

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 14 January 2009  
**Report of** Head of Planning Services  
**Subject** 09/01465/F Romany Beer House 131 Colman Road  
Norwich NR4 7HA

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**Item**  
**5(2)**

### SUMMARY

<b>Description:</b>	Part demolition of existing buildings and erection of a single storey retail store (Class A1) with associated access, parking and service area (revised application).
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve subject to conditions
<b>Ward:</b>	University
<b>Contact Officer:</b>	Mark Brown Senior Planner 01603 212505
<b>Valid date:</b>	15th December 2009
<b>Applicant:</b>	Commercial Development Projects
<b>Agent:</b>	Blue Sky Planning

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site consists of the former Romany Public House and adjacent car park to the east of Colman Road.
2. The Romany Public House has now been closed for some time and forms part of the Colman Road (The Avenues) Local Centre. The local centre has 14 units (including the pub) comprising a bank, betting shop, bakery, corner shop, newsagents, pharmacy, hairdressers, window framing company, charity shop, two takeaways, a vacant off licence and a vacant butchers. Nearby is 'The Parade' a further local centre on Colman Road providing a further 9 units including a post office/pharmacy, 3 takeaways, dry cleaners, hardware store, hairdressers, a convenience store and a car sales and servicing centre.
3. The site comprises the public house a 2½ storey building with a parking area to the south and east (rear) which is currently closed and enclosed with heras fencing. There is a single storey outbuilding on the southern boundary of the site which has been converted at some stage to a garage. A road runs along the southern boundary of the site before turning north and exiting onto the Avenues, whilst this in practice is only used for servicing it is an adopted highway, from hereon for ease of reference only it will be referred to as the service road. The boundary between the site and this service road is currently marked by

a 4m – 5m hedge.

4. Residential properties are located to the east and south on Kinghorn Road and Colman Road, respectively, beyond the service road.

## Planning History

5. An almost identical application (09/00899/F) was withdrawn in December. The application was withdrawn due to concerns raised by our transportation section and Norfolk County Council Highways in relation to the servicing arrangements at the site. The current application has been submitted with a revised servicing and access arrangement.

## The Proposal

6. The proposal is for the demolition of the single storey building on the southern boundary of the site and a small later single storey element of the public house and the construction of a convenience retail (class A1) store comprising 400sqm gross floorspace.
7. Vehicular access is proposed from Colman Road via the service road. Egress is proposed via the service road to either Colman Road or the Avenues. The service road is proposed to be widened and the access to Colman Road improved. Car parking is to be provided to the rear for 29 spaces including 2 disabled spaces, this represents an increase of four spaces.

## Representations Received

8. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
There are existing vacant units in the centre.	See paragraphs 15-18
Concern that the proposed unit would have a negative impact on existing convenience stores.	See paragraphs 15-18
Concern over further traffic causing noise and air pollution.	See paragraphs 28-30
Concerns over an increase in traffic in the service road	See paragraphs 22-25
Concern that a shop unit that opens late at night may cause noise and antisocial behaviour in the area.	See paragraph 26

9. A number of other representations were received to the previous application at the site which have not been resubmitted for this revised application. Given that the proposals are almost identical with the exception of certain details relating to servicing and access arrangements and given the small time frame between the two applications, these further representations are detailed below for the information of members.

- .9.1. 2 letters of representation received to the previous application citing the issues as summarised in the table below:

Issues Raised	Response
The need for a further convenience store – the area is already well served by the two local centres on Colman Road and other stores on Earlham Road (five-ways and Earlham House).	See paragraphs 15-18
There are existing vacant units in the centre.	See paragraphs 15-18
Proposed opening hours are not provided	See paragraph 29
Concerns over servicing noise to nearby residential properties.	See paragraph 28
Concern over misuse of the car park outside opening hours.	See paragraph 26
Removal of the hedge which provides a noise buffer and provides cover for small birds.	See paragraphs 28, 29 and 36

