

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

**INQUIRY INTO:**

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

**APP/PCU/CPOP/P5870/3344739**

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**PLANNING**

**PROOF OF EVIDENCE**

**OF**

**JANE BARNETT  
SAVILLS UK PLC**

**ON BEHALF OF THE ACQUIRING AUTHORITY**

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**MARCH 2025**

## Contents

1	INTRODUCTION .....	2
2	QUALIFICATIONS AND EXPERIENCE .....	3
3	SCOPE OF EVIDENCE.....	5
4	THE ORDER LAND AND SURROUNDING AREA .....	7
5	THE SCHEME AND PLANNING PERMISSION.....	10
	a. The Scope of the Planning Permission	
	b. Pre-application Engagement	
	c. Scheme Implementation/ Absence of Planning Impediments to the Scheme Going Ahead	
6	PLANNING POLICY COMPLIANCE .....	21
7	THE BENEFITS OF THE SCHEME .....	30
8	CONCLUSIONS .....	344

## **1 INTRODUCTION**

- 1.1 On 28 March 2024 the London Borough of Sutton ("Council") made the London Borough of Sutton (Elm Grove) Compulsory Purchase Order 2024 ("Order") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981.
- 1.2 I have been appointed by the Council to provide evidence on planning in support of the confirmation of the Order.
- 1.3 My name is Jane Barnett. I am employed by Savills UK PLC and was instructed as planning advisor to the Council in 2018 to advise on securing Planning Permission for the Order Land. As part of my role as planning advisor, I have led pre-application discussions, co-ordinated the preparation and submission of the Planning Application and successfully guided the Planning Application through the application process.
- 1.4 References to **CDXX** are to documents in the Core Documents.

## **2 QUALIFICATIONS AND EXPERIENCE**

- 2.1 I am employed by Savills UK PLC and have worked there as a Director in the Central London Planning team since 2008. I co-manage a team of 20.
- 2.2 I am a member of the Royal Town Planning Institute (“RTPI”) and I graduated from the University of Newcastle upon Tyne with a BA Hons degree in Town and Country Planning in 1995, followed by a Diploma in Town and Country Planning in 1997.
- 2.3 I have been practicing for 26 years. 24 of those have been spent in planning consultancy where I have delivered large-scale, mixed-use planning permissions across London for a range of both public and private sector clients. I have been involved in numerous estate regeneration projects across London. In 2018, I secured outline planning permissions for 3,000 new homes to include non-residential uses on behalf of Clarion Housing across their flagship estate regeneration schemes in Merton (High Path Estate, Ravensbury Estate and Eastfield Estate) to include securing detailed planning permissions for kick start phases across two of these estates. More recently (in 2022), I have secured hybrid planning permissions for London Borough of Hillingdon for two housing estates comprising 500 units in Hayes Town Centre and 250 units at Avondale Drive (both of which were also subject to compulsory purchase orders). I have previously and currently advise the London Borough of Sutton on various estates, as lead planning adviser in considering planning potential and cases for regeneration to progressing planning applications. This has included securing detailed planning permission for the regeneration of a prime town centre site at Beech Tree Place, close to the Elm Grove Estate itself.
- 2.4 Prior to Savills, I was employed at various private consultancy practices across London (and first at Bristol).
- 2.5 The evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

### Involvement in Order Scheme

- 2.6 I have been involved with the proposed scheme relating to the comprehensive redevelopment of Elm Grove Estate “Order Scheme” since 2018. I provided town planning input to the feasibility and development options assessment work that commenced in 2018 and which supported the extensive case for regeneration at the time.
- 2.7 Following the selection of the preferred development approach, I led all aspects of the planning strategy during 2019-2024 on the planning strategy, pre-application engagement activities and development of the planning application. This culminated in the submission of the outline planning application on 15th March 2024 (“Planning Application”). I led and coordinated all matters in relation

to my client's role in the progression and determination of this application at committee on 4th September 2024. Post-outline resolution, I provided planning input into the advancement and completion of the legal agreement and securing the final Decision Notice (dated 21<sup>st</sup> March 2025). The Council is now in partnership with Lovell as the chosen Developer who is taking forward the implementation consents and will discharge the pre-start planning conditions to start on site.

- 2.8 I therefore have a good understanding of the Order Land and relevant planning policy and development control matters.

### 3 SCOPE OF EVIDENCE

- 3.1 I give evidence on behalf of the Council in respect of the planning justification for the Order **CDA.1**, having regard principally to the statutory planning policy framework and other guidance relevant to the Order Scheme. I have considered the planning matters set out in the Ministry of Housing, Communities and Local Government's Guidance on the Compulsory Purchase Process (Updated January 2025) ("CPO Guidance") **CDC.2** that are relevant to my evidence.
- 3.2 For the reasons I shall state, I consider that the purpose for which the Order Land is being acquired fits with the applicable planning policy framework and that there are no planning impediments to the successful delivery of the Order Scheme in accordance with the Planning Permission **CDE.1**. I also consider that the Order Scheme will deliver significant benefits contributing to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area.
- 3.3 My evidence addresses the following:-
- I. A Description of the Order Land and Surrounding Area
  - II. The Order Scheme and Planning Permission
    - (a) The Scope of the Planning Permission
    - (b) Pre-application Engagement
    - (c) No Planning Impediments to delivery of the CPO Scheme (CPO Guidance paragraph 107)
  - III. Planning Policy Compliance
  - IV. Scheme Benefits
  - V. Conclusion
  - VI. Statement of Truth

#### Tables

- a) Table 1 - Planning Permission Scheme Breakdown

#### List of Appendices

- a) Appendix 1: Order Location Plan and CPO Scheme Location Plan
- b) Appendix 2: The Council's adopted 2018 Local Plan Policies Map Extract

- c) Appendix 3: Extracts from Council's R18 Plan (July 2024) in relation to Elm Grove Estate and Northern Gateway (extent of draft allocations and supporting text)
- d) Appendix 4: Heritage Assets Plan
- e) Appendix 5: Summary of Further Post Planning Application Submission Amendment
- f) Appendix 6: CPO Scheme Massing Plan (extracted from approved Design and Access Statement under Planning Permission)
- g) Appendix 7: Summary of pre-Application Engagement and Local Consultation
- h) Appendix 8: Planning Permission and Section 73 Scheme Comparison Matrix and latest Parameter Plans (HTA, March 2025)
- i) Appendix 9: Detailed Policy Compliance Review
- j) Appendix 10: Summary of Benefits Table
- k) Appendix 11: Infographics

3.4 There are no third-party objectors raising matters relating to planning and therefore no section is required within my Proof of Evidence to address this.

## 4 THE ORDER LAND AND SURROUNDING AREA

- 4.1 This section provides a description of the Order Land and wider Elm Grove Estate (“Estate”) including details of its location, present use, and relevant planning and historical designations.

### The Order Land

- 4.2 The Order Land comprises the extent of the Estate as contained within the red line of the Planning Application where rights are required. The Order Land is identified within Figure 1 and 2 at **Appendix 1**.

### Location and Present Use

- 4.3 The Order Land is identified on the Order Plan at **CDA.2** and at figure 1 at **Appendix 1** and comprises 0.89 hectares of land that is to be compulsorily acquired. The Order Land covers all of the land including those properties already acquired. The Order Land is described in further detail at section 4 of the Statement of Case (**CDA.4**).
- 4.4 The Order Land comprises the residential estate and 216-220 High Street (known as Market House) which occupies a music venue and commercial uses. The existing Estate contains primarily three-storey blocks of flats adjacent to two-storey terraced houses and bungalows. There are 73 residential dwellings on the Estate at present. The majority of the units, in the form of flats, are accommodated in eight, three storey blocks fronting Throwley Way, with bookend blocks fronting Marshall’s Road to the north and Benhill Avenue to the south. There are a further six, two storey blocks to the rear of these main blocks which accommodate the remaining dwellings in the form of houses and bungalows. The unit mix is understood to be 45 x one-bedroom flats, 12 x two-bedroom flats, and 14 x three-bedroom houses and 2 x three-bedroom bungalows.
- 4.5 The Estate’s location immediately east of the High Street means it has excellent accessibility with a Public Transport Accessibility Level (PTAL) rating of 6a (as defined by TFL’s land use planning assessment found at **CDC.9**). This means that the site is a highly accessible location, both in terms of supporting active modes of travel and public transport.
- 4.6 It is approximately a 10-minute walk (0.5 miles) from the Estate to Sutton train station, which is located within the southern part of the Town Centre.
- 4.7 The Order Land benefits from an existing vehicular access off Benhill Avenue to the south of the site. This leads into Elm Grove as the singular vehicular route to serve the Estate and which runs north-south along its length. The road feeds into three small parking areas which sit within the estate and provide 46 car parking spaces intended for use by existing residents.



