

## Public Document Pack



Please note that the following documents were published separately from the main agenda for this meeting of the Planning Committee to be held on Wednesday, 7th August 2024 at 5.30 pm in Committee Rooms 1 and 2, City Hall, Beaumont Fee, Lincoln, LN1 1DD.

1. Confirmation of Minutes -10 July 2024 (Pages 3 - 24)

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**Present:** Councillor Gary Hewson (*in the Chair*),  
Councillor Debbie Armiger, Councillor Chris Burke,  
Councillor Sue Burke, Councillor Martin Christopher,  
Councillor Rebecca Longbottom, Councillor Bill Mara,  
Councillor Callum Roper, Councillor Pat Vaughan,  
Councillor Calum Watt and Councillor Emily Wood

**Apologies for Absence:** Councillor Bob Bushell, Councillor Liz Bushell and  
Councillor Annie Currier

**1. Confirmation of Minutes - 17 April 2024**

RESOLVED that the minutes of the meeting held on 17 April 2024 be confirmed and signed by the Chair as a true record.

**2. Update Sheet**

An update sheet was circulated with reference to planning applications to be considered this evening, which included additional information for Members attention, received after the original agenda documents had been published.

RESOLVED that the update sheet be received by Planning Committee.

**3. Declarations of Interest**

Councillor Callum Roper declared a Personal and Pecuniary Interest with regard to the agenda item titled 'White Hart Hotel, Bailgate, Lincoln'.

Reason: He was known to one of the objectors to the planning application.

He left the room during the consideration of this item and took no part in the discussion or vote on the matter to be determined.

Councillor Emily Wood declared a Personal and Pecuniary Interest with regard to the agenda item titled 'White Hart Hotel, Bailgate, Lincoln'.

Reason: She was known to one of the objectors to the planning application.

She left the room during the consideration of this item and took no part in the discussion or vote on the matter to be determined.

Councillor Emily Wood declared a Personal and Pecuniary Interest with regard to the agenda item titled 'White Hart Hotel, Bailgate, Lincoln (Listed Building Consent)'.

Reason: She was known to one of the objectors to the planning application.

She left the room during the consideration of this item and took no part in the discussion or vote on the matter to be determined.

Councillor Rebecca Longbottom declared a Personal and Pecuniary Interest with regard to the agenda item titled 'White Hart Hotel, Bailgate, Lincoln'. Reason: She was known to one of the objectors to the planning application.

She left the room during the consideration of this item and took no part in the discussion or vote on the matter to be determined.

#### 4. **Work to Trees**

Dave Walker, Arboricultural Officer:

- a) advised Planning Committee of the main purpose of his report being the reasons for proposed works to trees predominantly in the City Council's ownership, although it may include other trees at times where special circumstances applied and officers were both able to do so and thought it was helpful
- b) sought consent to progress the works identified, as detailed at Appendix A of his report
- c) highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was in City Council ownership and identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required
- d) explained that ward councillors had been notified of the proposed works.

Members thanked the Arboricultural Officer for the introduction of further guidance notes within his report to Planning Committee, which gave a fuller picture of the importance as a local authority we placed on trees.

RESOLVED that the tree works set out in the schedules appended to the report be approved.

#### 5. **Confirmation of Tree Preservation Order No:185**

The Planning Team Leader:

- a. advised members of the reasons why a temporary tree preservation order made under delegated powers by the Assistant Director for Planning should be confirmed at the following site:
  - Tree Preservation Order No 185: 1no Fagus Sylvatica (Purpurea) tree situated within the grounds of Hilton Lodge, Union Road, Lincoln LN1 3BJ
- b. provided details of the individual tree to be covered by the order and the contribution it made to the area
- c. reported that the making of any Tree Preservation Order was likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees, however, this was contained within existing staffing resources
- d. reported that the initial 6 months of protection would come to an end for the Tree Preservation Order on 15 October 2024
- e. confirmed that the provisional Tree Preservation Order was made following a request to carry out extensive canopy reduction work, amounting to approximately 50% of the canopy; on inspection of the tree by the

Council's Arboricultural Officer using the 'Helliwell System' of Visual Amenity of Trees and Woodland, he considered it to be of high amenity value

