

PLANNING COMMITTEE - Date: 22 February 2017

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

Ref: C2016/75591/FUL	WARD: C11 / WANDLE VALLEY	Time Taken: 7 weeks, 0 days
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Site: Felnex Trading Estate, 190 London Road, Hackbridge. SM6 7EL.
 Proposal: Installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.
 Applicant: Barratt Homes
 Agent:

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The Council has an interest in the land and an objection has been received.

Summary of why application proposals are acceptable:

- The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016 Policy 5.2 and 5.6 and the council's' Local Development Framework as the proposal would comply with Policy DM6 which relates to Climate Change Mitigation and specifically part (c)(ii) of the policy which requires proposed developments be designed to connect to a Decentralised Energy Network (DEN) particularly in Hackbridge.
- The proposal would not result in a loss of outlook or privacy and no significant harm would be caused through noise or disturbance.

1.0 BACKGROUND AND PLANNING HISTORY

1.1 Site and Surroundings:

1.2 The former 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, the structures have been completely demolished and the approved redevelopment of the site has commenced.

- 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 Local Planning Authority (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, or source over another.
- 1.6 On the 3 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 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 In relation to the comprehensive redevelopment of the site the following applications are relevant.
- 1.14 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 approximately of additional retail floor space within Class A1, 6,100 square metres approximately 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.
- 1.15 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.
- 1.16 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.
- 1.17 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 approximately of additional retail floor space within Class A1, 6,100 square metres approximately 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 3 July 2014.
- 1.18 C2016/73625/OUT - 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. Permission granted 20 July 2016.
- 1.19 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. Permission granted 7 September 2016.

- 1.20 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. Permission granted 7 September 2016.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 Planning permission is sought for the installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.

- 2.3 The application was screened for an Environmental Impact Assessment (EIA) and consequently the applicants have submitted an EIA addendum to the previous EIA submitted with application ref:C2016/73625

- 2.4 Planning permission was granted in September 2016 for an energy centre and substations required for the Decentralised Energy Network (DEN), above ground, through planning permissions C2016/73625/OUT and C2016/73672/ARM.

2.5 Significant amendments to application since submitted:

- 2.6 None.

3.0 PUBLICITY

3.1 Adjoining Occupiers Notified

3.2 Method of Notification:

- 3.3 Letters were sent to 349 adjoining occupiers in the surrounding area on 11th January 2017 and three site notices were erected within the vicinity of the site on the same day.

3.4 **Number of Letters Received:**

3.5 None.

3.6 **Official Consultation:**

3.7 **Internal:**

3.8 **Sustainability:**

3.9 No objection.

3.10 **Waste Management:**

3.11 No objection.

3.12 **Crime Prevention Officer:**

3.13 No objection.

3.14 **Lead Local Flood Authority:**

3.15 No objection.

3.16 **Urban Design Officer:**

3.17 No objection.

3.18 **Environmental Health:**

3.19 No objection, subject to a condition for controlling dust and noise during the underground works.

3.20 **Biodiversity:**

3.21 No objection.

3.22 **Highways Officer:**

3.23 Any comments received will be reported orally to committee.

3.24 **External:**

3.25 **Network Rail:**

3.26 No objection.

3.27 **National Grid:**

3.28 Any comments received will be reported orally to committee.

3.29 **Thames Water:**

3.30 Any comments received will be reported orally to committee.

3.31 **Environment Agency:**

3.32 No objection, subject to a condition should any contamination not previously identified be found then the developer shall submit a remediation strategy.

3.33 **Sutton and East Surrey Water:**

3.34 Any comments received will be reported orally to committee.

3.35 **Southern Gas Network:**

3.36 Any comments received will be reported orally to committee.

3.37 **Transport for London:**

3.38 No objection.

3.39 **Sutton Police:**

3.40 Any comments received will be reported orally to committee.

3.41 **Councillor Representation:**

3.42 Councillor Matthey objects to the proposal in relation to the links between SDEN and Viridor. As stated in paragraph 1.4 - 1.6 above, these 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 set out 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.

3.43 The issues raised by Councillor Matthey were -

- SDEN has been partially funded by Viridor the company that directed money into the Charity Viridor,
- Five hundred people have requested an independent enquiry into the links between Sutton Lib Dem, Viridor and the Charity Viridor Environmental Credits,
- Monies were to SDEN from Viridor because VEC ensured that a project closely associated with a former Councillor received a donation,
- The funding for SDEN came as a result of misused taxpayers monies to influence decisions,

- Without an incinerator, SDEN and Holy Trinity Church would not have received funding,
- Object to Barratts doing business with SDEN until an independent survey can establish that Mr Drage was not compromised by his relationship with Viridor and the promise of funding to Holy Trinity Church.

