



Application no: DM2022/01530

PRIOR APPROVAL APPROVED

Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3,
Class MA

To: Zoe Tozer
Savills
33 Margaret Street
London
W1G 0JD

Applicant: 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 APPROVE** 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 15th August 2022.

Helena House 348 - 352 High Street Sutton SM1 1PX

Prior Approval change of use from Class E (Office) to Class C3 (Dwellings) on the second to fifth floors providing 27 self contained units.

SECOND SCHEDULE

Reason(s):

(1) Prior approval is required Uunder Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), to assess the transport and highways impacts of the development, the contamination and flood risks on the site and the impacts of noise from commercial premises on the intended occupiers, the impact on the sustainability of a conservation area, the provision of adequate natural light in all habitable rooms of the dwellinghouses, the impact on intended occupiers when introducing residential use in a location important for general/heavy industry, waste management, storage and distribution or a mix of such uses, the impact on health centre and nursery provision and fire safety impacts. Prior approval is granted as the development would meet relevant criteria in accordance with Class MA.

Condition(s):

(1) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; (f) means to prevent deposition of mud on the highway have been submitted to and approved in writing by the

Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies 29 and 36 of the Sutton Local Plan 2018. This condition is required to be pre-commencement as the Construction Logistics Plan needs to be in place before any works take place and to mitigate against the impacts of the demolition / construction process.

(2) The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.

Reason: To safeguard the amenities of neighbouring residential properties in compliance with Policy 29 of the Sutton Local Plan 2018.

(3) Prior to the occupation of the development, full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of cycle parking facilities and to encourage sustainable modes of transport, in accordance with Policies 36 and 37 of the Sutton Local Plan 2018.

(4) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Reason: To comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

(5) The development must be carried out in accordance with the provisions of the Planning Fire Safety Strategy prepared by Accendo Fire Safety Services dated 26 July 2022.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

Informative(s):

(1) The approved development shall be carried out in accordance with the following drawings/details:

HHS-SB-PR-AL-050 P2
HHS-SB-PR-AL-100 P1
HHS-SB-PR-AL-120 P1
HHS-SB-PR-AL-130 P1
HHS-SB-PR-AL-150 P1
HHS-SB-PR-AL-160 P1
4554- Internal Daylight Assessment - Rev 2 - Issued 09.08.22
Accommodation_Schedule_RevA
Fire Statement 26/07/2022
Flood Risk Assessment August 2022 Rev D
HHS-SB-PR-AL-010 P1
HHS-SB-PR-AL-110 P1
HHS-SB-PR-AL-140 P1
HHS-SB-PR-AL-170 P1
HHS-SB-PR-AL-300 P1

HHS-SB-PR-AL-310 P1
HHS-SB-PR-AL-320 P1
P19-140pra_v4 Preliminary Contamination Risk Assessment
P19-140sca_v4 Contamination Risk Assessment
Planning Note FINAL
Transport Statement August 2022
Parking management plan
Swept path drawing

(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) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes connected with the implementation of this planning permission.

(4) Preventing Damage to the Public Highway:

Care should be taken by all applicants to ensure that no damage is caused to the public highway adjacent to their site during demolition and/or construction work. The Council will always seek to recover any costs incurred in repairing or making good such damage from the owner of the development site, except where they are otherwise able to identify the person(s) who caused the damage and are willing to accept the recoverable costs.

Pre-Commencement Highways Condition Surveys:

To avoid the above costs arising, and BEFORE ANY WORK COMMENCES on your site, PLEASE SEND A BLANK EMAIL to highways@hcs@sutton.gov.uk to receive further details on how to arrange a pre-commencement photographic survey of the public highway conditions around your site. Where the Council decides that a survey is necessary a Returnable Deposit and Inspection Fee (Highways to advise) will be payable to London Borough of Sutton. The pre-commencement survey will ensure you are not charged for any damage which existed prior to commencement of your works. If you fail to arrange a pre-commencement survey it will be assumed that any damage to the highway was caused by your own activities and you will be charged the full cost of repair. Once the site works are completed you need to contact Highways to arrange for a post construction inspection to be carried out. If there is no further damage, the case will be closed, and your deposit refunded. If damage is found to have occurred, the Council will carry out the repairs, and the costs will be charged to you, whether less or more than the deposit value.

(5) 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.

(6) Your work may be affected by the provisions of the Party Wall Act 1996 which requires adjoining owners to be formally notified by the owner. This is not a planning matter and further details are issued by the Government <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.

(7) This decision notice should be read in conjunction with the agreement or Unilateral Undertaking submitted under Section 106 of the Town and Country Planning Act 1990 dated 28 March 2023.

Before work commences there may be notices or payments due in relation to this agreement and the obligations contained within. Please send any notices or queries to planningobligations@sutton.gov.uk.

Please note that failure to follow the obligations as stated in the agreement could result in penalty charges being added.

(8) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section by e-mail street.naming@sutton.gov.uk.

(9) Preventing Damage to the Public Highway: Care should be taken by all applicants to ensure that no damage is caused to the public highway adjacent to their site during demolition and/or construction work. The Council will always seek to recover any costs incurred in repairing or making good such damage from the owner of the development site, except where they are otherwise able to identify the person(s) who caused the damage and are willing to accept the recoverable costs. Pre-Commencement Highways Condition Surveys: To avoid the above costs arising, and BEFORE ANY WORK COMMENCES on your site, you MUST contact Sutton Highways DC Team at London Borough of Sutton in Civic Offices, St. Nicholas Way or BY EMAIL at: highways@london.gov.uk; to arrange a pre commencement photographic survey of the public highway conditions around your site; where the Council decides that a survey is necessary. A refundable Deposit is payable at application for the survey; together with an Inspection Fee, payable by cheque to "London Borough of Sutton". The pre-commencement survey will ensure you are not charged for any damage which existed prior to commencement of your works. If you fail to contact us to arrange a pre-commencement survey, it will be assumed that any damage to the highway was caused by your own activities and you will be charged the full cost of repair. Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage, the case will be closed, and your deposit refunded. If damage is found to have occurred, the Council will carry out the repairs, and the costs will be charged to you, whether less or more than the deposit value

Building Regulations

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <http://www.sutton.gov.uk/buildingcontrol> or by emailing buildingcontrol@sutton.gov.uk.



26th April 2023

Spencer Palmer
Strategic Director
Environment, Housing and Neighbourhoods

<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.

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

- we have a committed team of professional surveyors
- we are competitively priced
- we are independent and not for profit
- we have unrivalled local knowledge and experience
- we have in depth knowledge of land/area constraints
- we can visit at short notice
- we are ISO 9001 accredited and have full public liability insurance
- we are part of the national Local Authorities Building Control network

You can also visit our [website](#) for more information on the building regulations, how to apply and our fees. You can contact us at building.control@sutton.gov.uk

Regards

Planning Support;