

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 6<sup>th</sup> December, 2012  
**Report of** Head of Planning Services  
**Subject** 12/01977/L 28 Lower Goat Lane Norwich NR2 1EL

**Item**  
**12(12)**

### SUMMARY

<b>Description:</b>	Internal alterations to include partial removal of internal partition walls, removal of ground to first floor stair, formation of new bathroom with studwork at first floor level, fire protection work and replacement flue duct to basement and ground floors.	
<b>Reason for consideration at Committee:</b>	Member's Request	
<b>Recommendation:</b>	REFUSE	
<b>Ward:</b>	Mancroft	
<b>Contact Officer:</b>	Christopher Bennett	Conservation Officer 01603 212513
<b>Valid Date:</b>	6th October 2012	
<b>Applicant:</b>	Mr Christian Motta	
<b>Agent:</b>	Mr Frank Davey	

### INTRODUCTION

#### The Site

##### Location and Context

1. 28 Lower Goat Lane is located on the corner of Lower Goat Lane and Pottergate. The building is grade II listed and within the St Giles Character area of the City Centre Conservation Area (although bordering the Elm Hill and Maddermarket Character Area to the East.)
2. The St Giles character area is summarised as being 'predominantly a residential area, although it contains a number of commercial and leisure uses mainly focussed along St Giles Street. The compact urban grain contains several fine Georgian, Regency and Victorian houses and some earlier timber framed properties which have been re-fronted, although a few C17 and earlier properties remain in their original state. There is also a selection of good C19 and early C20 public buildings.' The Elm Hill and Maddermarket area is described as "one of the most attractive in the City with a grid of often narrow and intimate streets and lanes generally running north-south and linked by more major routes running east-west, the line of which dates back to Roman times." The character of the area is therefore very well established with a proliferation of historic buildings. This application concerns internal work, and will therefore not affect the appearance of the conservation area.
3. 28 Lower Goat Lane is a grade II listed building and is listed together with 26 Lower

Goat Lane, the adjacent property on Lower Goat Lane, and 18 Pottergate, the adjacent property on Pottergate. The building has the appearance of a single three storey building subdivided into three units. At ground floor level there are three separate shopfronts dating from the C19, but subsequently modified in C20. 28 has a corner entrance door, with a further door on Pottergate, and two shopfronts fronting the street to the East and South. There is a small courtyard to the rear with outbuilding used as stores for the fish and chip shop.

4. The list description describes the building as dating to the C19, of three stories, with a pantile roof and being rendered. It is not unusual for a building's listing record not to identify internal features, as this was simply a result of the building's being listed at the time of survey without an internal inspection being carried out. An historic photo contained in the applicant's design and access statement reveals that the walls are constructed from render applied to a timber frame with brick infill. Internal evidence, revealed during works commenced on removing the existing ground to first floor stair, and on exposed parts of the wall to either side of the stair from first to second floor, reveal that the two principal walls of subdivision either side of the stair are the same construction. Internally, a simple stair with square balusters and handrail indicate, together with the relatively shallow roof pitch and the paired modillion cornice, an early C19 date. An internal inspection of 26 has revealed that the same style of early C19 stair exists from first to second floor, however the ground floor has been modified during the C20 with the central stair removed, and a new stair inserted toward the rear.
5. The building has an earlier medieval undercroft reached by two stairs, a modern late C20 stair from the corner room, which is currently blocked off, and a stair to the rear of the building. The undercroft/cellar area has been modified in the late C20 to facilitate use as additional restaurant use, however this was considered unpopular, and is no longer used.
6. During the C19 it was not uncommon for the shops to be based in the front room of a building, and the shopkeeper to live at the rear and the rooms above. As separation between the shop and residential began to be more commonplace, particularly in the C20, shopkeepers moved out and spaces above were either used for storage or separated as flats. Retail units also increased in size, and ground floors were often significantly modified. This is not the case with No.28, which has kept its original plan form with the stair lobby running through the building, albeit with the insertion of what is thought to be a mid to late C20 stair between ground and first floor (since removed) and new partitions to the rear.

## **Constraints**

7. The building is grade II listed and within the City Centre Conservation Area

## **Topography**

8. Pottergate is one of four parallel historic streets which run East-West following the contour of the Wensum valley, whereas Lower Goat Lane is typical of a smaller connecting lane linking Guildhall Hill/St Giles Street with Pottergate, with a gradual decline from south to north.