3.44 As stated the issued raised above are considered to be non-material to this planning 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 development plan for the London Borough of Sutton comprises the following documents:

- London Plan 2016
- The Core Planning Strategy December 2009
- The Site Development Policies DPD March 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents
- Draft Local Plan
- Human Rights Act 2008
- Equality Act 2010

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

4.4 **London Plan 2016:**

- 1.1 Delivering the Strategic Vision and Objectives for London
- 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

4.5 **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

4.6 **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

4.7 **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**
 - Archaeology
 - Air Quality
 - Ground Conditions
 - Hydrology and Drainage
 - Noise and Vibration
- **Design Quality**
- **Impact on Neighbours**
- **Highways**
- **Sustainability**

- **Trees**
- **Planning Obligations**
- **Other Material Considerations**

5.2 **Principle:**

5.3 An outline planning permission for access and siting for the mixed use development on this site was originally granted in March 2012 and subsequently amended twice through applications under section 73 of the Town and Country Planning Act 1990. The first Section 73 application, C2014/68760/OUT which varied the phasing plan of the original outline permission and was approved and granted permission in May 2014. The second variation C2016/73625/OUT varied a number of planning conditions and amended the design of the scheme and was granted permission in September 2016. The remaining reserved matters, which were appearance, scale and landscaping, were granted in September 2016. Construction of the development began in late 2016.

5.4 Planning conditions 23, 24 and 25 of the outline consent C2016/73625/OUT set out the requirement for a Combined Heating and Power (CHP) facility to provide heating to all dwellings on the site and require the network to be designed in such a way that allows for the future connection to other off-site district wide energy networks, should such exist in the future.

5.5 In addition an obligation on the developer to provide an energy network is also contained within Schedule 13 of the Section 106, pursuant to the consent C2016/73625/OUT, which requires the owner to use reasonable endeavours to ensure the development is designed and constructed to facilitate the delivery of an area-wide DEN.

5.6 This proposal seeks consent for the installation of underground heating pipes, electrical cabling, communication cabling, substations, energy centre and associated works to allow the transfer of hot water through a decentralised energy network for use by the permitted Felnex development and to provide a future connection point on Hackbridge Road.

5.7 The application shows the extent of pipe works within the site boundary which would be powered by energy generated either by a CHP located within the site or through SDEN utilising the waste heat produced by the ERF. The difference between the two options is that the proposed SDEN pipe works are distinct as including a section of pipe that runs east from the proposed energy centre to a position that could connect to future SDEN pipe-work that would connect the approved pipeline with the boundary of the Beddington Farmlands Site with this site This is the subject to a separate application. Both DEN solutions require consent to ensure a sustainable energy solution can be developed.

5.8 London Plan Policy 5.2 Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
 2. Be clean: supply energy efficiently
 3. Be green: use renewable energy
- 5.9 Policy 5.6 of the London Plan states proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.
- 5.10 Policy DM6 of the Site Development Policies DPD states In seeking to minimise carbon dioxide emissions on or near site in accordance with the above targets, proposed developments should apply the Mayor's energy hierarchy by:
- (i) Achieving the highest standards of energy efficient design and layout;
 - (ii) Being designed to connect to and, where appropriate, contribute towards existing or future decentralised energy (DE) networks, supplied by low or zerocarbon energy, particularly within Hackbridge and other DE opportunity areas identified in maps 2.68 to 2.70, by applying the Council's "DE Protocol" set out in Paragraph 3.67; and
 - (iii) Using renewable sources of energy generated on-site.
- 5.11 As such, the provision of a decentralised energy network within this major redevelopment site would be policy compliant and achieved by either of the proposed options. As previously stated there is no policy requirement that the applicant should give preference to one decentralised energy network provider or energy source over another. As such, the proposal is considered acceptable in principle subject to compliance with all other policy and having regard to other material considerations.
- 5.12 **Sutton's Decentralised Energy Network (SDEN):**
- 5.13 With this option, the site would be connected to the SDEN in order to provide heat for heating and hot water to all dwellings, retail units and commercial premises. The heat would be delivered into the site through a pair of flow and return pipes from off-site CHP engines utilising gas derived from waste products produced by the Beddington Energy Recovery Facility (ERF). The facilitating works to connect the Felnex site and ERF are the subject of a separate planning application. The connection to SDEN would be located from London Road into the Energy Centre which is located at the South Western part of the application site.
- 5.14 This option would result in a connection to the proposed pipework to facilitate the distribution to the energy centre from where it is pumped throughout the site. There are four separate plant rooms on the site which each contain heat exchangers providing hydraulic separation from the primary distribution to the various blocks and houses, one in Block P and Block B and 2 in the energy centre (1.5 metres by 1 metre by 1 metre).
- 5.15 The proposed pipe network, which would run under the roads, includes a dedicated pipe which will run from the energy centre in a northerly direction to the Hackbridge

