL

Proposal: Variation of condition 3 (Phasing Plan), 18 (Mitigation), 24 (Heating/Energy) and 44 (Drawing Numbers) (minor material amendment application) of previously approved Outline application no. C2014/68760/OUT to determine access and layout for up to 725 dwellings, a food store with a net sales area up to 2564 square metres, 948 square metres of additional retail floor space within Class A1, 6100 square metres of office and workshop space within Class B1(a), (b) and (c), 7740 square metres of assisted living accommodation (Class C2), 565 square metres of health facility and 98 square metres as a community room together with energy centre, open space, children's play space, landscaping, car parking and access roads.

Applicant: Barratt Homes

Agent:

Recommendation:

GRANT PLANNING PERMISSION

subject to the completion of a s.106 legal agreement prior to 31 August 2016, or such longer period as may be agreed in writing by the Executive Head for Economic Development, Planning and Sustainability, after which time the resolution to grant will be rescinded and the application will instead be refused for the following reason: The application is considered to be unacceptable as it would not provide sufficient planning obligations (as described under Section 106 of the Town and Country Planning Act 1990, as amended) to mitigate the impact of the development on the surrounding area and infrastructure.

Reason for Report to Committee: The application relates to a major application recommended for approval and the recommendation has been opposed in writing by 10 or more persons, residing at separate addresses. The Council also has an interest in the land.

Summary of why application proposals are acceptable:

The proposed amendments are considered minor in terms of their impact on the layout and access arrangements of the previously approved outline scheme and would not result in an unacceptable impact on the road layout or the amenities of adjoining occupiers. It is considered that the proposal would result in significant design improvements to the masterplan previously approved. As such, the proposed alterations are considered acceptable.

1.0 BACKGROUND AND PLANNING HISTORY

1.1 Site and surroundings:

1.2 The Felnex Trading Estate occupies a 7.7 hectare site with frontages onto London Road (A237) and Hackbridge Road (B277). Hackbridge Railway station and the residential cottages of London Road are opposite the site to the east. The site adjoins the railway line to the south and the industrial units located on Restmor Way to the west, beyond which is the River Wandle. The site is abutted to the north by 'The Wave'

49 Hackbridge Road, Hackbridge Green, the Red Lion Public House (grade II listed), Hackbridge Primary School and Saxon House.

- 1.3 The site was first developed for industrial purposes circa 1917 as home to the Hackbridge Cable Company. The site is now vacant and the structures have been completely demolished.
- 1.4 It should be noted at the outset that the Council has an interest in the land due to the Council's proposals for SDEN (Sutton Decentralised Energy Network) to be connected to the Felnex development in the future.
- 1.5 Such commercial interests, either of the Council or private individuals, are not planning considerations and should be given no weight in the determination of planning applications by the LPA. The policy position in relation to the development providing a decentralised energy network is discussed later in this report and there is no policy requirement within this application that the applicant should give preference to one decentralised energy network provider, over another.
- 1.6 On the 3rd March 2015 the Housing, Economy and Business Committee agreed, among other matters, that heat supply contracts should be completed with Viridor and the Felnex Developer and that the proposed connection of Felnex to the SDEN is Phase 1 of a longer term ambition. However, this Council decision was taken independently from the Council as Local Planning Authority (LPA), has had no bearing on the officer recommendation to the Committee and should be given no weight in the decision of the Planning Committee.
- 1.7 **Site specific LDF designation:**
- 1.8 The site is identified for mixed use redevelopment in the Sutton Core Strategy. Policy PMP7 of the Core Strategy promotes the development of Hackbridge as a district centre and a sustainable neighbourhood and states the Council will support proposals for new shopping, housing and commercial development and a range of social and community facilities which will contribute to the growth and regeneration of Hackbridge and the creation of a 'low carbon zone' within the neighbourhood.
- 1.9 The Felnex Trading Estate is identified for 'residential, retail, employment and community uses' in the Site Development Policies DPD as site BW12.
- 1.10 The site is located within the Limit of Sustainable Residential Development around Hackbridge; Hackbridge District Centre; an Archaeological Priority Area; an Area of Taller Building Potential and a Decentralised Energy Opportunity Area.
- 1.11 **Relevant Planning History:**
- 1.12 A number of permissions were granted between 1992 and 2005 for changes of use, new boundary walls, illuminated signs and other minor work to individual units on the estate.
- 1.13 C2009/62175/OUT – Outline application to determine access and layout for up to 725 residential units, a foodstore with a net floor area of up to 2,600 square metres, 2,000 square metres approx of additional retail floor space within Class A1, 6,100 square metres approx of office and workshop space within Classes B1(a), (b) and (c), a residential care home within Class C2, a community building with doctor's surgery within Class D1 and an energy centre, together with open space, children's play space, landscaping, car parking and access roads. Permission granted 28 March 2012.

- 1.14 C2012/66386/DEM - Application to determine whether prior approval of the Local Planning Authority is required to the method of demolition of the Felnex Trading Estate. No objection raised 27 September 2012.
- 1.15 C2014/68760/FUL – Minor amendments to layout and footprint involving amalgamation of the main block fronting London Road (including the food store) into the adjacent proposed residential development in accordance with submitted drawings Illustrative plan 11025 P1-113; Land use parameter plan 11025 P1-110; Massing parameter plan 11025 P1-112; Movement parameter plan P1-111. (Variation of condition 45 of previously approved application number C2009/62175/OUT) which states: ‘The development hereby permitted shall be carried out in accordance with the following approved drawings, all dated 10 May 2011: Illustrative plan 1393/P/001 Rev B; Land use parameter plan 1393/P/002 Rev B; Massing parameter plan 1393/P/003 Rev B; Movement parameter plan 1393/P/004 Rev B). Permission granted 16 May 2014.
- 1.16 C2014/68755/ARM - Approval of reserved matters for part of site (phase 1) relating to appearance, scale and landscaping pursuant to condition 1 of application number C2014/68760/OUT for a mixed commercial/residential development comprising buildings between one and six storeys in height involving 725 residential units, a foodstore with a net floor area of up to 2,600 square metres, 2,000 square metres approx of additional retail floor space within Class A1, 6,100 square metres approx of office and workshop space within Classes B1(a), (b) and (c), a residential care home within Class C2, a community building with doctor's surgery within Class D1 and an energy centre, together with open space, children's play space, landscaping, car parking and access roads. Permission granted 03 July 2014.
- 1.17 Applications currently under consideration on this site:
- 1.18 C2016/73672/ARM – Application for approval of reserved matters for Phases 1 and 2 to determine appearance, scale and landscaping pursuant to outline application number C2016/73625 for a mixed development comprising 2564 square metres of A1 (foodstore) floorspace, an additional 948 square metres of A1 (retail) floor space and 725 dwellings comprising 562 one, two and three bedroomed flats in sixteen blocks rising from four to six storeys in height and 163 two, three and four- bedroomed 3 storey houses and three storey houses with roof accommodation. Provision of assisted living accommodation containing 80 units with ancillary accommodation and a medical facility within a five storey building. Provision of garages, carports, surface and basement car parking, refuse, cycle stores, energy centre, sub stations, children's play areas, hard and soft landscaping, new access roads from London Road and Hackbridge Road and alterations to road junctions.
- 1.19 C2016/73965/ARM – Application for approval of reserved matters for Phase 3 (Business Forest) to determine appearance, scale and landscaping pursuant to outline application number C2016/73625 for erection of a four storey building comprising 6,100 square metres of B1(Business) floorspace. Provision of cycle and refuse storage, 57 car parking spaces and associated landscaping.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 This application seeks to vary conditions – 3 (Phasing Plan); 18 (Mitigation); 24 (Heating/Energy) and 44 (Drawing Numbers). The proposal is a minor material amendment of the previously approved Outline application no. C2014/68760/OUT to determine access and layout for up to 725 dwellings, a food store with a net sales area up to 2564 square metres, 948 square metres of additional retail floor space within

Class A1, 6100 square metres of office and workshop space within Class B1(a), (b) and (c), 7740 square metres of assisted living accommodation (Class C2), 565 square metres of health facility and 98 square metres as a community room together with energy centre, open space, children's play space, landscaping, car parking and access roads.