## **Planning History**

**12/00290/L** - Internal alterations including removal of existing staircase from basement to ground floor. Installation of combination boiler and Sanicom pump. Removal of existing wall and staircase from ground floor to first floor to facilitate installation of shower room. Removal of existing stud wall separating existing bedrooms to form larger bedroom 1 and installation of new stud wall to enlarge existing bathroom. Removal of existing combination boiler and flue on second floor. (CANCELLED - 30/04/2012)

## **Equality and Diversity Issues**

9. There are no significant equality or diversity issues. A fish bar is in a room adjacent to the entrance, and although there is a small step, it is relatively easy for customers to be served in what is predominantly a take away fish bar. A door bell could be provided and temporary ramp, and space made within the existing premises for the room. There is no disabled access to the basement.

## **The Proposal**

10. The proposal is to separate the first and second floors from the ground floor, involving the removal of the ground to first floor stair and the removal of the section of wall between the front room and stair lobby in order to allow for the installation of a new frying range. The repositioning of the frying range will also allow for more room in the front corner room for disabled access, and for more room for egress from the counter in the event of fire. The first and second floors have alterations to allow for safe exit in the event of fire and to improve amenity of the flat.

## **Representations Received**

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

## **Consultation Responses**

12. English Heritage state that principal staircases are major features in any historic house and key to reading their function and status. The fact that the wall defines part of the 18<sup>th</sup> circulation route [it has subsequently been noted that the building is more likely to date to the early 19<sup>th</sup>] contributes to the significance of the building. The staircase remains above the lobby area adds to that significance. Even if the stair fabric itself post dates the lobby it illustrates the circulation as well as later development of the building. In light of this English Heritage are inclined to agree that the removal of this feature could result in harm to the significance of the building. The National Heritage Planning Policy document paragraph 132 states that any harm to significance requires clear and convincing justification, whilst paragraph 134 raises the possibility of public benefit arising from the proposed works justifying the harm. In this instance the Council would be correct to resist the proposed harm unless a clear and convincing argument is made that the building cannot be maintained in viable use without this alteration. English Heritage would leave the deliberation for the City Council to decide, but if it is not made, they would support an officer recommendation for refusal.
13. The Norwich Society consider this be a careful application, retaining historical

details. It is surprising that a business using boiling oil was allowed to operate in what is patently an ancient timber- framed house; the fire protection is long overdue.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Section 12 – Conserving and Enhancing the Historic Environment

#### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

Policy ENV6 – Protection of the Historic Environment

#### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 2 – Promoting Good Design

#### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

HBE8 – Development affecting conservation areas

HBE9 – Development to Listed Buildings

HBE12 – High Quality of Design

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

City Centre Conservation Area Appraisal

English Heritage PPS5: Planning for the Historic Environment practice guide (revision note June 2012)

### **Other Material Considerations**

None

## **Principle of Development**

### **Policy Considerations**

14. Saved Policy HBE9 of the Local Plan advises that ‘alterations to a listed building will be considered in relation to a) the special architectural or historic interest of the listed building; b) the significance of the alteration or extension to the viability of the use of the building; c) the design of the extension or alteration and its sensitivity to the character of the building.
15. Paragraph 128 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should require ‘an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal in their significance.’
16. The information submitted is considered in this case sufficient to understand the heritage asset, however it should be mentioned that the dating of the building in the heritage statement is incorrect, in that the building is considered to date from the early C19. The internal walls and existing staircase between the first and second

floor is historic fabric and forms part of the original construction of the building dating to the early C19 (noting that evidence of earlier undercroft construction remains in the basement.) It is noted that the same design and style of stair exists between the first and second floor of the adjacent 26 Lower Goat Lane.

## **LISTED BUILDING – Impact on fabric and plan form**

17. Paragraph 182 of the English Heritage Practice Guide states “The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.” The location of the stairs and stair lobby walls are therefore considered to be significant elements of the character of the grade II listed building, and this is supported by English Heritage’s consultation comments.

### First and Second Floors

18. Modification of the existing first and second floors is proposed to include removal of C20 partitions. New work will involve new doors off the stairwell and erection of new partitions in the rear kitchen area and the creation of a new bathroom area to the south party wall. Works are also proposed to the bottom of the cellar stair to create fire separation. None of these alterations involve removal of historic fabric and have been designed so that they result in minimal harm to the character of the listed building. There is therefore no objection to these works.