- f. added that the tree appeared to form part of an aerodynamic canopy with an adjoining Beech and this added to the aesthetic appearance of the Castle and Cathedral skyline when viewed from the south
- g. reported that the agent, on behalf of the applicant, suggested that several large limbs had fallen from the tree in the past, however, the species was prone to summer drop
- h. advised that following consultations carried out with both the landowner and adjoining properties, no objections had been received to the order
- i. advised that confirmation of Tree Preservation Order 185 would ensure that the tree could not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

RESOLVED that Tree Preservation Order No 185 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

**6. Applications for Development**

**7. Land Comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln**

The Planning Team Leader:

- a. referred to the application site called the Judges Lodgings, together with adjacent land to the north, east and west and also 2 Bailgate
- b. reported that planning permission was sought for the application site as follows:
  - To demolish an existing extension to the rear of the Judges Lodgings to be replaced with a three-storey extension to provide apart-hotel style bedrooms on the upper floors with undercroft car parking and services at ground floor.
  - Internal and external works to Judges Lodgings to facilitate the conversion and provision of a café and restaurant space at ground floor level.
  - Alterations to an outbuilding to the west of Judges Lodgings to provide a retail/café kiosk.
  - Erection of a 1½ and 2½ storey building to the north of the site with retail commercial floorspace, undercroft parking on the ground floor and long-stay serviced accommodation to the upper floors (referred to as Block C within the officer's report.)
  - Erection of timber glazed shopfronts to create retail kiosks under the arch from Bailgate and to the west.
  - Reinstatement of the shopfront to 2 Bailgate.
  - Reconfiguration of the entrance door to 2A Bailgate.
  - Associated works including erection of buildings/structures to provide plant/infrastructure.

- Hard and soft landscaping works to create a publicly accessible open space with external seating areas.
- c. described the aspirations of the Design and Access Statement to redevelop the area to create a vibrant mixed-use development incorporating food and beverage establishments, boutique, retail and apart-style accommodation to compliment accommodation currently available at the White Hart Hotel, also with the applicant's ownership
  - d. advised that the development proposed to enhance the public realm, reinstate public routes through the sites to St Paul's Lane and creation of new public routes from St Paul's Lane to Bailgate and St Paul's Lane and Castle Hill
  - e. described the Judges Lodgings, a grade II\* building which sat to the north of Castle Hill and to the east of Lincoln Castle, also a scheduled monument grade I listed
  - f. referred to the land to the north, east and west of the building also the subject of this planning application, and described the location of the application site in relation to surrounding buildings, a number being either grade II\* or II listed as detailed within the officer's report
  - g. reported that the application site was also within the Cathedral and City Centre Conservation Area
  - h. described in detail two additional applications submitted requesting listed building consent which would consider the proposals in relation to the impact on the buildings as designated heritage assets, whereas the full application considered the proposals with regard to the acceptability of the proposed uses, impact on visual amenity, residential amenity and highways, amongst other issues
  - i. advised that as the number of objections received for the two listed building consent applications did not meet the threshold for referral to Committee, they would be dealt with under delegated powers, however a decision would not be taken until Planning Committee had determined this full planning application
  - j. added that many of the objections raised to the listed building consent applications related to matters other than the impact on the heritage asset and were therefore included, listed and taken into account as part of the consideration of this full application; a request for additional information from Lincolnshire County Council against the listed building consent application was also dealt with here
  - k. reported on revisions made to both this application and the accompanying listed building consent applications during the planning process as detailed within the officers report, which had been subjected to re-consultation with statutory consultees, objectors and neighbours as necessary and responses included in full within the application before Committee
  - l. detailed the history to the application site within the officer's report
  - m. provided details of the policies pertaining to the application, as follows:

- Policy S1: The Spatial Strategy and Settlement Hierarchy
- Policy S6: Design Principles for Efficient Buildings
- Policy S8: Reducing Energy Consumption-Non-Residential Development
- Policy S13: Reducing Energy Consumption in Existing Buildings
- Policy NS18: Electric Vehicle Charging
- Policy S21: Flood Risk and Water Resources
- Policy S35: Network and Hierarchy of Centres
- Policy S36: Lincoln's City Centre and Primary Shopping Area
- Policy S42: Sustainable Urban Tourism
- Policy S53: Design and Amenity
- Policy S56: Development on Land Affected by Contamination
- Policy S57: The Historic Environment
- Policy S60: Protecting Biodiversity and Geodiversity
- Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66: Trees, Woodland and Hedgerows
- National Planning Policy Framework

n. provided details of the issues to be assessed in relation to the planning application, as follows:

- Policy context and principle of uses
- Visual amenity, character and appearance of the Conservation Area and the setting of listed buildings
- Residential amenity
- Access, parking and highways
- Energy efficiency
- Landscaping, trees, biodiversity and biodiversity net gain
- Archaeology
- Flood risk and drainage
- Contaminated land
- Design and crime

o. outlined the responses made to the consultation exercise

p. concluded that:

- The principle of uses was considered to be appropriate to the site and within the wider context.
- The extension to the Judges Lodgings, the retail kiosks and Block C had been designed to appropriately reflect or complement the existing buildings and site context in terms of their scale, mass, design and detailing.
- The well considered outdoor seating areas, plant and bin store design and enhancement to outdoor spaces were of further benefit to the site and wider area.
- The setting of the grade II\* Judges Lodgings and grade II, 2 Bailgate would be preserved, as would the setting of other adjacent listed buildings, including the scheduled and grade I listed Lincoln Castle.

- The character and appearance of the conservation area would be enhanced.
- The proposals would not result in harm to neighbour's amenity as a result of the built development or associated noise from external plant.
- The development would also provide an acceptable level of amenity for future guests.
- Matters relating to access, parking and highways, energy efficiency, landscaping, trees biodiversity and BNG; archaeology, flood risk and drainage, contamination and design and crime had been appropriately considered by officers against local and national policies and by the relevant statutory consultees, and could be dealt with as required by condition.
- The proposals would therefore be in accordance with the requirements of CLLP Policies S1, S6, S8, S13, NS18, S21, S35, S36, S42, S53, S56, S57, S60, S61 and S66 as well as guidance within the NPPF.

Mr James Rigby addressed Planning Committee as agent for the scheme in support of the proposed planning application. He covered the following main points:

- He thanked members of Planning Committee for allowing him the opportunity to speak.
- The officers report was very comprehensive/excellently presented.
- He was pleased that it included a strong officer recommendation for approval.
- Application for listed building consent had been submitted in July 2023.
- The scheme had since been refined following detailed discussions between the applicant and planning officers.
- The planning application proposed a vibrant mixed-use development.
- It offered quality hotel accommodation, restaurant and café space, together with retail floor space in boutique style.
- Public access through the site would be from St Pauls Lane.
- There was an allocation of 30 car parking spaces within the scheme.
- This was a uniquely connected development scheme for the White Hart Hotel
- It involved enhancement of pedestrian and public space.
- The removal of the rear 1950/60's rear extension to the Judges Lodgings would be replaced with a much more aesthetically pleasing building.
- Economic benefits would include the creation of 40 full-time-equivalent jobs in the city.
- There would also be additional indirect employment to support existing businesses.
- The planning balance fell in favour of the planning application.
- He hoped the planning application would be supported by Planning Committee this evening.

The Committee discussed the content of the report in further detail.

The following questions/comments were raised in relation to the planning application:



- Was there a time limit involved to give the archaeologists sufficient opportunity to carry out investigations?
- How would access to bins be managed?
- Had potential problems in terms of air conditioning, pumps and noise nuisance been accounted for?
- It was hoped the application for Listed Building Consent would be correct first time without the need for a retrospective planning application

The Planning Team Leader offered the following points of clarification in relation to the planning application:

- In terms of the bin storage, electrical sub-station, and plant storage area, these would be serviced from St Paul's Lane Times of operation would be conditioned to avoid busy periods.
- The applicant was fully aware that if it did not conform with listed building consent requirements this was regarded as a serious crime. Should more work above that applied for be required, an additional separate application would be submitted.
- A great deal of archaeological work had already been completed on site and there was a great deal of confidence in what would be found. A written scheme of investigation would be required by condition to ensure the archaeology was assessed and recorded appropriately.
- In terms of air conditioning, Environmental Officers were satisfied that there would be no issues relating to noise.

Further questions/comments were raised in relation to the planning application:

- Did the scheme provide sufficient car parking bays?
- Would there be potential traffic congestion issues?
- Would the development impact on traffic in Bailgate particularly during the construction period?
- Would the development complement existing buildings in the area?
- Had issues of energy efficiency and sustainability been accounted for?