- .9.2. In addition one letter of support was received to the previous application from an adjacent business commenting that another retail unit is necessary to generate more business to the area and encourage more people to use other shops on the parade.
- .9.3. A letter was also received from Cllr Bremner objecting to application (09/00899/F) for the following reasons:
- .9.3.1. The proposed building is out of keeping in design, scale, and materials to the 1930's buildings either side.
  - .9.3.2. It is for Class A1, a catch all retail, next door to homes on Colman Road, especially 129, and those that back onto the site on Kinghorn Road.
  - .9.3.3. The service road that serves the back of the odd numbered Bunnett Square shops, is narrow, and though the road will be approx. 2 metres wider for a short while to allow vehicles to access the car-park, the road behind will remain narrow. The car park will also encourage far more vehicles in that road, very close to 129 Colman Road, a major increase in traffic. There is hardly any space between 129 and the road. There is no footpath. The plans also talk of lorries that could be 40ft artic's unloading there. There should be restrictions on the size of delivery vehicles being so close to homes in a residential area.
  - .9.3.4. There are homes all by the proposed premises, with 129 Colman Road especially close. There could be noise nuisance related to operation of the shop and deliveries. If this is to be granted then the use of the site should have very restricted hours of operation, with very restrictive controls on delivery times.
  - .9.3.5. The road has been used in the past by a few people to access Colman Road from The Avenues (missing the lights). This has been raised but as it is highway the officers felt it could not be closed. The overgrown trees at the back of this site has discouraged its use, but the opening up of the car park, the encouragement mentioned to use both The Avenues and Colman Road to exit would increase the use of this road as a short-cut, making it more unsafe.
  - .9.3.6. The exit onto Colman Road would be very dangerous coming out by a

controlled pedestrian crossing, an exit from the main parade, and fast moving outer ring-road (A Road) traffic.

- .9.3.7. There are already three shops unoccupied in the parade – The butchers, the Indian Take-Away (was Collins Fish Bar), and La Bodega Off Licence opposite the site. There are notices on the Indian Take Away that suggest that there is another take away to come. I feel therefore that the proposed shop will have a detrimental effect on the parade, which is already having trading difficulties.

## **Consultation Responses**

10. Environmental Health – Concerns raised in relation to any plant or machinery that may be required and the impact on amenity for servicing given the distance goods will have to be transferred by cage. As such conditions are suggested to restrict goods deliveries to the hours of 07am to 07pm and for details of any plant or machinery to be agreed in writing.
11. Tree Protection Officer – Any permission should be conditioned to ensure full compliance with the arboricultural implications assessment and arboricultural method statement in terms of all tree protection proposals, working methodologies, and arboricultural site supervision of the foundation excavation operation at the western end of the foundation footprint. No further groundbreaking should occur until all tree protection issues are addressed. Replacement planting should also be conditioned.
12. Transport – No objection, whilst not ideal the revised servicing solution is now considered acceptable.
13. County Council Highways – There were concerns about the potential for servicing lorries to unload on the adopted highway to the rear of the development leading to illegal obstruction of the highway. The latest drawings show an acceptable off-carriageway unloading area. Additionally if within 12 months of opening the store loading restrictions are found to be necessary the developer will fund the TRO to introduce these.

It was considered that introducing an access regime to the car park that is in off Colman Road and out via the Avenues and the adjacent traffic signals would reduce traffic conflict on Coleman Road. It has now been agreed that this will not at this time be formally introduced and drivers will be allowed to make the choice of exit route from the car park. It is considered that many of the potential right turners onto Colman Road will learn with time that leaving the car park via the Avenues is an easier and quicker route. Left turners onto Colman Road will be able to easily make this turn. All Vehicles have to enter the car park from Coleman Road.

It was considered that the level of use of the side road and accesses off Colman Road did not warrant the provision of the proposed right hand turn lane lining works on Colman Road and will not benefit highway safety or operation of the network at this time. The lining works have been withdrawn from the application and will only be implemented if within the first 12 months of opening of the store it is found a benefit to introduce the lining works on Colman Road.

Considering all the above the Strategic Highway Authority recommends no objection subject to conditions and informatives.

14. Policy – I consider the proposal to be consistent with the profile of local centres identified in the local plan. Whilst it is at the upper end of what was considered as typical in a local

centre, it would be smaller than typical provision on other centres.

The scale of the proposal would not be considered to have an adverse impact on the role of existing centres within the shopping hierarchy.