2.3 The application is submitted in outline form with only access and layout to be determined at this stage. The submission includes plans showing the indicative massing and scale of the buildings but these aspects together with detailed design and landscaping remain reserved for later consideration.

2.4 This application seeks planning permission to vary the approved scheme to allow for the consideration of the following amendments to the approved scheme as a new application:

- Reduction in the net floor area of the food store by 36sqm
- Alterations to the distribution and numbers of flatted blocks and terraced dwellings.
- Replacing care home with assisted living accommodation and relocating to the London Road frontage.
- Reduction in the additional retail floor area by 1052sqm.
- Alteration to the layout of the Business Forest.

2.5 The access from both London Road and Hackbridge Road remains as previously approved with the layout of the roads within the development remaining largely as approved. The site remains separated into three distinct areas; the Hackbridge Hub (retail and community uses), Neighbourhood (residential parts) and the Business Forest.

2.6 The 'Hackbridge Hub' (containing the supermarket with residential over; retail and health facility with assisted living block over; a separate residential block and energy centre) is now all to be consolidated in buildings fronting London Road with a return frontage to the internal link road.

2.7 The 'Neighbourhood' (containing the residential townhouses, flatted blocks and two areas of open space) is increased in size as it fronts Hackbridge Road, with further residential to the rear of the Red Lion Public House and part of the school, with alterations to the distribution of the town houses and flatted blocks within this area.

2.8 The 'Business Forest' remains to the southern portion of the site within 2 buildings.

2.9 The indicated massing parameters within the three areas, remains as previously approved.

2.10 **Significant amendments to application since submitted:**

2.11 Additional reports in relation to traffic, air and noise received in relation to the Environmental Impact Assessment (EIA).

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Letters were sent to 1021 adjoining occupiers in the surrounding area on 21 March 2016 and two site notices were erected within the vicinity of the site on the same day.

3.4 **Number of Letters Received:**

3.5 28 letters have been received from

- The Hackbridge and Beddington Corner Neighbourhood Development Group.
- 18 Alcester Court;
- 87 Arlington Drive;
- 84 Corbett Close;
- 46 Elmwood Close;
- 31 and 44 Longfield Avenue;
- 29 Saxon House, 43, 45, 47, 49 and 53 London Road;
- 2 Senga Road (2 letters);
- 43 Seymour Road (2 letters);
- 56 The Causeway;
- 21 and 25 (2 letters) The Green;
- 7a, 15 and 55 (2 letters) Wandle Road;
- 26 Wolseley Road;
- 23 and 40 Wood Street

3.6 **Summary of Material Representations:**

- Loss of community square
- Loss of retail space
- Need for assisted living block
- Overall height of buildings
- Loss of Sunlight / Daylight / Overshadowing of adjacent properties
- Parking
- Loss of amenity space
- Loss of bus interchange
- Loss of trees
- Design
- Highway safety on London Road
- Unsatisfactory Cycle route
- Development is out of character
- Impact on adjacent school
- Impact of multiple tall buildings
- Impact on infrastructure
- Overdevelopment
- Site could have been utilised for a new school

3.7 **Official Consultation:**

3.8 Greater London Authority (GLA):

3.9 No objection or requirement to refer back to the GLA following a resolution.

3.10 Transport for London (TfL):

3.11 TfL Borough Planning has reviewed the plans and have no objections to the proposed layout, however it is understood that the applicant is in discussions with the TfL Bus team regarding the plans and requests the applicant continues to work with TfL on this.

3.12 Environment Agency:

3.13 No objections to the proposed variation of conditions.

3.14 Network Rail:

3.15 Network Rail does not wish to add to the comments previously made on planning application c2014/68760/OUT as submitted on 14/05/2014. The previous response provided advice on future maintenance, construction, demolition, fencing, drainage and landscaping in relation to the development.

3.16 Sustainability Officer:

3.17 No objections to the proposal subject to updating to current legislation requirements to a number of the previously imposed conditions.

3.18 Principal Highways Engineer:

3.19 No objections.

3.20 Environmental Health:

3.21 No objections.

3.22 Housing:

3.23 No objections subject to further discussions regarding the detail of the provision of affordable housing within the section 106 agreement.

3.24 Urban Design Officer:

3.25 No objection.

3.26 Waste Management:

3.27 No objection.

3.28 Designing Out Crime Officer:

3.29 No objection.

3.30 Flood Risk Officer:

3.31 No objection.

3.32 Trees Officer:

3.33 No objection.

3.34 Biodiversity Manager:

3.35 No objection.

3.36 Natural England:

3.37 Responded to advise they have no comments.

3.38 English Heritage:

3.39 No objection subject to the retention of the current archaeology condition.

3.40 Sutton CCG and NHS England:

3.41 Support the retention of a health facility.

3.42 Thames Water:

3.43 Responded to advise they have no comments.

3.44 **Councillor Representation:**

3.45 A letter of observation was received from Councillor Zuchowska to draw attention to the issues of the loss of retail space, removal of the Hackbridge square and increased size of the care facility.

3.46 There have been no other Councillor representations made on this application.

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The relevant policy documents comprise:

- National Planning Policy Framework
- National Planning Practice Guidance
- The London Plan
- The Core Planning Strategy DPD
- The Site Development Policies DPD
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.

4.2 **Material Planning Policies Considered in Determining this Application:**

4.3 London Plan

- 1.1 Delivering the Strategic Vision and Objectives for London
- 2.15 Town Centre
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
- 4.12 Improving Opportunities for All

- 5.2 Minimising Carbon Dioxide Emissions
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London's Transport Connectivity
- 6.9 Cycling
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

4.4 Core Planning Strategy

- PMP1 Housing Provision
- PMP7 Hackbridge
- BP1 Housing Density
- BP2 Affordable Housing
- BP5 Improving Health & Wellbeing
- BP6 One Planet Living
- BP7 Flood Risk and Climate Change Adaptation
- BP9 Enabling Smarter Travel Choices: An Area Wide Approach
- BP10: Transport: Strategic and Borough-Wide Proposals.
- BP12 Good Urban Design and Heritage
- BP13 Taller Buildings
- DP2 Planning Obligations

4.5 Site Development Policies DPD

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing Streetscene and Public Realm
- DM4 Historic Environment
- DM5 Sustainable Design and Construction
- DM6 Climate Change Mitigation

- DM7 Flood Risk
- DM9 Water Supply, Water Quality and Sewerage Infrastructure
- DM10 Air Quality
- DM11 Contaminated Land
- DM12 Noise and Vibration
- DM17 Biodiversity, Habitats and Species
- DM19 Promoting Sustainable Transport and Accessibility
- DM20 Assessing the Transport Impact of New Development
- DM21 New Development and the Highway Network
- DM22 Parking
- DM25 Maximising Affordable Housing Provision
- DM26 Housing Mix
- DM29 Housing Standards
- DM31 Social and Community Infrastructure
- DM33 Strategic and Established Industrial Locations
- DM35 Development in Town & Local Centres
- DM37 Shopping Frontages in Town Centres
- DM41 Site Allocations

- 4.6 Supplementary Planning Guidance/Documents
- SPD14 Creating Locally Distinctive Places.

