

G. Nicastro LL.B.

60 Southbury Road Enfield Middx EN1 1YB.



RE: 10-12 Lind Road Sutton SM1 4PJ
("the Property")

Planning Statement

Proposal:

The retention of 1 x 1 bedroom flat and the retention of three studio flats together with the addition of rear balconies to the first, second and third floors located at the Property.

A) Application Site, Surroundings and Site History

- 1) 10 Lind Road has the benefit of planning permission for the conversion into three separate flats under reference B2016/74014 which has been implemented.
- 2) 12 Lind Road has similar permission under application reference B2016/74427 which has likewise been implemented.
- 3) 12 Lind Road was a shop falling within former Class A of the Use Classes Order.
- 4) Adjacent to 12 Lind Road there was an access road that lead to a storage building at the rear which served the shop at 12 Lind Road. The storage building was granted permission for development, ultimately to 4 studio flats under Application reference no DM2018/01664.
- 5) Upon the access road referred to in 4 above, permission was granted to build an extension to the side of 12 Lind Road under application ref DM2018/01616. Details relating to design outlook overlooking etc were addressed in that application and all met with the council's approval.
- 6) In terms of appearance, the only matter that now needs to be addressed is the balconies at first second and third floor rear of the Property.

B) Application Proposal

- 1) The application site is the extension building to the side of 12 Lind Road. The land on which the extension sits served the commercial storage premises at the rear of 12 Lind Road.
- 2) The proposal is for the use of the side extension as 3 studio flats and additional living facilities to Flat 4 at 10-12 Lind Road. The proposal has been specifically designed, to meet the Nationally Described Space Standards of at least 37 sqm for studio flats and 50 sqm for 1 bedroom flats. Each dwelling has an outdoor utility space of at least 5sq./m which meets the requirements of the both the London Plan 2021 and the Local Plan for amenity space as discussed within this statement. All four units have dual aspect.
- 3) There is a study space in Flat 4 which is below the required Gross Internal Area (GIA) required by Space Standards should it have been proposed as a second bedroom. The proposal is therefore submitted as, and falls to be determined as, 3 studio flats and a resultant 1 bedroom flat.

C) Policy Position

1) Given that the starting point for determination is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004

2) The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan 2021 (TLP);
- The Sutton Local Plan 2018 (LP).

Material considerations also of relevant in this application are:

- National Planning Policy Framework 2021 (the Framework);
 - National Planning Practice Guidance (NPPG); and
 - Adopted London Borough of Sutton Supplementary Planning Documents.
- * Consistency in planning applications in the light of earlier permissions on 10 and 12 Lind Road (B2016/74014 and B2016/74427) not specifying a minimum requirement of private amenity space.

D) Principle of development

1) LP Policy 1 states when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Council will create the conditions for sustainable growth to deliver homes, jobs, thriving centres and improved infrastructure. The Council will protect and enhance the borough's natural and historic environment. The Council will harness the benefits of sustainable development for those who live and work in the borough. The Framework requires the Council to make the most efficient use of land by maximising the re-use of previously developed land and the conversion of existing buildings.

2) TLP outlines the need for residential development within London through Policy H1 - Increasing Housing Supply. LP Policy 7 also acknowledges the Framework's presumption in favour of sustainable development. It expects that the majority of housing to be provided within Sutton Town Centre and the other district centres and their surrounding Areas of Potential Intensification. The application site is located within an intensification zone on the policy maps.

3) LP Policy 1 (7.7 paragraph b) states that “The council will enable the delivery of at least 6,405 new homes over the plan period 2016-2031 - equating to 427 homes per annum (and this has been increased to 469 net new homes with the adoption of the London Plan 2021), subject to any subsequent borough target approved by the Mayor of London.” Paragraph d goes on to set out where the plan expects these homes to be delivered with 10% (635 new homes) to be located within the suburban heartlands. Paragraph d of policy 7 of the Sutton Local Plan 2018 states that as a guide, the council will expect new developments to be within the Urban Setting of the London Plan Density Matrix. This is stated to be applied to an area within approximately 400 metres walking distance of a district centre as outlined on the policy maps. The application site comfortably falls within this walking distance.