15. Norwich Society – responded as follows to the previous application at the site:

This is a featureless shed; totally insensitive to the current conservation row of shops.

Does not relate well to existing distinctive buildings.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **Relevant National Planning Policies**

PPS1 – Delivering Sustainable Development

PPS1 Annex – Planning and Climate Change

PPS4 – Planning for Sustainable Economic Growth (PPS6 was cancelled on 29 December 2009 and replaced by PPS4)

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

#### **Relevant Strategic Regional Planning Policies**

##### **East of England Plan 2008**

ENV7 – Quality in the Built Environment

T4 – Urban Transport

T6 – Strategic and Regional Road Networks

T8 – Local Roads

T9 – Walking Cycling and other non-motorised transport

WM6 – Waste management in development

#### **Relevant Local Plan Policies**

##### **City of Norwich Replacement Local Plan 2004**

T2 – Transport – New Development

#### **Supplementary Planning Documents and Guidance**

NE9 – Landscaping

HBE12 – Design

HBE19 – Design for safety and security including minimising crime

EP22 – Amenity

SHO2 – Convenience Retail

SHO3 – Locational conditions for new retail development – sequential test

SHO12 – Retail development in District or Local Centres

SHO14 – Improvements to safety and attractiveness of District and Local Centres

TRA3 – Modal shift measures in support of Norwich Area Transportation Strategy (NATS)

TRA5 – Approach to design for vehicle movement and special needs

TRA6 – Parking standards – maxima

TRA7 – Cycle parking standard

TRA8 – Servicing provision

TRA10 – Contribution by developers to works required for access to the site

## **Principle of Development**

### **Retail Implications**

16. Saved local plan policy SHO12 states that retail development will be supported if it is of a scale consistent with the position of the centre in the retail hierarchy and satisfies policy SHO3. Local plan policy SHO3 requires new retail development to be located sequentially within existing centres. In this case the proposed new convenience store falls within the defined boundary of the Local Centre.
17. The proposed store measures 400sqm gross floorspace. The applicant has indicated that this would be approximately 295sqm net floorspace. In terms of appropriateness of scale this is significantly smaller than the minimum requirement for a district centre (400sqm net) as set out in the Local Plan. PPS4 indicates that a local centre would typically provide a small supermarket (indicated as less than 2,500 sqm gross) which would provide for 'top up' shopping. Although at the upper limit of what might be considered acceptable within a local centre, the proposed store is considered to be of an appropriate scale consistent with the local centres position in the retail hierarchy.
18. In terms of assessing the impact of the proposed development on existing and nearby centres, policy EC14 of PPS4 details that retail developments of less than 2,500sqm gross floorspace within existing centres do not require an impact assessment. The site in question is well below this threshold and located within the existing local centre. The proposals are also under the lower threshold for an impact assessment of 1,000sqm set out in the explanatory text to local plan policy SHO3. As detailed at paragraph 17 above, it is also considered to be of an appropriate scale for the position of the centre in the retail hierarchy.
19. Policy EC13 of PPS4 provides further guidance on development in Local Centres. Given that the proposals would not lead to the loss of any existing retail or service facilities, the proposals are considered to comply with this guidance.

### **Transport and Access**

20. The site is located within a local centre with good access to surrounding residential areas by non car modes. The Avenues forms part of the strategic cycle network and green links network. Colman Road is part of the Norwich outer ring road and the major road network. There are a number of bus stops close to the site on Colman Road which provides bus links to the surrounding area and City Centre.
21. Access and egress to the site is proposed via the service road to Colman Road and The Avenues. The existing access to Colman Road is effectively two relatively small accesses either side of the single storey building to be demolished. One provides access to the service road and the other to the existing Romany car park. The proposals will create a single access which is to be improved by widening and new lining. The currently overgrown hedge running along the boundary of the service road with The Romany car park is proposed to be removed.
22. Consideration has been given to the provision of a right hand turn lane on Colman Road into the service road. Following consultation with the County Council however, it was considered that the level of use of the service road may not warrant the provision of the proposed right hand turn lane lining works on Colman Road and may not benefit highway safety or operation of the network at this time. It is considered that this is something which

