

Committee: Development	Date: 12 February 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/13/02287
	Ward: Bow West

1.0 APPLICATION DETAILS

Location:	Coborn Arms, 6-10 Coborn Road, London, E3 2DA
Existing Use:	Public House (Use Class A4)
Proposal:	<ul style="list-style-type: none"> - Erection of single storey side extension to existing kitchen at rear with new extract system. - Partial demolition of existing side extension at rear and erection of new extension to form new orangery dining area and herb garden. - Erection of single storey side/rear extension to existing bar. - Installation of new air-conditioning units and condensers onto existing flat roof.
Drawings and documents:	<ul style="list-style-type: none"> - Design & Access Statement, by Mervyn Brown Associates Limited, ref 1309, dated September 2013; - Noise Survey and Plant Noise Assessment rev 1, by WSP, dated 26/09/2013; - Site Location Plan; - Drawings 1309/01, 1309/02, 1309/03B, 1309/04B and BWF/NFM/01.
Applicant:	Young & Cos Brewery Plc
Ownership:	Young & Cos Brewery Plc
Historic Building:	None
Conservation Area:	Tredegar Square

2.0 EXECUTIVE SUMMARY

- 2.1 The applicant seeks to partially demolish the existing single storey extensions at rear and to erect new, enlarged, single storey extensions to facilitate the expansion of the public house to provide improved dining facilities. A new kitchen extract system and air-conditioning plant would be provided and refuse storage would be moved indoors.

As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%. According to the applicant, the capacity of the premises would increase from 200 to approximately 250 patrons.

- 2.2 The main issue for Members to consider is whether the proposed extension to the floorspace of the public house would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of the local residents bearing in mind the residential character of the neighbourhood and the historic nature of the public house use on site.
- 2.3 Coborn Arms is an established, historic public house and as such there are no planning conditions restricting the opening hours, time of deliveries or general operation of the premises. Nevertheless, other parallel control regimes exist to control the amenity impact of public houses under the Licensing Act 2003 and the Environmental Protection Act 1990. In the assessment of the proposal's amenity impact Members should consider whether the licensing and environmental protection regimes can be relied upon to control any adverse environmental or amenity impacts which could potentially arise as a result of the proposed expansion.
- 2.4 Officers consider that the physical extension works at rear, including new air-conditioning plant and a high level extract system, by virtue of higher standards of plant and lack of any openable fenestration, would not be detrimental to the amenity of neighbours. The extensions would also be of an appropriate scale, height, design and materials, and preserve the character and appearance of the Tredegar Square Conservation Area.
- 2.5 Nonetheless, the proposed new floorspace and capacity within the drinking establishment is likely to result in a higher number of patrons attending the premises during the day and evening. Although officers have no reason to doubt that most patrons would act responsibly when leaving the premises late in the evening, a minority would not. Rowdy behaviour or even loud talking by the additional patrons could have an impact on the amenity and general living conditions of the adjoining residents, especially those living within the line of sight of the forecourt of the premises.
- 2.6 Officers consider that it would be unreasonable to simply extrapolate that an increase in floorspace of 36.7% or an increase in capacity of 25% (as estimated by the applicant) would lead to a commensurate increase in disturbance experienced by neighbours. It is considered that the proposed increase in the floor area and the likely moderate increase in the number of patrons would not necessarily exacerbate the present amenity impact of the public house, and that in any event it would not worsen the present situation to such an extent as to materially affect the living conditions or amenity of the surrounding residential occupiers.
- 2.7 In conclusion, having had regard to the enforcement and control measures available to the Council under the licensing and environmental health regimes and the historic nature of the public house use, officers consider that the proposal would not affect the amenity of the surrounding residential occupiers to such an extent as to warrant refusal of the proposal.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission.

3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.3 Conditions:

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction and demolition
4. Approval and implementation of sound insulation measures in accordance with standards
5. Extract system and A/C plant to be implemented and maintained in accordance with standards. No perceptible vibration or audible tonal noise. Extract system not to be operated after 22:15
6. Samples of brick and other external facing materials, full details of proposed roof lights and glazed wall
7. Cycle parking for staff
8. No public access to the roof of the extensions
9. No public access to the rear yard area and herb garden
10. Refuse handling to take place only within the proposed bin & recycle area

3.4 Informatives:

1. Development liable for Mayor of London Community Infrastructure Levy
2. Compliance with Building Regulations

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The applicant seeks to partially demolish the existing single storey extensions at rear and to erect new, enlarged, single storey extensions to facilitate expansion of the public house. A new kitchen extract system and air conditioning plant would be provided. The applicant intends to carry these works out in order to provide improved dining facilities and an extended gastronomical offer.

