



The Planning Inspectorate

---

# **Report to the Council of the London Borough of Sutton**

**by David Smith BA(Hons) DMS MRTPI**  
**an Inspector appointed by the Secretary of State**  
**Date 30 January 2018**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Sutton Local Plan 2016-2031**

The Plan was submitted for examination on 12 April 2017

The examination hearings were held between 12 September and 28 September 2017

File Ref: PINS/P5870/429/8

## **Abbreviations used in this report**

AA	Appropriate Assessment
AQAP	Air Quality Action Plan
ATBP	Areas of Tall Building Potential
HMO	Houses in Multiple Occupation
HRA	Habitats Regulations Assessment
LCH	London Cancer Hub
LDS	Local Development Scheme
MM	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SCI	Statement of Community Involvement
SDP	Sutton Site Development Policies Development Plan Document
SHELAA	Strategic Housing and Economic Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location
SLP	Sutton Local Plan 2016-2031
SPG	Supplementary Planning Guidance
TfL	Transport for London
TCEDA	Town Centre and Economic Development Assessment
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the Sutton Local Plan 2016-2031 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. The Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

All the main modifications were proposed by the Council and were subject to public consultation over a six-week period. Their inclusion in the plan is recommended after considering all the representations made in response to the consultation on them.

The main modifications can be summarised as follows:

- Setting an affordable housing target of 35% for individual proposals and adjusting the policy threshold so that it is consistent with national policy;
- Removing the reference to an alternative residential allocation at the London Cancer Hub;
- Including a specific target of 25% for family housing in Sutton town centre;
- Allocating a site at Beddington Lane which is currently Metropolitan Open Land to provide a potential industrial floorspace of 17,600 sq m;
- Taking the proposed gypsy and traveller site at Woodcote out of the Green Belt;
- Adjusting the site area of the school site at Rosehill and removing it from Metropolitan Open Land;
- Altering the site allocations for some sites to ensure that details are suitable; and
- Changing detailed policies so that they are justified, consistent with national policy and effective.

## Introduction

1. This report contains my assessment of the Sutton Local Plan 2016-2031 (SLP) in terms of section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Draft Sutton Local Plan 2016-2031 is the basis for my examination. This is the same document as that published for consultation in January 2017 under Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended).

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. This report explains why the recommended main modifications are necessary. All of them relate to matters discussed at the hearings or raised during the examination process. They are referenced in bold in the report and set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal of them. The schedule was subject to public consultation between 24 November 2017 and 12 January 2018. I have taken account of the consultation responses in coming to my conclusions in this report and have made some amendments to the detailed wording of the main modifications in the interests of clarity and accuracy. None of these changes significantly alters the content of the modifications published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting the SLP for examination, the Council provided a document showing changes to the policies map (L.1.B) and an appendix with maps (L.1.C) showing the alterations that would result from the proposals in the plan as well as confirming existing designations. An updated appendix was produced in November 2017 to reflect the proposed main modifications.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, some of the main modifications recommended in the report require corresponding changes to be made to the policies map. Therefore, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the policies map on adoption so that it includes all of them.

## **Consultation**

7. The Council indicated that points made about inaccurate reporting of concerns from those in Lenham Road, the failure to acknowledge representations and to keep residents updated will be taken on board in future. Navigating the volume of documentation connected with a local plan examination is daunting but this is not a problem unique to Sutton. Indeed, the level of engagement carried out by the Council was well above the bare minimum. Moreover, the specific consultation arrangements set out in Table 3.2 of the Statement of Community Involvement (SCI) (L.2.E) have been undertaken. In accordance with Regulation 18 it is also apparent that the plan has been altered in some places to take account of representations made. The SCI has therefore been complied with as required by section 19(3) of the 2004 Act.

## **Assessment of Duty to Co-operate**

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. The Council is part of a number of pan-London fora and also sub-regional structures such as the South London Partnership. The measures taken to co-operate on strategic matters with prescribed bodies and other local authorities have been detailed (L.2.B). On issues where potential conflict has been identified the Council has taken some steps to address them so that the dialogue has not been superficial but has led to changes to the plan.
10. A summary of engagement with Reigate and Banstead Borough Council is contained in the statement of common ground (ED23). That Council maintains that further progress should have been made in assessing the transport implications arising from the London Cancer Hub (LCH). However, that is primarily a question of soundness and there is no duty to agree. Indeed, the cross-boundary impacts have been the subject of discussion. On this matter and overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background**

11. The SLP will replace the Sutton Core Planning Strategy of 2009 and the Sutton Site Development Policies Development Plan Document 2012 (SDP). Paragraph 1.6 of the SLP states that all the policies in those adopted plans will be superseded so that Regulation 8(5) is met. There is also a duty under section 24(1) of the 2004 Act for the SLP to be in general conformity with The London Plan. A draft London Plan was published for consultation in December 2017 with final publication expected in 2019. However, it is too early to give significant weight to any of the policies within the new version.

### **Main Issues**

12. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 12

main issues upon which the soundness of the plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

**Issue 1 - Are the spatial vision and objectives for Sutton sound having regard to achieving sustainable development and the trends and challenges in the Borough?**

13. Based on 30 headline trends the SLP identifies 5 key challenges relating to the need for more homes; translating educational achievement into local jobs; managing town centre change; meeting transport and infrastructure needs and delivering growth whilst enhancing the environment. These are addressed in the vision in a positive and sustainable manner whilst taking into account the specific Sutton context. In turn, the 22 objectives support the delivery of the vision and are concerned with people, business, centres, linkages and environment and are referred to in the SLP in relation to individual policies. However, they fail to mention the role of the Borough in meeting housing needs in this part of London and securing necessary improvements to the road network. This omission should be rectified so that the objectives are comprehensive and therefore justified (**MM1 & MM2**).
14. Together the vision and objectives reflect the economic, social and environmental dimensions of sustainable development set out in the NPPF. Therefore the SLP has the achievement of sustainable development at its heart and the vision and objectives are accordingly sound. They have also been carried through into the plan to ensure deliverability.

**Issue 2 - Is the overall spatial development strategy for sustainable growth sound having regard to the needs and demands of the Borough; the relationship with national policy and Government objectives; the provisions of The London Plan and the evidence base? Has the Local Plan been positively prepared?**

15. Following consideration of issues and options and the preparation of the Sustainability Appraisal (L.1.D) the SLP incorporates a multi-centred spatial strategy but with the majority of housing and commercial growth directed to Sutton town centre. Given that access to services and public transport is greatest here this is fully in line with the NPPF which provides that significant development should be focused in locations which are or can be made sustainable (paragraph 17). The London Plan supports this approach too. Growth is also encouraged by intensifying areas around the town centres and within the District Centres – especially at Hackbridge and Wallington.
16. The Sutton Town Centre Masterplan Capacity Analysis (L.8.B) and the Strategic Housing and Economic Land Availability Assessment (SHELAA) (L.10.B) indicate that there is capacity to deliver the multi-centred strategy. In so doing the character of the suburban heartlands would be protected. Furthermore, Policy 1 makes positive provision for infrastructure needs and the SLP is supported by an Infrastructure Plan (L.12.A). The Sustainability Appraisal also concludes that a medium growth scenario is the most sustainable one as the higher growth option would be less beneficial in terms of increased air pollution, traffic congestion, flood risk and pressure on the open environment and biodiversity.