Road frontage of the site, which would enable the potential future extension of the SDEN network to other developments.

- 5.16 From the substation plant rooms, secondary circuits are extended to serve the residential blocks, retail and commercial areas and dwellinghouses. The proposed pipework would be installed below ground and would be of robust construction, with a steel inner pipe with high performance insulation fitted by the manufacturer prior to delivery to site. An external protection membrane would be fitted together with a system that would detect water penetration into the preformed insulated pipe.
- 5.17 The pipes are set at various depths which follow the road network; the depths will vary depending on the constraints of other permanent underground services and drainage on site. However, it is not anticipated that any pipes will extend more than 2 metres below ground.
- 5.18 The energy centre will also incorporate back up gas fired boilers, in case of interruption of the heat supply from the SDEN network. The flue from the Energy Centre will be at a height of 3.5m above the roof Block D of the permitted outline permission. The Energy Centre, located adjacent to Block D, is a standalone building of approximately 3 storeys. No external alterations are proposed to facilitate this option within the site boundary of the Felnex Site that have not previously been approved.
- 5.19 **Onsite Decentralised Energy Network (DEN):**
- 5.20 With this option, there would be an onsite district heat network installed to provide heat for heating and hot water services to all the residential blocks, retail and commercial areas and dwellinghouses.
- 5.21 The heat would be delivered to the site from the onsite energy centre, located in the south west corner of the site. Four separate plant rooms would be provided on the site which each contains heat exchangers providing hydraulic separation from the primary distribution to the various blocks and houses. The pipework would also be sized for a future connection on Hackbridge Road. From the substation plant rooms secondary circuits would be extended to serve the residential blocks, retail and commercial areas and houses.
- 5.22 As with the SDEN proposal the pipework installed below ground will be of robust construction, with a steel inner pipe with high performance insulation fitted by the manufacturer prior to delivery to site. An external protection membrane would also be fitted together with a system that will detect water penetration into the preformed insulated pipe.
- 5.23 In accordance with the agreed and signed Section 106 the DEN extends to the boundaries of the site to enable further connection to neighbouring developments.
- 5.24 The principle of providing for a DEN at Felnex was assessed against planning policy as part of the decision making process for the outline planning permission for the mixed-use development. At the time of consent the application was considered to be

acceptable and in accordance with the provisions of the Development Plan and other material considerations. There are no external alterations proposed that were not included in the redevelopment of the Felnax site.

5.25 **Environmental Impact Assessment:**

5.26 It was agreed that due to the planning history and the submission of a recent EIA's in 2009 and 2016 in relation to the redevelopment of the site, that a formal EIA scoping exercise was not required. It was also agreed that the ES (Environmental Statement) addendum should focus on the installation and operation of the energy pipes servicing the application site. This considers any effects not previously assessed by the submitted EIA's which assessed the redevelopment of the site, in relation to the construction and operation of the pipes and the potential for cumulative effects. The assessment considers the impacts in relation to both the SDEN option and the onsite DEN option, where relevant. Following a review of the previously submitted ES's, it was agreed that the scope of the ES Addendum should focus on the following technical topics:

- Archaeology
- Air Quality
- Ground Conditions
- Hydrology and Drainage, and
- Noise and Vibration

5.27 **Archaeology:**

5.28 Archaeology was considered within the original 2009 ES. Given the proposed pipelines would be located below the ground, it is deemed appropriate to consider this topic further within this ES Addendum.

5.29 A Written Scheme of Archaeological Investigation was carried out by MOLA in October 2015 and submitted to LBS in support of an application to discharge planning condition number 31 of the outline decision notice (Ref. C2014/68760).