5.0 **PLANNING CONSIDERATIONS**

- 5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle**
- **Layout**
- **Access**
- **Section 73 Applications**
- **Variation to Conditions**
- **Retained Conditions**
- **Highways**
- **Impact on neighbours**
- **Sustainability**
- **Planning Obligations**
- **Other Material Considerations**

5.2 **Principle:**

- 5.3 Outline planning permission (C2012/62175) for layout and access, was granted in March 2012 for up to 725 residential units, a food store with a gross area of up to 4,000 square metres, 2,000 square metres of additional retail floor space within Class A1, 6,100 square metres of office and workshop space within classes B1(a), (b) and (c), a residential care home (Class C2), a community building with doctors surgery (Class D1) and an energy centre, together with open space, children's play space, landscaping, car parking and access roads.

- 5.4 The outline approval above was previously varied through a Section 73 (s73) application (C2014/68760) in May 2014, for minor amendments to layout and footprint involving the amalgamation of the main block fronting London Road (including the food store) into the adjacent proposed residential development.

- 5.5 The proposed development is consistent with the previously approved applications against Policy PMP7 of the Core Strategy which promotes the development of Hackbridge as a district centre and a sustainable neighbourhood and states the Council will support proposals for new shopping, housing and commercial development and a range of social and community facilities.
- 5.6 The Core Strategy states that the expansion of the new district centre within Hackbridge will involve the development of a number of opportunity sites, including the Felnex Trading Estate, for a mix of uses including shopping, housing, leisure and community development. It adds, that the Felnex Trading Estate along with other allocated sites within Hackbridge will allow higher density housing and supporting services where they are most appropriate, adjacent to the existing local centre and railway station.
- 5.7 The site forms an important strategic allocated site for the Council fundamental to contributing to the Council's housing targets as well as improving the retail, employment and service offer to promote the commercial activities within Hackbridge, improving and increasing its role as a district centre.
- 5.8 The site allocation (BW12) within the Site Development Policies DPD indicates that the site is allocated for mixed use retail and residential development. It also stipulates any development scheme should pay particular regard to:
- Providing retail and community uses, including a possible healthcare facility within the site to create a focal point for the regeneration of Hackbridge
 - Establishing a transport hub to provide improved public transport interchanges and seeking improvements to services to raise the PTAL (Public Transport Accessibility Level)
 - Retaining a minimum of 25% of the site area for employment uses
 - Providing a high proportion of affordable family-sized units with appropriate play space and open space provision
 - Designing the residential units to prevent undue overlooking of Hackbridge Primary School
 - Creating a network of streets and spaces which provide improved linkages to the station, local schools, the Restmor Way Industrial Area, Hackbridge Green and, where possible, the River Wandle and which provide legible permeability throughout the site
 - The sites location within an Area of Taller Building Potential (four to six storeys). However, any proposals for taller buildings should be exceptionally designed and respect the local context and character
 - Respecting the heritage value of Hackbridge Green, the Red Lion Public House and the industrial heritage value of the site itself
 - Minimising flood risk on and off site
 - Remediating the site of any contamination
 - Ensuring the highest standards in sustainable design and construction are employed to achieve an exemplary low-carbon development
 - The need to contact the Health and Safety Executive with reference to the current storage of liquid gas in close proximity to this site (on land north of Hackbridge Station)

- 5.9 A comparison between the approved scheme C2014/68760 and the current proposal.

	C2014/68760	C2016/73625
Residential Units	725	725
Food Store (net sales area)	2600m ²	2564m ²
Retail	2000m ²	948m ²
Business Use	6100m ²	6100m ²
Class C2 Care Use	3051m ² as a Care home	7740m ² as Assisted living units
Health Facility	565m ²	565m ²
Energy Centre	Yes	Yes
Community Use	Community use provided within retail space	Community room of 98m ²
Open Space	In the form of a central park and space to the west of the site	In the form of a central park and space to the west of the site

- 5.10 As shown above, the overall content will not significantly vary from the s73 outline approval in 2014 and the proposed changes to the layout are considered to enhance the previously approved plan.
- 5.11 The most significant changes are proposed around the level of retail and Class C2 care use provision. These elements are discussed in more detail below.
- 5.12 Replacement of Care Home with Assisted living Block:
- 5.13 As previously approved the development included a Class C2 use in the form of a residential care home. This element has been omitted from the current proposal and replaced with 80 self contained assisted living units which remain within Class C2 as they retain sufficient levels of on-site support.
- 5.14 The Council's most recent research (Care Home Bedspace Evidence Paper – Supply, Demand and Trends, July 2015) shows that there is an oversupply of care home bed space within the borough until 2021. As such the omission of the proposed care home is acceptable as further care home provision would have increased the oversupply.
- 5.15 The London Plan and the Council's research recognise that care provision to the elderly is changing and there is a greater emphasis on providing specialist care within a person's home. Assisted living units fall within this specialist care provision. The London Plan identifies a need within the borough for 105 specialist housing units per annum whilst the Council's Strategic Housing Market Assessment identifies a need for 42 housing with care units per annum.
- 5.16 As such, the proposed 80 assisted living units would be providing for an identified need within the borough and this change to the original outline permission is considered acceptable and would retain the C2 use within the site in accordance with Site Development Policy DM31.
- 5.17 The siting of the assisted living units has been focused on the London Road frontage from its original siting on the Hackbridge Road to ensure the units are located closer to the district centre provision and the health care facility to provide further consolidation of the intention to create a strong commercial and community centre in Hackbridge.