17. Overall, therefore, the SLP incorporates a balanced and justified approach to development in the Borough. Moreover, the SLP has been positively prepared in that it seeks to meet the needs for development and infrastructure as opposed to preventing or severely restricting growth.
18. The scale of obligations and policy burdens should not threaten the ability to develop sites viably according to paragraph 173 of the NPPF. However, the Planning Practice Guidance (PPG) on *Viability* confirms that not every site is required to be tested (ID 10-006-20140306). In support of the SLP the Council has produced a Viability Report (L.2.H(i)). This takes into account the policy areas of affordable housing and carbon and energy that are likely to have a high impact on viability as well as Community Infrastructure Levy and section 106 costs.
19. The Report is based on 40% affordable housing provision in line with the recommendation of the Strategic Housing Market Assessment (SHMA) (L.10.C). It also uses upper quartile BCIS build costs which is realistic based on examples of recent residential schemes (ED36A). In particular some of the developments selected included the wheelchair accessibility requirements in Policy 9. In any event, these policy provisions as well as space standards and water efficiency are not new as they are part of The London Plan and therefore already 'factored in'. On the basis of the evidence a mid-point figure of £1,500 per dwelling for carbon and energy is reasonable for testing purposes and, in practice, new dwellings for social rent are not being constructed. Whilst particular values may be challenged there is insufficient evidence that policy requirements will impair delivery provided that individual policies contain flexibility where necessary. Therefore the various policy provisions in the SLP do not undermine its overall deliverability.
20. The London Cancer Hub is a key strategic project but is covered by a separate policy. In setting out growth expectations this should be made clear (**MM6**). Criterion a) of Policy 1 largely repeats paragraph 14 and should be removed as the PPG on *Locals Plans* indicates that policies should not reiterate the NPPF (ID 12-010-20140306). **MM3** nevertheless confirms that sustainable development will be pursued and is recommended.

**Issue 3 - Are the policies for housing growth and for affordable housing justified, deliverable and consistent with national policy? Will they be effective? Is the housing target and the distribution and location of new housing justified, will there be a 5 year supply of deliverable housing sites and is the overall target for affordable housing and tenure type justified?**

*Housing target*

21. The NPPF provides that to boost significantly the supply of housing, local planning authorities should ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with its policies. However, Policy 3.3 of The London Plan provides that Boroughs should seek to achieve and exceed the relevant minimum annual average housing target in Table 3.1.
22. For Sutton the annual monitoring target to 2025 is 363. Based on the SHELAA, capacity has been identified for 6,405 homes over the plan period or

an average of 427 per annum. This level of provision is referred to in Policy 1 as the housing target. It represents an uplift of almost 18% above The London Plan target which reflects the shortfall of identified capacity compared to need across London as a whole. The SLP also incorporates an increase above the recent annual average delivery of 357 net homes between 2009 and 2016. In this way Sutton would play some part in closing the gap between identified housing need and supply in line with London Plan Policy 3.3.

23. The SHMA indicates that the housing need for Sutton is for 1,098 additional homes per annum. Whilst the shortfall between provision and this figure is a substantial one The London Plan does not expect Boroughs to identify and meet their own objectively assessed needs. In Sutton there are constraints in increasing supply such as Green Belt, Metropolitan Open Land (MOL), protected industrial locations and heritage areas which limit the ability to accommodate new development. Furthermore, Policy 3.3 provides that the housing benchmarks should be augmented *where possible* [my emphasis] with extra capacity. Given the importance the Government attaches to Green Belts this should not be taken as requiring the potential release of such land even allowing for the large difference between supply and need.
24. There is some criticism that sites have been discounted for weak reasons. However, the examples given are small in size and often have a related planning history which militates against development. No evidence has been provided to indicate that large scale opportunities for new housing in suitable locations have been missed. Rather the Council has done all that can reasonably be expected to identify sites including an assessment of over 1,600 of them through the SHELAA.
25. The SHMA estimates that 751 homes per annum are required to meet the forecast levels of employment growth although the assumptions made about household size may have inflated this figure. The London Cancer Hub, for example, is expected to generate 6,500 jobs. Nevertheless in a densely populated and dynamic area such as London the need for an exact 'match' between new homes and new jobs is less critical than it might be elsewhere. Indeed, the consequence might be to create more opportunities for existing residents thereby reducing out-commuting.
26. In line with the PPG the Council has considered increasing the total housing figures in order to help deliver the required number of affordable homes. Over the plan period this amounts to 15,270 according to the SHMA. However, the housing requirement is based on that in The London Plan. Furthermore, increasing housing supply to meet all affordable housing need would equate to about 5 times the identified capacity. This is unrealistic given the constraints and likely sustainability impacts on the Borough.
27. Neither the implications for labour supply nor affordable housing therefore warrant increasing the housing target. In the specific London context, where for planning purposes the capital is a single housing market, the figure in Policy 1 of 6,405 new homes over the plan period is justified as the housing requirement for Sutton. However, the policy implies that the Council itself will be providing this level of housing rather than enabling its delivery and **MM4** is therefore required for effectiveness. Other changes are also necessary to Policy 1 in the interests of clarity (**MM5, MM7, MM8 & MM9**).



28. The policy anticipates that 55% of new housing will be in Sutton town centre with another 25% at Hackbridge and Wallington and the remaining 20% in other district centres and the suburban heartlands. This is consistent with the multi-centred strategy and is supported by the capacity work that has been undertaken. As such the broad distribution and location of new housing outlined in the SLP is justified.

#### *Housing supply*

29. The NPPF expects that there should be a supply of specific deliverable sites sufficient to provide five years worth of housing against local requirements with an additional buffer. There is no record of persistent under delivery of housing in the past and so, having regard to paragraph 47, the Council is justified in applying an additional 5% buffer to ensure choice and competition. On this basis 2,242 units are required to achieve a five year housing land supply between 2017 and 2022.
30. The signs are that the supply position is healthy. The Council advises that 639 net dwellings were completed in 2016/2017 and so there has been no shortfall since the start of the plan period. The number of dwellings either under construction or with planning permission or prior approval is 2,423. Coupled with other homes expected to come forward before 2022 the supply of deliverable sites exceeds the five year supply requirement by 462 or 21%. This provides a degree of tolerance should any site not progress as expected. No major impediments or viability issues have been highlighted in respect of any individual site. Overall it can be said with some confidence that the policies in the SLP should ensure the delivery of a five year housing land supply with flexibility to respond to changing circumstances.
31. The housing trajectory indicates that the on-going availability of a five year supply in phases 2 and 3 of the plan period is less certain. The NPPF refers to identifying a supply of deliverable sites in years 6-10 and, where possible, for years 11-15 and also to a housing implementation strategy describing how a five year supply of housing land will be maintained. Table 1 of the SLP confirms that housing supply is expected to be strongest in the early years of the plan. However, any sites that 'slip' would contribute in later years without affecting the ability to meet the annual requirement in the earlier ones.
32. Moreover, when a windfall allowance of 75 is included over the last 10 years of the plan period the position improves. This figure is based on past trends for delivery of sites of below 5 units and its inclusion is therefore reasonable and justified. There are also longer-term plans to investigate the feasibility of redevelopment in and around Sutton town centre. Discussions have commenced in relation to the Benhill residential estate. Whilst these opportunities are not identified in the SLP the numerical shortfall is, in any case, very slight and does not warrant further steps being taken. The existence of a five year supply is also a critical matter that would be monitored by the Council in any event. Indeed, across the 15 year plan period as a whole the evidence is that the overall requirement for dwellings would be met.