5.30 Condition 31 stated: *"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."*

5.31 Previously an Archaeological Assessment was prepared in 2009 in support of the original outline planning application and ES. Four archaeological investigations were carried out by a qualified archaeologist at the application site between 10th March 2014 and 22nd December 2014. The archaeological investigations began with pre-demolition Stages 1A and 2A in the eastern and western half of the application site, designated construction Phase 1 and Phase 2 respectively. The Stage 1A

evaluation concluded that there was no evidence of human activity; the area had been terraced to the top of the natural sand and gravel for the construction of the previously existing industrial units. Historic England agreed that no mitigation was required for the Phase 1 area.

- 5.32 Evaluation trenches in the western edge of the site revealed that there is good potential for archaeological survival. However, the Written Scheme of Investigation held that whilst the archaeological remains are of local significance there is nothing to suggest that they are of regional or national importance. It is considered that the previously submitted Written Scheme of Investigation and subsequent Report of Archaeological Investigation demonstrates no significant impacts will arise as a result of the energy centre and associated pipework. Furthermore, given that the planning conditions relating to the archaeology (condition no. 31) have been approved by the Council, it is considered that no further impacts are associated with the pipeline.
- 5.33 As such, no concern is raised to this planning application in regards to archaeology.
- 5.34 **Air Quality:**
- 5.35 In 2009, RSK prepared the air quality chapter of the 2009 ES and a standalone air quality assessment was prepared and submitted in 2016 to accompany application ref: C2016/73625/FUL.
- 5.36 The 2016 air quality assessment accounted for the proposed introduction of an energy centre and changes in baseline air quality data and prevailing legislation, policy and guidance made since the 2009 ES was produced. The 2016 air quality assessment considered the impacts of installing boilers at an energy centre, which would meet peak demand for heat otherwise supplied by the SDEN scheme.
- 5.37 The 2016 air quality assessment did not explicitly include an assessment of construction phase impacts associated with the installation of pipe work for the connection. It also did not specifically assess the impacts on air quality of the potential sources of the DEN at the energy centre, in comparison to future air quality without the development or the wider Felnax development in place. The submitted ES addendum considers the possible impacts of the energy centre on local air quality, under both the SDEN and CHP schemes.
- 5.38 The ES addendum states that the likely combined air quality effects of the proposal and the development of the wider Felnax site, were identified in the 2016 air quality assessment. The air quality assessment indicated that short-term NO₂ and CO AQSs were not predicted to be exceeded at any of the modelled receptor locations in any of the modelled scenarios.
- 5.39 The ES addendum concluded that the proposal would have negligible effect on air quality for both the CHP and SDEN schemes. The council's Environmental Health Department raised no concern regarding air quality. As such, no objection is raised on these grounds.

5.40 Ground Conditions:

5.41 Ground conditions were considered within the original 2009 ES and 2016 application. In addition planning condition no.39 (of C2014/687500), condition no.40 (of C2009/62175), condition no 40 (of C2014/68760) and no. 40 (of C2009/62175) have been approved by the Council which sought details in relation to ground investigation and remediation of the site.

5.42 Extensive ground investigation, risk assessment and remediation have been undertaken on site between 2012 and 2016. The ES addendum states that for the installation of the pipes required to facilitate the energy network, any soil movement will be carefully considered to ensure that soils remain in a location where they do not pose a risk to future occupiers or controlled waters.

5.43 Post completion of the remedial works, the risk to sensitive receptors has been removed. It is acknowledged that residual contamination remains beneath the clean capping layer, buildings and areas of hardstanding, however, this is considered to pose a negligible risk of exposure to future site occupiers. Future works involved with the installation of the pipes and road network will be mitigated by a robust risk assessment and personal protection equipment, therefore reducing the risk to future site works as negligible.

5.44 As such, it is considered that, as remediation was completed to mitigate risk to controlled water and human health within the context of the proposed development layout and has been largely completed, the development of the proposed pipework will not give rise to any potentially significant effects in relation to contaminated land. Environmental Health have raised no objection on these grounds.

5.45 Hydrology and Drainage:

5.46 Hydrology and Drainage were considered within the original 2009 ES. A Flood Risk Assessment with associated Drainage Strategy was previously approved as part of the 2009 application. Drainage designs were subsequently submitted to approve the associated planning condition (38) which stated that:

“Development shall not begin until a surface water drainage scheme based on sustainable drainage principles and an assessment of 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.”

5.47 A number of Sustainable Urban Drainage (SUDS) features were proposed within the approved scheme to attenuate surface water and restrict discharge to an existing outfall from the site.