4.2 The proposal would provide for an enlarged kitchen with a walk-in fridge, a new orangery dining room with a herb garden, a new dining area and new toilet facilities. A dedicated indoor waste handling area would be created within the former garage. The extensions would be built over an existing rear yard as well as the garden at the rear of No. 6 Coborn Road which is currently not accessible to members of the public. Kitchen extract system with filters and sound attenuation would be located on top of the single storey extension and run up the rear elevation to discharge at high level. 5 new roof mounted air-conditioning units would be located adjoining the extract duct on the roof the rear extension. The extract system and the A/C units would be obscured by a low close boarded enclosure. Two roof lights would be provided to allow daylight and the part of the rear extension at 6 Coborn Road would be covered with a sedum green roof.

4.3 As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%.

4.4 According to the applicant the current capacity of the premises is at 200 patrons inclusive of a dining area holding between 70 and 80 customers. With the increased

area, the capacity would, according to the applicant, increase to about 250 patrons with approximately 120 of these dining.

- 4.5 The previous iterations of the proposal involved creation of an alfresco dining area at rear and relocation of waste collection and deliveries from in front of the premises to the back, through Coborn Street. These elements of the proposal have been omitted by the applicant following public consultation feedback.

Site and Surroundings

- 4.6 The application relates to the Coborn Arms public house located on the eastern side of Coborn Road, off Bow Road. Coborn Arms is an established, historic, mid-terrace public house which has previously been expanded to include adjoining properties to the north and south.
- 4.7 The vicinity of the site is of a residential character, notwithstanding a Chinese take away restaurant located on the opposite side of Coborn Road, at No. 13 and two other public houses in the neighbourhood. These are the Morgan Arms, located at the corner of Coborn Road and Morgan Street, some 100m away and Lord Tredegar, located at the junction of Litchfield Road and College Terrace, some 370m walking distance. The nearest town centre is the Mile End Neighbourhood Centre, located approximately 300m to the south-west. There is also a number of commercial premises including a supermarket, along Bow Road, 200m to the south of the application site.
- 4.8 The nearest residential properties are located at either side of the public house, on the opposite side of Coborn Road and at the back, at Coborn Street, Coborn Mews and Regal Place.
- 4.9 The application site is located in an out of town centre location and carries no policy designations. It is located within the Tredegar Square Conservation Area but is not listed. There is, however, a large number of statutorily listed buildings in the vicinity, the closest being the Grade II listed terraces on either side of Coborn Road as well as the Grade II listed semi-detached villas on Coborn Street.

Planning History

- 4.10 The original Coborn Arms public house, at 8 Coborn Road, has previously expanded into properties to its immediate north, at No. 8, and south, at No. 6, as approved on 2nd November 1960 (ref PA/60/00520) and 4th July 1986 (ref PA/86/00451), respectively.
- 4.11 A condition is attached to the latter approval stipulating that the garden area at the rear of No. 6 Coborn Road is not to be used by the customers of the public house. This condition was imposed in the interest of residential amenity. Subsequent application to remove the restriction has been refused on 23rd September 1993 (ref BW/93/000590).
- 4.12 A planning application for erection of a substantial single storey rear extension to the residential property at 4 Coborn Road, immediately to the south of the application site, has been approved on 19th December 2013 (ref PA/13/02740). It is understood that the construction works have already commenced.

5.0 POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 **Government Planning Policy**

National Planning Policy Framework 2012

5.3 **London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 4.7 - Retail and town centre development
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 7.1 - Building London’s neighbourhoods and communities
- 7.4 - Local character
- 7.6 - Architecture
- 7.8 - Heritage
- 7.15 - Reducing noise and enhancing soundscapes

5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

- SO6 - Refocusing on our town centres
- SO16 - Delivering successful employment hubs

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM8 - Community infrastructure
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

5.6 **Supplementary Planning Documents**

Tredegar Square Conservation Area Character Appraisal

6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health

- 6.3 No objection subject to a condition restricting the hours of operation of the kitchen extract system.