### *Affordable housing*

33. Policy 8 of the SLP sets a Borough-wide target that 50% of new housing from all sources should be affordable. This carries forward the current development plan and has regard to the Mayor of London's Supplementary Planning Guidance (SPG) on *Affordable Housing and Viability* as well as the SHMA and the Viability Report. It is not an individual site target but rather criterion c) indicates that the maximum reasonable amount of affordable housing will be sought by negotiation in respect of private and mixed-use schemes.
34. Affordable housing delivery from 2009-2016 equated to 40% of overall completions. This proportion has been skewed in recent years because office to residential conversions were not subject to affordable housing policy. There are also new initiatives such as Sutton Living which has been set up by the Council to acquire sites and deliver housing.
35. However, Policy 3.11D of The London Plan indicates that Boroughs should provide a robust basis for implementing targets through the development management process. On individual sites 50% is described as "the starting point" but has not been achieved in most cases. In 4 recent examples the amount of affordable housing ranged from 15% to 24%. Furthermore, the SHMA recommends a 40% target for sites and the Viability Report accepts that this might not be possible for larger flatted typologies. The reliance is therefore placed on site-by-site assessment.
36. Even if that process is firm and fair, the 50% target for individual proposals is not realistic. Whilst recognising the need for flexibility the policy does not provide the high degree of predictability for making decisions on planning applications that is one of the core planning principles of the NPPF. Consequently a target for judging the acceptability of schemes is required in order for the policy to be effective and without one the policy is unsound. Based on the viability evidence, the recent 'track record' and the Mayor's SPG a minimum figure of 35% is justified and the SLP should be modified accordingly. At the same time, to reflect the picture in Sutton the Borough-wide target should be replaced with a more general aim of maximising affordable housing.
37. The policy expects that 75% of units should be for social/affordable rent and 25% intermediate. This varies from the London-wide strategic target of 60% and 40% respectively. However, The London Plan refers to local targets and so this divergence is not ruled out as a matter of principle. Moreover, the division in types of tenure is based on the findings of the SHMA supported by the housing register which shows that there are over 1,400 households awaiting rented accommodation.
38. The evidence (ED36B) shows the difference between social and affordable rent levels and hence their attractiveness to developers. Although the Viability Report is based on the provision of affordable rent within developments this does not necessarily mean that the policy reference to social rent should be removed. Indeed, both rental types are bracketed together in Policy 3.11 of The London Plan and the SPG and so Policy 8 is consistent in that respect. Overall the provisions regarding tenure are justified.

39. On all sites below the threshold of 11 or more gross units the SLP seeks a financial contribution to the Affordable Housing Fund. This provision conflicts with the Written Ministerial Statement (WMS) of 28 November 2014 and the PPG on *Planning Obligations*.
40. The need for affordable housing is large and between 2010 and 2016 there were 888 completions on sites with less than 11 units which was equivalent to 35% of total supply. If the scale of development is similar in future then a significant proportion would make no contribution towards affordable housing provision. The Viability Report also indicates that smaller sites tend to be more viable due to lower upfront costs and shorter development periods and also that the threshold distorts land values. However, the delivery of affordable housing in Sutton is not mainly reliant on contributions from smaller sites.
41. The WMS refers to the disproportionate burden of developer contributions on small-scale developers. The Council anticipates that a sliding scale of payments would be set out in a forthcoming Supplementary Planning Document using a similar formula to the London Borough of Richmond. However, this means that there is no detail about the impact that the policy would have and so the implications are unclear. Indeed, this part of Policy 8 is inconsistent with national policy. Policy 3.13B of The London Plan encourages a lower threshold than 10 but criterion b) ii) has not been justified by local circumstances in Sutton and should therefore be deleted.
42. The detailed policy provisions criterion are not clear about how it is to be determined whether a site is capable of delivering 11 units or more and criterion d) contains insufficient detail about when off-site provision in lieu will be accepted. These are therefore not effective. Main modifications to Policy 8 and the supporting text are recommended to cover all of the above (**MM36, MM37, MM38, MM39, MM40, MM41 & MM42**).

#### *Conclusion on Issue 3*

43. Subject to the main modifications identified, the housing requirement is justified and there is a sufficient supply of housing over the plan period. The SLP provides for a 5 year supply of housing sites and the amended target for affordable housing and the type of tenure is also justified.

#### **Issue 4 - Are the policies relating to Sutton's strategic projects of the London Cancer Hub, Sutton town centre, Tramlink and major transport proposals and Wandle Valley Renewal justified and will they deliver the relevant strategic objectives?**

##### *London Cancer Hub*

44. The concept of the LCH has evolved since the adoption of the SDP in 2012. Policy 2 confirms the intention to deliver a mixed use development in accordance with Site Allocation LCH1 comprising health, medical research and development and a secondary school together with supporting uses. This would build on the presence of the Institute of Cancer Research and the Royal Marsden NHS Trust to provide complementary cancer-related research and development floorspace and would also allow for the expansion of both

institutions. A hospital could also be developed in conjunction with the Epsom and St Helier University Hospitals NHS Trust.

45. The evidence base including the development framework, delivery strategy and marketing reports (L.7.A-D) confirm that the options selected for the site are justified, that there is reasonable certainty that the aspirations for the LCH can be realised and that development is deliverable with robust partnership arrangements in place. Whilst the amount of floorspace to be provided is not fixed an approximate figure should be given in the policy to provide some certainty that around 280,000 sq m of development is envisaged (**MM10**).
46. The policy indicates that the Council may also permit residential development on 5.9 ha of the site if not required for allocated uses. Whilst the NPPF refers to flexibility this would be a wholly different use of land to that within the allocation. Moreover, given that the LCH is likely to develop over a period of 20 years or so the prospect of new housing on the site would dilute the unique opportunity to develop a high quality life sciences destination in close proximity to well-renowned institutions. This land is not included in the housing supply and a subsequent review would be a more suitable time to assess progress. Consequently the reference to an alternative residential allocation should be omitted as it is not justified and **MM11** and **MM14** are therefore recommended.
47. A high level Transport Report (L.7.E) has been undertaken to consider the transport impacts arising from the LCH. This study identifies the potential need for improvements at a number of junctions including those along the A217 outside the Borough. Whilst the amount and type of development at LCH are not settled the study did not discount existing flows to the site and made no allowance for future modal shift. To that extent it painted the "darkest picture" and is therefore robust. The SLP identifies four development 'waves' and possible transport improvements associated with them and the likely need for interventions is highlighted in the policy. Whilst certainty about phasing and the sources of funding may be desirable this is a long-term project where this is not possible at this stage.
48. The policy should nevertheless contain a framework by which any significant transport impacts can, if necessary, be limited in accordance with paragraph 32 of the NPPF. Irrespective of whether improvements will be required in Sutton or outside the Borough in Surrey that is what criterion c) does. However, to be effective it should be made clear that a full transport assessment and travel plans will be required to accompany any planning applications and reference to joint working with neighbouring authorities should be included in the text (**MM12, MM15 & MM16**).
49. The Transport Report sets challenging targets for modal shift. The Issues and Options Report (L.7.G) by Transport for London (TfL) identifies three different packages including an extension of the tram to Belmont, rail improvements and bus service diversion and enhancement. Whilst further feasibility work will be required low and medium cost beneficial options exist. Some of these measures are listed against the development 'waves'. Given this is a complex scheme it is not possible to be more precise but the policy allows for sustainable transport provision to be made in conjunction with the phased development of LCH. Wave 0 nevertheless omits reference to a local bus

service enhancement to serve the new school and this should be included for effectiveness (**MM17**).

50. If the Belmont Allotment is required for development then criterion d) does not give sufficient detail about provision elsewhere in terms of quality and quantity. This should be rectified to be justified (**MM13**).

#### *Sutton Town Centre*

51. Policy 3 relates to Sutton town centre and carries forward the amount and spatial distribution of development identified in Policy 1. The evidence base establishes that the level of development proposed is realistic and the Masterplan (L.8.A) shows how this can be achieved. Given its locational advantages the ambitions for growth in the town centre are justified. This comprises at least 3,400 new homes and 31,000 sq m of retail and food and beverage floorspace. This figure of 17,000 sq m of offices is too low to be justified as it fails to reflect the pre-eminence of Sutton as a location for offices compared to other centres and the capacity identified. **MM21** refers to 23,000 sq m and is recommended to reflect this.
52. The level of retail floorspace is supported by evidence in the Town Centre and Economic Development Assessment (TCEDA) (L.11.A) which takes account of other centres outside the Borough. In any event the NPPF encourages policies to retain and enhance existing markets as part of ensuring the vitality of town centres. Delivery will be achieved by sites already developed or under construction or allocated for retail or mixed uses.
53. For offices the level of provision is slightly less than that identified in the TCEDA and, as modified, includes all the provision for the Borough. A cautious approach to site allocation is justified on the basis of recent experience. Almost 16,000 sq m of new office floorspace has already been completed or is under construction. The main allocation that has not commenced is at Sutton Station (STC14) but there is interest in taking this forward to provide over 8,000 sq m of floorspace. Overall, as modified, the SLP allows for an adequate and realistic amount of office development in Sutton town centre.
54. The policy also encourages the necessary accompanying infrastructure to serve the town centre and its residents. The Council has worked with other providers to take account of future population changes and the SLP allocates the Robin Hood Lane site (STC30) for a new health centres and also two sites for primary schools at the Secombe Theatre (STC10) and Sutton West Centre (STC4). Other social and cultural facilities could be accommodated at the redeveloped Civic Centre (STC9) and some leisure and recreation facilities and public spaces are easily accessible. Whilst it would be desirable to have a greater range of such provision commercial operations cannot be controlled and those living in Sutton would not be bereft in this respect. Infrastructure would therefore be adequate.
55. In terms of transportation the Sutton Town Centre Transport Options Appraisal Study (L.16.D (iii)) contains a "hybrid" solution. This comprises a mix of junction improvements at Throwley Way/Carshalton Road, a net increase in bus services and Tramlink. Works at the road intersection will be required irrespective of Tramlink and so should be specifically referred to in this way in

the interests of effectiveness. However, a traffic management scheme at Burnell Road/Lewis Road is not critical at this stage and should be deleted from the policy although retained as a long-term possibility (**MM24**). A detailed town centre parking study will be undertaken to ensure its adequacy.