### Ground Floor and Basement

19. At ground floor level it is proposed to extend the shop area through removing part of the original timber frame and brick wall which forms the separation between the stairwell and the corner room. This will allow for the installation of a new frying range, replacing the existing frying range, which is breaking down.
20. The applicant accepts that there will be some loss of historic fabric and a risk of a lack of identity to the original form and character of the property with the loss of a stairwell. In order to mitigate the loss, they have proposed that the new opening will not be the full height of the room, to show the form and position of the original partition, and also a section of mock stair to be incorporated into the upper section of the original stairwell, as a visual record. Although these measures go some way to assisting future interpretation of the building, they are not considered sufficient to mitigate the resultant loss of historic fabric and an important element of the original plan form.
21. The applicants have also identified that a change in the location of the extract and exhaust ducting will allow for better maintenance of the medieval undercroft. The change in location is a relatively minor alteration, and no problems have been identified with the ducting in its existing position. It is stated that an existing prop supports the floor in this location. Any new frying range is likely to add significantly to the weight of the floor in stairwell location, so additional work to support the floor would be warranted if the application is allowed. This element of the proposal should result in relatively little harm if required and there are no objections to this work subject to details being required by condition.
22. Paragraph 131 of the NPPF states that in determining planning applications, local authorities should take account of: The desirability of sustaining and enhancing the

significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a proposed development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Saved Policy HBE9 b) of the Local Plan also states that any application should be considered in relation to the significance of any alteration or extension to the viability of the use of the building.

23. The applicants have placed emphasis in their application on the long standing establishment of the business in the local community over several decades. They have also reviewed the current layout and fitness for the continued purpose of use, and would like to make alterations in order to make their business more viable, stating that the installation of the new range is essential for the continuity of their business. No financial evidence has been submitted to demonstrate that the current business is no longer viable. There is also no evidence submitted to confirm whether the alterations will make the business more viable, or whether any other uses of the building, which would not require the same level of intervention in the historic fabric of the building (for example other restaurant or retail uses) may be considered viable without the need for alterations. It should be noted that there are no vacant units in Lower Gate Lane, a heavily trafficked pedestrian route.
24. The applicant has also identified that the alterations will allow for improved fire safety, with separation work between the stairwell void at first and second floor level and the space below into which part of the frying range will be relocated. However, there is no evidence provided which states that if the frying range was kept in the corner room (as existing), and therefore not directly below the stairwell void, the historic timber framed wall which it is proposed to demolish can not be upgraded with lining and a fire door to ensure the greater fire protection of the rear areas and flat above. A counter/frying range could also be adapted so that staff can easily vacate the area if required. The application states that the new counter, which has already been purchased in advance of seeking listed building consent, cannot fit into the existing space, However the submitted plans appear to contradict this. Also, in terms of providing safe egress from the first floor, if the existing stair was to be retained, there would be two means of escape (one being via the existing rear fire escape.)
25. The English Heritage Practice Guide states "It is important that any use is viable, not just for the owner but also for the future conservation of the asset. Viable uses will fund future maintenance. It is obviously desirable to avoid successive harmful changes carried out in the interests of successive speculative and failed uses. If there is a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one. It might be the original use, but that may no longer be

economically viable or even the most compatible with the long-term conservation of the asset.”

26. Although it is appreciated that the applicants wish for their business to be profitable and to remain in the same building, the applicants have not submitted any information to confirm that their business is no longer viable in current trading (if it is viable then there is no reason why a replacement frying range cannot be located in the corner room without making the harmful alteration to the historic fabric.) The applicant has also not submitted any information with regard to whether they have considered relocating to a larger premises and allowing for alternative uses for the building that would result in the need for less change. In reaching a decision as to the degree to which proposed alterations harm the special character of the listed building, it is important to avoid making successive harmful changes in the interests of failed businesses when the alterations are not compatible with the long term conservation of the asset, or where the space for an expanding business cannot be accommodated reasonably within a listed building without significant change.

## **Equality and Diversity Issues**

### **Disability**

27. The applicants wish to improve disabled access through provision of a temporary/removable ramp, which will be stored within the shop and provided for access if required, and also a wireless push bell. There is no objection to this arrangement. The applicants also wish to provide a ‘designated disabled seating area’ between the counter/staff access and the Lower Goat Lane window. Ideally any provision for disabled access should not be differentiated from able bodied access i.e. both should be treated on an equal basis and there is no requirement for a ‘designated’ space. However, designing the counter area for ease of use by disabled is supported, and this could incorporate measures such as lowering the counter for example. It is considered that these changes could be accommodated into the design of layout of the corner room with the fryer without the stair lobby wall needing to be removed.

