

## **Kings Arms Public House 144 East Street Epsom KT17 1EY**

Variation of Condition 2 (Approved drawings) of planning permission 18/00315/FUL to permit minor revisions to the elevations and fenestration of the proposed new building.

<b>Ward:</b>	<b>Ewell Ward;</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUQM6FGY0DE00>

### **2 Summary**

- 2.1 This application seeks amendments to the approved application, ref: 18/00315/FUL, comprising changes to the exterior cladding, changes to the size and positioning of windows on the elevations, and changes to the layout.
- 2.2 The proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for APPROVAL, subject to the issue of a new S106 agreement (under the same terms as the previously approved application (ref: 18/00315/FUL) and conditions.

### **3 Site description**

- 3.1 The application site which is located on the southern side of East Street was previously occupied by the Kings Arms Public House, a locally Listed Building.
- 3.2 Facing the site across East Street are residential two storey terraced dwellings in Middle Close. Immediately to the west of the site is the rear garden to the semi-detached residential dwelling at 142 East Street. To the east, are three-storey residential flats "The Stanford's, and to the south are three-storey residential flats on Yeomanry Close.

- 3.3 There are trees along the southern boundary and shrubbery along the western boundary that provide amenity to the site and to the adjacent residential occupiers. The site previously contains a Tree Protection Order, (184/T1), for a Horse Chestnut Tree near its south boundary, which has been felled due to decay.
- 3.4 Planning permission (18/00315/FUL) was granted in May 2019 for the demolition of the existing building and the erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store.

#### 4 Proposal

- 4.1 This application seeks to vary Condition 2 (Approved drawings) of the approved planning permission (18/00315/FUL) in order to permit amendments to the design which affect the plan layout of the third floor, the external cladding materials on the elevations and the window locations and sizes on the rear, front and flank elevations.
- 4.2 The amendments would comprise the following:
- Changes to the cladding from aluminium composite panels to “Cedral” fibre cement panels
  - A panel is substituted for the main entrance at front and rear with a single leaf door, rather than double leaf.
  - At roof level a small terrace is proposed for Plot 19.
  - A Juliet balcony is shown on the rear elevation at first and second floor levels for the terraces of Plots 10 and 16.
  - One of the pair of windows on the side elevation for the living/dining room of Plot 21 is omitted.
  - The windows on the rear elevation of the central link are omitted at first, second and third floor levels and replaced by a window on the side elevation to the central stairway.
- 4.3 The applicants submit that the amendments are required for the following reasons;
- To address discrepancies between the floor plans and elevation drawings shown on some of the approved plans.
  - To improve the living accommodation for the flats by the introduction of en suite bathrooms.
  - Improvements to the outlook of ground floor flats by the reduction of door/window openings facing onto the bin store.
  - Improvements of window positioning to some rooms.
  - Substitution of cementitious weatherboarding for the aluminium cladding panels.
  - Glazing substituted with weatherboard to rear of link and window added to stairwell to improve natural lighting.
  - Alterations at third floor level to improve roof terraces and access thereto.

## **5 Comments from third parties**

5.1 The application was advertised by means a site and press notice as well as letters of notification to 50 neighbouring properties. To date (11.12.2019) 2 letters of objection have been received regarding:

- overbearing, out of style and character
- Parking
- Noise and disturbance
- Loss of public house
- A redundant crossover is shown as being retained at the south western end of the frontage.

## **6 Consultations**

6.1 Conservation Officer: No objections

6.2 Highways Officer: No objections

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/01209/FUL	31.01.2018	Erection of a three-storey building on land adjacent to public house building to provide 8 self-contained flats (3x1bed, 3x2 bed 2x3 bed) and associated hard and soft landscaping, car and cycle parking and refuse store and the demolition of a single storey annexe extension to Kings Arms Public House (as amended)	REFUSED  Dismissed on appeal 19/02/2019
18/00315/FUL	02.05.2019	Demolition of existing building and erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store	GRANTED

## 8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Core Strategy 2007

Policy CS1 Creating Sustainable Communities

Policy CS5 The Built Environment

Policy CS6 Sustainability in New Developments

Policy CS7 Housing Need

Policy CS8 Housing Delivery

Policy CS9 Affordable Housing

Policy CS13 Community, Cultural and Built Sports Facilities

Policy CS16 Managing Transport and Travel

Development Management Policies Submission Document November 2014

Policy DM5 Trees and Landscape

Policy DM8 Heritage Assets

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM19	Development & Flood Risk
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM34	New Social Infrastructure
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	- Parking Standards

Nationally Prescribed Space Standard - March 2015

## **9 Planning considerations**

### Principle of Development

- 9.1 The principle of the demolition of the public house and the erection of a residential scheme has been established by way of the previously approved planning application (18/00315/FUL) granted in May 2019.

### Visual Impact

- 9.2 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance.
- 9.3 The proposed change in the cladding from the proprietary aluminium sheet cladding to "Cedral" fibre cement cladding would maintain the original design concept of the approved scheme, and would arguably be more durable particularly at ground level where it would be vulnerable to accidental damage.
- 9.4 The rearrangement of the fenestration, the addition/omission of windows, the addition of Juliette balconies and a small roof terrace would be minor and neutral design interventions, and individually and cumulatively would not have a detrimental impact on the appearance of the approved scheme or have a harmful impact on the streetscene

- 9.5 The proposed amended scheme would therefore comply with Policy DM9 and DM10.

