

THE LONDON BOROUGH OF SUTTON (ELM GROVE ESTATE) CPO 2024
S.226 THE TOWN AND COUNTRY PLANNING ACT 1990
THE ACQUISITION OF LAND ACT 1981

PUBLIC INQUIRY

**OPENING SUBMISSIONS on behalf of
THE ACQUIRING AUTHORITY**

Introduction

1. The London Borough of Sutton (Elm Grove Estate) CPO 2024 (the Order) was made on 28 March 2024 under s.226(1)a) of the Town and Country Planning 1990 in order to facilitate the full redevelopment of the Elm Grove Estate in a way which brings “overwhelming”¹ social, economic, and environmental improvements to the local environment and the well-being of local people. It would be hard to overstate the significance of this regeneration opportunity for Sutton.
2. The Order was made after more than six years of community engagement and consultation; and in the context of a supportive and up to date Development Plan.
3. The Order will facilitate delivery of the high quality redevelopment of the Elm Grove Estate proposed.
4. Of the five objections to the Order, none were from those with an interest in the Order lands, and two have been withdrawn. The three remaining objectors are principally concerned about the potential infringement of rights to light, concerns which – if realised – will be compensated for under the relevant statutory provisions.
5. Whether they are in fact realised will depend on the final design of the Order scheme, granted outline planning permission on 21 March 2025, and to be delivered in an amended form by Lovell Partnerships in accordance with a Development Agreement.
6. In that context, I rely principally on the uncontested rationale for the Order set out in the Council’s Statement of Reasons [CD A.3]² and Statement of Case [CD A.4].
7. All plots shown on the Order plan [CD A.2]] are required to deliver the integrated design solution necessary to deliver the Order scheme’s intended benefits. For example, by including Market House, but excluding the commercial occupiers’ interests, the connection between the Estate and the High St is enhanced – as are the premises occupied by those businesses.

¹ CD A.3 Statement of Reasons §2.3.

² Please ignore the references in the SoR to the acquisition of new rights which are not included in the CPO and are not needed.

The Case for confirmation

8. The Authority will demonstrate through its evidence that there is a compelling case in the public interest for confirmation of the Order. The main points in the case for confirmation follow.
9. The planning policy framework is strongly supportive of the regeneration of the Estate in a way which will address the acute need for housing (notably affordable housing), respond positively to its sustainable town centre location, and address fully the current problems of the Estate. [J Barnett]
10. The proposal has been developed in close consultation with local residents and other stakeholders, and only after considering all options was the full redevelopment approach taken (see the committee report and decision of 28-9-2021 [CD B.1+2]) [A Tucker; M Hunte].
11. The Authority's Landlord Offer (made to all residents and owners/leaseholders) was developed in consultation with those affected and communicated clearly to those affected in 2022 [CD D.11]. The response to the residents' ballot was overwhelmingly positive [[CD B.5] [M Hunte].
12. The Authority has been successful in recovering vacant possession of most of the 73 dwellings forming the Estate. All of the 16 owners and leaseholders' have agreed terms with the Authority; and all but three of the Council's tenants have moved either temporarily (pending return) or to a suitable new home. [A Tucker; M Hunte].
13. The Authority has approved a budget and secured GLA grant funding (conditioned on a start-on-site in May 2025). It has entered a development agreement with Lovell Partnerships, a developer with a strong track record and committed to delivering the scheme [A Tucker].
14. As the CPO Guidance states,

"Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming authority that there are no obvious reasons why it might be withheld." [Tier 1 §15.2].
15. In this case permission has already been granted, and this provides a strong starting point for the conclusion we invite you to reach, that there are no planning impediments to delivery of the scheme, which accords with the Development Plan [J Barnett].
16. The benefits in social, economic, and environmental terms are indeed overwhelming [A Tucker; J Barnett]. They include (this simply copied from the Authority's Statement of Case):-
 - i) up to 282 high quality new one, two and three bedroom homes, including flats and maisonettes built to meet modern design, quality, energy and safety standards. In purely numerical terms this amounts to an increase of 209 dwellings;

- ii) private outdoor space for every home with new resident-only courtyard gardens with safe play areas for children, inclusive of a net increase in terms of quality and quantity;
- iii) better designed and more secure resident-only car parking with the opportunity for electric car charging points and secure resident-only cycle, bin and recycling storerooms;
- iv) delivery of 50% affordable housing to include a range of tenure types and sizes (including the re-provision of existing affordable housing);
- v) delivery of new homes to modern accessibility standards such that residents will be able to benefit from more appropriate and adaptable homes in terms of level access and wheelchair accessibility;
- vi) a high proportion of smaller and larger family housing including two-bedroom four-person homes and three-bedroom five-person homes to meet identified local demand in a town centre location;
- vii) a tenure blind approach to the design of the Order Scheme to facilitate a genuinely mixed and inclusive community;
- viii) improved quality of commercial space at Market House, adjacent to the Order Land;
- ix) the design of the Order Scheme will adhere to Designing Out Crime principles that will seek to address anti-social activity in the area;
- x) new east-west multi-functional routes through the Order Scheme site to provide pedestrian and cycle access, connecting Benhill Avenue, Throwley Way and the High Street, significantly improving connectivity;
- xi) improved permeability and wayfinding through the careful placement and integration of marker buildings at key connection points along the Order Scheme's edges;
- xii) landscaped and well-lit new and improved public realm to include the two existing east-west routes which connect Elm Grove and the High Street;
- xiii) re-organisation of the rear of the High Street resulting in improved amenity, accessibility and sense of safety;
- xiv) creation of wider economic and social benefits as a result of the development activity and the creation of jobs, apprenticeships and training opportunities during the construction phase of the Order Scheme;
- xv) increase in the ecological and urban greening of the Order Scheme site to deliver local biodiversity net gain;
- xvi) incorporation of sustainable urban drainage systems; and
- xvii) energy-efficient development, using a fabric first approach to contribute towards the Council's net zero targets.

17. It is submitted that the Authority's engagement with those affected, and support for those who need it, has been exemplary. The fruits of this work are clear from the complete absence of objection from Estate residents, and the near total success in

obtaining vacant possession of the Order lands by agreement and in the shadow of the CPO process, all in accordance with best practice and the relevant Guidance (both Government and GLA Guidance [CD C.6]).

18. While it is highly significant that the scheme has outline planning permission, it is also acknowledged that, as is quite normal when a developer takes over a scheme with outline consent, Lovell will make minor amendments to it. It is to pursue reserved matters and amendments in parallel, effectively putting before the LPA a full application in June/July 2025. The parameter plan changes are still subject to pre-application alteration but are minor changes which, you may think, are likely to be, if anything, beneficial both in townscape terms – and for the objectors living at Marshalls Court.
19. In due course I will submit that the case for confirmation of the Order is indeed compelling and that it should be confirmed without modification (save for the minor addition of the heading “Schedule” which has already been mentioned in correspondence.)

Mrs Harriet Townsend KC
Cornerstone Barristers

15 April 2025