56. A new road link between Brighton Road and Grove Road has been contemplated since 2005. This will provide relief from congestion at the southern end of the town and pave the way for a possible Tramlink extension to Belmont. In creating a new alignment some demolition would be required including the handsome, locally listed Masonic Hall which is within the Sutton High Street Crossroads Conservation Area. In so doing, there would be some damage to the integrity of the townscape. Neither the length of time this project has been on the cards nor the reference in the Conservation Area Appraisal (L.14.J) is decisive. Indeed, the NPPF provides that great weight should be given to the conservation of a heritage asset when considering the impact on its significance.
57. However, as well as the public benefits in terms of transport, the scheme would enable a section of Brighton Road within the conservation area to become a public transport, cycle and pedestrian corridor. At the same time there would be scope for public realm improvements in front of the station that would also benefit nearby locally listed buildings and the designated asset as a whole. Any detailed proposal would be assessed having regard to paragraph 134 of the NPPF but at this juncture the negative heritage impacts of the new road do not rule it out. As such, and notwithstanding that Sutton is within a Heritage Action Zone, this aspect of the SLP is sound.
58. Policy 3b) refers to the provision of a range of dwellings including 3-bed market housing. In response to the SHMA and subject to some caveats, Policy 9 seeks a minimum of 50% of dwellings to be of this size. This expectation for family dwellings for the Borough as a whole would also be applied to the town centre. However, the existing development plan target of 25% of family units is not being achieved in the town centre with a range of only between 4 and 12% in recent permissions. Looking forward there is likely to be a preponderance of flatted accommodation although with careful design family housing is possible. Nevertheless the 50% target is unrealistic and leaving this to be settled on a case-by-case basis would not be effective plan-making.
59. To remedy this, a specific target for family housing in the town centre should be included in the SLP. Based on the information presented during the examination an expectation of 25% would be both aspirational and realistic and **MM19** and **MM43** are therefore recommended to confirm this. Keeping the existing proportion elsewhere in the Borough is justified and would not preclude a higher amount of family housing being provided on Council-led estate renewals such as Beech Tree Place (STC11) and Elm Grove (STC45).
60. Other changes are required to Policy 3 to ensure the detailed wording is effective and that heritage assets and the Action Zone are taken fully into account in line with national policy (**MM18, MM20, MM22, MM23, MM25 & MM26**).

### *Tramlink*

61. The extension of Tramlink to Sutton is a key component of its transport strategy to serve future growth in the Borough and to offer more travel choice. The preferred route has been protected in previous development plans. It is identified by TfL (L.16.F) as a medium term proposal and mentioned in the Mayor's draft transport strategy. Various feasibility studies have been undertaken already. The next step is to work up the route alignment to a sufficiently detailed standard to support a Transport and Works Act Order application by 2020. Whilst there are engineering challenges nothing has been identified that is insuperable.
62. There is a considerable funding gap of around £180/190 million at 2014 prices. A study is in hand to look in depth at all possible options and there are 18 areas of further investigation. Whilst the scale of the shortfall is considerable TfL considers that there is a realistic prospect of a full funding package being identified. However, even if this optimism is misplaced, the plan period runs to 2031 and including Tramlink in the SLP will be effective in demonstrating that there are not major planning impediments. Furthermore, this is a critical part of the future infrastructure of the Borough and having regard to paragraph 41 of the NPPF the support provided by Policy 4 is justified.
63. The possible extension to Belmont is much further 'down the line' and can only follow the first phase. It is unfunded and there are some major difficulties regarding the route. However, the development of the LCH is not reliant on its completion. The policy approach of safeguarding land is aspirational but if this is not undertaken now then there is the prospect that the project would be stymied in the future. Consequently Policy 4 is justified and sound in this respect subject to modifications that are necessary for clarity and effectiveness (**MM27 & MM28**).

### *Wandle Valley Renewal*

64. The Wandle Valley is identified as a Regional Co-ordination Corridor, a Potential Strategic Outer London Development Centre and as a Regional Park in The London Plan. Policy 5 brings together various initiatives and projects and lists them comprehensively. They comprise a mix of new development and environmental and infrastructure improvements.
65. Any designation of the area as a metropolitan park is outside the scope of the SLP and new and improved recreational facilities are shown on the associated key diagram. The river corridor is narrow in places and sensitive to change but criterion g) expects development to respect its setting. Historic river structures are covered by Policy 30 on heritage. Provisions are in place to improve foot and cycle paths but to be effective connectivity proposals should be made more explicit and the commitment to supporting a replacement pedestrian bridge included (**MM30 & MM31**).
66. Environmental enhancement of the Beddington Industrial Estate is in hand including the upgrading of Beddington Lane. There is no clear evidence that a separate target for the amount and tenure of affordable housing in Hackbridge is required. Agreement has been reached between the Council and developers

for energy to be provided to the Felnex Trading Estate (S1) by the Sutton Decentralised Energy Network. There are local concerns about bus services, capacity at Hackbridge station and cycle routes but the Council is not the provider of all of these. The policy seeks to achieve better transport. Whether a controlled parking zone is required is a separate matter.

67. All in all, subject to some further modifications that are necessary for clarity (**MM32, MM33 & MM34**), the detailed provisions of Policy 5 are justified and it will be effective in achieving sustainable place shaping in the Wandle Valley growth corridor.

#### *Conclusion on Issue 4*

68. All the policies relating to Sutton's strategic projects are justified provided the identified modifications are undertaken and are likely to deliver the relevant strategic objectives.

#### **Issue 5 - Are the policies for commercial growth and for growing employment offer justified, deliverable and consistent with national policy? Will they be effective? Will the Local Plan ensure the future supply of land available for economic development and its sufficiency and suitability to meet identified needs?**

69. Policy 1 indicates that provision will be made to deliver at least 10 additional hectares of land for industrial uses. This is to be accomplished by the intensification of floorspace at the Beddington Strategic Industrial Location (SIL) and is supported by Policy 14 b).
70. In assessing need for industrial land the Council relies on a labour supply growth forecast which correlates with the housing requirement and so seeks to keep the two in balance. The assumptions made in that methodology do not relate to variables that are likely to fluctuate in Sutton. Furthermore, it is one of the methods referred to in paragraph 032 of the PPG on *Housing and Economic Needs Assessments*. However, the TCEDA supports the use of an Experian baseline jobs forecast which estimates a requirement for 21.7 ha unconstrained by land availability.
71. No method is perfect for forecasting future trends. However, the NPPF refers to meeting the development needs of business rather than future residents. Furthermore, in the London context there is likely to be substantial movement of workers across Borough boundaries so that relating floorspace to housing growth is less useful. In addition, there is evidence of immediate demand for industrial floorspace and open storage/yard premises in the Sutton/Croydon area and vacancy rates across the sub-region are low. Bearing in mind all of these factors the method adopted is not reliable for this purpose.
72. However, a report from June 2017 on London Industrial Land Demand (R1.B.C) reviews the position across the capital as a whole to 2041. For Sutton the policy approach is to provide capacity as positive net demand for industrial land is being experienced. Over the plan period this equates to approximately 9 ha of land. Given the scope of the report and its date it can be considered authoritative. Floorspace at Felnex and Wandle Valley Trading Estates has already been demolished and can be taken to have been 'factored



in'. Primarily because of the findings of the recent London-wide review the target in the SLP is sufficient and justified.

