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Application no: DM2020/00476

PLANNING PERMISSION REFUSED

Town and Country Planning Act 1990

To: Mr Oliver Eves
Savills
33 Margaret Street
London
W1G 0JD

Applicant: Mr Bernard Margulies
Helena House Ltd
C/o Agent

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 1st April 2020.

Helena House 348 - 352 High Street Sutton SM1 1PX

Demolition of existing building and the erection of a part-5, part-8 storey building to provide 2 mixed use (Classes A1, A2, A3, A5, B1(a) and D2) units on the ground floor with 41 residential dwellings above, cycle and bin storage, disabled parking and a secured communal courtyard.

SECOND SCHEDULE

Reason(s):

(1) The proposed development by reason of the excessive scale and massing of the building above the policy threshold for the site and the significant projection of the northern elevation of the proposed building above the terraced building to the north would result in a development which would appear incongruous and dominant within the High Street streetscene and would present a blank northern elevation above the existing terraced building to the north. The provision of open sided balconies does not integrate well with the detailed design of the building and does not represent a coherent design choice when the building is viewed as a whole. In addition the proposal has not taken the opportunity to improve the public realm of this part of Sutton Town Centre and does not provide adequate public benefit to off-set the increased scale and massing of the proposed built form on site. The proposal would therefore not respect the local context and scale of development within the surrounding area and High Street streetscene and would be contrary to policies 3.4, 7.4, 7.5 and 7.6 of the Sutton Local Plan, policy 28 of the Sutton Local Plan, and the Sutton Town Centre Master Plan 2016.

(2) The proposed development, without evidence to the contrary, has not demonstrated that the proposal would be financially deliverable through adequate scenario testing of the viability of the site. As such the proposal would be contrary to policy 3.12 of the London Plan 2016, Policy 8 of the Sutton Local

Plan 2018, policy H6 of the draft London Plan 2019 and the 'Homes for Londoners' SPG 2017 and the Affordable Housing and Financial Viability SPD 2020.

(3) The proposed development, by reason of the lack of an adequately completed S106 agreement, which is required to - secure a financial contribution in respect to Carbon Offsetting, prohibit future occupiers from applying for residential car parking permits in the Sutton Town Centre Controlled Car Parking Zone, ensure the submission of a development Travel Plan and its associated monitoring fee, ensure a S38 and S278 agreement are entered into for improvements to the public highway and to secure the materials proposed to the public realm, would be contrary to policies 3.12, 5.1, 5.2, 5.3, 6.7, 6.13 and 7.5 of the London Plan 2016, Policies 8, 28, 31, 36 and 37 of the Sutton Local Plan 2018, the Planning Obligations SPD 2014, the Affordable Housing and Financial Viability SPD and the Mayor's Homes for Londoners SPG 2017.

Informative(s):

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

P3-100 Rev. PC

P3-101 Rev. PC

P1-107 Rev. PC

P1-106 Rev. PC

P1-105 Rev. PC

P1-104 Rev. PC

P1-103 Rev. PC

P1-102 Rev. PC

P1-101 Rev. PC

E3-100 Rev. PA

E1-100 Rev. PA

CCL 10386/TCP Rev. 1

Tree Schedule 10386

E0-000 Rev. PA

E0-100 Rev. PB

P0-100 Rev. PB

P1-100 Rev. PB

P1-108 Rev. PB

P2-100 Rev. PB

Residential/Dwelling Units - Supplementary information template

Town Planning Statement dated March 2020

Contamination Risk Assessment dated March 2020

PRELIMINARY CONTAMINATION RISK ASSESSMENT dated March 2020

Air Quality Assessment dated 16 March 2020

Travel Plan dated March 2020

SuDS Statement dated March 2020

Design and Access Statement dated March 2020

Micro Drainage Calculations

Letter confirming management and maintenance of SUDS dated 7 May 2020

Thames Water Wastewater Capacity Check

SUDS Email dated 13 May 2020

SUDS Email dated 22 July 2020

Energy Statement for Planning dated March 2020 Issue 3

Daylight and Sunlight Assessment for Planning dated March 2020 Issue 2

Preliminary Ecological Appraisal Survey

Area Schedule Rev. H

Arboricultural Report dated 16 March 2020

Viability Report dated January 2020

(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 via the following link: <https://www.sutton.gov.uk/propertyapplicationsearch>

(3) Where applicable the developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.

(4) 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.



4th September 2020

Simon Latham
Interim Strategic Director
Environment, Housing and Regeneration

**LONDON BOROUGH OF SUTTON
APPENDIX TO PLANNING DECISION NOTICES
NOTES TO APPLICANTS**

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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