[Officer comment: a condition will be placed to restrict the operation of the kitchen extract system until 22:15 every day]

LBTH Transportation and Highways

- 6.4 Two cycle parking spaces should be provided for staff. Given the nature of the public house use and good public transport connections no concerns are raised with regards to additional trips.

[Officer comment: details of cycle parking will be conditioned]

LBTH Design and Conservation

- 6.5 No objection in light of the site being framed by the presence of existing extensions and back garden development as well as the approved works to extend the adjoining residential property. The proposal would not result in harm to the character and appearance of the Tredegar Square Conservation Area. The setting of adjoining Grade II listed buildings would not be affected.

LBTH Planning Policy

- 6.6 No objection raised. The proposal would not be contrary to policy DM8 of the Managing Development Document as the proposal is for expansion of an existing, established facility. The premises would continue to serve a predominantly local customer base and have a predominantly local catchment area. There is no evidence to suggest that there is no need for the expansion of the premises or that they would cease to be local in nature or scale.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 34 letters were sent to neighbours and interested parties on 1st October 2013. A site notice was displayed on 2nd October 2013 and a press advert published in East End Life on 28th November 2013.

- 7.2 As the applicant has amended the proposal following the original consultation, further consultation letters were sent to objectors on 28th November 2013.

- 7.3 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 44 Supporting: 0

No of petitions received: 0

An objection has also been received from the Mile End Old Town Residents Association.

- 7.4 The following issues were raised in objection to the proposal and will be addressed in the material considerations section of this report:

- Adverse amenity impact, through:
 - a) an increase in the general activity associated with the use

- b) an increase in the number of late night incidents and antisocial behaviour
 - c) more intensive use of the drinking/smoking area within the forecourt of the premises and through customers loitering on the footway on both sides of the road
 - d) increase in noise transmitted through party walls
 - e) increase in disturbance from deliveries, including barrels/kegs which are delivered during early morning hours
 - f) noise and light pollution from roof lights at rear
 - g) smell and noise nuisance from kitchen extract system at rear and from door to the kitchen area
 - h) disruption from construction and demolition works
 - i) loss of privacy
- The extension through its large floor area would constitute overdevelopment and would not be appropriate in a residential area and/or a conservation area. The proposal would be contrary to policy DM8 of the Managing Development Document as the neighbourhood pub would cease to be local in nature and no need for expansion has been demonstrated. The proposal would be contrary to the Core Strategy vision for the area which aims to create a place suitable for families and which reflects the quiet, more community-based side of urban living
 - The expansion would lead to an increase in traffic and parking stress on what is a narrow road
 - The proposed kitchen extract ductwork and air-conditioning units with timber enclosure would be inappropriate in a conservation area
 - The respondents to the re-consultation following amendments to the application generally welcome the amendments but maintain their objection to the proposal on grounds of the scale of the proposed extension.

7.5 The following matters require to be addressed directly:

- The proposal contravenes previous restrictions on the use of the rear garden at 6 Coborn Road

[Officer comment: the presence of a condition restricting public use of the rear garden at No. 6 Coborn Road does not prevent the applicant from applying to build over this area. The proposal should be considered on its own merits]

- Use of the alleyway for deliveries and refuse collection from Coborn Street would lead to disruption to neighbours amenity from noise and smell as well as create traffic issues on Coborn Street and create a hazard for school children

[Officer comment: this part of the proposal has been removed following public consultation. Deliveries and refuse collection would remain to be handled from the Coborn Road frontage]

- No alfresco dining area or beer garden should be created at the back as this would result in noise and disturbance. Customers should be prevented from accessing the external areas at rear so as not to cause nuisance.

[Officer comment: this part of the proposal has been removed following public consultation. All of the areas accessible to the public would be fully enclosed. There would be no public access to the remaining external areas]

- Hours of opening of the public house should be restricted by condition

[Officer comment: it would not be reasonable for the local planning authority to impose opening hours restrictions as the public house use is historic and is not currently subject to opening hours restrictions under the planning control regime. Officers note that the hours of operation are currently controlled under the licensing legislation]

- The public house should not be turned into a gastro pub or a restaurant

[Officer comment: Change of use from a drinking establishment (Use Class A4) to a restaurant (Use Class A3) would constitute permitted development and does not require the benefit of planning permission. An increase in the proportion of food sales versus alcohol sales and the focus of the business is one for the business operator to take]