73. At a plot ratio of 0.4 the requirement is therefore for 40,000 sq m of industrial floorspace to 2031. Following the Phase 1 – Baseline Study (L.11.H) and the Beddington Regeneration Framework (L.11.I) the SLP refers to the creation of over 50,000 sq m at Beddington by the reconfiguration of over 20 sites. However, a number can be discounted because they already exceed the 40% ratio, are within MOL or are in existing uses and so are unlikely to come forward. Two areas are safeguarded for waste uses in the South London Waste Plan. Whilst this will be reviewed after 2021 there is no certainty that these vacant sites will be able to be developed after then and they are not available now.
74. There are further issues with achieving additional floorspace by intensification. Additional parking within this heavily-congested estate may well require land. Some areas are small and no mechanisms are in place for site assembly. If sites are to be re-developed then some firms may have to re-locate to achieve this but businesses at Beddington are quite static and there are limited options as to where they could decant to. Furthermore, some existing uses rely on extensive open areas to carry out their activities and there is no analysis of the likelihood of development on a site-by-site basis. The irregular configuration of site 23 does not lend itself to expansion. So it is not certain that all of the identified sites would increase their capacity.
75. On the other hand, there are examples of significant increases in floor area like the Zotefoams extension of over 4,000 sq m. Some £3 million has also been awarded to address highway and place making issues within the SIL. In addition, the Beddington Industrial Area has been designated as a Business Improvement District. Therefore the prospects for the modernisation of Beddington are good and worthy of support. However, in the light of the above factors and the overall track record at Beddington from 2001 it is not realistic to expect that all of the required floorspace can be met by pursuing a policy of intensification alone.
76. Indeed, taking on board the constraints, the Council's post hearing review (ED44) suggests that some 22,000 sq m could be delivered from this source. Even if reduced to take account of parking at site 18 this figure is increased by two other sites not previously identified in the Baseline Study. The allocation at Plumpton Way (S54) should be assessed on the basis of new floorspace and the permission for a completed development at Oldfields Road pre-dated the plan period and so would have formed part of the supply prior to 2016. With these adjustments total supply would be over 30,000 sq m.
77. In order to 'bridge the gap' it is proposed to allocate site S76 on the western side of Beddington Lane (former sludge drying beds) to provide a potential floorspace of 17,600 sq m. This is designated as MOL. Compared to other MOL parcels considered at Issues and Options stage this site is not within the Wandle Valley Regional Park. The construction of an energy recovery facility to the west has also significantly weakened its MOL function. If allocated and developed, isolated parcels of land fronting Beddington Lane would be created at its northern and southern ends but these would be protected by existing designations. The selection of S76 is therefore justified.

78. Policy 7.17 of The London Plan provides that any alteration to the boundary of MOL should be undertaken by Boroughs through the plan-making process. As paragraph 7.56 confirms that the Green Belt policies in the NPPF apply equally to MOL, the test is whether there are exceptional circumstances to warrant this. In this regard following extensive consideration the allocation of site S76 is the only means by which the Council can meet the business needs of the area thereby providing jobs for residents and reducing out-commuting. There is no scope within other SILs and limited opportunity in neighbouring Boroughs. The intensification of Beddington will not deliver sufficient capacity. The site itself adjoins the existing SIL and the land does not perform well when judged against the criteria for MOL in The London Plan. The boundaries are clear and defensible and capable of enduring beyond the plan period as total supply would exceed that required. Overall exceptional circumstances exist and it is recommended that Policy 14 and relevant paragraphs be modified accordingly (**MM29, MM55 & MM56**).
79. Therefore, with the modifications referred to, the SLP has the ability to deliver the 10 additional hectares referred to in Policy 1. As such it will ensure a supply of land for economic development which is sufficient and suitable to meet identified needs.
80. Policy 14 a) expects that proposals within SILs or Established Industrial Areas should provide at least one full-time job per 60 sq m of floorspace. The aim of this provision is to ensure that employment sites are used efficiently but it is rather an unwieldy and blunt instrument to that end. On the basis of the Council's own evidence about average employment densities it would preclude B8 uses which are supported in these areas. It may also prevent many of the industrial typologies specifically identified as having market potential within the Beddington SIL.
81. Moreover, implementing the policy would raise various practical difficulties such as if an end user is not known, how it might affect existing businesses wishing to expand that are below the threshold, how the policy would be verified and whether it could be enforced. Whilst intended as a "bold measure" to make efficient use of industrial land this provision could have the unintended consequence of inhibiting commercial development that would otherwise make a contribution to the economy. It is not justified or effective and is recommended for deletion as part of MM56.
82. The amount and distribution of town centre and local centre development is justified having regard to the TCEDA subject to the reference to office development outside Sutton town centre being removed given the very limited demand (**MM58**). For effectiveness and clarity other changes are required to the wording of Policies 15 and 16 (**MM57, MM59, MM60 & MM61**). The evidence also shows that the delivery of retail and food and beverage uses is already taking place and so the provision expected in the centres other than Sutton is realistic.
83. Therefore, subject to the modifications identified, the policies for commercial growth and for growing employment meet the criteria for soundness.

**Issue 6 - Are the policies for meeting housing needs justified, deliverable and consistent with national policy?**

84. If there is no change in existing trends then there should be sufficient care home provision in the Borough for the initial part of the plan period. After 2021 the position is less clear cut but the Council believes that demand will decrease due to the policy preference of supporting independent living at home. At the same time the population is ageing and evidence at the hearing painted a picture of a sector that is heavily regulated and changing hugely as traditional or unsuitable homes close down in favour of new, purpose-built accommodation. There is no compelling evidence that a plethora of care homes is preventing conventional housing from coming forward.
85. The NPPF refers to planning for the needs of different groups in the community such as older people but Policy 11 is not positively prepared in this respect. In particular it presumes against further care homes rather than allowing for them to meet a specific need that is not catered for elsewhere. The policy also requires all works to result in improvements in the level of care. This imposes an unwarranted restriction on necessary ancillary facilities that may not directly affect care provision. Furthermore, it seeks to prevent concentrations of housing for the elderly and care facilities for which there is no justification. Those later in life may also be able to access public transport and this option should not be precluded. Modifications **MM46**, **MM47**, **MM48** & **MM49** are recommended to address these findings and to achieve soundness.
86. The density matrix at Table 3.2 of The London Plan has been modified in its application to Sutton taking account of relevant character studies (L.14.E & L.14.H). This is primarily because the District Centres are generally linear and fairly small so that the extent of the Urban Setting is limited to a 400m walking distance rather than 800m. This approach is justified but to be effective Policy 7 should be amended to give clarity about the density ranges sought and where they will be applied. I recommend **MM35** accordingly.
87. The WMS of March 2015 establishes that the optional technical standards should only be required through new policies if they address a clearly evidenced need and where viability has been considered. Policy 9 reflects the provisions of The London Plan in relation to internal space standards and accessible and adaptable dwellings. To that extent these are not new policies. In any event, similar provisions have been in effect since 2011 and are supported by the evidence provided as part of the Minor Alterations which were published in 2016. Consequently these requirements are justified.
88. Compared to neighbouring Boroughs and London as a whole the proportion of houses in multiple occupation (HMO) in Sutton is small. However, some clusters have been identified in certain streets which have created problems regarding parking and appearance. Concern about the cumulative effects is a valid planning consideration but Policy 10 is too vague. To address this shortcoming a modification is recommended to specify that within a 100m frontage no more than 20% of properties should be HMOs. The evidence (ED41) suggests that this is a targeted response that should not be unduly punitive and is consistent with approaches taken elsewhere (**MM45**). To be justified the provisions of criterion c) should only apply when extensions would increase the number of residents (**MM44**).