- 4.8 The Order Land is located in Flood Zone 1 and there are no trees subject to Tree Preservation Orders (TPOs) within or adjacent to it.
- 4.9 In summary, the Order Land displays many of the characteristics of the type of highly accessible brownfield land to which development is essential to help resolve the critical housing crisis in London and the borough itself.

#### Planning designations

- 4.10 The Order Land is subject to an adopted Site Allocation (reference: STC45 for Elm Grove Estate) as identified in the adopted Sutton Local Plan (2018) and its adopted Policies Map. It is also located within: the designated Sutton Central Setting; Area of Potential Intensification; Area of Taller Building Potential (7-10 storeys) all of which encourages intensification of areas around the town centre (reference to **CDC.3**, Local Policy 1 (C ) at page 17). Specifically, paragraph P7.2 and Local Policy 7(b) of the adopted local plan (again reference to **CDC.3** at pages 44 and 46 respectively) identifies potential for “*very dense development*” within the designated Sutton Central Setting being entirely within the Town Centre. Extract from the adopted proposals map of the adopted local plan is found at **Appendix 2**.
- 4.11 STC45 is identified to have an indicative capacity for 47 net additional dwellings as well as limited non-residential floorspace in the form of Town Centre uses (indicatively 281 square metres). This therefore provides an indicative baseline unit capacity position of 120 units across the estate and with the potential for taller elements at Throwley Way frontage to achieve potentially higher density, as per the “Area of Taller Building Potential” designation and Sutton Town Centre (STC) Masterplan.
- 4.12 The Estate is also subject to a draft site allocation STC6 (HELAA 2023 Ref: SH14) supporting residential regeneration as contained in London Borough of Sutton’s (LBS) R18 Plan (July 2024) (**CDC.4**). This draft designation also now includes the 216-220 High Street property. The estate is identified across both the adopted and emerging local plan as a vital contributor towards new housing supply to include a substantial proportion of new and replacement affordable homes across Sutton Town Centre.
- 4.13 It is also worthy to note, that adjoining the Estate’s far north western boundary, the Council owned site known as the “Northern Gateway” site is also allocated for education or residential or Class E use under the STC5 allocation (HELAA2023 Ref SH16). A Council funded educational facility for re-housing Sutton College is being brought forward at this site with a detailed application expected to be submitted mid this year. The scheme will represent a landmark, mid-rise building at this prominent part of the High Street. At **Appendix 3**, there is attached an extract from the R18 draft plan identifying the extent of the draft allocations and how they relate to one another being in close proximity. The town centre is a focus for Government, Greater London Authority (“GLA”) and Council regeneration funds which have been secured to bring forward wider regeneration in this area and as set out in Mr Tucker’s statement of evidence.

#### Surrounding Area

- 4.14 There are no statutory or locally listed /scheduled assets on the Estate. A smaller part of the Planning Permission site namely 216 -220 High Street falls within Sutton Town Centre Conservation Area (to note the Statement of Case identifies the whole of the estate is not within the Conservation Area which is not the case and corrected here; with reference to Statement of Case at **CDA.4**). The closest scheduled monument is the 'Milestone in Sutton High Street' which is located approximately 50 metres to the southwest of the Site boundary. Nearby designated heritage assets across the town centre are illustrated at **Appendix 4**.
- 4.15 The area surrounding the Estate is characterised by a range of architectural styles and periods of development, with no single prevailing character.

## 5 THE ORDER SCHEME AND PLANNING PERMISSION

- 5.1 In this part of my evidence, I will show that the Council has a clear view of how it intends to use the Order Land and that the Order Scheme is unlikely to be blocked by any planning impediment, as required by paragraphs of the CPO Guidance. With reference to paragraph 107-109 of that Guidance, the planning justification for the Order is well settled in that the Planning Permission has been obtained and as such, although the Guidance indicates that it will not always be possible for all details to have been resolved by the time of the CPO; in this case, Planning Permission has been granted. As such, there are demonstrably no planning impediments to delivery.
- 5.2 Savills submitted the Planning Application that underpins the Order Scheme for the Order Land on behalf of the Council, in March 2024. The Application was considered at Planning Committee on 4 September 2024 and the case officer's report is included as Core Document reference [CDB.13].
- 5.3 Where (as here), the compulsory purchase order is made under section 226 of the Town and Country Planning Act 1990, the decision maker must have regard to planning matters. However, where specific issues have already been considered through the planning process, leading to the grant of planning permission, case law has established the correct approach (with reference to *The Alliance Spring Company Limited v. First Secretary of State* [2005] EWHC (Admin)). At paragraph 16 of the Collins J Judgment (as found at **CDG.1**) it is cited (with author's emphasis in bold):

*"[The Secretary of State] recognised that the Inspector could properly have regard to the planning aspects: indeed, s.226(2)(c) of the 1990 Act makes it clear that he should. But he noted that those matters were taken into account in the grant of planning permission. In those circumstances, **it is not in my view appropriate for an Inspector to take a different view on planning considerations which have already been considered unless there is fresh material or a change of circumstances.** Clearly if there is evidence to show that particular matters were not taken into account or were not fully considered, a fresh view can properly be taken."*

- 5.4 As established in that case, it is not appropriate for a decision maker to take a different view on planning considerations which have already been considered adequately through the planning process, unless there is fresh material or a change of circumstances; where in this case, there is not.

### I. The Scope of the Planning Permission

- 5.5 The Order Scheme is a result of a long-established planning and design process starting in 2017/18 when a number of options were considered at the time (and tested through various masterplan iterations). It was concluded, as part of the Council's overall business case, that the comprehensive regeneration option was the preferred route and from there a brief was set to develop design proposals which ensured high quality replacement and new homes to meet needs of existing and new residents in a viable and deliverable manner.

5.6 Development proposals progressed via formal pre-application engagement with the Local Planning Authority (“LPA”), GLA and other key stakeholders during a 11-month period. A number of amendments were made to respond to issues raised. This culminated in the submission of the Planning Application on 15<sup>th</sup> March 2024 for the redevelopment of the full extent of the Estate to also include Market House.

5.7 The formal description of the Planning Application with reference DM2024/00392, which forms the Order Scheme, is as follows:

*“Outline planning application (with all matters reserved) for development including demolition of existing buildings and structures within Elm Grove Estate and erection of new buildings to provide residential floorspace (Class C3); retention, refurbishment and rear extension of 216-220 High Street to provide town centre (Class E), community (Class F2), sui generis and residential floorspace (Class C3); new pedestrian and vehicular access; associated amenity space, open space, public realm and landscaping; car and cycle parking spaces; plant; refuse storage; servicing; other works incidental to the proposed (phased) development; and Phase 0 enabling preliminary works in the form of demolition of two existing bungalows on-site.”*

5.8 A summary of the Order Scheme as follows at **Table 1**:

Item	The Planning Permission
Housing Numbers	<p>Total = 282 (maximum parameter)<sup>1</sup></p> <p>Social Rent Replacement – 57</p> <p>London Affordable/ Social Rent – 73</p> <p>Shared Ownership – 10</p> <p>Market – 142</p> <p>Total = 282 (19,135sqm/779hr)</p> <p>Final mix to be determined via reserved matters application(s) in accordance with condition 8 of the Planning Permission and the Affordable Housing provisions set out in the s106 agreement (at</p>

<sup>1</sup> The delivery of units within the outline area is controlled by conditions of the Planning Permission, namely, Condition 8 (maximum unit number and unit mix). Within the envelope of the permitted parameters there is some scope to amend the unit mix via reserved matters application(s) which may alter the total unit numbers accordingly.