- No dedicated delivery/loading bay would be provided and deliveries already disrupt traffic and increase parking stress along Coborn Road

[Officer comment: the Council's Highways section raises no objection to the application. It is considered that lack of a dedicated bay for deliveries or refuse collection would be a matter for the Highways section should they consider that it needs to be addressed]

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:

1. The land use implications of provision of additional floorspace in an out of town centre location
2. The amenity impact of the proposal and in particular the impact of late evening comings and goings and disturbance
3. The suitability of the extension works and their impact on the character and appearance of the Tredegar Square Conservation Area
4. The highways and transportation impact arising from the increase in capacity

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.3 Paragraph 18 of the NPPF states that the planning system should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. Strategic objective SO16 and policy SP06 of the Council's Core Strategy seek to support the growth of existing and future businesses in accessible and appropriate locations and to promote the creation of a sustainable, diversified and balanced economy with job opportunities provided in each place, in, and at the edge of, town centres. Provision of additional floorspace would likely lead to an increase in

job opportunities and make a positive contribution to the local economy. Members should take these potential benefits into account when considering other likely impacts of the development.

- 8.4 Core Strategy objective SO6 is to promote areas outside of town centres for primarily residential and supporting uses that do not need the higher levels of accessibility that town centres require. Specifically, with regards to public houses, policy DM1(4) directs such uses to designated town centres. This is in order to support their vitality and viability.
- 8.5 Public houses are also given special status of social and community facilities by policy DM8 of the Managing Development Document, further to policy SP03 of the Core Strategy which aims to deliver healthy and liveable neighbourhoods across the borough through protection of existing and management of the location of new social and community facilities. Policy DM8(4) states that extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where local need can be demonstrated.
- 8.6 The supporting text to policy DM8(4) explains that the Council considers that social and community facilities should generally be located within, or at the edge of, town centres as these locations are most accessible and because such uses make a contribution to the vitality and viability of town centres. Location of social and community facilities outside of town centres would only be considered in exceptional circumstances where there is a local need which is not being met elsewhere in the neighbourhood. Facilities provided in these locations need to ensure that their scale respects the surrounding area in terms of design, that there should be no impact on the functioning of the surrounding highway network or the amenity of surrounding residents.
- 8.7 While the above aims of policy DM8(4) are acknowledged, officers consider that lesser weight should be afforded to the land use element of the policy in this particular instance. Officers consider that it is crucial to take into account the fact that the proposal is for expansion of an existing, established, out of town public house and not for creation of a new facility which would rightly require exceptional circumstances in an out of town location. The amenity, design/conservation and highways impacts of the proposal are considered to be acceptable as discussed in the latter sections of this report.
- 8.8 It is considered that it would be highly unlikely for the expanded facility to draw a significant amount of trade away from existing town centre establishments and to have a marked effect on the vitality and viability of the nearby neighbourhood town centre in Mile End and district centre in Roman Road. Public houses are also a typical element of a traditional residential neighbourhood. The planning authority is not in possession of any evidence that the premises would cease to be local in nature or scale and cease to serve a predominantly local customer base. The planning authority is also not in possession of any evidence to suggest that there is no need for the expansion of the premises and it is considered reasonable that it should be up to the business operator, and therefore the applicant, to make a decision as to whether there is a need for the additional floorspace.
- 8.9 As such, it is considered that the proposal would be acceptable in land use planning terms and would not prejudice the Council's policies aiming to safeguard the vitality and viability of designated town centres.

Amenity

- 8.10 The main planning issue raised by this application that the Committee must consider is whether the proposed extension to the floorspace of the public house would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of local residents. In reaching a decision Members should balance any possible adverse amenity impact arising from extensions to the floorspace against benefits which the expansion of the facility could bring to the local economy.
- 8.11 According to paragraph 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution which could adversely affect surrounding existing development. Of particular relevance to the control of noise pollution through planning is paragraph 123 of the NPPF which specifies that planning policies and decisions should aim to
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
 - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 8.12 Policy 7.15 of the London Plan acknowledges that reducing noise pollution and protecting good soundscape quality contributes to improving quality of life, and consequently requires development proposals to seek to reduce noise by minimising the existing and potential adverse impact of noise.
- 8.13 The Council's Core Strategy policy SP03(2B) seeks to address the impact of noise pollution in the Borough by managing the impact of noise created by the night-time economy through planning controls while policy DM25 specifies that in seeking to protect the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm, development should not create unacceptable levels of noise.
- 8.14 There are three main potential sources of noise disturbance which could affect the amenity of the neighbouring residential occupiers as a result of this application. The first would be the noise which would arise from operation of the new extract system and five air-conditioning units to be located at the back of the premises, the second would be noise transmission to adjoining residential properties through party walls and/or any openings, while the third would be noise from comings and goings as well as from patrons congregating outside the premises.
- 8.15 The first two potential sources of noise pollution would predominantly affect the neighbours directly adjoining the application premises as well as those sharing the rear garden soundscape, while the third would predominantly affect the properties facing onto Coborn Road.
- 8.16 With regards to the first potential source of noise, the application proposes replacement of the existing low level kitchen extract system, which does not meet