89. Paragraph 53 of the NPPF and Policy 3.5 of The London Plan refer to policies that resist the inappropriate development of rear gardens. In the Sutton context the restrictive approach in Policy 13 is justified on the basis of local character, biodiversity and amenity. However, to be specific and hence effective there should be a reference to flooding rather than a site making a general significant contribution to climate change objectives (**MM54**).
90. The Council has considered the needs of those covered by the definition at section 124 of the Housing and Planning Act and not just those within the definition at Annex 1 of the Planning Policy for Traveller Sites (PPTS). Against this background the Gypsy and Traveller Needs Assessment (L.10.E) identifies an immediate need for 9 pitches in the Borough and for a further 14 pitches between 2020 and 2029. In response it is proposed to allocate a new site directly to the south of an existing one at The Pastures (S104).
91. The allocation is in the Green Belt and the SLP shows that it would continue to 'wash over' it. Green belt boundaries should only be altered in exceptional circumstances. However, the PPTS refers to making a limited alteration, possibly by creating a site inset, in order to meet a specific identified need. That is exactly the case here. The Council is concerned about the future implications of removing the designation but there is a distinction between sites with built development already on them and those allocating a use of land. In any case, the PPTS provides that any allocations should be as traveller sites only and this should be confirmed by **MM53** which is recommended for effectiveness.
92. More fundamentally, the SLP would result in any future application for a gypsy and traveller site amounting to inappropriate development and requiring the demonstration of very special circumstances. By not providing certainty this would cloud the issue and addressing the current overcrowding at The Pastures could be slowed down. All in all, the SLP is not positively prepared in this respect and neither is the approach effective in facilitating the traditional and nomadic way of life of travellers. In order to tackle this and in the light of my post hearings advice (ED42) it is proposed to remove the site from the Green Belt.
93. As well as the current need and overcrowding issues, the Council has carried out an extensive site search and has not been able to identify a suitable location within the urban area. Furthermore, the allocation is the preferred option for a significant proportion of gypsies and travellers and would not disrupt existing occupiers if re-locating. Developing next to the existing site would also be beneficial in terms of improving highway and pedestrian safety and would allow a mains gas supply to be considered. All these reasons amount to the exceptional circumstances necessary to justify altering the Green Belt boundary and the SLP should refer to them all for clarity (**MM51**). As the site is Council owned there can also be confidence about delivery.
94. The PPTS indicates that for years 6-10 of the plan period a supply of specific, developable sites or broad locations for growth should be identified and, where possible, for years 11-15. The Council has not been able to do this but rather considers the entire Borough to be a broad location for growth. Given the constraints encountered in the urban area and the extent of the Green Belt this is a flawed stance. Furthermore, whilst the numbers of pitches required

may fluctuate as families move to and from Ireland there is no clear support for a plan, monitor and manage approach to the provision of traveller sites after the first five years of the SLP.

95. It is proposed to include reference to a review of the need for any further provision for travellers. The text commits the Council to this course of action and to the submission of a further plan for examination by the end of 2023 if it is necessary to allocate further sites. In so doing the plan, as modified, would be effective in tackling the matter within a reasonable time span. This change is therefore recommended in order to address the unsoundness of the plan in this respect (**MM50**).
96. The detailed criteria in Policy 12 regarding gypsy and traveller accommodation are fair and reasonable. However, the reference to showing that there is an identified need should be omitted given the position in Sutton and to accord with paragraph 10 of the PPTS (**MM52**).

**Issue 7 - Are the policies for making centres destinations justified, deliverable and consistent with national policy? Will they be effective?**

97. The SLP adequately addresses the function and role of town centres and their capacity to accommodate new development. In view of the needs of older people, working parents and carers and the increasing numbers that will be living there the addition of community uses to the definition of town centre uses in the NPPF is justified. To be consistent with the remainder of the SLP, Policy 17 should be adjusted to clarify that there is no express target for office development outside Sutton town centre. Other changes are required in relation to the delivery of retail and food and drink floorspace to ensure numerical consistency and effectiveness (**MM62, MM63, MM64 & MM65**).
98. The NPPF refers to defining primary and secondary frontages in designated centres and to setting policies that make clear which uses will be permitted in such locations. The 75% threshold in Policy 18 for retail (A1) uses in the primary shopping frontages of Sutton town centre is justified given the existing proportions of such uses and the centre's important role. However, the policy seeks to maintain 65% of retail uses in the primary frontages of the District Centres. As this figure is currently only exceeded at Carshalton it would be overly prohibitive and lead to vacancies. Based on the evidence provided a figure of 55% is more realistic and should be inserted together with other wording alterations required for clarity (**MM66, MM67 & MM68**).
99. The over-concentration and clustering of certain use classes within a specific area is referred to in the PPG on *Health and Wellbeing*. Hot food takeaways have had adverse cumulative impacts in terms of litter, noise, smell, traffic and, in some cases, anti-social behaviour (L.11.F). The proposed 20% limitation in criterion e) would only affect a small number of Local Centres where the effects are most noticeable. In preventing a proliferation in the most sensitive locations the policy is suitably targeted and justified.
100. The introduction of residential uses has also, in some places, created disjointed Local Centres including at Belmont and Angel Hill (L.11.E). This has occurred through re-development as well as through the exercise of permitted development rights. In order to maintain the vitality of all centres a restriction

on the introduction of residential uses is justified. However, to be effective some flexibility is required to take account of empty premises where conventional town centres uses are no longer viable (**MM69**).

101. Policy 19 seeks to protect the provision of everyday goods and services in Local Centres. Such an approach is justified given their health subject to an allowance for non-viable units. However, criterion c) is overly complicated and for effectiveness should be deleted (**MM71**). Other changes are also required for clarity (**MM70, MM72 & MM73**).

**Issue 8 - Are the policies for serving communities and for delivering one planet targets justified, deliverable and consistent with national policy? Will they be effective?**

102. The PPG advises that local planning authorities can enable a healthier environment by supporting opportunities for communities to access a wide range of healthier food production choices. Policy 21 on health and well-being is as supportive as it reasonably can be of the retention and improvement of such facilities and so reflects this guidance.
103. Policy 22 provides sufficient flexibility for assessing proposals involving the loss of community facilities but changes are required to the wording for clarity and effectiveness (**MM74 & MM75**). Although the supporting text refers to Assets of Community Value the process for registering them is a separate one and the SLP is sound without a policy explaining how applications will be considered. However, for completeness The New Inn in Myrtle Road should be added to the list of public houses of value (**MM76**).
104. Policy 31 conforms to Policy 5.2 of The London Plan in expecting major residential developments to achieve 'zero carbon' standards. This is by a 35% reduction in regulated CO<sub>2</sub> emissions with, if necessary, a contribution of £60 per tonne to the carbon off-set fund. Given this, the Mayor has stated that it is not necessary for Boroughs to carry out a further viability assessment. In any event the additional build costs arising from this provision have been included in the Viability Report. The policy is therefore justified subject to changes to reduce the emphasis on combined heat and power and to promote district heating networks throughout the Borough in order to more closely reflect the support in the NPPF for a low carbon future (**MM98 & MM99**).
105. In Policy 32 on flood risk and sustainable drainage some qualification is required to explain how run-off rates will be assessed on previously developed sites and other changes are needed for effectiveness (**MM100, MM101, MM102, MM103, MM104, MM105 & MM106**). Policy 34 should include provisions to the effect that adequate water supply and sewerage infrastructure capacity should exist or be provided. This is to ensure that the environment is protected and that developments can function properly (**MM107, MM108 & MM109**). Other changes to the wording of this policy are required for effectiveness (**MM111 & MM112**).
106. Sutton is within an area of severe water stress. There is therefore a clear local need and there is no evidence that viability would be affected by the inclusion of the optional Building Regulation requirement for water consumption of 110

litres/person/day. Due also to the similar provision in Policy 5.15 of The London Plan, Policy 33 is justified in this respect.

