

<b>Committee:</b> Development	<b>Date:</b> 9 April 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/13/02287
	<b>Ward:</b> Bow West

## 1.0 APPLICATION DETAILS

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

## 2.0 BACKGROUND

- 2.1 This application proposal was reported to the Development Committee on the 12<sup>th</sup> February 2014 with officers' recommendation for **APPROVAL**. The Committee resolved **NOT TO ACCEPT** officers' recommendation.
- 2.2 Officers recorded that Members were minded to **REFUSE** permission for the scheme due to concerns over the impact on residents in terms of increased noise, disturbance

and anti-social behaviour deriving from the increased capacity of the public house arising from the proposed extensions.

- 2.3 The application was **DEFERRED** to enable officers to prepare a supplementary report setting out and providing commentary on the detailed reasons for refusal. deferred

### **3.0 AMENDED PROPOSAL**

- 3.1 Following the 12<sup>th</sup> February Committee meeting, on the evening of 18<sup>th</sup> February the applicant has conducted a consultation meeting with residents and subsequently submitted a revised proposal aiming to address residents' concerns.

- 3.2 The applicant has omitted the new trading area to be constructed over the garden at rear of No. 6 Coborn Road and instead proposes to dedicate this area to larger toilets, an office/store and a private garden. The garden would not be accessible to members of the public and there would be no window openings to bar or dining areas. In this way better ancillary facilities would be provided with a lesser increase in the capacity of the establishment.

- 3.3 While the total proposed floor area has been reduced by only 33sqm, due to the increased size of the ancillary facilities, the proposed trading area has been reduced by 56sqm. As such, in terms of the size of the trading area, the amended proposal would result in an increase of only 48sqm rather than 104sqm as previously proposed.

- 3.4 The future use of the part of the extension to be dedicated to ancillary facilities can be safeguarded through imposition of a condition preventing the use of this area for sale or consumption of food and drink.

- 3.5 Officers have conducted a further public consultation exercise and sent consultation letters to all of the 49 previous objectors. 14 responses were received, all in objection. The respondents maintain their original objections to the expansion of the public house.

- 3.6 Officers are of the view that the proposal as amended represents a significant improvement over the previously proposed scheme. The currently proposed increase to the existing trading area of the public house would be minor and would not result in significant harm to the amenity of the adjoining occupiers, in particular in light of the existing amenity impact of the premises.

### **4.0 PROPOSED REASON FOR REFUSAL**

- 4.1 In the event Members are not satisfied with the revised proposal, officers have drafted the following refusal reason, in line with Member's concerns as noted during the 12<sup>th</sup> February 2014 Committee.

1. The proposed extension to the public house would result in an increase in late evening noise, disturbance and general activity within the forecourt and in the vicinity of the premises and thus lead to an unacceptably harmful effect on the living conditions and amenity of the adjoining residential occupiers. This would be contrary to the general principles of the National Planning Policy Framework (2012), policy 7.15 of the London Plan (2011), policy SP03(2B) of the Core Strategy (2010), and policies DM8 and DM25 of the Managing Development Document (2013). These policies require development to protect, and where

possible improve, the amenity of surrounding existing and future building occupants, as well as the amenity of the surrounding public realm.

- 4.2 It is considered that the above reason for refusal can be defended on appeal.

#### Consideration

- 4.3 Officers note Members' and Residents' concerns with regard to the possibility of an adverse amenity impact resulting from the proposal. However, it is officers' professional view that such an impact is likely to be minor and insubstantial in light of the existing activity associated with the premises. The application proposal has been revised substantially and, subject to conditions, is considered to be acceptable in planning terms.

### **5.0 IMPLICATIONS OF THE DECISION**

- 5.1 Should Members decide to re-affirm their previous resolution and refuse planning permission, there is a number of possibilities open to the Applicant. These would include (but would not be limited to):

- Resubmit an amended scheme to attempt to overcome the reasons for refusal. However, the scope of this option is limited as the applicant has already substantially reduced the amount of proposed trading floorspace.
- Lodge an appeal against the refusal of the scheme.

- 5.2 Planning Inspectorate guidance on appeals sets out that:

"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".

- 5.2 Whatever the outcome, your officers would seek to defend any appeal.

### **6.0 RECOMMENDATION**

- 6.1 Officers' recommendation as at 12<sup>th</sup> February 2014 to **APPROVE** planning permission remains unchanged.

- 6.2 If Members are minded to approve the application it is recommended that in addition to conditions set out in paragraph 3.3 of the 12<sup>th</sup> February report a further condition is imposed to prevent the use of the extension at rear of No 6 Coborn Road from being used as an area for sale or consumption of food and drink.

### **7 APPENDICES**

- 7.1 Appendix One - Report to Development Committee 12<sup>th</sup> February 2014
- 7.2 Appendix Two - Update Report to Development Committee 12<sup>th</sup> February 2014