contemporary standards, with a new DEFRA compliant high level extract system at rear, as well as replacement of existing air-conditioning plant attached to the rear wall of No. 6 Coborn Road, with new air-conditioning plant to be located on the roof of the existing rear single storey extension, adjoining the new kitchen extract system. The air-conditioning plant and the parts of the extract system running along the flat roof, at 1st floor level are to be obscured by a low timber enclosure. The high level part of the extract system would run within a brick enclosure, along the rear elevation, and discharge above roof level.

- 8.17 The applicant has submitted details of the extract system as well as a background noise survey and a plant noise assessment demonstrating that the cumulative noise output of the proposed plant would meet the Council's standard of 10dB below the lowest measured level. These details were reviewed by the Council's Environmental Health Officers who confirmed that they are acceptable subject to imposition of a condition restricting the hours of operation of the extract system. The proposed extract system would also incorporate odour filters to ensure that no unpleasant cooking smells would occur to adjoining residential occupiers.
- 8.18 The second possible source of noise which could cause disturbance to neighbours would be from noise leakage through party walls or window/ventilation openings. The existing single storey extension at rear contains windows in its southern elevation, those windows face towards the residential property at 4 Coborn Road. The proposed extensions would have no windows facing towards adjoining properties, while the proposed double glazed wall to the proposed internal herb garden or the proposed double glazed roof lights would not be openable. Due to these changes the rear garden soundscape should generally improve following implementation of the proposal. Nonetheless, as the new dining areas would be directly abutting the properties at 4 Coborn Road to the south and 7 Regal Place to the east, a condition would be imposed to require a scheme of sound insulation to prevent noise disturbance to the residential occupiers of these properties. A condition would also protect the rear garden soundscape through preventing public access to any remaining external areas, such as the narrow alleyway to Coborn Street or the proposed herb garden.
- 8.19 The third and in this case most important potential source of noise disturbance is that which could arise from comings and goings as well as from patrons congregating outside the premises. It is this third source of disturbance which could have a particularly pronounced effect on the amenity of adjoining occupiers during the quieter evening periods.
- 8.20 The Coborn Arms public house is located mid-terrace, on the eastern side of Coborn road, off Bow Road. The vicinity of the site is of a residential character, notwithstanding a Chinese take away restaurant located on the opposite side of Coborn Road, at No. 13 and two other public houses in the neighbourhood. These are the Morgan Arms, located at the corner of Coborn Road and Morgan Street, some 100m away and Lord Tredegar, located at the junction of Litchfield Road and College Terrace, some 370m walking distance. The nearest town centre is the Mile End Neighbourhood Centre, located approximately 300m to the south-west. There are also some commercial premises along Bow Road, 200m to the south of the application site.
- 8.21 Even though Coborn Road is a side road of the busy Bow Road, part of the strategic A11, a significant proportion of the traffic noise is screened by the surrounding built environment. The general character of Coborn Road is quieter and more typical for a residential area, with only single lane traffic in front of Coborn Arms. There is

however significant footfall and reasonable traffic during morning and afternoon peaks as Coborn Road provides a connection between the areas to the north of the railway line, in Bow, and the nearest underground station, in Mile End. It is also one of the few roads in the area which provide a vehicular connection across the railway line and into Bow or even the A12. As such, there is a reasonable level of activity along the street throughout the day and into the evening. Nevertheless, this activity dissipates following the afternoon peak and the soundscape of the area around the public house becomes dominated by the pub use itself with occasional noisier traffic from Bow Road.