- 5.18 Reduction in retail provision:
- 5.19 Policy PMP7 of the Core Strategy promotes the development of Hackbridge as a district centre and the Council will support proposals for new shopping, housing and commercial development and a range of social and community facilities.
- 5.20 The 2014 scheme contained a food store of 2,600sqm and the submitted scheme is almost identical just 36sqm less at 2,564sqm.
- 5.21 There is a significant reduction in the additional retail floor space proposed in the 2014 scheme of 2,000sqm (including community use) to the 948sqm of retail plus 98sqm for a community room in the current scheme.
- 5.22 The reduction stems from a new retail assessment of the level of provision that a centre such as Hackbridge can sustain. The existing retail provision in the centre is 800sqm and there are vacant units currently at Saxon House adjacent to the application site. It is considered that one of the issues with the two vacant units may be their shallow depth which is not favoured by retail providers.
- 5.23 The retail assessment concludes that the Hackbridge District Centre could only sustain a maximum of 1,000sqm of new floorspace.
- 5.24 The previous scheme included shallow retail units around a central square and it is considered this type of provision would not be likely to succeed. Instead a reduced floorspace of just under 1,000sqm is proposed with deeper retail units in a more accessible location. There can be no guarantee of commercial success but it is expected that this level of provision is more realistic given current retail spending patterns.
- 5.25 Planning policy is based on providing the maximum retail provision within development sites to promote the development of Hackbridge as a District Centre. However, this has to be within the realms of what is commercially viable as empty units convey the image of a rundown centre.
- 5.26 It is therefore considered that the reduction of floorspace should not be rejected on policy grounds. The commercial evidence points to a much reduced level of provision and the way the retail space is being proposed in the submitted scheme offers a higher prospect of commercial retail success which will add to the viability of the Hackbridge District Centre.
- 5.27 Affordable Housing:
- 5.28 An updated financial viability statement has been submitted and independently assessed. The assessment concludes that the provision of 20% of the habitable rooms across the development as intermediate affordable units is acceptable together with £5.186 million in S106 contributions. 20% intermediate affordable units and Section 106 cost of £5.186 million is reasonable. This provision is in line with both the previously approved applications and in this instance is therefore considered acceptable.
- 5.29 The S106 figure consists of contributions towards open Space improvements, Nature Conservation, Education, Sports and Recreation, Sustainable transport, monitoring fee, Secure By Design, Construction of the shell of the doctors' surgery, Road works, Travel Plan, Establishment of a car club

- 5.30 Due to current market uncertainties, it is recommended that a review clause is placed in the Section 106 agreement. The purpose of the of the Section 106 review clause is to capture potential positive changes in the market.
- 5.31 Housing Mix:
- 5.32 A condition is imposed to ensure the proposal provides 25% of family sized housing of 3 beds or more across the development in accordance with Policy DM26.
- 5.33 **Layout:**
- 5.34 Noting the principle of the development remains acceptable the only issues for consideration at this stage are the amendments to the layout and access.
- 5.35 The proposed layout remains largely as approved. The 'Hackbridge Hub' containing the retail, food store, health facility, energy centre, community uses and care use is now located solely to front the London Road. Previously the care use fronted Hackbridge Road with the 'hub' area extending alongside the open space to Hackbridge Road to the south of the Red Lion Public House and Hackbridge Primary School. These uses have been replaced in this layout by residential to form part of an enlarged 'Neighbourhood' area, encompassing the whole of the Hackbridge Road frontage and the remainder of the site, excluding the 'Hackbridge Hub' and the 'Business Forest' area. This 'Business Forest' area is also slightly reduced and the buildings consolidated into two structures in the same location to the rear of the site adjacent to the railway and southern boundary of the site.
- 5.36 The specific amendments are discussed in relation to the 3 areas below.
- 5.37 Hackbridge Hub
- 5.38 The 'Hackbridge Hub' area is now concentrated on the London Road frontage. The 'hub' would comprise of 4 separate blocks with internal, tertiary streets between. The frontage has also been stepped back from London Road to the south of the accessway from London Road.
- 5.39 The core public uses of the 'hub' are now consolidated in a cluster located in closer proximity to the main access from London Road, for ease of accessibility.
- 5.40 Previously a community square was included with the 'Hackbridge Hub' to the south of the school. Due to the amendments to the layout and the provision of a singular building (Block A), this element has been reduced in size and relocated to the frontage of the food store adjacent to London Road.
- 5.41 Neighbourhood
- 5.42 The 'neighbourhood' area is largely unchanged except for the increases previously mentioned, to increase the size of this area to front Hackbridge Road, with further residential to the rear of the Red Lion Public House and part of the school, with alterations to the distribution of the town houses and flatted blocks within this area. In terms of the specific layout, as approved there were 5 apartment blocks within this area, 2 located to the south of the open space and 3 fronting Hackbridge Road. As proposed there are 12 apartment blocks, 4 to 5 storeys in height. 2 are located to the Hackbridge Road frontage, 5 are located at the end of a run of terraced dwellings, 3 are located adjacent to the 'Business Forest' boundary, 1 is located to the rear of terraced dwellings fronting Hackbridge Road and one located to the south of the open space adjacent to the western boundary.

- 5.43 The terraced dwellings are generally located in a similar pattern. There are 3 blocks of terraces running, generally, east-west, adjacent to the western boundary. This is as previously approved. As approved there were 2 blocks of terraces running north-south to the south of the central open space and 2 blocks of terraces running east-west to the south of the open space adjacent to the western boundary. As proposed these are replaced by a further block of terraces running north south to provide a total of 3 blocks of terraces running north-south to the south of the open spaces.
- 5.44 Additional terraced dwellings are located around the central open space and to the Hackbridge Road frontage either side of the access replacing the part of the reduced 'hub' area.
- 5.45 The amendments result in slightly wider street widths based on the actual size requirements for each unit but overall the development would be planned in a more logical arrangement where different elements are separated and in particular, the commercial frontage to London Road would be consolidated and the residential parts to its west would have a stronger suburban character by the introduction of traditional street patterns of houses with fewer instances of flats and houses in juxtaposition. The flats would now be concentrated to London Road, an area north of the Business Park and an area fronting Hackbridge Road which is a more satisfactory arrangement than the approved outline plan. It is therefore considered that the amendments to the site layout and parameter plans are an improvement compared with the original outline permission and will result in stronger and more distinct places.
- 5.46 Business Forest
- 5.47 The 4 buildings identified as part of the previously approved 'Business Forest' have been consolidated into two buildings and will sit in the south west corner of the site.
- 5.48 Overall
- 5.49 The layout of the development is significantly the same as the approved layout and where there are alterations they are considered to be for good planning reasons and will mean a more logical and successful distribution of buildings and a more cohesive design.
- 5.50 Within all 3 areas the scale of the previously approved application would not be exceeded as the height and massing remains as approved. While the height of buildings is not for consideration in this application, they will form part of the separate Reserved Matters Application to determine scale, external appearance and landscaping.
- 5.51 Taken together and noting the considerable improvements compared to the approved outline scheme, these proposed amendments would not result in a development which is substantially different to that which was approved in March 2012 or May 2014. As such, it is considered appropriate for this application to be determined by way of an application under section 73 of the 1990 Act and that the amendments are considered acceptable.
- 5.52 It is considered that the proposed amendments to the approved scheme would, as with the previously approved applications, provide a layout capable of achieving the objectives stipulated within the site allocation and are acceptable in principle, being significantly similar to the previously approved applications.

5.53 **Access:**

5.54 Access is the only other matter for consideration at this stage. The proposed accesses have not been altered as part of the proposed amendments. The development site would retain an access from both Hackbridge Road and London Road with the primary and secondary streets unchanged in their routes within the site with slight alterations to the tertiary streets within the site.

5.55 As such, the proposal would retain a coherent access and network of roads within the site and no issues are raised in regards to access.

5.56 **Section 73 Applications:**

5.57 In relation to amendments to a previously approved scheme the National Planning Practice Guidance advises that s73 of the Town and Country planning Act 1990 is used to make minor material amendments through the variation or removal of a relevant condition attached to the original permission. This advice states that a minor material amendment is "...one whose scale and nature results in a development which is not substantially different from the one which has been approved."

5.58 As has been discussed above, in this case, it is considered that the amended layout of development is similar to the approved outline scheme, particularly in relation to the location of the retail and community uses fronting London Road, the residential neighbourhood area across the remainder of the site and the business forest area to the south western corner of the site. Although alterations have been made to the boundaries of these areas and to the specific layout within these areas, the amended proposal is largely similar to the approved outline application C2014/68760.