	Appendix 1 of the s111 Agreement) dated 20 <sup>th</sup> March 2025 ( <b>CDE.19 and CDE.20</b> ) accompanying the Planning Permission.
Housing Mix	1Bed – 122  2Bed – 137  3Bed – 23  In accordance with Condition 8 <sup>2</sup> of the Planning Permission.
Flexible Class E/ Class F2 Community Use/ Sui Generis (Music Venue)	580 (GIA) sqm
Public Open Space, Public Realm and Communal (private) Amenity Space and Private Amenity	1,735sqm Public Open Space, Public Realm and Landscaping <sup>3</sup>  1,575sqm Communal (private) Amenity Space  1,846sqm Private Balconies, Terraces and Gardens
Play space and dedicated amenity space	Doorstep and older children play provision <sup>4</sup> .

5.9 The LPA undertook two rounds of statutory public consultation. The first was in March 2024 when the Planning Application was originally submitted, and the second was in June 2024 following the submission of an amendment (in response to Historic England's comments). A summary of the amendment submitted can be found in **Appendix 5** of this document.

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<sup>2</sup> Planning Permission Condition 8 states: 1 Bed – 23-43%; 2-Bed – 29-49%; 3 Bed – 5-8%.

<sup>3</sup> As secured by Planning Permission Condition 12 and 50 and identified on Hard and Soft Landscape Parameter Plan 4.

<sup>4</sup> As secured by Planning Permission Condition 39.

- 5.10 In addition, a number of clarifications and supporting information were provided in response to requests from Officers. A comprehensive list of the matters raised in the representations is set out in the Planning Committee Report at section 5.4 (**CDB.13**).
- 5.11 The Planning Application was considered by the Council's Planning Committee on 4th September 2024.
- 5.12 The Planning Committee was publicised in the normal manner and followed protocol. Anyone who wished to object or speak in support of the Planning Application was able to do so by registering with the Council's Democratics Officer. Two people had registered to speak, and spoke in support of the application. At the committee meeting, Officers first presented a summary of the Planning Committee Report to members. There followed representations from speakers in support of the Planning Application with three speakers objecting to the scheme. Members took the opportunity to question the Planning Officers and Applicant ahead of their vote (6:4 in favour with one abstainer) to grant Planning Permission.
- 5.13 The Council's Planning Committee considered and resolved to grant the Planning Application for the Order Scheme on 4 September 2024, subject to the completion of a Planning Agreement and the imposition of planning conditions. The committee report and minutes of this committee meeting are found at **CDB.13 and CDB.14**.
- 5.14 The Council in its capacity as local planning authority granted the Planning Permission on 21<sup>st</sup> March 2025.
- 5.15 The Council's Decision Notice can be found at **CDE.1**. The Decision Notice lists the approved drawings. A plan showing the approved development is shown at **CDE.2** and Appendix 2 of the s106 Planning Agreement at **CDE.11**. It is evident that there is a Planning Permission in place for the proposed development.
- 5.16 In contrast to the buildings currently on site, the proposed development will deliver a range of high-quality homes within a high-quality landscape, befitting of the community who will live there.

### **The Order Scheme – Overview**

- 5.17 This section provides a summary of the Order Scheme.
- 5.18 The Order Scheme comprises the demolition of all buildings and the erection of 7 building blocks separated by a much-improved pedestrian street and public realm area (at Elm Grove) and a new pedestrian connection that runs east to west through the Order Land. The illustrative masterplan identifies these new buildings at a height range of between 4 – 16 storeys. The marker elements are proposed along the primary vehicular corridor of Throwley Way (eastern boundary of the site) which provides a strong edge for mid-rise base massing punctuated with two “marker” points.

- 5.19 The primary 16 storey marker building is positioned adjacent to the end of the key east-west route through the approved masterplan. The secondary marker building of 13 storeys is located in the northeastern corner of the Site, at the junction of Throwley Way and Marshall's Road. Mid-rise massing of up to 6 storeys adjoins each of the marker buildings and extends south and west respectively in completing the individual Development Plots. Lower blocks of up to 5 storeys sit within the centre of the site fronting the diagonal link in distilling the massing to a further human street scale. The distribution of height and massing across the Order Land results in a clear differentiation between the marker buildings and base massing which responds to its context. At **Appendix 6** is found an illustrative massing plan (extracted from the approved Design and Access Statement approved under the Planning Permission) which identifies these building block heights.
- 5.20 The Order Scheme has been designed to provide a comprehensive masterplan for the Estate with the delivery of the whole scheme essential to provide all the benefits and ensure a successful relationship between spaces, privacy, overlooking and daylight and sunlight. The perimeter buildings have been framed around two podium courtyards and have shared energy, servicing, and amenity strategies. If the Order is not confirmed and these blocks within the Order Land were not to become available for redevelopment it would seem unlikely that the Planning Permission could be implemented.

#### **The Planning Permission – Its Composition**

- 5.21 The key controls of the Planning Permission include the approved parameter plans and the Design Code, establishing the key design parameters and principles against which future reserved matter applications will be submitted. A Development Specification (as found at **CDE.3**) was submitted for information purposes. These controls are considered in turn below, but need to be read together. Condition 1 of the Planning Permission states that the development shall only be constructed in accordance with the Parameter Plans and Design Code listed.

#### Parameter Plans

- 5.22 The Parameter Plans (**CDE.4-CDE.9**) approved as part of the Planning Permission (**CDE.1**) establish the key design parameters against which future Reserved Matter Applications ("RMAs") for the Outline Area will be submitted and should be read in tandem with the Design Code. Any future RMAs therefore have flexibility through the detailed designs as long as the approved parameters are complied with. The Order Scheme provides this approved parameter framework alongside the approved design code and conditions. These matters are therefore not an impediment to delivering the Order Scheme.

#### Planning Agreement

- 5.23 The Planning Permission is governed by two Planning Agreements (**CDE.10 and CDE.11**) given under Section 106 of the Town and Country Planning Act 1990 ("1990 Act") and section 111 of the Local Government Act 1972. The Planning Agreement (as per the approved Heads of Terms at Committee) secures:

## 1. Affordable Housing

- 5.24 Affordable Housing Minimum of 50% affordable housing dwellings (by habitable rooms) to be delivered across the site comprising a mix of 1, 2 and 3 room units.
- 5.25 The delivery of the Affordable Housing Target Tenure Split of 57 Social Rent Replacement Homes, 73 London Affordable/Social Rent Units and 10 Shared Ownership units or as otherwise agreed within the Affordable Housing Minimum.
- 5.26 The mix is indicative and the final housing type and tenure mix will be determined within approved outline parameters at the reserved matters stage in support of the detailed design.
- 5.27 If Additional Affordable Housing is provided, it must be delivered with a minimum of 75% of affordable dwellings (by unit) being social/affordable rent and a minimum of 25% of affordable dwellings (by unit) being intermediate tenure unless otherwise agreed with the LPA. There are also viability review mechanisms set out in the legal agreement with the early review triggered by no substantial implementation taking place within 36 months of the grant of Planning Permission. Mid-stage viability review at completion of the unit that marks 50% of the total number of units to be provided. Late-stage viability review at the completion of the unit that marks 75% of the total number of units to be provided.

## 2. Pedestrian Safety Improvement Works

- 5.28 Financial Contribution of £100,000 towards future pedestrian safety improvements across Throwley Way.