23. In terms of parking provision, the existing car park is unmarked and provides space for approximately 25 car parking spaces. The proposed car park will provide 29 spaces including two disabled spaces, representing an increase in four spaces. The transport statement anticipates that this will provide for the store and any future occupier of The Romany. An increase in four parking spaces is well below the maximum parking threshold under saved policy TRA6. Space for eight cycle parking spaces is provided to the front of the store. Secure cycle parking for staff is proposed within the service yard to the rear.
24. The proposals may result in the increased use of the service road, over and above the potential use of the existing car park, however, the improvements proposed to the service road are considered to adequately cater for such increased usage without detriment to the highway.
25. Under the previous application for a convenience store on the site, there were concerns about the location of servicing where vehicles would stop to unload on the highway. Whilst not ideal, the revised proposals provide an off-carriageway unloading area. The submitted transport statement has also demonstrated that the service road can provide adequate space for articulated vehicles accessing the site. As with the right hand filter lane, following consultation with the County Council it is considered that if within 12 months of opening the store loading restrictions are found to be necessary for highway safety reasons, the developer will fund the traffic regulation order to introduce these.
26. Concern has been raised about potential misuse of the car park outside store opening hours. Saved policy HBE19 of the adopted City of Norwich Replacement Local Plan advises that the design of public areas around buildings should take account of the need for security and physical safety. Given that the rear of the site will benefit from little natural surveillance, it is considered that any approval should be subject to a condition requiring details to ensure the security of the car park during and outside store opening hours. Including details of lighting, security cameras and any possible methods for preventing access to the car park outside store opening hours.

## **Impact Neighbour Amenity**

27. With reference to neighbour amenity, the main issue to assess in this case is considered to be any impact of noise resulting from servicing of the site and use of parking facilities. It is not considered that the proposals give rise to any issues of overlooking or overshadowing of nearby properties.
28. In terms of servicing, given that there is no specific servicing bay proposed as part of the proposals goods would need to be trolleyed by cage across the car park to the servicing area. It is considered that the resultant noise could have a detrimental impact on the amenities of adjacent properties. Environmental health have suggested that goods deliveries be restricted to the hours of 07am to 07pm in order to avoid any significant detrimental impact during the night. It is considered that subject to such a condition the impact of any noise pollution would be satisfactorily mitigated.
29. As there is no identified end user of the site at this stage, the applicant has not been able

to provide intended operating hours for the store. The main issue to assess in terms of opening hours is considered to be whether night time opening of the store would result in an unacceptable level of amenity to nearby residents. The main impact of night time opening is likely to be from cars accessing the car park to the rear. As detailed in the previous section, the service road runs to the rear of the site and close to the rear of a number of residential properties on Colman Road, Kinghorn Road and The Avenues. The service road is adopted and therefore can be used at any time, however it is considered that a 24 hour convenience store in this location would significantly increase the roads use during the night and could have an impact in terms of noise on the amenities of nearby residents which would be unacceptable in terms of saved policy EP22 of the adopted City of Norwich Replacement Local Plan. It is therefore recommended that any approval be subject to a condition restricting opening to the hours of 6am and 11pm. The hours are recommended to ensure a reasonable level of amenity to nearby residents, but to not unduly restrict the hours during which a convenience store might expect to operate.

30. In terms of air pollution the site is not located within an air quality management area and it is not considered that car-borne trips to the site within the opening hours suggested above are likely to be significantly greater than the potential use from the existing site. As such it is not considered that there is likely to be any significant detrimental impact in terms of air quality.

## **Design**

31. Whilst not located within a conservation area, this site is located adjacent to an attractive parade of shops which are a good example of 1930's design. The proposed retail store is located on the less prominent south side of the parade and will therefore not impact on what are considered to be the most important views of the parade from the north. The building consists of a single storey hipped roof building.
32. In terms of scale the building is subordinate to those adjacent to it and the hipped roof is considered appropriate, given that this is the dominant roof form in the immediate vicinity. The proposed eaves and fascia are influenced by the eaves detail on the existing parade. The front of the building is predominantly glazed which is considered appropriate given the intended use of the building.
33. In terms of materials, red brick, pantiles and powder coated aluminium windows and doors are proposed. It is considered that subject to conditions requiring samples of the bricks and tiles to be used, the proposed design is acceptable.