5.59 **Variation to Conditions:**

5.60 The current s73 application has been submitted to vary this previously approved application and specifically conditions 3 (Phasing Plan), 18 (Mitigation), 24 (Heating/Energy) and 44 (Drawing Numbers).

5.61 The variations to these conditions relate to the phasing and timing of the requirements to be submitted prior to occupation rather than prior to commencement. This will enable the development, notably parts of the development not affected by the relevant conditions, to be begun sooner and for the requirements of the conditions to be provided during the course of construction and implemented prior to occupation.

5.62 Central Government guidance states that pre-commencement conditions should only be used in exceptional circumstances and should be robustly justified. In this instance the requirements of the conditions above are not considered to be essential prior to commencement and the necessary information can be assessed and approved prior to occupation. The variation in timings does not reduce the requirements or weaken the required actions and as such these variations are considered acceptable.

5.63 Condition 44 is also required to be amended to alter the approved drawings to reflect the proposed amendments.

5.64 **Retained Conditions**

5.65 Conditions were previously imposed in relation to –

- Landscaping;
- Roads;
- Footpaths;

- Cycle ways;
- Street lighting;
- Car parking provision and management;
- Refuse;
- Boundary treatments;
- Security measures;
- CCTV;
- Children's play areas;
- Travel plan;
- Bus gate;
- Sound insulation;
- Sustainability;
- Housing mix;
- Wheelchair accessibility;
- Restricting office use;
- Archaeology;
- Ecology;
- Protected species;
- Flood mitigation;
- Green roofs;
- Land contamination;
- Infiltration;
- Construction method statement;
- Construction working hours.

- 5.66 These conditions were imposed to mitigate the potential issues and to protect the amenities of nearby occupiers and were fully considered during the original outline approval in March 2012.
- 5.67 The proposed amendments to this scheme do not result in significantly new or further impacts, not previously considered as part of the approved outline permission and, as there have been no significant changes to the site or surroundings these conditions have been re-imposed to mitigate the relevant issues and to protect the amenities of adjoining occupiers. These conditions will be updated, where required to reflect this application to vary certain conditions, and incorporate changes in current legislation and guidance and be provided by way of addendum to Planning Committee.
- 5.68 **Highways:**
- 5.69 Policy BP10 of the Core Planning Strategy states that developments should seek to reduce the need to travel, advocate the use of sustainable modes of transport and reduce the impact of traffic on residential areas. Policy DM22 'Parking' of the Site Development Policies DPD seeks to ensure that provision is made for off-street parking for new proposals in line with the Council's maximum car parking standards. The policy continues that planning permission will not be granted for development that is likely to result in increased on-street parking where it would adversely affect traffic flows, bus movements, road safety and the amenities of local residents and the local environment.
- 5.70 Neither Transport for London or the Council's Principal Highways Engineer have raised objections to the proposed changes to the access or layout and, as such, the proposal would not cause harm to pedestrian or highway safety.
- 5.71 Junction improvements and alterations to the bus routes through the site, formed part of the previous approval and these will be required as part of the required section 106.

5.72 **Impact on neighbours:**

5.73 Policy DM2 of the Site Development Policies DPD states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties or has an unacceptable impact on the surrounding area.

5.74 The site is bounded by residential properties to the Hackbridge Road and London Road frontages. Since the previously approved application in 2014 two former office buildings to the west at Bridge House and Vulcan House within Restmor way, have received prior approval consent to convert to residential dwellings and it would appear that these consents are currently being implemented.

5.75 Any full planning applications for external alterations to these buildings will consider the impact of the proposed external alterations to the future occupiers of the residential uses in Restmor Way and the redevelopment of the Felnex site.

5.76 As discussed above, the massing and heights of the proposed areas are in line with the previously approved massing plan. There is also greater separation to the site boundaries along parts of both Hackbridge Road and London Road.

5.77 As such, it is considered that the proposed amendments to the layout would not have an unacceptable impact on adjoining residents in terms of privacy, outlook or daylight/sunlight, noting that the building heights remain within the parameter plans and expectations of the original outline permission as amended by the 2014 s73 application.

5.78 **Sustainability:**

5.79 Core Strategy Policy PMP7 states that the Council will promote Hackbridge as a sustainable neighbourhood where the highest standards of sustainable design and construction are embraced as well as the creation of a 'Low Carbon Zone' within the neighbourhood.

5.80 Conditions are again imposed to ensure a decentralised energy network is provided on site to achieve the aim of Policy PMP7 and the Council's sustainability policies.

5.81 **Planning obligations:**

5.82 A S106 agreement was signed as part of the outline permission securing a number of financial contributions alongside the affordable housing, travel plan, car club and highways work. A deed of variation to the S106 agreement was signed in respect of the previously approved s73 application (14/68760). A further deed of variation is currently being finalised to reflect the amendments within the current application.

5.83 CIL

5.84 As the original application was approved prior to the implementation of both the London Mayor's and the Council CIL and the chargeable development has remained the same or decreased, the amended proposal would not be liable for CIL.

5.85 **Other Material Considerations:**

5.86 The previous application contained an EIA which has been updated and resubmitted with this current application. It is considered that the submitted EIA is adequate considering that the changes proposed within this application are minor in their nature and, as such, would not warrant the requirement for a new EIA. The EIA has been

updated noting the time that has passed since it was originally submitted. It is considered that the submitted updated EIA has addressed all environmental issues and is acceptable. The details of the mitigation required will be fully considered within the detailed applications for the reserved matters.

- 5.87 It should also be noted that the outline permission, granted in March 2012 and s73 application, granted in May 2014, were considered against the relevant planning policies applicable at the time, contained primarily within the National Planning Policy Framework and National Planning Practice Guidance, London Plan 2011, Core Planning Strategy and Site Development Policies DPD. Whilst there have been alterations to London Plan policy with the introduction of the London Plan 2015, since the approved s73 application in 2014, it is considered that the fundamental planning policies broadly remain unchanged and the introduction of these policies do not alter officers view that these alterations, being minor in their nature, are acceptable.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The proposed amendments are considered minor in terms of their impact on the layout and access arrangements of the approved outline scheme and would not result in an unacceptable impact on the road layout or the amenities of adjoining occupiers.
- 6.2 It is considered that the proposal would result in some design improvements to the masterplan previously approved. As such, the proposed alterations are considered acceptable.
- 6.3 As such, it is recommended that planning permission is granted subject to the completion of a deed of variation to the s106 legal agreement.

Background Papers: C2016/73625/OUT

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **C2016/73625**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents

As discussed in paragraph 5.67 these conditions are to be updated and provided to Planning Committee by way of addendum.

G

Barratt Homes
BDW Kent
Sundridge
TN14 6ER

C2016/73625/OUT

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Former Felnex Trading Estate Site 190 LONDON ROAD Hackbridge SM6 7EL

Variation of condition 3 (Phasing Plan), 18 (Mitigation), 24 (Heating/Energy) and 44 (Drawing Numbers) (minor material amendment application) of previously approved Outline application no. C2014/68760/OUT to determine access and layout for up to 725 dwellings, a food store with a net sales area up to 2564 square metres, 948 square metres of additional retail floor space within Class A1, 6100 square metres of office and workshop space within Class B1(a), (b) and (c), 7740 square metres of assisted living accommodation (Class C2), 565 square metres of health facility and 98 square metres as a community room together with energy centre, open space, children's play space, landscaping, car parking and access roads.