## 3. Highway Works S278

- 5.29 Highway works will be secured by an agreement under section 278 of the Highways Act 1980 and delivered, including:

- In relation to Elm Grove:

Kerblin realignment; Carriageway reconstruction and resurfacing where necessary; Footway reconstruction and resurfacing where necessary; New road markings, signage and traffic orders as necessary; Utility works; Drainage works; Landscaping works; Street Lighting; Adoption of part of 'White Building' site to allow for enlarged turning head; Elm Grove / High Street connections; Footpath reconstruction and resurfacing as necessary; and Improved lighting.

- In relation to Throwley Way:

Removal of existing bus shelter and replacement with carriageway construction or other highway treatment (e.g. footway widening etc) as deemed appropriate; Carriageway resurfacing where necessary; Removal of existing bus layby and replacement with footway; Footway resurfacing where necessary; New road markings, signage and traffic orders as necessary;



Utility works; Drainage works; Landscaping works; Street Lighting; Stopping up of highway necessary to deliver development footprint via separate process.

- Delivery of a Bus Stop on opposite side of Throwley Way, including:

Removal of tref kerbs and replaced with standard kerbs; Removal of guardrailing; Regrading of footway; delivery and provision of replacement bus stop, to same specification as existing Throwley Way bus stop as a minimum before the existing bus stop is made inoperable, at the cost of the applicant; Details of the replacement bus stop to be approved by Transport for London ("TfL"); Utility works as necessary; Street Lighting works as necessary; Drainage works as necessary; New/replacement road markings, signage and traffic orders as necessary.

- Delivery of a temporary and permanent replacement footway along the west side of Throwley Way adjacent to the development site.

#### 4. Parking Permits

- 5.30 Restriction of resident and resident visitor car parking permits within the Controlled Parking Zone.

#### 5. Public Access

- 5.31 The applicant will provide pedestrian access through the site from Throwley Way to the High Street. The applicant will provide 24/7 access to the public realm areas for the lifetime of the development, substantially in the position shown on Parameter Plans 3 and 4 (as per **CDE.6 and CDE.7**).

#### 6. Travel Plan

- 5.32 A Travel Plan for each of the residential and commercial elements to be submitted and approved with associated Monitoring Fee per Travel Plan.

#### 7. Car Parking

- 5.33 The applicant is required to submit a car parking management plan which shall be agreed by the Council to ensure the spaces are fairly leased prior to the occupation of the units.

#### 8. Carbon Offsetting

- 5.34 A monetary contribution shall be made to the Council's carbon offset fund to offset the remaining carbon emissions if the scheme does not achieve zero carbon based on the London Mayor's carbon price of £95 per tonne over 30 years. The anticipated total carbon off-setting contribution of £170,688.00 has been calculated, based on the current CO2 reduction calculations. Payment will be required prior to commencement of each phase. The final figure payable in respect of each phase would be subject to recalculation to account for any betterment or deterioration of the initial calculations as each phase is delivered.

## 9. Energy Monitoring

- 5.35 The applicant shall submit energy monitoring data to the GLA in line with its “Be Seen” Guidance.

## 10. Air Quality

- 5.36 Offsetting contribution payable at practical completion of relevant phases where they fail to meet Air Quality Neutral standards (£29,000 per tonne of NOx shortfall).

## 11. Employment and Skills

- 5.37 To submit an Employment and Skills Plan and monitoring fee per submitted plan (up to a cumulative maximum sum) to ensure that reasonable endeavours are used to provide apprenticeships and work experience for local residents during the construction phase of the development.

## 12. District Heat Network Connection

- 5.38 The scheme is required to be constructed so that it is capable of connecting to a district heat network.

## 13. Biodiversity

- 5.39 A management and monitoring plan must be submitted to support the Biodiversity Net gain provision on the site for a period of 30 years.

## Demolition and Phased Delivery

- 5.40 In order to deliver high quality new homes across a mix of unit types, to include replacement and additional affordable housing, within a newly revitalised neighbourhood, all 73 existing homes, ancillary plant rooms, cores and parking areas across the existing Estate will need to be demolished.
- 5.41 The principle of demolition is established through the Planning Permission. The existing residential buildings are of poor quality and are not considered to have any architectural or heritage benefit. In addition, the declining nature of the existing homes is not in line with the Council's aspirations for a high-quality housing stock which meets current national design standards and building regulations. The demolition of the existing residential buildings therefore enables a comprehensive approach to the redevelopment of the Order Land to be phased in line with the Council's decant and re-housing strategy to ensure minimal disruption for existing and returning residents.
- 5.42 The existing commercial building at 216-220 High Street ('Market House') will be retained to serve the local community and provide enhanced provision of existing non-residential floorspace currently located on site, as well as new residential units delivered through a proposed rear extension.
- 5.43 The details of early, Preliminary Enabling Works ('Phase 0') comprising demolition of two existing bungalows were also approved as part of the Planning Permission and are written into the description

of development. For the remainder of the Order Land, a final Site-wide Phasing Strategy will be approved under Condition 7 of the Planning Permission.

- 5.44 The Preliminary Enabling Works (Phase 0) are proposed to commence within the GLA Funding deadline of May 2025 (and as set out in Mr Tucker's evidence). These Phase 0 works can be therefore implemented under the Planning Permission (there are no pre-demolition conditions attached to Phase 0). Due to a slight delay on vacant possession of one of the bungalows, the Council has sought to extend the Phase 0 extent to include four houses (directly adjacent to the bungalows) which are vacant. The LPA agreed that this change was a non-material change to the Phase 0 demolition plan and approval is expected imminently (via this Non Material Amendment). Regardless, should the Non Material Amendment not be approved for any odd reason in advance of the May funding deadline, demolition of the vacated bungalow will still commence in May in order to achieve the GLA funding deadline (please also refer to Mr Tucker's evidence on this specific matter). The Developer will discharge the very limited (site wide) pre-demolition conditions and secure the necessary implementation consents to continue early phased delivery with an aim of completion of the regeneration of the whole Estate by December 2029. A Development Agreement between the chosen Developer and Council was completed on 23<sup>rd</sup> December 2024.
- 5.45 The phasing will be sequenced to ensure that the demolition of existing buildings and subsequent construction of new residential blocks, roads and open space/public realm takes place in a timely, proper and orderly way that minimises disruption and conflict with neighbouring landowners. A number of conditions will secure this: namely condition 7 (approval of site wide phasing strategy); condition 19 (approval of a Construction Logistics Plan); condition 20 (approval of a Construction Management Plan); Condition 33 (approval of Dust Management Plan); condition 60 (compliance with Non Road Mobile machinery emission standards); condition 62 (compliance with lead contractor being under the Considerate Constructors Scheme); condition 64 (compliance for demolition of Phase 0 in accordance with approved Outline Constructive Logistics Plan).

## **II. Pre-application Engagement**

- 5.46 Paragraphs 40 to 47 of the National Planning Policy Framework (December 2024 as amended 7<sup>th</sup> February 2025) ("the NPPF") (**CDC.1**) promote pre-application engagement with local planning authorities and statutory planning consultees. At paragraph 40, the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It goes on to state that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 5.47 The Council undertook extensive pre-application engagement on the Planning Application with the local planning authority, statutory and non-statutory consultees dating back to 2018. The Council

undertook formal pre-application consultation with the LPA, the Greater London Authority, and key stakeholders since April 2023 and during this 11-month period undertook 16 meetings with the LPA, GLA and TfL alongside two Design Review Panel (DRP) sessions in August and November 2023 (the final meeting providing positive support for the height and outline design of the scheme).

- 5.48 A summary of these engagement activities can be found at **Appendix 7** of this Proof of Evidence and in terms of residents' consultation, the detail of this is provided by Mr Tucker, Mr Pittman and Mr Hunte.