107. The SLP includes policies on carbon and energy and climate change adaptation as referred to above. Furthermore, Policy 32 ensures that run-off rates from new development are as close as practicable to greenfield ones. Together with policies regarding Wandle Valley renewal, back garden development, biodiversity and character and design, climate change issues are adequately addressed in line with section 19(1A) of the 2004 Act.
108. Policy 34 expects all development proposals to be air quality neutral in line with Policy 7.14 of The London Plan. The entire Borough is within an Air Quality Management Area and an Action Plan (AQAP) was produced in 2013. Wallington and Worcester Park currently exceed the annual and hourly mean statutory limits for nitrogen dioxide although the general trend is for levels to fall. As part of the AQAP a series of measures have been taken.
109. The policy does not refer to the objectives of the AQAP as referred to in paragraph 124 of the NPPF. Neither does it highlight planning obligations as a means of providing offsetting measures in support of an air quality action plan in line with the PPG on *Air Quality*. These omissions should be rectified to ensure consistency with national policy. To be effective further detail of the expectations for an air quality assessment are also required and the wording adjusted so that it is clear that Policy 34 relates to all of Sutton (**MM110**).
110. Realistically the SLP cannot ensure compliance with the statutory limits on its own. For example, traffic affecting air pollution in Wallington and Worcester Park is likely to be partly attributable to trips originating outside the Borough. However, other policies in the SLP set NO<sub>x</sub> limits on boilers, promote sustainable modes of transport and restrain parking provision and these are likely to further reduce levels in support of the AQAP. Furthermore, much development will be on previously-developed land and therefore may not lead to an increase in emission levels. Coupled with the specific requirements in Policy 34 the impact from new development is likely to be neutral.
111. Therefore, as modified, Policy 34 would complement the AQAP and assist in its implementation. Having regard to cumulative impacts, the SLP would not delay or jeopardise compliance with the statutory limits. As such it is justified and consistent with national policy in relation to air quality considerations.

**Issue 9 - Are the policies for maintaining green spaces and for raising design standards justified, deliverable and consistent with national policy? Will they be effective? Are there exceptional circumstances that warrant altering Green Belt and Metropolitan Open Land boundaries?**

112. Policy 25 seeks to retain existing levels of open space in the Borough and to enhance it where possible. However, it does not acknowledge the possibility that any loss could be replaced by provision of an equivalent or better quality and quantity in the local area. To be consistent with paragraph 74 of the NPPF the policy should be adjusted accordingly (**MM81**). The PPG recognises the importance of adequate space for food growing opportunities and some strengthening is required to reflect national guidance without making provision an imperative (**MM82**). Some bolstering of Policy 26 is required to protect

biodiversity value in line with national policy and to reflect the adjacent Banstead Downs SSSI (**MM83**). The reference to openness in Policy 27 should be removed so that it is compatible with national Green Belt policy (**MM84**).

113. Policy 24 envisages the amendment of the Green Belt boundary to remove areas that have now been developed as housing estates. Given that they make no contribution to the 5 purposes of the Green Belt this is justified and the alteration would also lead to the creation of recognisable, defensible and permanent boundaries. Similarly the MOL is to be adjusted to reflect changed circumstances at Mayflower Park and to align with an access road. At Grove Park the land in question is no longer school playing field and has been incorporated into the park and the change will ensure the MOL designation is coherent. As required by paragraph 83 of the NPPF there are therefore exceptional circumstances that warrant these boundary alterations.
114. The policy and the supporting text also needs to be altered to reflect the findings made about the allocation of land limited to a gypsy and traveller site at Carshalton Road in the Green Belt. Similarly in relation to the removal from MOL of the site at Beddington Lane and also at Rosehill Recreation Ground for reasons to be explained shortly (**MM77, MM78 & MM79**).
115. The approach to decision-taking in Policy 24 is not consistent with national policy regarding the Green Belt in relation to the definition of inappropriate development, the treatment of very special circumstances and the effect on openness. This should be remedied to achieve soundness (**MM80**). There is no support in the NPPF for specific provision to be made for accommodation for the elderly in the Green Belt and no evidence that this is the only location in Sutton where this can be accomplished.
116. The Tall Buildings Study (L.14.G) was produced in 2008. Given that the townscape within the town centres has, by and large, not materially changed since then it can be regarded as forming a robust evidence base. Arising from its findings are Areas of Tall Building Potential (ATBP) around the District Centres and which are unchanged from the adopted development plan. In Sutton town centre bespoke ATBPs have been devised from the Masterplan. There is a close correlation between actual building heights of developments completed or under construction and the policy provisions within the ATBPs. This suggests an effective policy. Whilst there is some disquiet about the scale of development in Hackbridge, the ATBPs have been properly defined.
117. The Taller Building Categories in the Glossary define mid-rise, tall and very tall buildings. These labels are clear in terms of what is intended and also give definite storey heights. Moreover, it is evident that they have not acted as a 'cap' on housing delivery as there are examples of building in excess of 11 storeys within Sutton town centre. Criterion p) of Policy 28 is therefore sound. However, for completeness a further criterion should be added to ensure that the setting and visual amenity of the Green Belt, MOL, public open space and urban green space is taken into account and other changes are also required so that the policy is effective (**MM85, MM86, MM87 & MM88**).
118. Modifications are required to Policy 30 on heritage so that it fully reflects Government policy on conserving and enhancing the historic environment. This includes views in and out of conservation areas and protecting



archaeological remains as well as ensuring that the wording is effective (**MM89, MM90, MM91, MM92, MM93, MM94, MM95, MM96 & MM97**).

119. In terms of the public realm Policy 28 contains specific criteria regarding direct, accessible and easily recognisable routes; minimising crime and anti-social behaviour; creating functional public spaces and the integration of new development into its surroundings. Coupled with the provisions of Policy 9 about accessible dwellings and existing policies in The London Plan, the SLP makes adequate provision for inclusive design and accessible environments in accordance with the NPPF.

**Issue 10 - Are the policies for improving the sustainable transport network justified, deliverable and consistent with national policy? Will they be effective?**

120. In general terms the policies of the SLP are balanced in favour of sustainable transport modes as indicated by paragraph 29 of the NPPF. Outside of Sutton town centre the evidence (L.16.C & L.16.G) is that there is sufficient highway capacity to cope with the extra trips to be generated taking account of mitigation measures. However, to be justified, the list of proposals in Sutton town centre should be adjusted to reflect those that are critical regardless of Tramlink and those that are not (**MM113**). Furthermore, in Policy 36 the distinction between the requirements for Transport Assessments or Statements for major or smaller developments and the support for reducing freight deliveries should be clearly set out (**MM114 & MM115**).

121. Policy 37 on parking refers to the restraint-based, maximum parking standards and to proposals for car-free development in certain circumstances. However, the standards for dwelling houses in Table 11.4 also refer to requiring the maximum provision to be made in full in areas with PTAL levels of between 0 and 1 and on a case-by-case basis in PTAL area 2. Furthermore, where there is a demand and a lower provision would give rise to on-street parking problems, the maximum standard can be exceeded.

122. Sutton has relatively high levels of car ownership which contributes to parking stress, especially in areas of older housing where there is no off-street provision at some properties (ED36C). The broad approach of the SLP reflects the Minor Alterations to The London Plan which allow for higher levels of provision in outer Boroughs where residents are dependent on the car. The very varied picture across Sutton means that a 'one size fits all' policy response would not be effective and given this lack of uniformity considering some proposals individually is warranted. Therefore, notwithstanding the WMS of March 2015, Policy 37 is justified due to the acceptance of minimum standards in the London context. This is subject to a change required for effectiveness (**MM116**).