## **Trees and Landscaping**

34. A pre-development tree survey and arboricultural implications assessment have been submitted with the application. In addition to the hedge at the boundary of the service road there are four trees within or adjacent to the site. The hedge and the three trees to the rear of the site are category C trees, identified of low quality and value, their removal is considered acceptable subject to replacement planting, which should be a condition of any approval.
35. The main arboricultural implications relate to the mature London Plain street tree to the front of the proposed building. This is identified as a category A tree, of high quality and value. This tree is to be retained. The proposed building abuts the trees root protection area and as such an arboricultural method statement for the foundations to the western

side of the building has been requested and submitted. It is considered that subject to full compliance with the pre-development tree survey and arboricultural method statement the proposals are acceptable.

36. A neighbouring resident has advised that the hedge provides cover for small birds. As discussed above, it is considered important that there is replacement planting on the site in order to compensate for any loss of biomass. No protection species are understood to be present on site, however as nesting birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 an informative note can be placed on any consent to advise that it is an offence to disturb or destroy any such nest and that should protected species be encountered on site all works should cease and advise be sort from Natural England.

## **Conclusions**

37. The site is located within the Colman Road Local Centre and is considered to be of an appropriate scale for the centres position in the retail hierarchy. The site is located on the major road network and subject to conditions relating to the laying out of the site, loading restrictions and highway lining the proposals are considered acceptable in terms of access and servicing.
38. The design of the building is considered to be in keeping with the area and would not have a detrimental impact on the sites surroundings subject to exact details of materials. In terms of amenity the site is in close proximity to a number of residential properties, conditions are recommended which relate to the hours of opening, hours of servicing, the installation of plant and machinery on the site and the security of the car parking areas, these are considered to satisfactorily mitigate any impact the proposals may have on neighbour amenity.
39. Finally, the site is currently occupied by a number of trees, of primary importance is the London Plain street tree. The arboricultural method statement submitted with the application allows for the satisfactory protection of the tree during construction and compliance with this is conditioned. The recommendation is therefore to approve subject to the conditions listed below.

## **RECOMMENDATIONS**

To approve Application No (09/01465/F, Romany Beer House, 131 Colman Road, Norwich) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. The loading restrictions and highway lining on Colman Road to provide a right turn to be completed within 18 months of the first occupation of the development unless the prior written agreement of the Local Authority has been received advising that the works are not required;
3. Provision of site access, parking and servicing areas;
4. Provision of cycle parking;
5. Details of any plant or machinery to be installed on site to be provided;
6. Hours of opening restricted to 06:00 and 23:00;
7. Hours of servicing restricted to 07:00 and 19:00;
8. Details to ensure the security of the car park during and outside store opening hours, including details of lighting, security cameras and any possible methods for preventing access to the car park outside store opening hours ;

9. Exact details including samples of bricks and tiles to be submitted;
10. Development to be carried out in full accordance with the submitted pre-development tree survey and arboricultural method statement;
11. Details of replacement tree planting to be submitted;

(Reasons for approval: The decision has been made with particular regard to policies ENV7, T4, T6, T8 and WM6 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policies NE9, HBE12, HBE19, EP22, SHO2, SHO3, SHO12, SHO14, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA10 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS4, PPS9, PPG13 and other material planning considerations.

The site is located within the Colman Road Local Centre and is considered to be of an appropriate scale for the centres position in the retail hierarchy. The site is located on the major road network and subject to conditions relating to the laying out of the site, loading restrictions and highway lining the proposals are considered acceptable in terms of access and servicing.

The design of the building is considered to be in keeping with the area and would not have a detrimental impact on the sites surroundings subject to exact details of materials. In terms of amenity the site is in close proximity to a number of residential properties, conditions are recommended which relate to the hours of opening, hours of servicing, the installation of plant and machinery on the site and the security of the car parking areas, these are considered to satisfactorily mitigate any impact the proposals may have on neighbour amenity.

Finally, the site is currently occupied by a number of trees, of primary importance is the London Plain street tree. The arboricultural method statement submitted with the application allows for the satisfactory protection of the tree during construction and compliance with this is conditioned.)