4) The previous use of the site was as an access to the storage unit at the rear used by the former shop at 12 Lind Road. The proposal would therefore provide residential dwellings on a brown field site which is supported by both national and regional policy. TLP Policy E7 confirms that the residential development of non-designated industrial sites can be supported where there is no reasonable prospect of the continued use of the site for industrial purposes. The council's own decision on application ref DM2021/00457 and DM2022/00435 provides cogent evidence in support of the fact that there is no reasonable prospect of continued use of the site for commercial purposes. Its occupation since construction for residential purposes lays testament to the need for housing in the area. The permission to convert former office and shop premises that were once located at 10 and at 12 Lind Road into residential units is further testament to that fact and housing's pressing needs in the area.

5) This proposal provides for three studios, a form of housing that was previously not present on this part of Lind Road. The proposal provides the Applicant's site of 10-12 Lind Road with a comprehensive mix of flat sizes from 3 bed, to 2 bed, to 1 bed and now studio flats. The studios provide a form of accommodation much in demand by young people moving into the borough to provide much needed labour

6) As an access route to a former storage unit, the site is by definition compatible within a residential setting and consequently would not give rise to an adverse effect on residential amenity within LP policy 14 (i). A residential use of the area that has recently been expanded by virtue of the permissions granted under application ref DM2018/01664 and for the much larger residential development under ref DM2020/01062, DM2022/00435 and of course the conversion into flats of 10 Lind Road and 12 Lind Road..

7) Noting the above and that the site is bound to one side by a church and on two sides by flatted developments it is considered that the principle of the use of this site

for residential purposes as separate self contained units, of a size currently missing in the immediately adjoining 10 and 12 Lind Road is acceptable in land use terms. Given the residential consents which have been granted in the immediate area including nine dwellings under reference DM2020/01062, two dwellings under DM2022/00435 and 10 and 12 Lind Road themselves, it is considered that the area is becoming more residential in nature and thus welcoming to this size of development.

8) In addition to the above, it is considered that the proposal for three studio dwellings and an addition to the resultant living space to flat 4 at 12 Lind Road is an appropriate level of development in keeping with general property sizes in the immediate area and would not lead to a form of development that would enclose or encroach upon neighbouring developments. The quantum, scale and massing of the proposed scheme is appropriate to the surrounding area.

9) The proposal would also provide much needed housing within the Borough, which the Council is understood to have found difficult to deliver close to the Town Centre. The proposal would be under the thresholds within both THP and the LP requiring a delivery of affordable housing and therefore should not be expected to provide affordable housing when assessed against LP Policy 8b (1,000 sq./m threshold) or THP (20 units or more).

10) Overall, it is considered that the proposal would be acceptable in principle in land use terms having regard to all other relevant policy and material considerations. The proposal in accordance with TLP Policies GG2, GG4, H1, E4 and E7 of the London Plan as well as LP Policies 1, 7 and 16.

E) Design

1) The Framework states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. All four units have dual aspect. TLP Policies D1 - London's form, character and capacity for growth, D4 - Delivering Good Design and D8 - Public realm, state that Council's should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes high quality architecture and design.

2) LP Policy 28 states The Council will grant planning permission for new development, including new buildings, alterations and extensions, provided the new

development is of a high quality design, respects the context and character of the area and creates attractive public spaces.

3) The proposed redevelopment is for the conversion of the extension permitted to 12 Lind Road into three studio flats and increased living area to flat 4 at 12 Lind Road. All four units have dual aspect. It is considered that the development, through the provision of well-designed housing, with private amenity areas (which can be secured by condition as outlined below), would significantly improve the overall housing provision in the area without detracting from the condition and appearance of the site, which externally has already been approved by the council in application reference DM2018/01616.

As such, it is considered that the scale and massing of the development would be responsive to and respectful of the general character and appearance of the area as well as providing accommodation appropriate to space standards.