- 8.22 As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%. According to the applicant the current capacity of the premises is at 200 patrons inclusive of a dining area holding between 70 and 80 customers. With the increased area, the capacity would, according to the applicant, increase to about 250 patrons with approximately 120 of these dining.
- 8.23 In response to the public consultation, the Council has received a substantial number of objections from residents living adjoining to and in the vicinity of the application premises. The objectors are primarily concerned that the increase in the floorspace of the public house and therefore the capacity of the premises would lead to more late evening disturbance and thus have an adverse impact on their amenity and living conditions. The majority of the disturbance would occur through late comings and goings and the general activity associated with the public house use, as well as from patrons using the external smoking/drinking area and loitering on public footways near to the site.
- 8.24 Officers do acknowledge that in the later hours of the evening most residential occupiers have legitimate expectations to enjoy quieter periods and a peaceful living environment. However, while the vicinity of the site is of a predominantly residential character and the site is not located in a town centre or in an edge of town centre location, the residents live in an urban environment in a neighbourhood with a number of historic public houses. Residents would have been aware when moving to the area that living in the vicinity of a public house would involve being exposed to a higher degree of late evening disturbance.
- 8.25 Coborn Arms is a historic public house and as such there are no planning conditions restricting the opening hours, time of deliveries or general operation of the premises. Nevertheless, other parallel control regimes exist to control the amenity impact of public houses under the Licensing Act 2003 and the Environmental Protection Act 1990. It is noted that the four primary licensing objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. In the assessment of the proposal's amenity impact Members should consider whether the licensing and environmental protection regimes can reasonably be relied upon to control any adverse environmental or amenity impacts which could potentially arise as a result of the proposed expansion.
- 8.26 The current licence for the premises restricts the opening times up to 23:30 on Mondays, Tuesdays and Wednesdays, 24:00 on Thursdays, Fridays and Saturdays and 23:00 on Sundays, except for 15 non-standard times per year where the premises can stay open until 2:30am. The use of the front drinking/smoking area is restricted to before 23:00, all week. Licensing Officers have confirmed that the same hours of operation would likely be applied to the new licence for the expanded premises due to be presented to the Licensing Committee on the 13th March 2014.

- 8.27 It can be reasonably expected that the proposed increase in floorspace and capacity within the drinking establishment would result in a higher number of patrons attending the premises during the day and evening. Although officers have no reason to doubt that most patrons would act responsibly when leaving the premises late in the evening, a minority would not. Rowdy behaviour or even loud talking by the additional patrons could have an impact on the amenity and general living conditions of the adjoining residents, especially those living within the line of sight of the forecourt of the premises.
- 8.28 Nevertheless, officers consider that it would be unreasonable to simply extrapolate that an increase in floorspace of 36.7% or increase in capacity of 25% (as estimated by the applicant) would lead to a commensurate increase in disturbance experienced by neighbours. It is considered that the proposed increase in the floor area and the likely moderate increase in the number of patrons would not necessarily exacerbate the present amenity impact of the public house, and that in any event it would not worsen the present situation to such an extent as to materially affect the living conditions or amenity of the surrounding residential occupiers.
- 8.29 In conclusion, having had regard to the enforcement and control measures available to the Council under the licensing and environmental health regimes and the historic nature of the public house use, officers consider that the proposal would not result in such an increase in late evening disturbance so as to warrant refusal of the proposal on amenity grounds.
- 8.30 In addition to noise disturbance as discussed above, policy DM25 of the Managing Development Document also requires development not to result in an unacceptable increase in privacy intrusion, overlooking, light pollution or sense of enclosure and to safeguard the outlook, daylighting and sunlighting conditions to surrounding residential properties.
- 8.31 The only residential occupiers whose outlook, sense of enclosure or daylighting conditions could potentially be affected are those at 4 Coborn Road, directly to the south of the application site. The impact could potentially arise from the proposed erection of a 3m high single storey rear extension covering the rear garden of No. 6 Coborn Road. It is noted that a planning application for erection of a substantial single storey rear extension to the residential property at No. 4 has been approved on 19th December 2013 (ref PA/13/02740) and the scheme's architect has confirmed to officers that construction works have already commenced. It is thus considered that the proposal would not result in an unacceptable sense of enclosure or a reduction to outlook or daylight at No 4 Coborn Road.
- 8.32 Furthermore, it is considered unlikely for the glazed roof lights to result in any significant light pollution. The privacy of neighbours would also not be affected as no direct lines of sight would be created. The amenity impact of increased deliveries would also not be significant.