## **Conclusions**

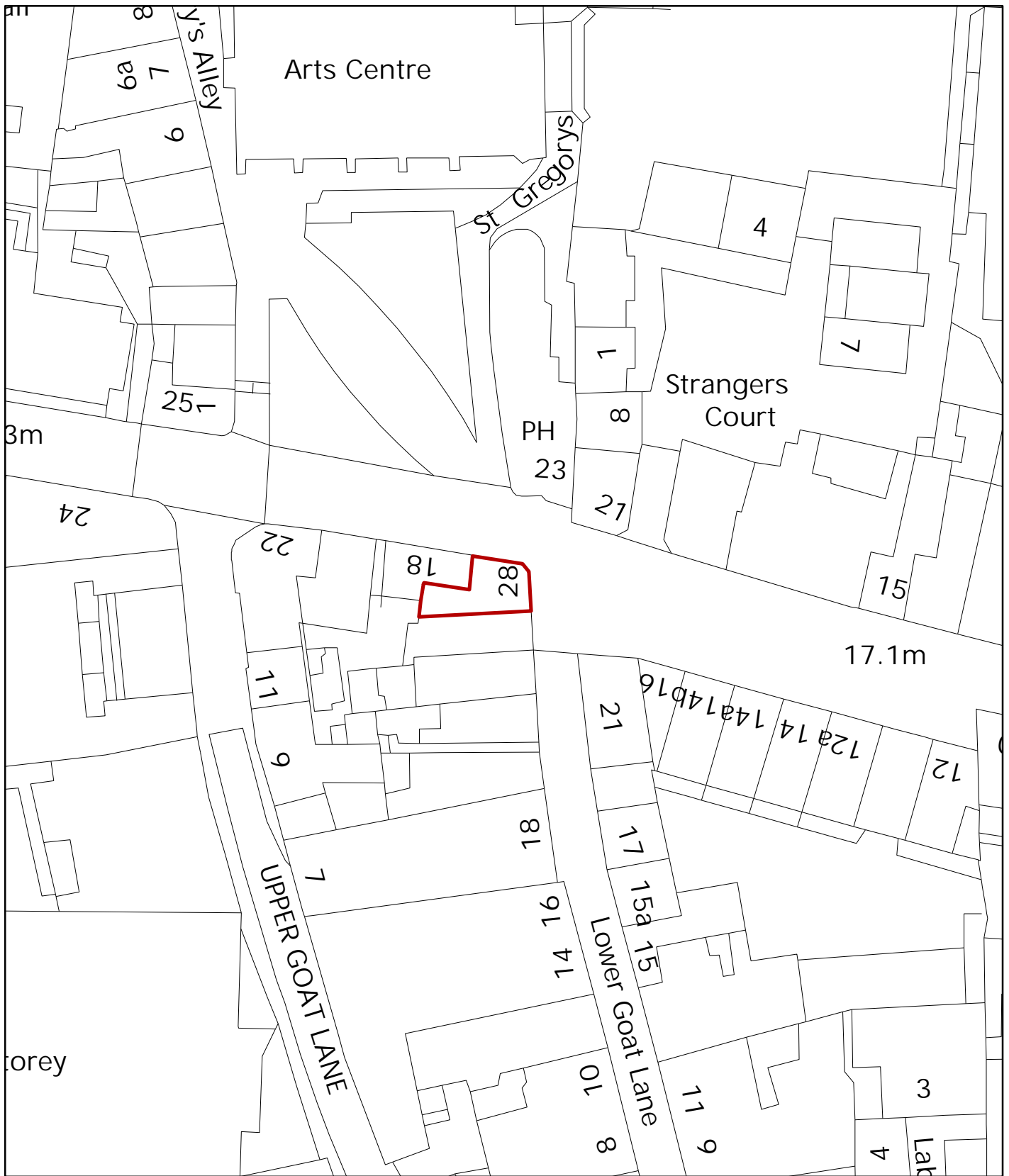
28. The proposals to improve the flat above the shop will improve the amenity and fire safety of this part of the building, which make the use as a flat more viable and are in the interests of the long term preservation of the building. Improvements to fire safety and disabled access are all supported. However, it is considered that the proposed alteration to remove a large section of the original early C19 timber framed and brick infill wall between the stair lobby and the corner room in order to relocate the frying range will have a harmful impact on the special character and significance of the listed building. Although some public benefits have been identified in terms of improving disabled access and fire safety, it is considered that these can be achieved without requiring alterations that would lead to the loss of part of the original plan form of the building. No assessment of viability of the business before or after the proposed alterations has been submitted as suggested in the NPPF and English Heritage Practice Guide, and it is therefore considered that a variety of alternative uses are viable without the need for the alteration, including the continued use as a fish and chip shop with a range that can be accommodated in the existing corner room without the need for alterations to the historic fabric. It is therefore recommended to refuse the application on the grounds

