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Application no: B2017/78658

PLANNING PERMISSION REFUSED

Town and Country Planning Act 1990

To: Mr Joe Cunnane
Suite 4 Oriel House
26 The Quadrant
Richmond
TW9 1DL

Applicant: Mizen Properties

The Council of the London Borough of Sutton as Local Planning Authority under their powers provided by the above legislation, **DO HEREBY REFUSE** permission for the development specified in the First Schedule hereto, subject to the reasons (if any) specified in the Second Schedule.

FIRST SCHEDULE

In accordance with your application, valid on 16th January 2018.

324-346 High Street Sutton SM1 1PR

Demolition of the existing former public house at 342-346 High Street and erection of a six storey (plus basement) building to provide 154 square metres of flexible A1/A2/A3 floor space at ground floor and 30 residential units (comprising thirteen 1-bedroomed, fourteen 2-bedroomed and three 1-bedroomed self contained flats) on the upper floors. Extension of retail floor area within 342-340 High Street, resulting in loss of parking at 324-340 and combined provision of 65 car parking spaces for both sites, cycle and refuse storage and alteration to vehicular access.

SECOND SCHEDULE

Reason(s):

(1) The proposal has failed to demonstrate that a scheme providing a sufficient affordable housing contribution could be provided as part of an acceptable development on this site; due to the viability assessment not considering the proposed development and alterations to 324-240 High Street; the lack of evidence on the assessments land value calculation; and the lack of evidence on the deliverability of the scheme. As such, the proposal would cause significant harm to the promotion of mixed and balanced communities and the proposal would be considered contrary to the National Planning Policy Framework, policies 3.11 and 3.12 of the London Plan 2016, Policy 8 of the Sutton Local Plan 2018, The Mayor's Affordable Housing and Viability Supplementary Planning Guidance 2017 and Supplementary Planning Document 5 'Planning Obligations' April 2014.

(2) The layout and design of the proposed development would result in harm to the character of the surrounding area and streetscene, by reason of the large blank facade to the northern elevation adjacent to Helena House; the recessed residential entrance and undercroft, compounded the layout of the commercial unit, which fails to create an attractive, functional and clearly defined public and private space; and the

dominance of the car parking across the site. The proposal would therefore be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2016, policies 3, 18 and 28 of the Sutton Local Plan.

(3) Without evidence to the contrary the proposed development, by reason of the limited commercial floor space being provided by the development at 342-346 High Street, Sutton would result in an unviable ground floor commercial unit within the secondary shopping frontage of Sutton Town Centre and would have a detrimental impact on the vitality and viability of this part of the town centre. The proposed development would therefore be inappropriate in its role, function and character in this part of the town centre. The proposal is therefore contrary to policies 4.7, 4.8 and 7.4 of the London Plan 2016, Policies 2, 18 and 28 of the Sutton Local Plan 2018.

(4) The proposed development fails to deter unnecessary car use through the provision of an excessive and inappropriate amount of car parking contrary to the Council's restraint-based maximum car parking standards, taking into account the good public transport accessibility levels (PTALs) of the location. The development is therefore contrary to Policy 6.13 of the London Plan 2016 and policies 36 and 37 of the Sutton Local Plan 2016.

Informative(s):

(1) The refused development has been assessed in accordance with the following drawings/details:

D1000

D1700 Rev. 01

D7100 Rev. 01

D7101 Rev. 01

D7102 Rev. 01

D7103 Rev. 01

D7104 Rev. 01

D7105 Rev. 01

D7106 Rev. 01

D7149 Rev. 01

D7500 Rev. 01

D7700 Rev. 01

transport ass

daylight/sunlight

energy statement

Overheating assess

planning statement

water efficiency

Construction Ms

D7000

(2) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

(3) The applicant sought pre-application advice, but did not amend the proposal in line with the advice given. As such, the proposal does not comply with the relevant planning policies and the Council therefore had no alternative but to refuse planning permission.



17th April 2018

Mary Morrissey, Strategic Director
Environment, Housing and Regeneration

<p style="text-align: center;">LONDON BOROUGH OF SUTTON APPENDIX TO PLANNING DECISION NOTICES NOTES TO APPLICANTS</p>
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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss with you ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service (https://www.sutton.gov.uk/info/200155/planning/1113/pre-application_planning_advice)

If you want to appeal, then you must do so within 6 months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

The Party Wall etc. Act 1996

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure

(ii) new building at or astride the boundary line between properties

(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail odpm@twoten.press.net