Design and Heritage

- 8.33 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires Local Planning Authorities to pay special regard to the desirability of preserving the setting of statutory listed buildings and safeguarding their special historic and architectural significance. A similar duty has been introduced by Section 72 of the aforementioned Act with regards to development affecting the character and appearance of Conservation Areas.

- 8.34 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.35 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's conservation areas and statutory listed buildings and to preserve or enhance the wider built heritage and historic environment of the borough. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. The aims of policy SP10 with regards to design and heritage are realised through detailed policies DM24 and DM27 of the Managing Development Document, respectively.
- 8.36 Specific criteria for rear extensions to buildings located in Conservation Areas are given in paragraph 27.7 of policy DM27. Rear extensions may be allowed provided they do not harm the significance, extend beyond the general rear building line of the terrace or group, not rise above the general height of extensions and do not destroy the uniformity or rhythm of the terrace or group.
- 8.37 The host property dates back to the mid-19th Century and is located within the Tredegar Square Conservation Area but does not carry a statutory heritage listing. There is, however, a large number of listed buildings in the vicinity, the closest being the Grade II listed terraces on either side of Coborn Road as well as the Grade II listed semi-detached villas on Coborn Street.
- 8.38 The host property has been extended on a number of occasions and rear extensions cover most of the area at rear of Nos. 8 and 10 Coborn Road. The area at rear of No. 6, which also forms part of the public house, has remained open with the exemption of an outbuilding at the end of the garden. Immediately to the south, at No.4 is a residential property with a part single, part double storey rear extension and construction works are ongoing to create a further single storey rear extension which would abut the proposed extension to the public house. Abutting to the east is the flank elevation of No. 7 Regal Place part of a 1990s two storey mews development.
- 8.39 The proposal involves erection of single storey extension covering the whole area at rear of No. 6 Coborn Road as well as infilling and extending further at the back of Nos. 8 and 10 Coborn Road. The single storey extension at No. 6 would have no window openings except for a double glazed timber rooflight located centrally, would be faced in matching London stock brick and covered in a green sedum roof to match the extension approved for the residential property at No. 4. The other infill extensions would cover areas generally already defined by existing extensions, high boundary walls and the flank wall of No. 7 Regal Place. These would also be faced in matching brick but would be located within the site, away from boundary with the residential property No. 12 Coborn Road. These extensions would have a felt roof and one timber roof light which would be located close to No.7 Regal Place. A walk-in kitchen would also be located within the rear yard. The proposed air-conditioning units would be located within the roof of the existing single storey extension, close to the rear elevation, while the extract system would run at first horizontally along the roof of the extension and then within a brick enclosure up the rear elevation to roof

level. The horizontal parts of the extract system and the air-conditioning plant would be obstructed from view by a low close boarded timber enclosure. It is noted that all of the proposed alterations relate to the area at rear which would not be visible from any of the local highways or publicly accessible areas within the Tredegar Square Conservation Area.

- 8.40 The Council's Conservation Officer has raised no objection to the proposal in light of the site being framed by the presence of existing extensions and back garden development as well as the approved works to extend the adjoining residential property. The proposal would not result in harm to the character and appearance of the Tredegar Square Conservation Area. The setting of adjoining Grade II listed buildings would not be affected.
- 8.41 Overall, it is considered that the proposed extension would be of an appropriate appearance, scale and use of materials and relate satisfactorily to the host building and the site's context. The proposal would preserve the appearance and character of the Tredegar Square Conservation Area and would not affect the setting of the nearby Grade II listed buildings.

Highways

- 8.42 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development Document. Furthermore, policy 6.3 of the London Plan and policy DM22 of the Managing Development Document set minimum standards for bicycle parking for staff.
- 8.43 The site is located on the eastern side of Coborn Road, an adopted highway, some 70m off Bow Road (A11) which forms part of the Transport for London Road Network. The site enjoys excellent public transport accessibility with a PTAL rating of 6a. A Cycle Superhighway and a number of bus services run along the A11 corridor. The site is also only just over 300m walking distance to the Mile End Underground Station.
- 8.44 The Council's Highways section raises no objection to the application subject to two cycle parking spaces being provided for staff - this would be secured by condition. Highways Officers raise no concerns with regards to the additional trips which would be generated by the development, given the nature of the public house use and good public transport connections.
- 8.45 Officers consider that with reference to transport matters including access, deliveries, servicing and parking, the proposed extension works would be acceptable and accord with policy.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English

law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.4 Members need to satisfy themselves that the potential adverse impacts from noise and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