The Planning Team Leader responded as follows:

- The scheme allocated for 30 car parking spaces. The existing car park contained 30-35 spaces. The benefits of the proposed development meant that traffic would be using St Pauls Lane and not travelling along Bailgate to park, resulting in reduced traffic.
- A Construction Management Plan covering the construction period was conditioned as part of the grant of planning permission.
- There was an aspiration for the new retail units to be 'start up' businesses similar to the existing character of the area.
- Officers were confident that the applicants had managed considerations such as sustainability and energy efficiency in the refurbishment of the existing Judges Lodgings and the new buildings.

Further questions/comments were raised in relation to the planning application:

- Could officers give an assurance that traffic access to St Mary Magdalene Church would not be disrupted.
- In terms of the response letter provided by Dr Stein at page 74 of the agenda bundle and the aspiration for the historic area to be as good as it

was if not better, what was the relevance of the odd window boxes she referred to at the back of the proposed extension?

- Was the consideration as to whether or not the removal of asphalt at St Pauls Lane was to be replaced with cobbles to the site boundary an issue here?

The Planning Team Leader responded as follows:

- The matter of access to St Magdalene's Church was beyond our control as a highways issue, however it wasn't considered to be an anticipated problem as cars would more likely be accessing the area from St Paul's Lane.
- The concerns raised by Dr Stein had been considered in great detail. The Principal Conservation Officer had evaluated how the proposals had been addressed by the applicant to be of significant benefit individually and visually.
- The window boxes could be viewed from the Castle Walls, as displayed in the photograph within the officer's power point presentation. The new build would complement not copy the Judges Lodgings. It represented a good reflection on what was there before with modern additions to bring real benefit to the area.

Further questions/comments were raised as follows:

- It was heartening to hear that applicants and planning officers were working together to achieve the best possible outcomes.
- The area had been an eyesore for some time.
- It was pleasing to see a public route through St Paul's Lane, although the member was less sure about the route onto Bailgate and the curved windows. There was an eclectic mix of shopfronts which was good.
- There was a balance to be met in demolishing a building containing a large amount of carbon and creation of a new build.
- Would a record of the cellars attached to the Judges Lodgings be kept open for public access?
- It would be beneficial to see the cobbles reinstated at St Pauls Lane.

The Planning Team Leader responded as follows:

- The curved glazing was a Georgian innovation to reflect local Georgian architecture.
- Carbon was embedded in the existing buildings, A conversion to the existing premises rather than a new build was not possible due to the poor quality of the structure. However, where possible these days materials were crushed and re-used on-site as hardcore.
- The record of the cellars from the Judges Lodgings would be available for public view at the County Archives Office and deposits kept at the Museum, conditioned as such should planning permission be granted.
- Reinstatement of the cobbles could not be reasonably conditioned, although the applicant was here this evening and hopefully would take comments made on board.

Further comments were received as follows:

- The development proposed much better use of land.

- There may be potential archaeological discoveries.
- The design complemented the existing windows.
- It was important to take traffic off the Bailgate.
- It would bring more people into the area. CCTV surveillance would be required to manage any Anti-Social Behaviour.

The Planning Team Leader advised that the premises would be gated to the front and to the rear to control crime. The rest of the site although not gated, included a parking area for the hotel covered by CCTV.

Concerns were raised in that the road where the bin storage would be sited was narrow. The risk of vehicles reversing out was dramatically increased at the point of cut through from Bailgate. Reinstatement of the cobbles would increase the level of sound protection for pedestrians

The Planning Team Leader advised that the area to the south of St Paul's Lane, Bedford Court, was adopted highway outside of the application site, and it was not considered reasonable to condition reinstatement of the cobbles as part of the planning process. The geometry of the road would significantly reduce the potential for speed. The site could be accessed for service within the current layout proposed. Although an incident of someone reversing could not be ruled out, it was expected that motorists would exit in forward gear.

The Chair referred to the scheme enhancing the area making it more attractive in the creation of public open space and pedestrian access at benefit to this part of the city, together with the creation of additional overnight stay bedspace.