SECOND SCHEDULE

(1) Approval of the details of the scale, appearance and landscaping (here after called the reserved matters) shall be obtained from the local planning authority in accordance with each phase and the development shall not commence until the relevant reserved matters have been approved for each phase.

Reason: To ensure adequate control over the form of the development given that this approval is outline only.

(2) Application for approval of the reserved matters for each phase shall be made to the local planning authority before 28 March 2016.

Reason: To avoid the accumulation of unimplemented permissions and so that the Council retains the right to reconsider in due course the principle of the development.

(3) The development and reserved matters application shall be carried out in accordance with phasing plan 091403-BAR-K-S78-201 Rev A unless otherwise agreed in writing with the local planning authority.

Reason: In order to establish the likely order of construction in the interest of the proper planning of the development

(4) The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990, as amended.

(5) All planting, seeding or turfing shown in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of each phase of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure where applicable compliance with Policy DM1 of the site development policies DPD which seeks to ensure the maintenance of trees and ensure a satisfactory landscaping.

(6) Prior to commencement of the relevant phase detailed drawings of all new estate roads (including details of the proposed bus interchange as part of the relevant phase) at a scale of 1:100 and 1:200 as appropriate shall be submitted to and approved in writing to the local planning authority. The works shall be completed in full accordance with the drawings and provided prior to occupation of the relevant phase in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure adequate access to the development and in the interest of public safety.

(7) Prior to commencement of the relevant phase of the development full details of the street lighting along all new estate roads shall be submitted to and approved by the local planning authority. These details shall include column heights and numbers and the level of luminance. The street lights shall be installed in full accordance with the details approved prior to occupation of each relevant phase.

Reason: To limit light spillage at night and protect resident's amenity

(8) Prior to commencement of the relevant phase detailed drawings of the proposed footway and cycleway along the London Road frontage at a scale of 1:100 and 1:200 as appropriate shall be submitted to and approved in writing by the local planning authority. The footway and cycleway shall be completed in full accordance with the drawings thus approved and provided prior to occupation of the relevant phase in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure proper provision for pedestrians and cyclist along London Road in accordance with the submitted Transport Assessment.

(9) Prior to each phase of the development commencing provision for car parking and motorcycle and cycle storage shall be made in accordance with details to be submitted to and approved in writing by the local planning authority. No residential, retail, community or employment unit shall be occupied in the relevant phase until space for car parking and/or motorcycle and cycle storage has been provided for use in conjunction with that unit in accordance with the details thus approved. The parking and storage facilities shall be permanently retained exclusively for their designated purpose.

Reason: To ensure adequate car parking and cycle storage for the occupiers of the development and to prevent obstruction of the highway.

(10) Provision for refuse storage for each phase of the development shall be made in accordance with details to be submitted to and approved by the local planning authority. The approved refuse storage shall be provided prior to the occupation of the each phase and shall thereafter be permanently retained to the satisfaction of the local planning authority.

Reason: To ensure satisfactory provision is made for the storage and collection of refuse from all parts of the development.

(11) Prior to commencement of the relevant phase details to indicate the position, design, materials and type of boundary treatment to be erected between individual housing plots and along all site boundaries where applicable shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed occupation of the relevant phase of the development in accordance with a timetable to be agreed in writing with the local planning authority, and shall thereafter be permanently retained.

Reason: To ensure appropriate boundary treatment in the interest of visual and residential amenity and public security

(12) Prior to commencement of the relevant phase the development details of security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design should be submitted to and approved in writing by the local Planning authority. The measures shall be implemented in accordance with the approved details prior to occupation of each relevant phase.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with policy DM1 of the Site Development Policies DPD and Supplementary Planning Document No.1 'Designing Out Crime'

(13) CCTV cameras shall be installed in the development in accordance with details to be submitted to and approved in writing by the local planning authority prior to each phase of the development being commenced. The number of cameras and specification of the entire installation shall first be agreed with the Council's Crime Prevention Design Officer and the authorised representative of the Safer Sutton Partnership. The approved CCTV scheme shall be implemented and made operational before first occupation of each relevant phase within such other period as may be agreed in writing by the local planning authority and shall be retained thereafter.

Reason: To ensure a safe and secure environment for the occupiers of the development

(14) Prior to commencement of the relevant phase details of the Children's play areas shall be submitted to and approved in writing by the local planning authority. Each play area shall be provided in accordance with an agreed programme to co-ordinate with the occupation of the residential development relevant to each phase, and shall thereafter be retained to the satisfaction of the local planning authority.

Reason: To ensure proper provision is made for children's play.

(15) Before the first occupation of each phase of the development, a Travel Plan for each of the residential, retail and employment uses shall be submitted to and approved in writing by the local planning authority. Each Travel Plan shall then be implemented, developed, monitored and enforced in accordance with the approved details.

Reason: To promote sustainable transport choices, encourage access by non-car modes and reduce the need to travel especially by car.

(16) Before the first occupation of the each phase of the development, a car parking management strategy to cover the residential, retail and employment uses shall be submitted to and approved in writing by the local planning authority. The parking management strategy shall be implemented and enforced in accordance with the approved details.

Reason: To ensure adequate car parking for all occupiers of the development and protect against unauthorised car parking by non-occupiers.

(17) Vehicular access along the bus route through the site (the primary street indicated on 091403-BAR-K-S78-111 Rev A) shall be restricted by a bus gate or comparable measures in accordance with details to be submitted to and agreed in writing by the local planning authority prior to occupation of the relevant phase. Unless otherwise agreed in writing by the local planning authority, the restriction shall be installed prior to the occupation of the relevant phase.

Reason: To prevent the passage of cars along the primary street and afford priority to buses in accordance with the submitted Transport Assessment.

(18) Prior to the first occupation of the residential dwellings within buildings containing retail uses a scheme of mitigation measures including but not necessarily restricted to sound insulation shall be submitted to the local planning authority for its written approval to ensure that the operation of the proposed retail uses within the building does not adversely affect the amenities of the occupiers of the proposed adjoining dwellings. The approved mitigation measures shall be provided prior to the first occupation of the residential dwellings within buildings containing retail uses in each phase of the development and shall be retained for as long as it is in existence.

Reason: To protect the amenities of future residential occupiers.

(19) Prior to work commencing on each phase of the development, a Sustainable Design and Construction Statement, explaining how each phase of the development will meet all the requirements outlined in IPG 11: Sustainable Design and Construction should be submitted to and agreed in writing with the local planning authority. The preferred Sustainable Design and Construction strategy should incorporate green roofs, a rainwater harvesting system, sustainable urban drainage and water efficient and low flow fittings. If any of these measures are not proposed, the sustainable design and construction statement should clearly identify the reason for this. The development shall then be carried out in accordance with the approved details and shall be retained thereafter.

Reason: To comply with Sutton Council's Core Policy BP6, Policies DM5 - DM14 of the approved Site Development Policies DPD submission document and Interim Planning Guidance IPG 11 (Sustainable Design and Construction), and with Policies 5.1 - 5.15 of the London Plan and the minimum standards set out in the Mayor's SPG 'Sustainable Design and Construction' (as amended).