F) Amenity of future occupiers and accommodation

1) TLP Policy D6 and LP Policy 9 are relevant in the assessment of the application. With regards to outside amenity space, the London Plan Housing Standards SPG requires that each new dwelling is provided with a minimum amenity space of 5 sqm with an additional 1 sqm for each additional person if designed for 3 or more persons. For studio flats and 1 bedroom flats only 5 sqm is necessary to render the units policy compliant. The units on the development meet that policy as the plans that accompany this application show.

Studio 1A already has a courtyard garden at the rear to provide it with private amenity space. Being below ground level, as such does not overlook or otherwise infringe the privacy and outlook of the units at the rear permitted by permission bearing ref DM2018/01664

Studio 2A will be endowed with a steel and glazed balcony to provide it with private amenity space as required by the London Plan. This balcony will look out onto the flank wall of the development permitted by app ref DM2018/01664. It will be located on the ground floor and as such does not overlook or otherwise infringe the privacy and outlook of the units at the rear permitted by permission bearing ref DM2018/01664

Studio 3A will look over onto the pitched roof of the building at the rear permitted by DM2018/01664. It will have views across the rear of the adjoining churchyard. Furthermore it will be fitted with obscure glazing to minimise any residual potential overlooking onto the private amenity space of the units permitted by DM2018/01664. And

The proposed balcony at Flat 4 will be accessed via the study area (and not the main living area) and look over the roofline of the building permitted by DM2018/01664 with views of the church and churchyard at the rear. Furthermore it will be fitted with obscure glazing to minimise any residual potential overlooking.

The design of the balconies for the flat and or the studios listed above can be made subject to conditions to meet the council's approval should the council wish it so. Reasonable conditions to that end are acceptable to the applicant.

The Council's Urban Design SPD 14 states that flats should provide a minimum of 25 sqm of private amenity space or contribute to off-site recreation facilities. Studios and 1 bedroom flats are ordinarily occupied by single people of young couples whose demands on private amenity space are minimal. Especially so in the light of a large public park (Manor Park) being only 300 metres away. Even so, the applicant is happy to contribute to off-site recreation facilities and welcomes condition to that end upon grant of the permission

2) Each unit will conform to the Nationally Described Space Standards of 37 sqm for studio units and 50 sq./m (for 1 bedroom flat). Each dwelling has an outdoor utility space of at least 5sq./m which is of note considering the notable flexibility the Council are noted to offer in the SPD with regard to site within Areas of Potential Intensification. In addition to providing an appropriate outdoor amenity space the application site is also within 350m of Manor Park which would provide a nearby source of landscaped public space.

3) The Applicant is amenable to conditions to make the 3 studio units and Flat 4 as car free developments and welcomes a section 106 planning agreement to this end. The applicant is also responsive to making a reasonable financial contributions to the provision of public open spaces in lieu of additional on site private amenity space.

4) The proposal would provide a satisfactory level of accommodation for future occupiers and would be in accordance with TLP Policy D6 and LP Policy 9.

G) Amenity of neighbouring occupiers

1) LP Policy 29 states that the council will not grant planning permission for development if it adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties or has an unacceptable impact on the residents of the surrounding area. As such, in assessing the impact of a proposed development, the proposal takes into account: privacy, sunlight or daylight exposure, noise and disturbance, whether the development creates a sense of enclosure and whether it would lead to a loss of outlook.

2) The structure to house the proposed development has already been built and is in accordance with planning permission granted in respect of size, massing, bulk outlook etc etc. Its impact with regard to amenity of neighbouring occupiers has already been assessed and approved.

3) The proposal would not compromise the ability of any neighbouring residents to enjoy their private amenity space and it would not interfere with any existing access or parking arrangements associated with neighbouring properties. As the scheme is for three dwellings (and an expansion of the existing flat 4 at 12 Lind Road) with an offer to make all four units a car free development, there will not be an unacceptable increase in use of the motor vehicles associated with the site.

The proposal complies with the aims and objectives as set out in LP Policy 29.