- 5.48 The ES addendum confirms that the installation of underground pipes and cabling require similar construction techniques to the installation of standard utilities and drains. The depth of excavation required is not considered to be greater depth than standard drainage installation depth, and installation methods will be similar.
- 5.49 In relation to the proposed foul and surface drainage strategy, the proposal would have a negligible effect on the construction of a sustainable drainage system for the site. Given the nature of the site layout, it is considered that there is sufficient space to accommodate the requirements of both systems and this is considered to have a negligible effect in an environmental context.
- 5.50 The Council's Flood Risk Officer has raised no objection to the proposal.
- 5.51 **Noise and Vibration:**
- 5.52 A noise assessment was submitted to accompany the original ES in 2009, and a further assessment was carried out in 2016, which assessed the construction and operational effects of the development. A baseline noise survey was undertaken to quantify the existing noise levels in the surrounding area. A combination of short and long-term measurements (for a minimum 24 hours) were undertaken at the site boundary and the nearest identified receptors. Those baseline levels have been used to inform the pipeline construction assessment.
- 5.53 During the operational phase, the pipelines are to be positioned below ground level and would not introduce significant noise levels or generate an increase in road traffic movements. The focus of the assessment was limited to the impacts of construction activity during the installation of the pipelines.
- 5.54 The construction noise assessment for the site has been carried out in accordance with the guidance given in BS5228:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites", Part 1 – Noise.
- 5.55 This standard sets out a method for predicting noise from construction works. The method considers amongst other factors, the noise emission level of the plant, % on-time, separation distance between source and receiver, the effect of the intervening topography and structures.
- 5.56 Noise predictions based on indicative movement vehicles of plant and other equipment to the requirements of BS 5228-1 have been undertaken. The predictions are then compared against the threshold criteria which have been informed by the previous baseline monitoring. A computer noise model of the site has been constructed using SoundPLAN (v7.4) noise prediction software.
- 5.57 The majority of the construction activities would be undertaken during daytime core hour periods between 07:00 to 19:00; a threshold criterion has therefore taken into account this time period. Similar construction works have been used to inform this assessment. It was assessed that likely activities would be split into various phases of work with differences in plant and on-times. Those activities include site preparation,

excavation/ shallow trenching, pipe laying and backfilling and compaction.

- 5.58 Noise emission areas have followed the line of the pipework. They provide a worse case assessment and modelling locations were undertaken at both SDEN and CHP on-site connections. The construction works would be undertaken in the same areas, irrespective of which option is preferred; and in noise terms the difference between the two is considered to be insignificant.
- 5.59 As such, it is considered that the proposal would have negligible noise impacts to the surrounding properties.
- 5.60 The proposed operation of the energy centre would not produce any distinct noise above the existing background noise levels as the plant would be housed within a sealed unit which would provide a high level of noise mitigation.
- 5.61 The council's Environmental Health Service have not raised objection to the proposal, subject to a condition controlling dust and noise during the installation of the underground pipework.
- 5.62 **Summary:**
- 5.63 The application is for the installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.
- 5.64 In terms of archaeology, air quality, ground conditions, hydrology and drainage and noise and vibration, the application has demonstrated by way of an Environmental Statement addendum that the proposal would have a negligible impact.
- 5.65 The proposal is considered to be in accordance with the NPPF, the London Plan 2016 and the council's Local Development Framework. As such the proposed development is acceptable in principle, however, this is subject to the consideration of all other relevant policy guidance and material considerations which are considered below.
- 5.66 **Design Quality:**
- 5.67 The National Planning Policy Framework (NPPF) states at paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.
- 5.68 The proposal includes the installation of underground pipes and cabling ducts below ground and will not be visible. Therefore, the proposal would not impact on the character and appearance of the surrounding area and are in accordance with the above policies.

5.69 **Impact on Neighbours:**

5.70 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.

5.71 The site is bounded by residential properties to Hackbridge Road and London Road frontages. 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.

5.72 As discussed above, an ES addendum was submitted with the application which concluded that the proposal would be installed underground and would not be visible once the approved development has been complete. It should be noted that there would be negligible impact through construction phase once the pipes and cabling are active.

5.73 As such, it is considered that the proposal would not have an unacceptable impact on adjoining residents in terms of privacy, outlook and noise and disturbance.

5.74 **Highways:**

5.75 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.

5.76 The proposed access and layout of the wider Felnex site was approved under application ref: C2016/73625/OUT and the proposed installation of the pipeline and cabling would not modify the approved access or layout.