**III. No Planning Impediments to the Implementation of the Order Scheme (CPO Guidance paragraph 107)**

- 5.49 In the case of the Order Land, the Order Scheme has Planning Permission.
- 5.50 The Planning Permission has been granted with a completed legal agreement (**CDE.10 and CDE.11**) and a set of planning conditions, including pre-commencement conditions (**CDE.1**). The Developer, who has now partnered with the Council to build the scheme, is proactively progressing discussions with the LPA on minor material changes to the approved parameters under the Planning Permission. These changes are proposed by the Developer to be submitted in the form of a Minor Material Amendment ("MMA") Application under section 73 of the 1990 Act in relation to the Planning Permission. These minor material parameter changes are illustrated by the revised parameter plans (March 2025) prepared by Lovell's design team (as found at **Appendix 8** of this Statement). From these plans, the can be seen minor changes when compared to the approved parameters under the Planning Permission. Further, a comparison matrix table is also found at **Appendix 8** which demonstrates the minor adjustments to the metrics of the approved scheme under the Planning Permission and the s73 scheme now being pursued. The Developer is proceeding with the format of an MMA and in parallel with this a separate Reserved Matters application (for approval of all details across the site as a whole). Both submissions are anticipated for submission in June 2025 with determination expected December 2025 or early 2026. Pre-demolition and early pre-start conditions will also be discharged during this year to ensure continued demolition of the site beyond Phase 0. This is specifically cited within the letter from Lovell dated 5<sup>th</sup> March 2025 as appended to Mr Tucker's Proof of Evidence.
- 5.51 It is not unusual for a Developer to take on parameter changes, post- Planning Permission, in the form of Minor Amends. The Minor Amendment will be referred to the GLA although given the nature and scale of the changes it is not expected to raise concerns in the context also of no changes to the scale of the affordable housing delivery.
- 5.52 The MMA will relate to improvements to the Order Scheme to include: increased social rent affordable homes and increased amenity space with improved connectivity to the High Street. The changes are mainly focussed on the spatial layout of blocks with such design changes being subject to constructive pre-application consultation (as illustrated by the revised parameter plans attached to **Appendix 8**). The single RMA submission will comply with these revised parameters as approved under the MMA.

The revisions set out in the MMA remain based on the fundamental parameters and first principles of the design code approved as part of the Planning Permission.

- 5.53 The Planning Agreement (under section 17) binds any MMA in relation to the Planning Permission, unless the MMA necessitates or requires amendments to the Planning Agreement. A limited number of conditions will need to be formally varied as a result of the MMA.
- 5.54 More generally, none of the conditions of the Planning Permission or obligations attached to the Planning Agreement are unusual or onerous. To note, there are only two (site wide) pre-demolition conditions (both exempt Phase 0) relating to construction logistics and environmental management. I am satisfied that the pre-demolition and pre-commencement conditions' discharging process under the Developer's responsibility is capable of moving forward in timely fashion. I am also satisfied that the operational and compliance conditions are not unusual or onerous and capable of compliance. To my knowledge, there are no impediments to receiving and implementing the highways consents.
- 5.55 I consider therefore, that there should be no planning impediment to the implementation of the Order Scheme and its MMA. Associated highway consents will be required on the varied scheme when approved, to include a stopping up order which also forms part of the Developer's responsibility.

## 6 PLANNING POLICY COMPLIANCE

- 6.1 The Council as acquiring authority is seeking to compulsory purchase the Order Land under section 226(1)(a) of the 1990 Act and acquire rights under section 13 Local Government (Miscellaneous Provisions) Act 1976.
- 6.2 Section 1 of the CPO Guidance indicates that any programme of land assembly will need to be set within a clear strategic framework and that this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). Notwithstanding the existence of a valid planning permission, the CPO Guidance still considers compliance with the statutory development plan. A copy of the CPO Guidance is at **CDC.2**.
- 6.3 The CPO Guidance at Section 1: *“advice on Section 226 of the Town and Country Planning Act 1990,”* states that the strategic framework will need to be founded on an appropriate evidence base, and to have been made subject to consultation processes (paragraph 107). The same section of the CPO Guidance goes on to state that the planning framework providing the justification for a CPO should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the Scheme.
- 6.4 Paragraph 109 of the CPO Guidance further indicates that the decision about whether to confirm a s.226(1)(a) CPO will be made on its own merits but that the Secretary of State can be expected to consider a series of factors, which include whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF.
- 6.5 Having explained that there is no planning impediment to the Order Scheme going ahead, the Planning Permission has already been granted for development comprised in the Order Scheme. This grant of Planning Permission confirms compliance of the Order Scheme with the relevant planning framework when read as a whole.
- 6.6 Nonetheless, for the sake of completeness, I will explain the strategic framework within which the Planning Permission is set.
- 6.7 In respect of Paragraph 109 of the CPO Guidance, in this instance there is an adopted development plan in place. There is also reference to compliance with an up to date development plan. The Sutton Local Plan (February 2018) might be considered out of date as it is older than 5 years and now under formal review. However, case law has indicated that the expiry of the specified period of a development plan document does not automatically render the policies in that document “out-of-date.” In any event, there is a presumption in favour of sustainable development para 11(d) of the NPPF where policies are out of date. As expected under the guidance, I will assess the Order Scheme in

order to demonstrate that it is compliant with the planning framework and the adopted Local Plan for the area.

### **The Planning Policy Framework**

- 6.8 The planning policy documents currently comprising the Sutton local development plan are:
- i. The London Plan (adopted March 2021) (**CDC.7**)
  - ii. London Borough of Sutton adopted Local Plan (adopted February 2018) (**CDC.3**)
- 6.9 The same documents comprised the development plan at the time that the Planning Permission was granted. There have therefore been no material changes in the statutory planning policy framework between the grant of the Planning Permission and the date of this Proof of Evidence.
- 6.10 The LPA is undertaking a review of the Local Plan, currently at Regulation 18 stage (known as the “Emerging Sutton Local Plan – Issues and Preferred Options Consultation, July 2024” at **CDC.4** with Proposed Changes to Policies Map, July 2024 at **CDC.5**). Given the early stage of the review limited weight is attached to the draft policies. It is worthy to note, however, that the Elm Grove Estate is subject to a draft site allocation, STC6 (HELAA 2023 Ref: SH14), which supports residential regeneration within the Council’s Emerging Local Plan. More specifically, paragraph 9.19 of the draft plan identifies potential for “over 200” homes with no height or density parameters identified within the draft allocation itself. The Council’s draft tall buildings study (July 2024) identifies up to 45m in height with an apex building (broadly where the s73 scheme proposes) where such buildings can “*exceed these height thresholds.*” Therefore, the direction of travel in draft policy is positive and supportive for the Estate’s regeneration. The s73 Scheme is expected to be determined with the backdrop of a Regulation 19 plan published between April-June this year (2025) which will further endorse these draft allocation parameters in support of the regeneration.
- 6.11 As material considerations, the NPPF (2024) (**CDC.1**) and the National Planning Practice Guidance were also relevant in assessment of compliance of the application as stated in the Planning Committee Report (**CDB.13**). Since the Resolution to Grant at Planning Committee in September 2024, the new NPPF 2024 (**CDC.1**) has been published. I do not consider any of the revisions to be material to the compliance of the Order Scheme only other than the new guidance reinforces the need for early housing delivery of regeneration schemes such as the CPO Scheme to address the housing shortage and forecasted housing needs.
- 6.12 The Sutton Centre Masterplan (2016) (**CDC.6**) was also a material consideration in the assessment of the Planning Application as it set the context for the need for regeneration of the Order Land and wider regeneration sites within close proximity.

