

**TOWN AND COUNTRY PLANNING ACT 1990
ACQUISITION OF LAND ACT 1981**

**LONDON BOROUGH OF SUTTON
(ELM GROVE) COMPULSORY PURCHASE ORDER 2024**

APP/PCU/CPOP/P5870/3344739

REGENERATION

SUMMARY PROOF OF EVDIENCE

OF

**ADAM TUCKER
ON BEHALF OF THE ACQUIRING AUTHORITY**

MARCH 2025

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1 INTRODUCTION

- 1.1 I am the Head of Regeneration, Enabling and Development at the London Borough of Sutton. I have had overall strategic responsibility for the Council's regeneration schemes since June 2021, and have been involved in the Order Scheme since that date.

2 SCOPE OF EVIDENCE

- 2.1 My evidence will address the following:
- 2.1.1 Council's aspirations for the Order Land and the need for regeneration;
 - 2.1.2 The authorisation of the Order;
 - 2.1.3 Summary of the Order Scheme;
 - 2.1.4 Whether the purpose of the CPO be achieved by other means;
 - 2.1.5 Impediments to delivery of the Scheme;
 - 2.1.6 Development partnership;
 - 2.1.7 Section 73 Scheme;
 - 2.1.8 Justification for the use of CPO powers and for the Order;
 - 2.1.9 Response to objections;
 - 2.1.10 Conclusion;
 - 2.1.11 Declaration of truth.

3 COUNCIL'S ASPIRATIONS FOR THE ORDER LAND, THE NEED FOR REGENERATION AND THE AUTHORISATION OF THE ORDER

- 3.1 The Council has made the Order to address concerns about the quality and longevity of the homes currently located within the Elm Grove Estate ("Estate"). The Estate was built in the 1980s and consists of 73 dwellings made up of one, two and three bedroom homes in the form of flats, houses and bungalows.
- 3.2 The Order Land is in a highly accessible location within Sutton Town Centre and provides an excellent opportunity to increase the Council's housing supply and transform the public realm as part of a high-quality redevelopment scheme.

- 3.3 The Council began consulting on the possible regeneration of the Estate in 2017. The consultation is summarised within Appendix B to **CDB.1**, page 49.
- 3.4 Through consultation, a large number of residents identified problems with the circulation spaces within the Estate, anti-social behaviour, crime, and a lack of safety within the Estate (**CDD.1 – CDD.9**).
- 3.5 The desire for the regeneration of the Estate was first identified in the Sutton Town Centre Masterplan (**CDC.6**). The Masterplan is reflected in the Site Allocation for the Estate in the Local Plan, as set out in the evidence of Ms Barnett.
- 3.6 The Council has continued to consult those directly affected by the Order, and the option of redevelopment was rigorously considered in the light of an Options Appraisal Report prepared by Savills (Appendix C to CDB.1 page 123).
- 3.7 The additional homes, and the scheme's integration with 216-220 High Street (Market House) will contribute to the social and economic growth of the borough, driving investment in the town centre. Improvements to the environment and public realm will contribute to the health and wellbeing of local people.
- 3.8 The Council approved a Landlord Offer with commitments to residents on 7 December 2021 (**CDD.11**).
- 3.9 The Council made the Order on 28 March 2024 (**CDA.1**) to mitigate the risk of the entire Order Scheme being delayed because of the failure to reach agreement with any remaining landowners. The Council has now agreed terms of sale with all private landowners with interests in the Order Scheme and is in the process of recovering possession from three remaining Council tenants, as set out in the statements of Mr Pitman and Mr Hunte.
- 3.10 The Council's development partner, Lovell, has been chosen following a comprehensive procurement exercise.

4 SUMMARY OF THE ORDER SCHEME

- 4.1 The Planning Permission for the Order Scheme was granted on 21 March 2025. Further details in relation to the Planning Application are provided in the evidence of Ms Barnett.
- 4.2 Overall the Order Scheme will make a significant contribution to the economic, social and environmental well-being of the area and deliver very significant benefits, including provision of up to 282 high quality new one, two and three bedroom homes.