(20) Within 3 months of work starting on the relevant phase of the development, Code for Sustainable Homes Interim (Design Stage) Certificates for each dwelling on site, issued by the Building Research Establishment (BRE), must be submitted to the local planning authority to show that a minimum Level 4 rating will be achieved.

Prior to first occupation of the relevant building (or part of the building where it is in multiple use), Code for Sustainable Homes Final (Post-Construction) Certificates for each dwelling on site, issued by the BRE, must be submitted to the local planning authority to demonstrate that Level 4 has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Core Policy BP6, Interim Planning Guidance IPG 11 (Sustainable Design and Construction) and Policies DM5 and DM6 of the approved Site Development Policies DPD submission document.

(21) Within 3 months of work starting on the relevant phase of the development, BREEAM Interim (Design Stage) Certificates for every non-residential building on site, issued by the Building Research Establishment (BRE), must be submitted to the local planning authority to show that a minimum Excellent rating will be achieved.

Prior to first occupation of the relevant building (or part of a building where it is in multiple use), BREEAM Final (Post-Construction) Certificates for every non-residential building on site, issued by the BRE, must be submitted to the local planning authority to demonstrate that an Excellent rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

If compelling evidence is submitted to the Local Planning Authority to demonstrate that achieving BREEAM 'Excellent' is not technically feasible and/or economically viable, the interim Design Stage Certificate must show that BREEAM rating of 'very good' will be achieved.

Reason: To comply with Core Policy BP6, Interim Planning Guidance IPG 11 (Sustainable Design and Construction) and Policies DM5 and DM6 of the approved Site Development Policies DPD submission document.

(22) Prior to any work commencing on each phase of the development, an energy statement will be submitted to and agreed in writing with the local planning authority. The energy statement shall be in accordance with the following conditions:

The energy assessment should include a calculation of baseline energy demand and CO₂ emissions on a 'whole energy basis' for each component of the development and the site as a whole. It will include a prediction of energy demand and CO₂ emissions after the application of energy efficiency measures that improve on the minimum standards set in the Building Regulations Part L. The energy statement shall also identify the renewable energy technologies to be employed to achieve between 25% and 40% reduction in CO₂ emissions unless it can be demonstrated that such provision is not viable.

All buildings in the development should achieve an overall CO₂ emissions reduction of between 25% and 40% on the minimum standards set in the Building Regulations Part L through renewable energy and energy efficiency measures unless otherwise agreed in writing with the Local Planning Authority.

For residential development, these figures should be calculated for site wide emissions using SAP (Standard Assessment Procedure) and a methodology such as the BRE's Ene7 calculator or the BREDEM-12 calculator for unregulated emissions. For non-residential development SBEM (Simplified Building Energy Methodology) and a methodology such as SBEM demand for small power or CIBSE Guide F benchmarks for unregulated emissions should be used.

The associated worksheets should be submitted as part of the application, alongside full details of the proposed energy efficiency measures and renewable energy technology(ies).

The energy statement shall include full details of the approaches that will be taken to avoid the need for active cooling of both the non-residential building and dwellings, as well as details of the chiller plant planned for the supermarket.

The development shall take place in accordance with the strategy thus approved.

Reason: To ensure the development provides appropriate environmental sustainability measures in accordance with London Plan Policies 4A.1 and 4A.7, Guideline SCD4 of Sutton's Sustainable Design and Construction Interim Planning Guidance, Core Policy BP6 and Policies DM5 - DM14 of the approved Site Development Policies DPD submission document

(23) A site-wide network based around a combined heat and power (CHP) plant should be considered as the preferred option to provide energy for the development and should provide heating to all the units on site (except residential houses for which connection should nevertheless be investigated) and be extended to the boundary with Hackbridge Primary School to allow possible future inclusion of the school into the network. If the site wide CHP network is

not proposed and other low or zero carbon technologies are put forward instead, the energy statement should clearly identify the reason for this. It should also demonstrate that the commercial viability of CHP has been fully investigated. Any energy strategy not incorporating a site-wide CHP network should be agreed with the Council in writing prior to working commencing on the site.

Reason: To ensure the development provides appropriate environmental sustainability measures in accordance with London Plan Policies 4A.1 and 4A.7, Guideline SCD4 of Sutton's Sustainable Design and Construction Interim Planning Guidance, Core Policy BP6 and Policies DM5 - DM14 of the approved Site Development Policies DPD submission document.

(24) Unless otherwise agreed with the Council in writing, this CHP network will provide the initial stages of the Hackbridge Multi-Utility Sustainable Infrastructure Strategy (MUSIS) district heating scheme. A technical specification strategy allowing future expansion of the network should be agreed with the local planning authority prior to the occupation of the first dwelling on site to connect to the permanent energy network, whereupon it will be followed accordingly. The network should also be linked to a second energy centre located at and fuelled by landfill gas from the nearby waste management site on Beddington Lane. In the event that connection to this second energy centre is not available at the time the development is constructed the network should be designed and constructed to enable a future connection to this second energy centre.

Reason: To ensure the development provides appropriate environmental sustainability measures in accordance with London Plan Policies 4A.1 and 4A.7, Guideline SCD4 of Sutton's Sustainable Design and Construction Interim Planning Guidance, Core Policy BP6 and Policies DM5 - DM14 of the approved Site Development Policies DPD submission document.

(25) Unless otherwise agreed with the Council in writing, the CHP plant should be sized in accordance with Option 2 of the Energy Strategy Options Appraisal (Issue A, 15th December 2009) prepared by Fulcrum Consulting. The CHP plant should be housed in an energy centre with a minimum floor space of 400 m², located in the designated Business Forest to the south of the development as shown in the 'land use parameter plan 1393/P/002 rev. A'. Prior to occupation, evidence (such as photographs and installation contracts) must be provided in a short report to demonstrate that the CHP plant has been installed according to this condition.

Reason: To ensure the development provides appropriate environmental sustainability measures in accordance with London Plan Policies 4A.1 and 4A.7, Guideline SCD4 of Sutton's Sustainable Design and Construction Interim Planning Guidance, Core Policy BP6 and Policies DM5 - DM14 of the approved Site Development Policies DPD submission document.

(26) All residential units shall meet the minimum space standards set out in the London Plan 2015 and be in general conformity with the design standards set out in the Mayor's Housing Supplementary Design Guidance.

Reason: To ensure a satisfactory standard of accommodation in accordance with the London Plan.

(27) At least 25% of the residential units within each phase of the development shall be family sized accommodation comprising three or more bedrooms.

Reason: To ensure the development meets the need for family sized accommodation in compliance with the London Plan and Policy DM26 of Sutton's approved Site Development Policies DPD.

(28) All of the residential units shall be built to Lifetime Homes standard unless otherwise agreed in writing by the local planning authority.

Reason: To ensure flexibility of occupation.

(29) At least 10% of the residential units within each phase of the development shall be built to be accessible by wheelchair unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of an appropriate number of units capable of being occupied by people with impaired mobility.

(30) No more than 50% of the Class B business space built shall be occupied for purposes within Class B1 (a), offices.

Reason: To ensure an appropriate mix of business uses in support of the Council's wider objectives to secure a range of employment opportunities.

(31) No development shall take place on each phase of the development until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out only by a qualified investigating body acceptable to the local planning authority.