### **Compliance of the Order Scheme with the Planning Policy Framework and the Local Plan**

- 6.13 The Planning Committee Report (**CDB.13**) presents a detailed assessment of the Order Scheme. The LPA's view was that the Order Scheme was technically a departure from the adopted Local Plan albeit when housing and other related policies taken as a whole were considered, the Planning Application satisfied these.
- 6.14 The Officers' Report states: *"therefore, although there is a departure from the adopted suitable heights as identified by the Local Plan, the intensification of public land for affordable housing is noted therefore the proposed tall buildings and their resultant visual impacts could be supported at a strategic level subject to the planning balance and appropriate resolution of any heritage harm."*
- 6.15 I have also undertaken this assessment, and I am satisfied that the Order Scheme, even with limited instances of non-compliance (as LPA Officers identify in their report), it remains compliant with the development plan when read as a whole (please also see compliance statement at **Appendix 9**). In this context, it is worth highlighting at page 139 of the adopted local plan, under "Indicative Housing Capacity and then "All Sites", (in support of local plan policy 40); it is identified that site allocations are not prescriptive but instead: *"the capacity stated for each site is merely a guide. It does not follow that a planning application will be granted if the application contains the stated amount of housing units. Equally, through the submission and approval of a planning application, it may be possible to achieve a suitable development which exceeds the guideline capacity."* (author's emphasis). This is explicitly cited within the Officers' Report at paragraph 7.146 (**CDB.13**). Further, at paragraph 9.3 of the Report Officers cite that the tests set out in local plan policy 28 (q) and London Plan policy D9 have been satisfied. A detailed design justification is laid out in the Design and Access Statement and Planning Statement supported by various technical assessments to include a Heritage, Townscape and Visual Impact Assessment and Tall Buildings Assessment all of which were approved as part of the Planning Permission.
- 6.16 The Planning Committee Report (**CDB.13**) recommended that members granted planning permission pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Where relevant in the paragraphs that follow, my assessment will refer to relevant aspects of the Planning Committee Report.
- 6.17 There have been no material changes to the development plan or other material considerations since that recent grant of the Planning Permission (**CDE.1**). In those circumstances, it must be that no different view on planning considerations can be taken when these planning matters have already been considered as part of the grant of Planning Permission unless there is fresh material or a change



of circumstances (where there is not in this case) (*The Alliance Spring Co Ltd v The First Secretary of State* [2005] EWHC 18 (Admin)).

- 6.18 As such, the grant is considered to demonstrate that the Scheme and Order does fit in with the adopted development plan for the area. Nonetheless, for the sake of completeness, the below sets out the key aspects of policy compliance and cross-refers to the Committee Report (**CDB.13**) as relevant.

### **Principle of Development**

- 6.19 The Order Scheme would be a high-density form of development, providing 282 homes, with a total uplift of 209 from the existing 73 units, commercial and community facilities and public realm improvements. The Order Scheme would make best use of well-located land.
- 6.20 The Order Scheme would deliver new housing in the context of significant housing need nationally and locally. The massive imbalance between housing supply and housing demand in London is unarguable. The London Plan sets a target of 52,000 homes a year in the context of a Strategic Housing Market Assessment identifying a need for 66,000. At Paragraph 1.0.8, the London Plan (**CDC.7**) notes that: *“the growth in population and jobs has not been matched by the growth in the number of homes and type of homes London needs, driving up rents and house prices to levels that have priced many Londoners out of the market.”* GG4 (A) notes that those involved in planning and development must ensure that more homes are delivered. Policy SD1(B)(2) states that Boroughs should support development which creates housing choice for Londoners.
- 6.21 The NPPF (at **CDC.1**) notes at Paragraph 61 the objective of *“significantly boosting the supply of homes.”* The London Plan talks in the Mayor’s foreword to there being *“no quick fixes to the housing crisis London faces”* and the Council talks in its 2018 Local Plan (**CDC.3** at page 11) under the Vision, Objectives and Challenges that the Borough’s challenges include *“the Mayor’s housing target for the borough is increasing”* and *“the number of affordable homes built of falling.”*
- 6.22 The crisis faced in the affordable housing sector is significantly worse than that faced in the housing sector in general.
- 6.23 The London Mayor notes in his foreword to the London Plan that the affordable housing market is in crisis. Whilst claiming a record number of affordable housing ‘starts’ (116,000 homes from 2015-16 to 2022-23), completions are significantly behind this (63,817 affordable homes completed from 2015-16 to 2022-23).
- 6.24 Under the new Government, the new NPPF (2024) (at **CDC.1**) continues the theme in placing absolute priority in affordable housing delivery with a focus on more social rent. In the Deputy Prime Minister’s Press Release (30th September 2024), it was stated that that *“under proposed changes to the National Planning Policy Framework, London needs to build around 80,000 new homes per year – a record*

*and ambitious number for the city at over double the current average number of homes built a year in the capital.”*

- 6.25 Adopted policy in both the London Plan and the Local Plan promotes the delivery of housing. The Order Scheme would make the best use of a well-connected site in Sutton Town Centre in line with strategic policies in both the London Plan and Local Plan which advocate this approach. By virtue of the delivery of 282 new homes (including 140 new affordable homes), the Order Scheme would assist to address objectively assessed need for new housing and new affordable housing in Sutton and its Town Centre and would therefore satisfy the ambitions of policy at the local and strategic level.
- 6.26 The principle of the proposed development was considered acceptable by the Officer in the Planning Committee Report (at **CDB.13**), in accordance with London Plan Policy H1, and LBS Local Plan Policy 3 and 8.

## **Land Use**

### Consideration of Alternative Options

- 6.27 The Order Scheme has developed following extensive consultation and engagement with the local community, which is set out in the evidence of Mr Tucker, Mr Pittman and Mr Hunte. Mr Tucker’s Proof of Evidence.
- 6.28 The GLA in its Stage 1 Report supported the key principles of the comprehensive estate regeneration with stage 2 sign off (post Outline Resolution at Committee) on 16<sup>th</sup> December 2024.
- 6.29 In accordance with Paragraph 4.8.2 of the supporting text to policy H8 of the London Plan (**CDC.7** at page 186), the Order Scheme has been developed in accordance with the Mayor’s Good Practice Guide to Estate Regeneration (February 2018) (**CDC.8**), delivering the follow key principles for the estate regeneration:
- I. like for like replacement of existing affordable housing floorspace;
  - II. an increase in affordable housing;
  - III. full rights of return for any social housing tenants;
  - IV. fair deal for leaseholders/freeholders; and
  - V. full and transparent consultation and involvement.

### Affordable Housing

- 6.30 The Order Scheme, as permitted, will deliver a total of 282 units across the Order Land in total comprising a residential uplift of 209 units, 573 habitable rooms and 15,196 sqm of floorspace. As part

of this a total of 140 affordable units are proposed (including replacement provision) and comprise a total of 415 habitable rooms and 10,033 sqm of floorspace. This equates to a 52% affordable provision Estate-wide based on floorspace which meets and exceeds local and regional policy expectations as public sector land.

- 6.31 In the context of Sutton's housing affordability challenges, the provision of affordable housing is a significant benefit that the Order Scheme would deliver. The section 73 scheme broadly complies with these affordable housing provisions as approved under the Planning Permission (with reference to the Permission and section 73 Scheme comparison table at **Appendix 8**).
- 6.32 This provision was welcomed by the Officer in the Planning Committee Report (at paragraphs 7.59 and 7.60, **CDB.13**) and accords with London Plan Policy H4, H5, H8 and Local Plan Policy 8 (**CDC.7**).

#### Affordable Tenure and Dwelling Mix

- 6.33 The Planning Permission was approved on the basis of the outline scheme being in excess of policy requirements concerning affordable tenure and this parameter together with the final affordable tenure mix to be approved at the Reserved Matters stage. Similarly, this will be the case for final housing mix across the detailed design scheme once Reserved Matters approval is secured by the Developer.

#### Standard of accommodation

- 6.34 All homes are to be designed so that they meet the National Technical Standards, and the relevant Building Regulation standards. 10% of all homes, will be designed to be wheelchair accessible. Final unit layouts will be determined through future RMAs.

#### Children's Play Space

- 6.35 The Order Scheme would deliver play space both within the private gardens and private communal gardens which will be accessible by the general public. The Order Scheme would deliver a total of 887 sqm, which includes compliance for under-5s doorstep play (in excess when private gardens are included) and a slight shortfall against older children play when set against London Plan Policy S4. However, Officers accepted that the play provided on-site is optimum given site constraints and that the site benefits from nearby parks and open spaces accessible from the Order Land for older children play in addressing the residual requirement. The Officer in the Committee Report (at paragraph 7.95, **CDB.13**) noted that: "*in summary, the Illustrative Scheme demonstrates a future RMA application is capable of providing the required private external amenity space, communal (private) external amenity space and play space to meet the needs of returning and new residents, in accordance with London Plan Policies D6 and S4, the Mayor's Play and Informal Recreation SPG and Sutton Local Plan Policy 9.*" Details of the play space will be implemented as approved under the reserved matters and secured by Condition 39 (**CDE.1**).