5.77 Comments received from the Highways Engineer will be reported orally.

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 Policy DM6 relates to climate change mitigation and part c) of the policy requires that

proposed developments are designed to connect to a DEN particularly in Hackbridge. The proposed DEN at Felnax is central to ensuring that policy DM6 can be complied with at Felnax and to ensure that carbon dioxide emissions are minimised in line with the London Plan's strategic targets for reducing emissions and promoting DEN.

- 5.81 The Council's Sustainability Officer raises no objection to the proposed layout of the underground heating pipes for either alternative energy supply options. Both of these provide a dedicated pipe which will run northwards from the energy centre to Hackbridge Road in order to facilitate the potential expansion to other developments within in Hackbridge and beyond.
- 5.82 This 'future-proofing' is welcomed and is in accordance with the existing planning conditions for the wider site and Section 106 agreement which requires the developer to make 'reasonable endeavours' to connect to a future area wide-network.
- 5.83 As such, it is considered that the proposal would comply with development plan policy DM6.
- 5.84 **Trees:**
- 5.85 Policy DM1 of the Site Development Policies DPD states that development shall make suitable provision for high quality hard and soft landscape treatments around buildings. Landscape proposals will need to ensure that new development is integrated and positively contributes to or enhances the streetscene. Policy DM17 seeks to create, conserve or enhance biodiversity and improve access to nature by sustaining and, where possible improving the quality and extent of natural habitat enhancing biodiversity in green spaces and among developments.
- 5.86 Under application C2016/73672/ARM, it was considered that the trees on the site were not considered to be of a sufficient quality or amenity value to be considered a constraint on development. The loss of the existing trees was considered acceptable in the context of the significant benefits the scheme will provide both in terms of new tree planting both to the London Road frontage and within the site as well as the significant improvement to the existing site in landscape terms through public open space and private amenity space.
- 5.87 Comments from the Tree Officer will be reported orally.
- 5.88 **Planning Obligations:**
- 5.89 **Community Infrastructure Levy**
- 5.90 The Mayor of London's and the Council's CIL are not payable in this instance as it only applies to the provision of housing and convenience retail developments.

6.0 **CONCLUSION AND RECOMMENDATION**

- 6.1 The proposal is considered to be in accordance with the National Planning Policy

Framework, the London Plan 2016 and the council's Local Development Framework and the proposal would comply with Policy DM6 which relates to Climate Change Mitigation and specifically part (c)(ii) of the policy which requires proposed developments be designed to connect to a Decentralised Energy Network (DEN) particularly in Hackbridge.

- 6.2 The proposal would not result in a loss of outlook or privacy and no significant harm would be caused through noise or disturbance.
- 6.3 For the reasons outlined in the report, it is recommended that planning permission be granted.

Background Papers: C2016/75591/FUL

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: **C2016/75591**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents

G

Barratt Homes
BDW Kent 88 Main Road
Sundridge
TN14 6ER

C2016/75591/FUL

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

Felnex Trading Estate 190 LONDON ROAD Hackbridge SM6 7EL

Installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: S0508C, S0508BEMS087-TS-0-1-100 Rev 9, AA5938-2102 Rev A, SK004 Rev A, 091403-BAR-K-S78-LOC01, 9044/01 1/2, 9044/01 2/2, 091403-BAR--01 Rev C, Planning Statement, Environmental Statement Addendum,

Construction Method Statement, Air Quality Statement, Schedule of Trees and Tree Survey.

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

(3) The development shall not begin until a Construction Method Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding, behind any visibility zones;
- (f) construction traffic routing;
- (g) hours of operation;
- (h) means to control dust;
- (i) means to control noise;
- (k) means to prevent deposition of mud on the highway;

has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved statement.

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

(4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Further, and in accordance with our letter reference SL/2014/112763/11-L01 dated 19 May 2016, we request additional groundwater monitoring during these groundworks to assess whether there is any effect on groundwater quality from remobilized potential contaminants.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located within SPZ1).

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 5000 before proceeding with the work.

(2) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes

connected with the implementation of this planning permission.

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

(4) The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

(5) The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works.

Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

(6) Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer.

Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 / 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

(7) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

(8) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

(9) Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

(10) In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

(11) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train driver's vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

(12) The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

(13) Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. Network Rail strongly recommends the developer contacts Asset Protection Sussex AssetProtectionSussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

(14) - The best practical means available in accordance with British Standard Code of Practice 5228-1:2009 + A1:2014 shall be employed at all times to minimise the emission of noise from the site;

- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 - 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance and pollution

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