5 WHETHER THE PURPOSE OF THE CPO BE ACHIEVED BY OTHER MEANS

- 5.1 The Council considered whether to refurbish, partially redevelop or fully redevelop the Estate. The Council concluded that full redevelopment meets the majority of resident and Council priorities and is considered to provide the best opportunity to create a financially viable solution (**CDB.1** – paragraph 4.4).

6 DELIVERY OF THE SCHEME AND DEVELOPMENT PARTNERSHIP

- 6.1 The Council has worked hard to obtain funding from a number of sources (including GLA Funding) to enable it to acquire the remaining interests in the Order Land and to deliver the Order Scheme.
- 6.2 The Council entered into a Development Agreement with Lovell Partnerships Limited (“**Lovell**”) on 23 December 2024. Lovell will deliver the Order Scheme on behalf of the Council, and Appendix 3 to my proof confirms Lovell’s commitment to the Order Scheme.

7 SECTION 73 SCHEME

- 7.1 Lovell is currently in pre-application discussions with the local planning authority to amend the conditions of the Planning Permission. This amended scheme delivers similar wellbeing benefits as the scheme under the Planning Permission, and more detail is set out in Ms Barnett’s evidence, including Appendix 8.

8 JUSTIFICATION FOR THE USE OF CPO POWERS AND FOR THE ORDER

Equalities Duties

- 8.1 The Council carried out an Equalities Impact Assessment (“**EQIA**”) in September 2021 and updated it most recently in December 2023 (**CDA.5**). The EQIA concludes that the Order Scheme has a mostly positive impact on those with each of the protected characteristics it assesses. The Council continues to take the necessary actions to mitigate any adverse impact of the Order Scheme on protected characteristics.

Human Rights

- 8.2 The Council has engaged in meaningful negotiations with Council tenants and private landowners, as set out in more detail by Mr Hunte and Mr Pitman. However, the Council considers the purpose of the Order Scheme could not be achieved in a timely fashion (or potentially at all) by means other than by the compulsory purchase of the Order Land, which will interfere with rights held by owners and occupiers of the Order Land.

Justification for the Order

- 8.3 The Council has consulted with residents and stakeholders throughout the development of the Order Scheme and has followed a transparent and robust decision-making process to enable the delivery of a housing-led scheme with social, economic and environmental benefits. The Council has ensured the use of compulsory purchase powers is a last resort

and is in accordance with the CPO Guidance (**CDC.2**). I firmly believe there is a compelling case for confirmation of the Order.

9 RESPONSE TO OBJECTIONS

- 9.1 The Secretary of State received five objections to the making of the Order, two of which have now been withdrawn. None of the objections were lodged by a person with an interest in the Order Land.
- 9.2 The three remaining objections relate to the potential infringement of rights to light and can be appropriately dealt with by the Upper Tribunal, if compensation settlements are appropriate and cannot be agreed.

10 CONCLUSION

- 10.1 My evidence and that of the other witnesses demonstrates that the Council has met the tests in the CPO Guidance. The Council is confident that there are no financial, legal or physical impediments to the implementation of the Order Scheme except the need to obtain vacant possession of the Order Land.
- 10.2 The Council has the benefit of GLA funding that is time limited to deliver the regeneration of the Estate, and without the use of compulsory purchase powers the Order Scheme is likely to be delayed or prevented altogether. The Order Scheme presents an excellent opportunity for the regeneration of the Estate and to revitalise Sutton Town Centre, and confirming the Order will facilitate this.

11 DECLARATION OF TRUTH

- 11.1 I confirm that insofar as the facts stated in my evidence are within my own knowledge I have made clear which they are, and I believe them to be true and that the opinions expressed represent my true and complete professional opinion.