#### Town Centre and Sui Generis Uses (Class E)

- 6.36 In accordance with London Plan Policy SD6, SD7 and Local Plan Policy 18, the Order Scheme would deliver a mix of commercial and community uses, with a total of 581 sqm. This will include retention and refurbishment of the existing Music Venue (Sui Generis) at 216-220 High Street to continue to serve the local community and provide enhanced provision for the space currently located at the Ground Floor. In addition, the Planning Permission retains and refurbishes the existing floorspace located across First and Second Floors of 216-220 High Street to provide for Commercial (Flexible Class E) / Community (Class F2) uses. It will also introduce a new non-residential unit at Ground Floor, through a rear extension to the existing building and to provide additional space for Commercial (Flexible Class E) and Community (Class F2) uses and/or Sui Generis.
- 6.37 LPA Planning Officers concluded at paragraphs 7.21 and 7.22 (**CDB.13**) the acceptance of the location, extent and role of these non-residential uses. Condition 9 has been implemented to control the uses within Class E.

#### **Environment & Sustainability**

- 6.38 Conditions 26, 27, 28, 29, 30, 33, 34, 35, 37, 38, 43, 55, 56, 57, 58, 59, 65 and 66 (**CDE.1**) have all been imposed to secure the sustainability credentials of the Order Scheme, and as such Officers in the Committee Report (**CDB.13**), addresses the climate, energy and sustainability credentials of the development are set out between paragraphs 7.268 – 7.309 with identified support from the planning and environmental health officers.

#### **Townscape, Design & Heritage**

- 6.39 The LPA Planning Officers were satisfied with the mitigations and enhancements identified as part of the Heritage Townscape and Visual Impact Assessment (June 2024) approved under the Planning Permission, alongside the conclusions of the Tall Buildings Assessment supporting the two marker buildings. To note paragraph 7.147 of the Officer's report which states that the marker buildings were *"two exceedances limited to two locations at Throwley Way, which otherwise aligns with where taller elements are considered appropriate to set out an STC45, and the Sutton Town Centre Masterplan."*
- 6.40 In the Officer's Report (**CDB.13**, paragraphs 7.142 – 7.175), Planning Officers considered that there would be less than substantial harm to any designated heritage asset namely the Town Centre Conservation Area where 216-220 High Street (Plot C) sits which is the only conservation area building within the Order Scheme. Planning Officers noted the less than substantial heritage harm having assessed the revised Heritage, Townscape and Visual Impact Assessment (June 2024) submitted by the Applicant in response to Historic England's comments on the OPA to include an assessment of additional views (Views 11a and 11b). The Officer Report states at paragraph 7.174 that: *"the less-than-substantial harm to the conservation area is outweighed by the public benefits of the proposed development including, but not limited to, improved public realm across the site, the delivery of private*

*and affordable housing on tenures that meet established housing need, and the creation of active frontage to Throwley Way, Marshalls Road and Elm Grove.”*

### **Landscaping, Biodiversity and Greening**

- 6.41 The Order Scheme achieves a comprehensive landscaping strategy providing for public open space and public realm together with private and private communal amenity space. The Urban Greening Factor score is 0.4, which is delivered through planting across the development namely within the public realm and on roofs. Against LBS’ own Green Space Factor, the Order Scheme achieves a score of +0.26 in excess of the minimum +0.2 requirement required by Sutton Local Plan Policy 33. The Scheme would increase delivery of biodiversity on the site by 36% in accordance with London Plan Policy G6 and LBS Local Plan Policy 26 and in excess of the statutory 10% requirement. Conditions 16 and 65 have been imposed to secure the biodiversity and greening details of the Order Scheme to include management and monitoring plans for later LPA approval.

### **Residential Amenity**

- 6.42 The Order Scheme would not result in significant losses of daylight and sunlight to neighbouring properties when assessed against BRE recommendations. Rights of light (in terms of the existence of the right and any potential interference with it) is not a planning matter and was not considered in the determination of the Outline Permission.
- 6.43 The intention of the BRE Guide is for it to be flexibly applied as light levels are only one factor affecting site layout. In central London locations, development expectations of natural light levels cannot be as great as rural and suburban locations. It is concluded by Officers in the Committee Report (**CDB.13**) at paragraph 7.79) that: *“overall, the illustrative development provides a reasonable level of assurance that a future Reserved Matters Approval application will be capable of delivering a good level of internal daylight and sunlight, in accordance with London Plan Policies D6 and D9, and Sutton Local Plan Policy 29.”*
- 6.44 With regard to sense of enclosure, Officers noted that (at paragraph 7.139): *“the proposed layout and block configuration in the illustrative scheme demonstrates how separation distances between new and existing properties as well as within the scheme can ensure adequate privacy, prevent overlooking and create an attractive outlook as required by London Plan Policy D3 and Sutton Local Plan Policy 29.”* The report sets out at paragraphs 7.183-7.197 the officers’ consideration of the sunlight, daylight and overshadowing assessment undertaken by the Applicant at the time to support the Planning Permission and which included Marshall’s Court property (at paragraph 7.191).
- 6.45 The CPO Scheme is considered compliant with Local Plan policies whilst Officers also recognised on balance it was considered acceptable given the central London location and weighed against the benefits of delivering a significant amount of housing and affordable housing.

### **Transportation, Accessibility & Servicing**

- 6.46 London Plan Policy T5 (**CDC.7** at page 415 requires the Order Scheme to deliver long term cycle parking spaces for the residential element, and the Scheme would deliver 508 long stay spaces (to include 4 non-residential spaces) with an additional 8 short stay visitor cycle spaces. Condition 44 is imposed to secure details of long and short stay cycle parking prior to occupation.
- 6.47 There are 16 car spaces re-provided in total. The majority of this will provide replacement car parking for returning residents to the Estate (9 no.) as well as provide replacement and new disabled bays for “Blue Badge” holders (7 no.). 13 spaces are proposed on-site at ground level beneath the podium area serving the residential blocks with an additional 3 spaces are to be provided on-street along access roads. This equates to an overall parking ratio of 0.056 car parking space per residential unit. Over and above the re-provision, the CPO Scheme is car-free in accordance with Local Plan Policy T6. This approach was supported by the LPA Highways team and GLA/TfL through constructive pre-application engagement. The site is located within a Town Centre and Controlled Parking Zone and benefits from a PTAL of 6a. 100% of spaces will be equipped with electric vehicle charging points (active), exceeding the requirements of London Plan Policy T6.1.

## 7 THE BENEFITS OF THE SCHEME

- 7.1 The CPO Guidance (**CDC.2**) sets out that, in accordance with Section 226 (1A) of the 1990 Act, an acquiring authority must not exercise their powers to compulsorily purchase land unless they think that the proposed development, re-development or improvement is likely to contribute to the achievement of any one or more of the following:
- a) the promotion or improvement of the economic well-being of the area;
  - b) the promotion or improvement of the social well-being of the area;
  - c) the promotion or improvement of the environmental well-being of the area.
- 7.2 In this section of my evidence, I summarise the key economic, social and environmental issues affecting the Order Land and the wider Estate and explain how the Order Scheme will promote and improve the well-being of the area.
- 7.3 These scheme benefits are set out in detail as part of the summary benefits table **at Appendix 10** and infographics information **at Appendix 11**.

