

Subject: Re: - 10-12 Lind Road Sutton SM1 4PJ App Ref:DM2021/01764
From: Polly Davidson <[REDACTED]>
Date: 18/07/2023, 17:59
To: Nicastro <[REDACTED]>
CC: Sarah Buxton <[REDACTED]>

Dear Mr Nicastro,

Thank you for your email regarding the site at 10-12 Lind Road.

With regards to point 1 of your email concerning the floor to ceiling heights, the councils view regarding this matter is set out in the officers report and further explained in my last email response. The officers report does not need to make an assessment on whether or not something is de minimis as the floor to ceiling heights didn't meet the required standards and as such this formed a reason for refusal. If the measurements were very close to the required height, then a case may have been argued and justified within the officers report, however in this case, as previously explained, the heights were clearly not adequate and failed to meet the relevant policy.

If an application were to be submitted for the retention of these units without private outside space, the lack of private outside space provision is not likely to form a reason for refusal given the nature and form of the application property and the fact that there is a public park close to the site, however the other reasons for refusal would still be relevant to any re-submission and would need to be addressed and overcome.

Kind regards,

Polly Davidson
Senior Planning Officer
Development Management
Environment, Housing and Neighbourhoods Directorate
London Borough of Sutton
Civic Offices, St Nicholas Way, Sutton SM1 1EA
T: 020 8770 5070

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On Mon, 17 Jul 2023 at 10:27, Nicastro <[REDACTED]> wrote:

Good morning Ms Davidson

On reading your report I see no analysis to lead to your conclusion on point 1. Can you please clarify.

In the premises, can you please confirm that on a re-submission it will not be necessary to provide the units with any private amenity space.

I look forward to hearing from you

Kind regards

Giuseppe Nicastro

On 11/07/2023 17:10, Polly Davidson wrote:

Dear Mr Nicastro,

Thank you for your email. In response to your queries,

1. The officers report explains why the floor to ceiling heights do not meet the minimum height requirement set out in Policy D6 of the London Plan 2021 and within the Nationally Described Space Standards. It was considered that the floor to ceiling heights were not close enough to the required height to be considered as de minimis.
2. The London Plan 2021 states in relation to private outdoor amenity space that "Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m." However, in accordance with Policy 9 of the Sutton Local Plan, it is considered that in a suburban setting, typical of large parts of the borough, this minimum private outdoor space standard is inappropriate. The council's Urban Design Guide SPD has minimum standards of 25m² for flats or one-bedroom units, 40m² for two-bedroom units and 70m² for three bedroom units. However, in some cases, particularly in Areas of Potential Intensification (where the application site at 10-12 Lind Road is situated), this minimum standard may be considered too onerous. Therefore it is considered more appropriate to use the council's Urban Design Guide SPD or any successor document as a guide, rather than minimum standards, taking into account surrounding local character. Therefore, no objection was raised to the provision of private outside amenity space when deciding the outcome of DM2021/01764.

I trust that the above answers your queries.

Kind regards,

Polly Davidson

Senior Planning Officer

Development Management

Environment, Housing and Neighbourhoods Directorate

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On Mon, 10 Jul 2023 at 10:55, Nicastro <[REDACTED]> wrote:

Dear Ms Davidson

Thank you for your email below

I have a couple of questions to raise

- 1) I notice that you paid no regard to the de minimis rule within your report in respect to the floor to ceiling height of the units. Can you please explain why this was so.
- 2) Is the private amenity space requirement under the London plan subservient to the council's policy on the Newtown Area of Special Local Character? Can you please explain the council's position on this in the light of your report on the application

I look forward to hearing from you

Kind regards

Giuseppe Nicastro

On 03/07/2023 09:54, Polly Davidson wrote:

Dear Mr Nicastro,

I believe this consult you are referring to could be the consult for our Enforcement Team, as such no direct comments were received from them, it works as an alert that we have received the application so we can discuss any issue internally.

Kind regards,

Polly Davidson

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On Thu, 29 Jun 2023 at 08:20, Nicastro <[REDACTED]> wrote:

Dear Ms Davidson

Thank you for your email below

I can only see 3 consultee responses. It is noted on the council's site that there was a 4th consultee response.

