

Appeal Decision

Site visit made on 4 December 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 January 2021

Appeal Ref: APP/P5870/W/20/3251939

210 High Street, Sutton, SM1 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Danish Hanif, Glasshouse Asset Management against the decision of the London Borough of Sutton.
 - The application Ref DM2020/00129, dated 24 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is a part change of use from A1 (retail) to C3 (residential) use providing 1 self contained unit.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a part change of use from A1 (retail) to C3 (residential) use providing 1 self contained unit at 210 High Street, Sutton, SM1 1NU in accordance with the terms of the application Ref DM2020/00129, dated 24 January 2020, and the plans submitted with it, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the retail vitality and viability of the High Street active frontage.

Reasons

3. The appeal property includes a ground floor retail unit as part of a terrace of premises fronting onto a central section of High Street, a core principal retail and commercial stretch of premises with little evidence of vacancies. The proposal is as described above and would involve the retail area reducing from about 52 to 35 sqm with the creation of a ground floor studio flat within its rear portion with access via a service road behind.
 4. The Council is concerned that the proposal would result in the loss of a potential town centre use which would have a negative effect in terms of the main issue set out in paragraph 2 above. This is in the context of Criteria M.2 (1)(d (ii)) of the legislation in the first bullet above which seeks to safeguard the sustainability of shopping areas. The Council also highlights Policy 18 of the Sutton Local Plan 2018 (LP) which calls for Town Centre development to be suitable to the scale, role, function and the character of the centre and
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optimise uses of a site providing a town centre use or mix of town centre uses suitable to the scale of the development and its location.

5. Every proposal must be dealt with on its own merits and whilst I note the debate about what has taken place further along this street I give that little weight. I fully recognise that many premises benefit from depth, scope for storage, and direct rear access within a central area however there are also those that can function effectively without such facilities. In some instances there will no doubt be businesses which would not wish to fund space beyond their needs.
6. In this case I consider that the planned shop unit would be of a logical shape and sensible proportions, could provide WC facilities, and for its frontage width would certainly not be greatly out of kilter with a number of nearby units in terms of their comparative depth. It seems to me that all things being equal whilst the planned unit might not appeal to all town centre uses it could readily be deemed attractive to numerous retail or other commercial uses with the format which is being proposed. I am also conscious that the proposed flat would in its own right add to a mix of uses in the town centre and having this residential element is not out of line with the Council ambitions set out in LP Policy 18. Particularly so when in this case in point I would deem the remaining retail area to be of a suitable scale and character for this location. In summary I see no threat to the sustainability of the town centre from the scheme before me.
7. In all the circumstances I conclude that the proposal would not conflict Criteria M.2 (1)(d (ii)) or LP Policy 18 as cited above in paragraph 4.

Conditions

8. A standard commencement and use restriction condition should apply, as should control of materials in the interests of visual amenity. I would agree that in this tight urban environment with very close proximity to residential uses and business activity that, as suggested, a Construction Logistics Plan should be required. It is appropriate that this is a pre-commencement condition in order to have full effect and safeguard the amenity and functionality of the immediate area. I also agree with the Council that full details of secure cycle storage should be provided in order to encourage sustainable travel.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the retail vitality and viability of the High Street active frontage. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

(Schedule of Conditions overleaf)

SCHEDULE OF CONDITIONS (4)

1. Development under Class M is permitted subject to the condition that:
 - (a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and
 - (b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use, as such a dwellinghouse.
2. All external facing materials, treatments and finishes shall be similar to those of the original building and maintained and retained thereafter. This applies unless differences are shown on the approved drawings.
3. 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; and (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.
4. Prior to the occupation of the development hereby approved, 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.