RESOLVED that planning permission be granted subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Material sample and details for Block C
- Implementation and retention of landscaping scheme
- Protection measures for tree RPAs
- Details of screen to balcony
- Implementation of noise mitigation measures
- Scheme for kitchen extraction
- Hours of construction/delivery
- Hours for waste collection
- Construction Management Plan
- Implementation of measures within Ecological Assessment
- Submission of a scheme of bird boxes, bat boxes and hedgehog houses
- Archaeological Written Scheme of Investigation including photographic record
- Foundation design
- Submission of full archive and report following completion of archaeological works
- Implementation of contaminated land remediation scheme
- Reporting unexpected contamination
- Management Strategy for retail kiosks

## 8. **White Hart Hotel , Bailgate, Lincoln**

*(Councillors Longbottom, Roper and Wood left the room during the discussion of this item having declared a personal and prejudicial interest in respect of the planning application to be considered. They took no part in the discussion or vote on the matter to be determined)*

The Assistant Director of Planning:

- a. referred to the application property, the White Hart Hotel, a grade II listed building located on the corner with Bailgate and Eastgate within the Cathedral and City Centre Conservation Area
- b. detailed the City Council's Principal Conservation Officer's description of the history of the premises, being a complicated site comprising four distinct building phases along the street scene
- c. advised that the hotel had recently reopened following extensive renovation works with some alterations still ongoing; there were a number of approved and ongoing current applications, including this planning application
- d. advised that full planning permission was being sought for internal alterations to the application site to create a new leisure pool and spa, including the excavation and construction of the pool, construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services
- e. outlined the proposals in further detail as follows:
  - The application works would be located towards the rear of the building, adjacent to Eastgate.
  - A pool was previously proposed in this location as part of original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC), however, omitted to allow for the necessary archaeological work and investigations associated with the pool to take place.
  - The vents for the pool would be incorporated within the overall roof mounted plant approved as part of the previous applications. The previous applications also approved alterations to some of the windows on the Eastgate elevation, adjacent to the location of the pool. There were no external alterations proposed as part of this application.
- f. advised that this full application did not consider internal works such as the new internal partitions, however an accompanying listed building consent application had been submitted (2024/0088/LBC) which considered proposals in relation to the impact on buildings as designated heritage assets; whilst this full application considered the proposals in relation to other matters such as archaeology and residential amenity
- g. confirmed that the listed building consent application was also being presented this evening for determination by Members of Planning Committee

- h. reported that a number of objections had been received in relation to both applications, although many of the objections raised within the responses to the listed building consent application could not be considered there as they related to matters other than the impact on the heritage asset; these responses were therefore included within this report and the relevant material planning considerations raised would be taken into account as part of this application
- i. detailed the history to the application site within the officer's report
- j. provided details of the policies pertaining to the application, as follows:
  - Policy S42: Sustainable Urban Tourism
  - Policy S53: Design and Amenity
  - Policy S57: The Historic Environment
  - Policy S60: Protecting Biodiversity and Geodiversity
  - National Planning Policy Framework
  - Planning Practice Guidance
- k. provided details of the issues to be assessed in relation to the planning application, as follows:
  - Archaeology and policy context
  - Assessment of public benefit
  - Residential amenity
- l. outlined the responses made to the consultation exercise
- m. concluded that:
  - Matters in relation to archaeology had been appropriately considered by the City Archaeologist and officers had duly assessed the development's impact against the public benefits.
  - The public benefits arising from the development both to the White Hart and to businesses and listed properties in the vicinity would outweigh the harm likely to result from the proposals.
  - Conditions would ensure that the excavations for the development were appropriately managed and recorded.
  - The residential amenities of neighbouring properties would not be adversely affected by the proposals.
  - The application would therefore be in accordance with the requirements of CLLP Policies S42, S53 and S57, as well as guidance within the NPPF.

Dr Samantha Stein addressed Planning Committee in objection to the proposed planning application. She covered the following main points:

- She was disappointed the Planning Officer had commented that the proposals would make the site better than it was.
- Why were we not doing our best here?
- Below ground archaeology was an important part of our city.
- The applicant had tried to undermine her personal integrity in writing, including her professional status and opinion on the planning application,

information which a solicitor from the City of Lincoln Council had dismissed as not relevant.