I should be obliged to have sight of this 4th consultee representation

Kind regards

Giuseppe Nicastro

On 28/06/2023 11:19, Polly Davidson wrote:

Dear Mr Nicastro,

Thank you for your email. I can confirm that the relevant consult responses are the ones that you can view on the website, relating to Sustainability, Environmental Health issues and Highways matters. I can also confirm that the officers report does make mention of the fact that the applicant was happy to enter into a S106 agreement regarding the parking permits, however this was not pursued as the application was refused on other matters.

A Conservation Officer was not consulted on the application as Sutton Council do not have a Conservation Officer and the site does not fall within an area designated as a conservation area; as such planning officers are able to provide comment on the impact on the surrounding area.

Kind regards,

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On Mon, 26 Jun 2023 at 10:15, Nicastro <[REDACTED]> wrote:

Dear Ms Davidson

I can see against the application a consultee comment form Mr Whitter of 10 May 2023 and one from Mr Sibson of 4 May 2023.

There is also shown a 3rd comment of 7 March 2022 from Mr Greenwood on behalf of Highways. The application was not validated until April 2023. The issues raised in that consultee comment was explained in the Planning Statement and an offer to enter into a s106 to cover parking was made in this application.

There is still at least one, possibly two, consultee comments that I have yet to see and should be obliged if you would kindly provide copies thereof.

Did you ever consult Conservation officers? If so, with what result?

I look forward to hearing from you

Kind regards

Giuseppe Nicastro

On 16/06/2023 15:02, Polly Davidson wrote:

Dear Mr Nicastro,

There are no 'draft' reports in connection with this application, my full officers report is available for you to view on-line. Comments from Environmental Health, Highways and Sustainability were received for the validated scheme, I have just checked and copies of all of these comments are available on-line. If there are any you cant view please let me know.

Kind regards,

Polly Davidson

Senior Planning Officer

Development Management

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On Fri, 16 Jun 2023 at 13:59, Nicastro <[REDACTED]> wrote:

Dear Ms Davidson,

Only 2 public consultee reports are shown against the application, when 4 such report were received. Can you please provide and or upload the two remaining reports

Further, did you prepare any draft(s) report(s) on the application? If so, can you please provide copies of thee same together with any comments that

arose therefrom

I look forward to hearing form you

Kind regards

Giuseppe Nicastro

On 13/06/2023 17:54, Nicastro wrote:

Dear Ms Davidson

I should be obliged to receive a copy of your report on the application. Together with copies of drafts thereof prior to approval. Now that a decision has been issued, I would appreciate sight of copies of the 3 remaining consultee comments on the application

I look forward to hearing form you as a matter of urgency

Kind regards

Giuseppe Nicastro

On 01/06/2023 12:07, Nicastro wrote:

Dear Ms Davidson

Thank you for your reply

If the consultee comments should show anything to militate against the grant of the permission I would welcome the opportunity to comment thereon.

It is, you will appreciate, a matter of fairness, that I be entitled to do so.

Kind regards

Giuseppe Nicastro

On 01/06/2023 11:20, Polly Davidson wrote:

Dear Mr Nicastro,

Thank you for your email. Consultee comments are now private until the decision is issued, if there are any element of concern they have raised which officers wish to talk to you about, they will be in contact during the course of the application.

We are aiming to issue a decision on this application by the target date.

Kind regards,

Polly Davidson

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On Wed, 31 May 2023 at 11:08, Nicastro <[REDACTED]> wrote:

A POLITE REMINDER

Dear MS Davidson

I should be obliged to receive your substantive reply to my email below

Kind regards

Giuseppe Nicastro

On 22/05/2023 16:26, Nicastro wrote:

> Dear Ms Davidson

>

> I note that 4 consultee comments are logged against the application as

> having been received.

>

> Can you please provide me with copies of the same in view of

> transparency and fairness attendant on applications.

>
> I Look forward to hearing form you
>
> Kind regards
>
> Giuseppe Nicastro
>
> On 03/05/2023 12:28, Nicastro wrote:
>> Dear Ms Davidson
>>
>> Once more the application has been validated with a start date
of 18
>> April
>>
>> The council will, I suspect, be re-consulting. Given the history, I
>> would imagine a decision being issued well in advance of the
expected
>> date of 13 June.
>>
>> Please do not hesitate to contact me to assist in the process
>>
>> Kind regards
>>
>> Giuseppe Nicastro
>>
>>
>> -----
>>
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>> 60 Southbury Road
>> Enfield EN1 1YB
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