### **Social Benefits**

- 7.4 The Order Scheme supports housing delivery to meet identified needs in the borough, both providing improved quality of accommodation for social tenants and a significant uplift in housing numbers overall.
- 7.5 The proposed housing mix also introduces a greater range of choice in the area with a tenure blind approach to facilitate a genuinely mixed and inclusive community.
- 7.6 The Order Scheme will deliver more affordable (and private sale) homes comprising up to 282 new homes, including: 57 replacement affordable homes for returning residents plus 83 new affordable homes. This is 50% affordable housing provision based on total unit numbers (and 52% based on floorspace). This supports the critical need for new affordable homes across London and at a local level as per the adopted NPPF and London Plan guidelines.
- 7.7 High quality and accessible homes would be provided which meet nationally described space standards and are designed to adapt to meet the changing needs of the returning and future residents. 10% of all homes, will be designed to be wheelchair accessible. Final unit layouts will be determined through future RMAs.
- 7.8 The Order Scheme allows for a mix of uses which maintains and enhances the High Street and allows for employment and community facilities at Market House. Sound Lounge are expected to be re-

housed within flexible and modern space as a unique opportunity for a range of social and community activities to take place. This will involve re-activation of underutilised upper floors of 216-220 High Street, to include the introduction of residential uses. It will also involve the retention and restoration of an existing Neoclassical façade within Sutton Town Centre Conservation Area.

- 7.9 Much improved public realm is proposed via a series of landscaped and amenity areas (as per approved Parameter Plan 4 – Hard and Soft Landscape as attached at **CDE.7**). This provides a more useable, accessible and well-designed space for the community.
- 7.10 The Order Scheme provides for separation and light through the provision of a new area of public realm. The creation of a new public realm would provide for a more socially connected, inclusive, safer, and vibrant community, promoting physical and mental well-being whilst enhancing the overall quality of life for residents.

### **Environmental Benefits**

- 7.11 The Order Scheme optimises the use of public sector, brownfield land in a highly sustainable location, encouraging sustainable forms of transport. The Order Scheme has been designed to be a car free scheme (with the exception of limited replacement car parking, blue badge and car club spaces) supported by sustainable transport measures including extensive cycle parking provision. The Scheme promotes walking and cycling routes and provides for pedestrian prioritisation.
- 7.12 The Planning Permission will deliver a total of 508 long-stay cycle parking spaces (as mentioned earlier in this statement).
- 7.13 The Order Scheme delivers re-organisation of the rear of the High Street resulting in improved amenity, accessibility and sense of safety. It further delivers a new east-west multi-functional route through the Site, providing pedestrian and cycle access, connecting Benhill Avenue, Throwley Way and the High Street, significantly improving connectivity at this part of the town centre.
- 7.14 The Planning Permission includes landscaped and well-lit new and improved public realm and green spaces to include along the two existing east-west routes which connect Elm Grove and the High Street. New communal and private amenity space will serve the new residents as an integral part of the CPO Scheme. Significant net increase in play space across the entirety of the Order Land, both in quality and quantum terms with new door step play provided in excess of GLA play standards.
- 7.15 The Order Scheme results in an increased ecological and urban greening of the Order Land which will contribute to local biodiversity gain.
- 7.16 It represents an energy-efficient development, using a fabric first approach and incorporating renewable measures, where feasible, to contribute to a reduction in carbon dioxide emissions. The Planning Permission provides a target at 77% carbon reduction on-site above Part L 2021 as a result of the approved outline energy and sustainability strategy.



- 7.17 Architectural measures, including orientation and site layout, natural ventilation and lighting, thermal mass and solar shading, have been a key consideration on the site to improve the thermal efficiency of the buildings.
- 7.18 The Order Scheme results in 75% daylight and 78% sunlight internal compliance across the proposed homes as well as access to a range of well-lit external amenity spaces throughout the year, as accepted (and as referenced at paragraphs 7.79 and 7.203 in the Officer's Report, **CDB.13**) by Officers as part of their planning balance.

### **Economic Benefits**

- 7.19 The Order Scheme will have direct economic benefits through the construction phase and end user phases.
- 7.20 The Development will help unlock further renewal of the wider area, improving employment prospects and revitalising the local economy. In particular, the Order Scheme is centrally located within Sutton Town Centre having the ability to transform this area and represent an early catalyst for other nearby housing regeneration sites and existing estates to come forward in the future.
- 7.21 The Order Scheme will increase employment opportunities by providing:
- i. 132 temporary direct (on site) construction jobs per annum, over 3.5 years;
  - ii. 32 net additional construction jobs (on / off site) per annum, over 3.5 years;
  - iii. 30 FTE net additional direct (on site) jobs for Sutton residents; and
  - iv. 39 FTE net additional local (on / off site) jobs.
- 7.22 The Development is likely to support £9.3m net additional Gross Value Added from construction per annum and £3.0m net additional Gross Value Added per annum benefitting the local economy.
- 7.23 It is likely to generate estimated council tax revenue of £323k per annum based on the net uplift in residential units.
- 7.24 The proposed uplift in residential units is also expected to generate a total new household expenditure of around £1.6m per annum further enhancing the spending power to the High Street and in turn its enhanced vitality and vibrancy.
- 7.25 The development brings other benefits including: £615,000 in New Homes Bonus; planning obligations, to include financial contributions (where justified); and, CIL receipts will also be available for the LPA to bring forward funding for new facilities or to enhance existing social infrastructure in the area. The provision of new and improved non-residential (Class E / Class F2 / Sui Generis) floorspace are expected to contribute towards improved retail expenditure at the High Street.

- 7.26 The Order Scheme will benefit the local community through a variety of education focussed means to include the delivery of training opportunities for young people and positions for new entrants which are estimated based on benchmarks from the National Skills Academy for Construction.
- 7.27 The Order Scheme will deliver community benefits through local procurement targets for the construction phase of development and from any required maintenance works in the future.
- 7.28 The high sustainability standards of the Order Scheme offer much increased energy efficiency of the residential units which in turn enables lower energy bills for residents.
- 7.29 Together, it is anticipated that the proposed development will generate £7.1 million in total social value.

## 8 CONCLUSIONS

- 8.1 The Officer's Report (**CDB.13**) at section 9.1-9.8 concludes on the acceptability of the CPO Scheme in support of resolving to grant Planning Permission at the time of planning committee in September 2024. The legal agreement is now complete and Planning Permission is in place.
- 8.2 I have considered the case for the Order against the planning matters set out in the Guidance that are relevant to my evidence and in my view:
- 8.3 The purpose for which the land is being acquired fits in with the development plan and other relevant material planning guidance that collectively comprises the planning policy framework.
- 8.4 The confirmation of the Order would enable the implementation of the Order Scheme (subject to discharge of routine pre-commencement conditions and obligations and reserved matter approvals) which would facilitate the creation of a wide range of economic, social and environmental benefits that would improve the well-being of the Order Land and surrounding area.
- 8.5 There are no planning impediments to the implementation of the Order Scheme. I have considered the planning conditions and planning obligations and do not consider them to be unusual for a scheme of this type. I believe that they are capable of being discharged so as to allow for timely commencement. The Order Scheme is also being implemented by the chosen Developer (Lovell Partnerships), who have a proven track record of delivering similar development, as set out in the evidence of Mr Tucker's evidence. The Developer is pursuing a Minor Material Amendment reflecting adjustments to the approved parameters under the Outline Planning Permission which is not unusual. Good progress is being made with both this MMA and reserved matters application to be submitted mid this year with determination end of the year. This is entirely in accordance with the Developer's fast and committed programme.
- 8.6 The Council has a clear view of how it intends to use the Order Land: Planning Permission has been granted for the development. To my knowledge, there are no physical or legal impediments that would prevent development of the land, if the Order is confirmed.
- 8.7 The proposed development of the site for the purposes of the Order Scheme is in accordance with the development plan as a whole.
- 8.8 The Order Scheme will deliver a range of benefits that will contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area.

## **9 STATEMENT OF TRUTH**

- 9.1 I confirm that I have produced my evidence in accordance with the RTPI Practice Advice “Planners as Expert Witnesses” (September 2018).
- 9.2 The evidence which I have prepared and provide for this Inquiry in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.