Residential Amenity

- 9.6 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
- 9.7 The additional windows proposed would serve a stairwell and would face the blank wall of the new building.
- 9.8 The proposed amendments would not have a harmful impact on residential amenity and the scheme would therefore comply with Policy DM10.

Community Infrastructure Levy

- 9.9 The scheme would be CIL liable.

**10 Conclusion**

- 10.1 In accordance with the statutory requirements, officers conclude that the variation sought is acceptable and would not result in the development being substantially different from the one which has been approved

**11 Recommendation**

Part A

- 11.1 The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below. Subject to a new legal agreement (under the same terms as the extant agreement) being completed and signed by the 31 March 2020 to secure the following previously agreed and secured heads of terms:

11.2

- A commuted sum of **£110,164** in lieu of the on-site provision of
- affordable housing
- In the event that the slab level is not completed within three years from the date of the planning permission a revised viability appraisal shall be submitted.
- Residential Travel Information Pack

Part B

- 11.3 In the event that the section 106 Agreement referred to in Part A is not completed by 31 March 2020, the Head of Planning be authorised to refuse the application for the following reason:

- In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has failed to comply with Policy CS5 of the Core strategy 2007.

**Condition(s):**

- (1) The development hereby permitted shall be commenced within 3 years from the 2 May 2019, the date of the originally approved application 18/00315/FUL that is subject to this application to variation.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Proposed Site Layout	1355-PIn-001A
Proposed Ground and First floor plans	1355-PIn-002A
Proposed Second and Third floor plans	1355-PIn-003A
Proposed North West (Front) elevation	1355-PIn-004A
Proposed South West (Side) elevation	1355-PIn-005A
Proposed South East (Rear) elevation	1355-PIn-006B
Proposed South West (Side) elevation	1355-PIn-007A
Existing and Proposed North West (front) elevation	1355-PIn-009A
Existing and Proposed North East (side) elevation	1355-PIn-010A
Existing and Proposed South East (rear) elevation	1355-PIn-011B
Existing and Proposed South West (side) elevation	1355-PIn-012A
North West Front Elevation (Coloured)	1355-PIn-013
South West Side Elevation (Coloured)	1355-PIn-014
South East Rear Elevation (Coloured)	1355-PIn-015A
North East Side Elevation (Coloured)	1355-PIn-016
Proposed Roof Plan	1355-PIn-017

**Reason:** For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy (2007).

- (3) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of the development, including windows and doors, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

- (4) Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (5) No development, with the exception of demolition, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

**Reason:** The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

- (6) No development, other than demolition, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site (including the location and details of three tree pits along the highway frontage). The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next



**planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (7) No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the TREE SURVEY, ARBORICULTURAL IMPLICATION ASSESSMENT dated June 2018 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

**Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policy DM5 of the Development Management Policies Document 2015 and in the interest of environmental sustainability as required by Policies CS1 and CS4 of the Core Strategy 2007.**

- (8) Before any occupation of the development hereby permitted, the flank window of Flat T2 on the third floor shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.**

**Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document 2015.**

- (9) Before any occupation of the development hereby permitted, the balconies to Flat F6 (first and second floor) and Flat T4 (third floor) shall be provided with 1.7m high flank privacy screens, which shall thereafter be retained as such.**

**Reason: To protect the amenities and privacy of the adjoining flats in accordance with Policy DM10 of the Development Management Policies Document 2015**

- (10) Electric charging points shall be installed in 3 of the allocated parking spaces at the development. The charging points shall be**

supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

**Reason:** To protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Paragraph 110 of the NPPF 2018.

- (11) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum Greenfield discharge rate of 1 l/s.

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)

d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy C6 of the Core Strategy 2007

- (12) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, in accordance with Policy C6 of the Core Strategy 2007

- (13) The development hereby approved shall be constructed in accordance with the sustainable construction techniques and energy efficient measures outlined in the Sustainability Statement dated April 2018 unless otherwise agreed in writing with the local planning authority.

**Reason:** In order to promote sustainable construction in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).

- (14) Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, to be located within the proposed development. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.

**Reason:** To safeguard and enhance biodiversity in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies Document 2015.

- (15) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

**Reason:** In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 37, of the Development Management Policies Document 2015.

- (16) No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials

- (c) storage of plant and materials**
- (d) programme of works (including measures for traffic management)**
- (e) provision of boundary hoarding behind any visibility zones**
- (f) vehicle routing**
- (g) measures to prevent the deposit of materials on the highway**
- (h) on-site turning for construction vehicles**
- (i) hours of construction**

**has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

**Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007**

- (17) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for;**

**(a) secure parking for a minimum of 35 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: In order that the development should not prejudice highway safety, nor**

**cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.**

- (18) The development hereby approved shall not be first occupied unless and until the proposed modified access to East Street has been constructed in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.**

**Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.**

- (19) The development hereby approved shall not be first occupied unless and until the two Western most existing accesses from the site to East Street have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007

- (20) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (21) Prior to the commencement of development, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

- (22) Prior to the commencement of development, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

**Informatives:**

- (1) 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the

**Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**

- (2) Your attention is drawn to the fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).**
- (3) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.**
- (4) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.**
- (5) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.**
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:**  
  
**[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs)**
- (7) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.**
- (8) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).**

- (9) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (10) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (11) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicleinfrastructure.html>

for guidance and further information on charging modes and connector types.