- She held a PhD in Archaeology and specialised in geoarchaeology.
- She had given archaeological advice to many local authorities.
- She was not against development.
- There needed to be room for mitigation of archaeological remains.
- The development had to be of public benefit and reasonable.
- This development would consist of marginal benefit only to the applicant.
- It was possible to build the pool above ground without digging to arrive at the development we wanted.
- Why weren't these options being used?
- Would we even be at this point if she had not 'poked' the issue.
- Revisions to the scheme only took place after her intervention.
- Archaeology belonged to many and not the few.
- Roman remains would be encountered if the proposals were approved in their current form and the planning authority would be in contravention of National Planning Policy Framework (NPPF).
- This was a risk we did not need to take.
- If the recommendation was to be accepted then medieval remains were not regarded as of significance, and they were.

Mr Paul Ponwaye addressed Planning Committee as agent on behalf of the applicant in support of the proposed planning application. He covered the following main points:

- Contrary to speculation, the owner/applicant were not unsupportive developers.
- The applicant cared deeply about ancient Lincoln and investment in the city.
- The White Hart Hotel investment went way beyond those of previous owners of the property.
- The scheme proposed long term sustainability for an important heritage asset.
- This investment would never be recouped in the owners lifetime.
- The owner was interested in history.
- From the advice sought and given, no nationally significant archaeology would be affected by the development.
- The City Archaeologist was satisfied with the conclusions reached.
- Historic England were satisfied that the application had been dealt with appropriately by specialist local authority officers and there would be no nationally significant archaeology affected as a result of the development.
- There would always be some loss, however, greater understanding would be gained of the area through detailed investigation.
- Roman/Post Roman interface knowledge would be learnt.
- The entire archaeological investigation focussed on not losing the history.
- The White Hart development would represent long term sustainability of a local asset and also be of benefit to the local economy.

Members discussed the content of the report in further detail.

The following comments/questions emerged:

- It was stated by the applicant there was no archaeology present of significant importance. If this was to be found, when would we stop and what would we ignore?
- Were there any powers available to stop excavation for further investigation or were we reliant on being told this by the developers?
- What measures would be employed to mitigate spa and pool noise?
- What measures would be taken in relation to ventilation to prevent the historic building becoming damp?
- Could reassurance be given to the assessment work guiding us.
- Mr Ponwaye stated that the Council for British Archaeology was in support of the scheme, however Dr Stein contradicted this statement. Which was true?
- The benefit to the public from building the pool may be marginal, however, there was greater benefit to the owner.
- Members were recently informed at a meeting of the Historic Environment Advisory Panel that the site had already been evaluated and that nationally significant archaeology was considered to be below the depth of the proposed excavations for the pool.
- Could an assurance be given that a geophysical survey of the site would be carried out?
- It was great to make new discoveries through development however, archaeology needed to be protected.
- Why couldn't the pool be built on the ground floor with a step up to it?
- A swimming pool did not bring in clientele.
- If significant archaeological remains were found, would these be recorded or removed?

The Assistant Director of Planning offered the following points of clarification:

- In terms of potential noise/ventilation/fume issues, this had been assessed by the Pollution Control Officer who was satisfied this had been satisfactorily addressed.
- The overall position as assessed by planning officers was that the scheme provided an acceptable level of public benefit and was therefore compliant with the National Policy Framework and the Local Plan.
- The remit of Planning Committee was to consider the planning application in front of it this evening rather than alternative schemes.

The Assistant Director of Planning introduced members to Alastair MacIntosh, City Archaeologist, who provided a thorough explanation of the archaeological excavations proposed, together with appropriate conditions to be imposed on grant of planning permission to ensure that impacts to archaeological remains were mitigated proportionally and that the relevant policy tests could be met.

Members asked whether if significant archaeological remains were found, would these be recorded or removed?

The City Archaeologist responded as follows:

- A Written Scheme of Investigation for the fullest possible excavation of the site would be required by condition, which would be paid for by the developer.
- Under the proposed Written Scheme of Investigation, the space to be occupied by the pool would be fully excavated by professional

archaeologists to an appropriately stable level at or below the formation depth of the pool.