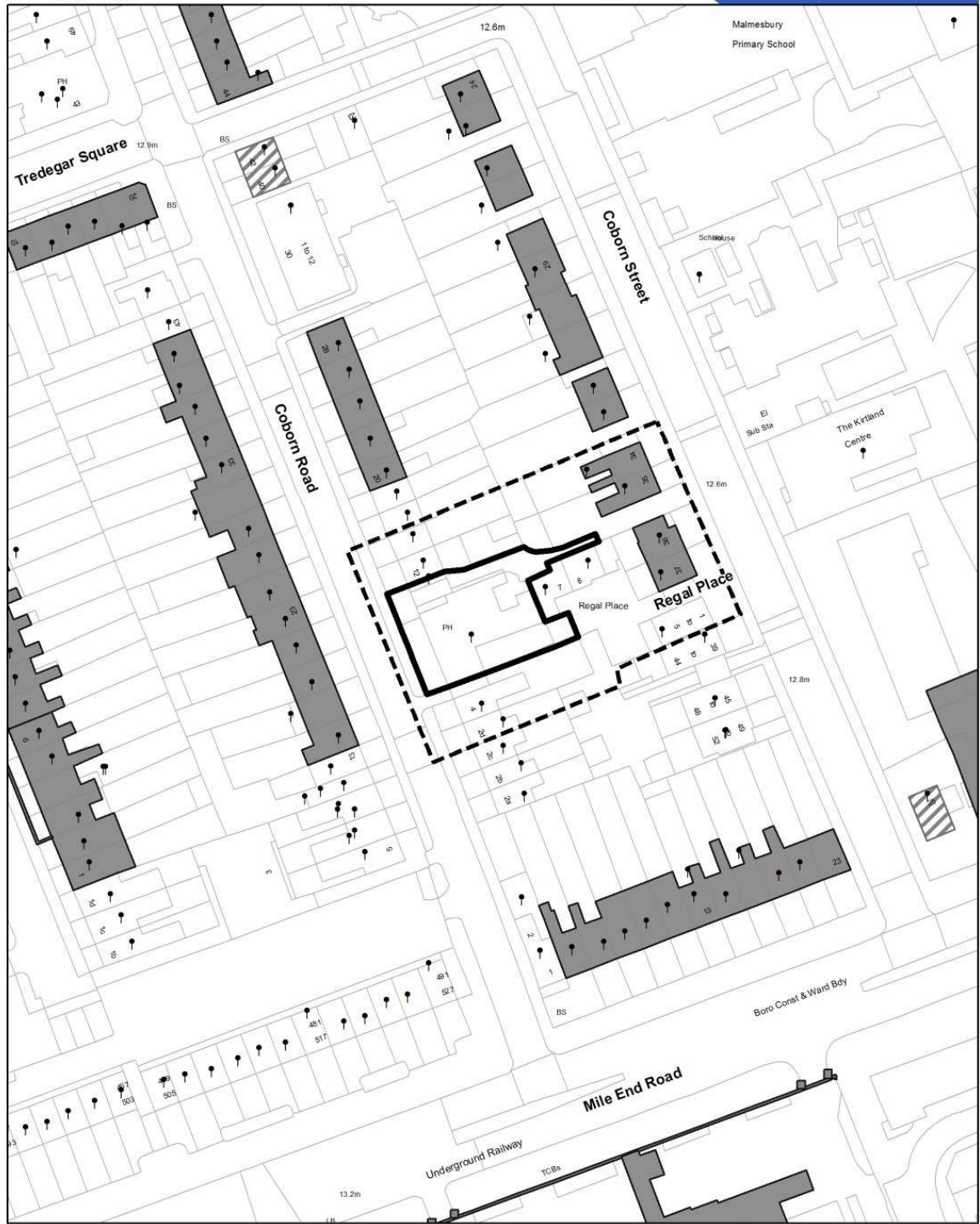
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED.

12.0 SITE MAP

Planning Application Site Map
PA/13/02287



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
-
- Consultation Area
- Statutory Listed Buildings
- OSLine

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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