**Issue 11 - Are the site allocations justified and deliverable within the plan period having regard to any constraints and consistent with national policy? Is there sufficient detail on form, scale, access and quantum?**

123. Policy 41 confirms that planning permission will be granted for development in accordance with the land uses set out in the individual site allocations. This is both positive and effective. It also contains an "override" clause to permit, in

exceptional circumstances, social and community infrastructure that has not previously been identified. Given the importance of uses of this kind this justifiably allows for flexibility. Similar provisions apply to office development which is also warranted given that the proposed allocations are circumspect in their response to possible demand. However, clarification of how this will operate in practice is required to ensure that the policy is effective (**MM118**).

124. As well as specific uses the individual allocations set out an indicative capacity and phasing and a delivery mechanism as well as background information and other matters to have regard to. In this way the detail on form, scale, access and quantum is generally sufficient. Detailed matters will be resolved as necessary through the development management process and matters such as affordable housing are covered by Borough-wide policies.

#### *Sutton town centre allocations*

125. The expectation at the Kwikfit Site (STC7) for a building of 2 to 4 storeys stepped down towards Lenham Road should ensure a development that fits into its context and safeguards residential living conditions. However, to be accurate, the site plan should omit the rear service road from within the site boundary (**MM121**). In order to protect the significance of heritage assets the importance of views of Trinity Church should be specified at the Civic Centre Site (STC9) (**MM122 & MM123**). The scale of development proposed at Morrisons Local and Car Park (STC2) is apt for its setting and there is no compelling evidence that the site should be retained for leisure as opposed to residential and retail uses.

126. The allocation for the Matalan Block (STC25) specifies a range of between 2 and 10 stories for new development. However, it should be made plain that this will step down towards the housing along Lewis Road to the east. To be justified the design of any scheme should also take account of the presence and operation of the timber yard to the north (**MM125 & MM126**).

127. Pre-application discussions regarding Land to the Rear of Times Square (STC39) suggest that there may be potential for buildings taller than 8 storeys and for an increase in the stated housing capacity. However, the supporting text on how to read the site allocations confirms that the number of units given is a guide. The height of buildings specified is derived from the Sutton Town Centre Masterplan. Its strategy is to concentrate very tall buildings in the elevated area of the town close to the station and to avoid Throwley Way becoming excessively 'canyon-like'. These principles hold good and there is no justification for amending the allocation detail as this contains sufficient flexibility should an exemplar design be forthcoming.

#### *Other allocations*

128. Although Hackbridge has had a considerable amount of new development the overall proportions given in the SLP within the District Centre and surrounding Area of Potential Intensification have not been exceeded. There is therefore no reason to preclude further housing on Land Adjoining Hackbridge Station (S2) especially given its location and previous allocation. However, to be consistent with the supporting text and other allocations outside the town centre, the indicative capacity should reflect the middle band of The London Plan density matrix and not a higher figure (**MM130**). The storey height is

based on the Tall Buildings Study and there is insufficient evidence to suggest that its findings should not be followed. From past experience retaining a percentage of the existing employment uses is not feasible.

129. Any development of Hackbridge Station and Car Park (S5) would not come forward until Phase 3 of the SLP. However, as part of any development the existing on-site station parking would be re-provided so that laying out an open public square is not realistic. That said, the provision of town centre uses at ground floor and other works would make a greater contribution to the public realm than the site does at present. The broad scale of development anticipated (4-6 storeys) is consistent with that permitted in the near vicinity.
130. There is no indication that St Helier Hospital (S55) is likely to become available for residential development during the plan period so allocating it for health uses is justified and sound as a safeguarding measure.
131. The All Weather Pitch and Part of Tennis Centre at Rosehill (S98) is allocated as a secondary school to be built in the first phase of the SLP. The site boundary should be altered to more closely reflect the land required including that for parking (**MM133 & MM134**). It is intended that the land remains as MOL. However, in any planning application the proposed school would be inappropriate development and to be permitted would require very special circumstances to exist. This would not be effective or positive plan-making.
132. The Council is concerned that the wider area would become vulnerable to development pressure in the event that the land was removed from its existing designation. However, if the extent of the site is tightly drawn as recommended, there is no reason to suppose that this would be the case and the allocation is specifically for a school. To justify the removal of the site from the MOL there is the critical need for further education provision, the lack of alternatives and the suitability of the site in terms of location and the chance to share adjoining facilities and open space. In addition, parts of the site are already developed and the land was identified as a poorly functioning part of the MOL in the Review (L.13.A). Consequently exceptional circumstances to alter the boundary exist in this case.
133. The site allocation includes floodlit tennis courts and a disused all weather pitch. However, there is reference to providing on-site sports facilities and the provisions of Policy 25, as modified, would apply to future proposals. In this way the SLP ensures that the expectations in paragraph 74 of the NPPF regarding replacement provision will be adhered to.
134. Within the site allocations schedule at Chapter 4 a number of other changes are also required for accuracy and to ensure that the SLP is coherent and complete in reflecting the modifications previously recommended (**MM119, MM120, MM124, MM127, MM128, MM129, MM131, MM132 & MM135**). However, there is no need for development at S76 to have regard to the Waste Plan and monitoring reports relating to it.

### ***Conclusion on issues 5-11***

135. Subject to the recommended main modifications referred to above the development management policies of the SLP are justified, consistent with national policy and effective.

## **Issue 12 - Does the Local Plan have clear and effective mechanisms for implementation, delivery and monitoring?**

136. Receipts obtained via the Community Infrastructure Levy will be spent at local level according to Policy 38 and paragraph P38.3. The Regulation 123 List is due to be revised and this is the mechanism for deciding the exact distribution of funds. As such, the SLP is sound in this respect. The policy also confirms that obligations will be sought to ensure that new development meets on and off-site requirements directly associated with it. This provides certainty about implementation and a list of specific infrastructure projects is in Table 2. Therefore in line with the PPG on *Local Plans* the SLP makes clear for the first 5 years what infrastructure is required, who is going to fund and provide it and how it relates to the anticipated rate and phasing of development.
137. Table 3 of the SLP sets out a comprehensive schedule of measurable indicators for each policy and, where relevant, targets derived from it or The London Plan. This is given effect by Policy 39 and so the mechanisms for monitoring are clear and effective.
138. Policy 40 is intended to "add teeth" to the Council's planning enforcement function. However, setting out how it will use its powers in this regard is outside the expectations for plan-making in paragraph 154 of the NPPF and these provisions are statutory in any event. There is no real evidence that omitting the policy would fetter the Council's actions in any way and to be consistent with national policy it should be deleted (**MM117**).

### **General conformity with The London Plan**

139. The Greater London Authority objects to certain aspects of the SLP, as modified, including the allocation of land in Beddington Lane because of its designation as MOL, the omission of the 50% overall Borough-wide target for affordable housing and the removal of the Rosehill school site from the MOL. However, the need for the recommended modifications including the exceptional circumstances to justify the loss of MOL has been explained in the report. The London Plan does not wholly preclude these changes and many of the policies of the SLP fully reflect the spatial development strategy. Indeed, when looked at as a whole, I am satisfied that, as modified, there would be general conformity with The London Plan.
140. There is no need for the Council to give a specific commitment to an early review of the SLP. No doubt it will consider this after the final publication of the new London Plan and the amended Regulations of 2017 will require this to be completed every 5 years in any event.

### **Public Sector Equality Duty**

141. In undertaking the examination I have had due regard to the equality impacts of the SLP in accordance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
142. There are policies in the SLP that concern accommodation for the elderly, gypsies and travellers and accessible environments that should directly benefit

those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the SLP as a whole would bear disproportionately or negatively on them or others in this category.

## Assessment of Legal Compliance

143. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The SLP has been prepared in accordance with the Council's LDS 2014-17.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2014. Consultation on the SLP and the proposed main modifications has complied with its requirements.
Sustainability Appraisal	Sustainability appraisal has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats (Appropriate Assessment) Screening Report of February 2016 concludes that the SLP would not have a potential significant effect on European conservation sites and that an appropriate assessment is not required. Natural England has no objections.
National Policy	The SLP complies with national policy except where indicated and main modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The SLP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

144. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

145. The Council has requested that I recommend main modifications to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Sutton Local Plan 2016-2031 satisfies the requirements of section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Smith*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.