H) Transport and Highways

1) TLP Policies D12, T1, T2, T3, T4, T5, T6.1, and T7 of the as well as LP Policies 36 and 37 are relevant to this application. The site has a public transport level of 6a, which is extremely good and is located close to Sutton Town Centre and its railway station. In addition, Lind Road is currently located in the Sutton Controlled Parking Zone (CPZ) and St Barnabas Road has been included the Sutton Green CPZ. Carshalton Road to the south of the site is a Red Route under the control of Transport for London.

2) The proposal does not propose any parking spaces as a result of the site lying within the second highest possible PTAL rating of 6a (see Annex 1) This, combined

with the fact the proposals are for non-family centric housing means that levels of car dependency in this area are low. In terms of the impact of the development on the local road and public transport networks, these additional dwellings will not significantly add to pressures on the local highway network or local on-street parking. Even so, the applicant volunteers a condition to render the development car free to ensure that parking pressures in the immediate vicinity are mitigated to the fullest extent possible by this development.

The proposal would be consistent with policies TLP Policies T1, T2, T3, T4, T5, T6.1, and T7 and LP Policies 36 and 37.

1) Flood Risk, Landscaping, Biodiversity and Air Quality

1) The Framework confirms that when determining any planning application, local planning authorities and Inspectors should ensure that flood risk is not increased elsewhere. TLP Policy SI12 and SI13 and LP Policy 32 require development to provide adequate drainage infrastructure to prevent flood risk. The flood risk maps for the area do not show the site to be in a flood risk area and a traditional Flood Risk Assessment is not required by the Council. The development already ties into the publicly maintained surface water and foul drainage system drain and no further mitigation measures are necessary.

2) In any event, conditions can be utilised to secure a detailed drainage design, and evidence to demonstrate that the drainage design has been implemented in accordance with the approved scheme. With conditions it is considered that the development would not result in the flooding of the development site or neighbouring sites and would be in accordance with TLP Policies SI12 and SI13 and LP Policy 32.

3) TLP Policies G1, G5 and G6 require new development to avoid adversely impacting on ecological designations and to improve biodiversity within development sites, whilst LP Policy 26 aims to improve biodiversity across the borough through the planning system with major developments required to achieve a no net loss of biodiversity. The proposal is not a major development. Conditions relating to biodiversity requirements can be conditioned as part of any consent, however, it should be remembered that the point of submission that whilst the Environment Act has been enacted, the relevant provisions have not and there is no requirement for 10% biodiversity net gain (BNG) in the Framework.

J) Planning Contributions

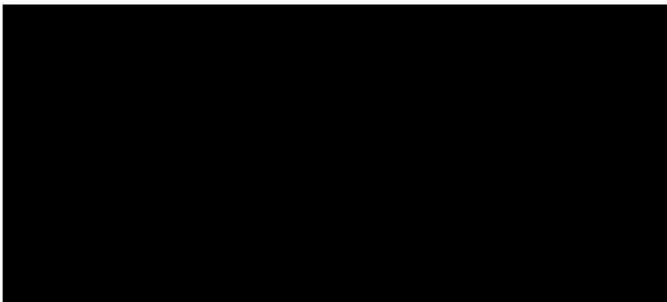
1) The applicant notes that the proposal may be liable for the Community Infrastructure Levy (CIL) Mayoral CIL and Sutton CIL given that it is over 100 sq./m in terms of gross internal floor area.

Beyond which, the applicant is happy to engage with the Council with regard to any other matters which they consider need to be secured by a S106 legal agreement.

The applicant is further happy to engage with the council to provide the required number of secure covered cycle spaces all located within the site and combined refuse collection facilities for all the residential units at 10-12 Lind Road to replace the current unsightly array (see Annex 2 attached)

Conclusion

For the reasons stated throughout this application, it is submitted that the proposal is policy compliant and falls to be approved for that reason. To which end, the Appellants look forward to hearing from the council with its decision on the application, subject to any conditions that the council wishes to specify.



Signed.....

Dated..01-02-23.....

Agent for the Applicant

Accompanying this application are the following:-

Annex 1 - PTAL report

Annex 2 - Aerial Photo of refuse bins serving 10-12 Lind Road