that it will result in harm to the listed building and be contrary to saved policy HBE9 of the Local Plan and the NPPF.

## **RECOMMENDATIONS**

To refuse planning permission for Application No 12/01977/L for the following reason:-

1. The proposal will result in harm to the significance of the heritage asset through the removal of the stair between ground and first floor and the alteration to the plan form involving the substantial removal of the historic timber frame and brick wall between the stair lobby and corner room. As heritage assets are irreplaceable, any harm should require clear and convincing justification. The proposal does not in this case set out a sufficient justification for the alteration to the plan form of the building, as it is considered possible for a viable business to operate in the building without the need for the alteration to take place, and that any public benefits of the proposal can be achieved without the need to make the alteration. It is therefore recommended to refuse the application as it is contrary to policy HBE9 of the Local Plan and the NPPF.



© Crown Copyright and database right 2012. Ordnance Survey 100019747.

Planning Application No 12/01977/L

Site Address 28 Lower Goat Lane

Scale 1:500



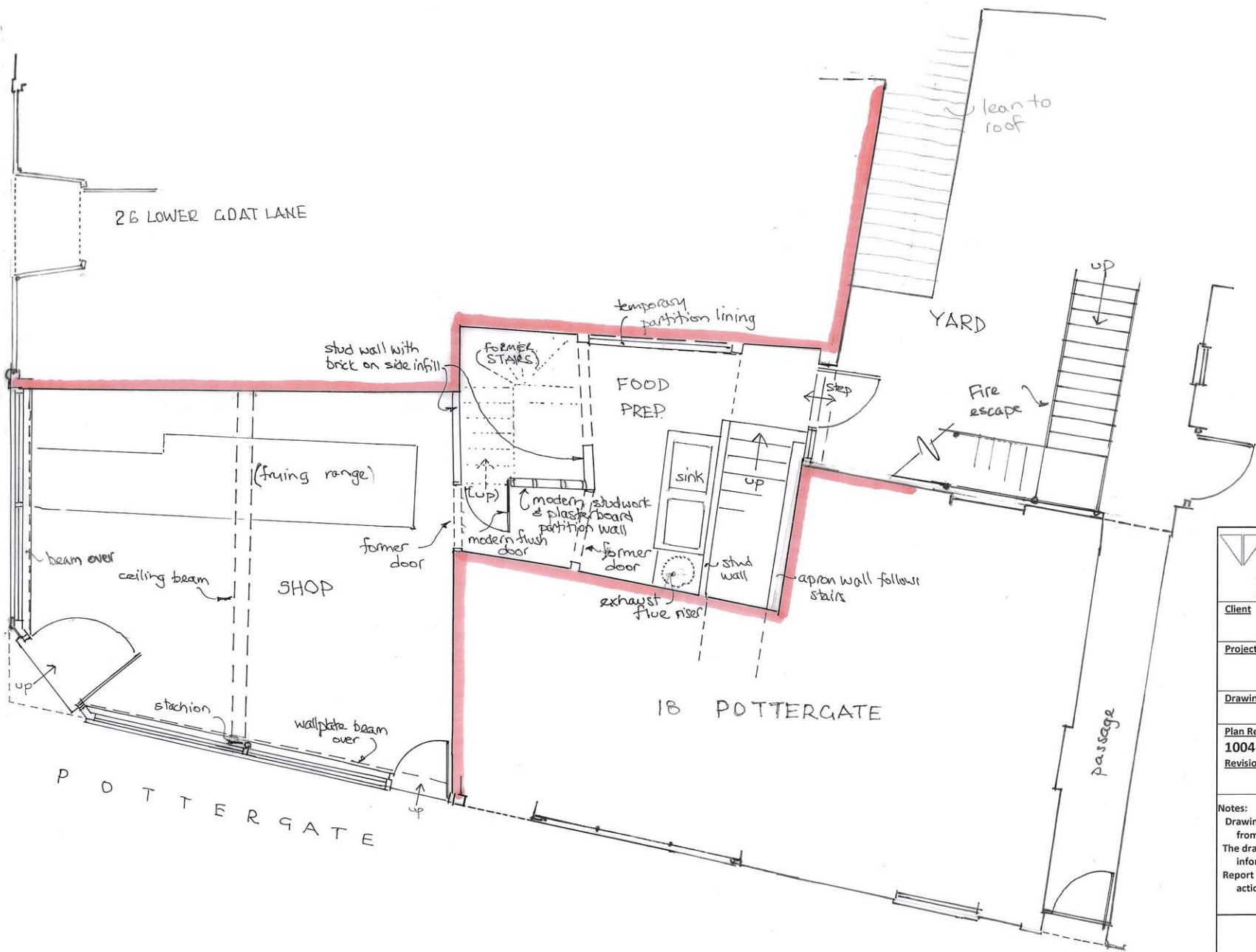
**NORWICH**  
City Council


PLANNING SERVICES



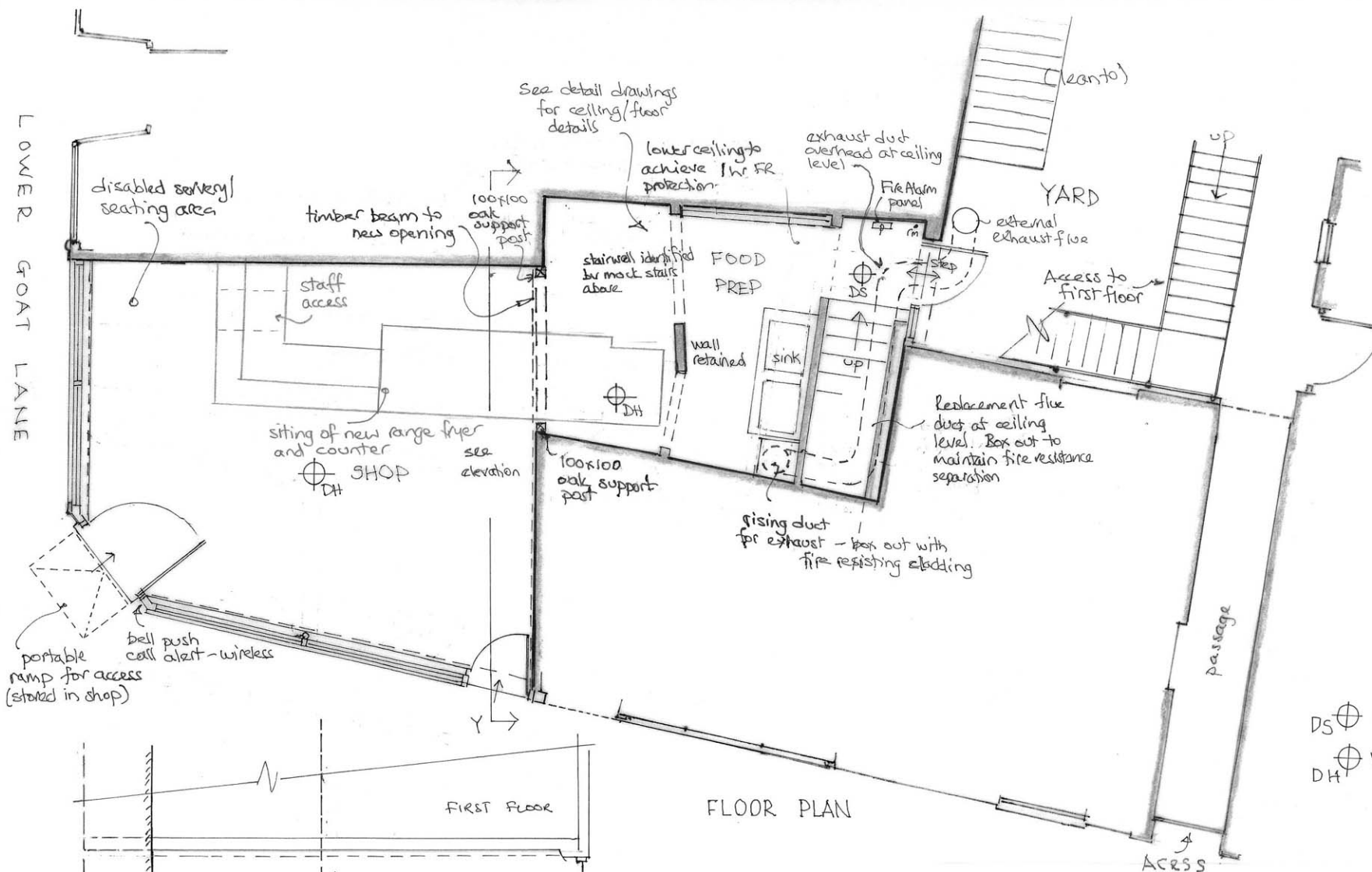
LOWER GOAT LANE

26 LOWER GOAT LANE



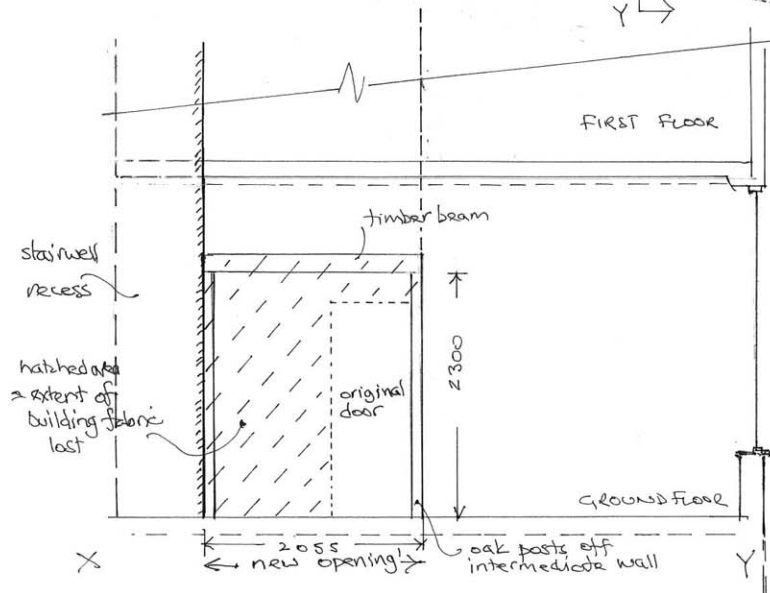
 <b>ALLMAN WOODCOCK</b> Chartered Quantity Surveyors • Chartered Building Surveyors		
10 - 11 Tombland Norwich Norfolk NR3 1HF t: 01603 610243 w: www.allmanwoodcock.com		
<b>Client</b> Grovesnor Fish Bar		
<b>Project:</b> 28 Lower Goat Lane Norwich Proposed Internal Alterations		
<b>Drawing:</b> Ground floor plan as existing		
<b>Plan Ref:</b> 1004-02	<b>Date:</b> July 2012	<b>Drawn:</b> FND
<b>Revision:</b>	<b>Scale:</b> 1:50	at A3 scale
<b>Notes:</b> Drawing not to be scaled, use written dimensions or confirm from site. Dimensions in mm unless stated. The drawing may contain indicative rather than accurate information. Report any discrepancies immediately and before taking any action based on the drawing. © This drawing is copyright		
	<b>Date</b>	<b>Amendment</b>

LOWER GOAT LANE



DS ⊕ smoke detector } hardwired to fire alarm  
DH ⊕ heat detector }

FLOOR PLAN



INTERNAL ELEVATION X-Y

Rev	Date	Amendment
<p>Notes: Drawing not to be scaled, use written dimensions or confirm from site. Dimensions in mm unless stated. The drawing may contain indicative rather than accurate information. Report any discrepancies immediately and before taking action based on the drawing. © This drawing is copyright</p>		
<p>ALLMAN WOODCOCK Chartered Quantity Surveyors · Chartered Building Surveyors 10 - 11 Tombland Norwich Norfolk NR3 1HF t: 01603 610243 w: www.allmanwoodcock.com</p>		
<p>Client: Grovesnor Fish Bar</p>		
<p>Project: 28 Lower Goat Lane Norwich Proposed internal alterations</p>		
<p>Drawing: Ground Floor plan as proposed</p>		
Plan Ref:	Date:	Drawn:
1004-04	August 2012	FND
Revision	Scale:	
	1:50	at A3 size