- Some elements of the proposals, specifically underpinning and trench sheeting works, would need to be undertaken by engineering operatives rather than the archaeological team. These elements would be monitored archaeologically rather than being directly excavated.
- The revised Written Scheme of Investigation would be assessed by the City Archaeologist on behalf of the City of Lincoln Council before approval to proceed was given. From that point onwards the works would be subject to regular monitoring by the City Archaeologist to ensure compliance with the approved method statement.
- Artefacts recovered from the site would form part of a site archive and be transferred to Lincolnshire Museum Services for storage and management.
- If Roman archaeology was found, there was a spectrum of significance to observe. It would be preserved primarily by record and in situ where possible. However, it was unlikely that nationally significant remains would be encountered during the majority of the development as these were expected to exist below the level of likely impact.
- Roman remains might however be found within the area of the sump, which was proposed for a slightly deeper excavation in an area of 1.5 m by 1.5 m, in one corner of the wider pool area.
- The revised Written Scheme of Investigation would include a process to help protect nationally significant archaeology should it be encountered
- It might be possible to undertake a geophysical survey at the base of the excavation if the deposits at that level were appropriate. The revised Written Scheme of Investigation would contain provision for this should conditions allow.

The Assistant Director of Planning offered the following points of clarification:

- Due to the low ceiling height, it would not be possible to construct a pool at ground level within the confines of the listed building.
- The Council for British Archaeology were not a statutory consultee for this application and submitted an objection on their own initiative. Many of the points they raised were addressed by revised documents, but the objection remained. Historic England were also consulted and referred the planning authority back to the Council's own experts on heritage matters..
- The letter that contradicted support for the scheme was not received from a statutory consultee. Historic England were consulted as the Council's expert on these matters

RESOLVED that planning permission be granted subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Development in accordance with WSI
- Submission of post-excavation timetable prior to first use of pool
- Submission of full archive and report following completion of works



**9. White Hart Hotel , Bailgate, Lincoln (Listed Building Consent)**

*(Councillors Longbottom and Roper rejoined their seats for the remainder of the meeting)*

*(Councillor Wood remained outside of the meeting having declared a personal and prejudicial interest in respect of the planning application to be considered. She took no part in the discussion or vote on the matter to be determined)*

The Assistant Director of Planning:

- a. referred to the application property the White Hart Hotel, a grade II listed building, located on the corner with Bailgate and Eastgate within the Cathedral and City Centre Conservation Area
- b. detailed the City Council's Principal Conservation Officer's description of the history of The White Hart Hotel, being a complicated site comprising four distinct building phases along the street scene
- c. advised that the hotel had recently reopened following extensive renovation works with some alterations still ongoing, there were a number of approved and ongoing current applications, including this planning application
- d. advised that the application sought listed building consent for internal alterations to the site to create a new leisure pool and spa, including the excavation and construction of the pool, construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services
- e. outlined the proposals in further detail as follows:
  - The proposed application works would be located towards the rear of the building, adjacent to Eastgate.
  - A pool was previously proposed in this location as part of original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC), although it was omitted to allow for the necessary archaeological work and investigations associated with the pool to take place.
  - The vents for the pool would be incorporated within the overall roof mounted plant that was approved as part of the previous applications. The previous applications also approved alterations to some of the windows on the Eastgate elevation, adjacent to the location of the pool. There were no external alterations proposed as part of this application.
- f. advised that in addition to this listed building consent application, an accompanying application for full planning permission had been submitted (2024/0087/FUL) and considered by Planning Committee as the previous agenda item this evening
- g. confirmed that listed building consent applications considered proposals in relation to the impact on buildings as designated heritage assets, whereas the full application considered the proposals in relation to other matters; such as archaeology and residential amenity

- h. reported that a number of objections had been received in relation to both applications, although many of the objections raised within the responses to this listed building consent application could not be considered here as they related to matters other than the impact on the heritage asset; these responses were therefore included within the full planning application report and the relevant material planning considerations raised taken into account as part of the consideration of that application
- i. detailed the history to the application site within the officer's report
- j. provided details of the policies pertaining to the application, as follows:
  - Policy S57: The Historic Environment
  - National Planning Policy Framework
- k. advised that the issue to be assessed in relation to the planning application, was the impact on the building as a designated heritage asset
- l. outlined the responses made to the consultation exercise
- m. concluded that the proposals were acceptable and would not be prejudicial to the special architectural or historic interest of the listed building, in accordance with CLLP Policy S57 and guidance within the NPPF.