Reason: To ensure there is an opportunity to properly investigate and record information on this site which is considered to be of archaeological interest.

(32) A scheme of ecological mitigation and enhancement measures based on those set out in 12.53 of the Environmental Statement submitted with the application shall be submitted to and approved in writing by the local planning authority prior each phase of the development commencing. The agreed measures shall be delivered, funded and thereafter managed in accordance with an Environmental Mitigation and Management Plan, details of which shall also be agreed in writing by the local planning authority.

Reason: To protect and enhance the ecological value of the site.

(33) A survey of bat habitats on the site, and any identified mitigation and habitat enhancement measures, shall be submitted to and approved by the local planning authority prior to the commencement of the relevant phase of the development. The measures shall be provided and retained as specified in the approved scheme.

Reason: To protect and enhance bat habitats on the site.

(34) Prior to the commencement of each phase of the development, a scheme of flood mitigation measures shall be submitted to and approved in writing by the local planning authority. This should be informed by flood modelling that part of the River Wandle relevant to the site. The flood mitigation measures shall then be implemented in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

(35) Prior to the commencement of each phase of the development, details of the proposed finished floor levels shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the risk of flooding is minimised.

(36) Compensatory flood storage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority before the relevant phase of the development commences.

Reason: To alleviate the increased risk of flooding that would otherwise be caused by a reduction in flood storage capacity.

(37) Development shall not begin on each phase until a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should achieve surface water discharge at the greenfield runoff rate for flood events up to and including the 1 in 100 year plus climate change critical duration storm event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent an increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system

(38) Prior to the commencement of the relevant phase of the development, a scheme detailing the design and location of green roofs and/or green walls shall be submitted and approved in writing by the local planning authority. The development shall then proceed in accordance with the details approved and the green roofs and/or walls maintained in perpetuity.

Reason: To ensure best practice measures are included in the design of these features to maximise the potential for habitat creation and surface water attenuation.

(39) Prior to the commencement of development, or such other date or stage in development as may be agreed in writing with the local planning authority, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses and potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination of 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 site investigation results and the detailed risk assessment (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 (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 shall require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to protect human health and the environment from the effects of land contamination.

(40) Prior to commencement of development, or such other date or stage in development as may be agreed in writing with the local planning authority, a verification report demonstrating completion of the 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 the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the local planning authority.

Reason: In order to demonstrate that any remediation deemed necessary has been carried out and the environmental risks managed satisfactorily so that the site is suitable for use.

(41) No infiltration of surface water drainage into the ground is permitted other than with the 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 controlled waters. No infiltration system shall be constructed in contaminated land unless an appropriate risk assessment has shown that the disposal complies with the Groundwater Regulations 2009 or site-specific environmental quality standards agreed with the Environment Agency.

Reason: No information has been supplied on the intended surface water drainage system. Infiltration to ground has the potential to cause remobilisation of contaminants in shallow soil and made ground.

(42) The development shall commence on each phase of the development until a Construction Method Statement to include details of the following has been submitted to and approved in writing by the local planning authority

- a) A programme of works including measures for traffic management
- b) Construction traffic routing
- c) Hours of operation
- d) Parking for vehicles of site personnel, operatives and visitors
- e) Loading and unloading of plant and materials
- f) Provision of boundary hoarding
- g) Means to control noise
- h) Means to prevent deposition of mud on the highway.

The development shall be constructed in accordance with the approved statement.

Reason: To ensure the development does not interfere with the free flow of traffic and public safety on the public highway.

(43) No building works which can be heard at the site boundaries shall be carried out except between the hours of 8.00am and 6.00pm Monday to Friday, between 8.00 am and 1.00pm on Saturdays and not at all on Sundays and public holidays.

Reason: To safeguard the amenity of the occupiers of adjacent premises and the area generally during the building construction process.

(44) The development hereby permitted shall be carried out in accordance with the following approved drawings:

091403-BAR-K-S78-LOC1, 091403-BAR-K-S78-110 Rev A, 091403-BAR-K-S78-111 Rev A, 091403-BAR-K-S78-112 Rev A, 091403-BAR-K-S78-201 Rev A, Illustrative Masterplan (5800_IPP), Transport Assessment for Section 73 Variation Application submitted by Odyssey Markides Report No. 15-323-05 dated February 2016, Retail Statement submitted by Savills dated December 2015, Planning Statement submitted by Barratt Homes dated February 2016, Masterplan Evolution submitted by DHA Architecture 091403-BAR-K dated January 2016, EIA Statement of Compliance submitted by Savills dated January 2016, Environment Statement including appendices and non-technical summary submitted by Savills dated December 2009, Design & Access Statement 091403-BAR-K submitted by DHA Architecture dated January 2016, Transport update, Noise Assessment 296627-01(00) submitted by RSK dated June 2016, Air Quality Assessment Project No. 442369/AQ/01/ (02) submitted by RSK dated June 2016 and Traffic Survey Technical Note ref 15-323 submitted by Odyssey Markides dated May 2016.

Reason: For the avoidance of doubt and in the interest of proper planning

INFORMATIVES.

(1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the

Building Regulations and you should contact Building Control on 020 8770 6268 before proceeding with the work.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(3) This outline consent sets a maximum number of residential units. The number that can be achieved will depend on the acceptability of the detailed design set out in the reserved matters. When assessing the detailed design, the Council will have regard to all relevant design and space standards including those in the London Plan, Draft Replacement London Plan and the Council's own adopted guidance.

(4) In the event of a phased implementation of the scheme, the reserved matters submissions referred to in conditions (1) and (2) may relate to phases of the development as agreed between the applicant and local planning authority.

(5) Conditions (35) to (42) are imposed at the request of the Environment Agency. Further advice on these might be obtained from Judith Cooke, the planning liaison officer at the Environment Agency, telephone 020 7091 4002. With regard to condition (40), the Agency has noted that the site is underlain by Taplow Gravel Formation which is classified as a Secondary Aquifer. Groundwater within the site may be in continuity with the River Wandle and, because of this, the site is considered to be in an area of high pollution risk to controlled waters. It has been identified that the site formally housed an engineering works as well as numerous tanks used to store diesel and other fuel products. The Agency recommends that the developer complies with PPS23 (Planning & Pollution Control, Annex 2: Land Affected by Contamination) and the framework document CLR 11, Model Procedures for the Management of Land Contamination (Defra/EA, 2004) in order to protect human health and the environment from the effects of land contamination.

(6) The Environment Agency also advises that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Agency will be required for any works or structures in, under, over or within 8 metres of the brink of the main Wandle river.

(7) With regard condition (32), English Heritage advise that the development of this site is likely to damage archaeological remains. The developer should therefore submit detailed proposals in the form of an archaeological project design that accords with English Heritage guidelines. Further advice on the likely archaeological sensitivity of the site and appropriate investigative measures may be obtained from Mark Stevenson, Archaeology Advisor for the London Region at English Heritage, on 020 7973 3737.

(8) Your attention is drawn to your contractors duties towards protected species including the need to cease work and seek the advice of a qualified ecologist should any protected wildlife be found during building works. With regard to bats (condition 34), an action plan should be put in place in case bats are discovered so that appropriate safety measures may be employed in compliance with the Conservation of Habitats and Species Regulations 2010.

(9) This decision notice should be read in conjunction with the agreement under section 106 of the Town and Country Planning Act 1990.