Dr Samantha Stein addressed Planning Committee in objection to the proposed planning application for listed building consent. She covered the following main points:

- She considered that the gym would be a stunning addition which could be extended without underground investigation.
- The National Planning Policy Framework stated that where development sustained harm, the local planning authority should refuse consent unless there was a public benefit to avoid the loss.
- The swimming pool should be built above ground.

The Assistant Director of Planning offered the following points of clarification to members:

- This application did not consider archaeology above ground. It was seeking listed building consent.
- Focus on the partition walls was the issue at hand.

Members discussed the content of the report in further detail.

RESOLVED that the application for listed building consent be granted, subject to the following conditions:

- Time limit of permission
- Development in accordance with approved plans.

#### 10. **Site of 12 Lindum Terrace, Lincoln**

*(Councillor Wood rejoined her seat for the remainder of the meeting.)*

The Assistant Director of Planning:

- a. referred to the application site, a large corner plot with Sewell Road to the north and Lindum Terrace to the east and south, bounded by a high brick wall with mature trees within and around the perimeter of the site
- b. confirmed that this site within the Lindum and Arboretum Conservation Area was currently vacant after the original building, which sat to the west, was demolished on safety grounds after numerous vandalism and arson incidents and had since become overgrown, although, to the east side of the site, lay the fragments of the former Eastcliff House Grotto
- c. reported that the site was previously owned alongside 10-11 Lindum Terrace, located to the west, with both accommodating medical facilities; in 2016 planning permission was granted for the creation of a medical village on the two sites and 30-32 Sewell Road, although this was never implemented
- d. highlighted the City Council's Principal Conservation Officer's description of the site within a Victorian suburb characterised by large individually designed and often elaborate properties set behind brick walls, within the setting of the grade II listed St Annes Bedehouses and 27 and 29 Sewell Road; these properties sat to the north of the site with 10-11 Lindum Terrace to the west
- e. advised that planning permission was sought as follows:
  - To erect two, 4 storey buildings accommodating a total of 42 apartments; 21 in each block.
  - There would be 8 one beds and 34 two beds with 35 accompanying parking spaces.
  - Building 1 would be located to the front of the site, facing Lindum Terrace, with Building 2 towards the rear.
  - Associated works included cycle and bin storage, a temporary access within the boundary wall, a new pedestrian access within the boundary wall, tree removal and landscaping.
- f. advised that prior to the submission of the application the proposals were subject to extensive pre-application discussions between the applicant, agent, planning officers and the conservation officer
- g. detailed the history to the application site within the officer's report
- h. provided details of the policies pertaining to the application, as follows:
  - Policy S1      The Spatial Strategy and Settlement Hierarchy
  - Policy S2      Growth Levels and Distribution
  - Policy S3      Housing in the Lincoln Urban Area, Main Towns and Market Towns
  - Policy S6      Design Principles for Efficient Buildings
  - Policy S7      Reducing Energy Consumption - Residential Development
  - Policy S12     Water Efficiency and Sustainable Water Management
  - Policy NS18    Electric Vehicle Charging

- Policy S21 Flood Risk and Water Resources
- Policy S22 Affordable Housing
- Policy S45 Strategic Infrastructure Requirements
- Policy S47 Accessibility and Transport
- Policy S49 Parking Provision
- Policy S53 Design and Amenity
- Policy S54 Health and Wellbeing
- Policy S56 Development on Land Affected by Contamination
- Policy S57 The Historic Environment
- Policy S59 Green and Blue Infrastructure Network
- Policy S60 Protecting Biodiversity and Geodiversity
- Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66 Trees, Woodland and Hedgerows
- Supplementary Planning Document- Central Lincolnshire Developer Contributions
- Planning Practice Guidance: Viability
- National Planning Policy Framework

i. advised of the issues to be assessed in relation to the planning application, as follows:

- Principle of use
- Developer contributions
- Visual amenity and impact on character and appearance of the conservation area and the setting of listed buildings
- Residential amenity
- Trees, Biodiversity Net Gain, landscaping and biodiversity
- Access, parking and highways
- Flood risk and drainage
- Energy efficiency
- Archaeology
- Contaminated land

j. outlined the responses made to the consultation exercise

k. referred to the Update Sheet circulated at tonight's meeting which contained a further proposed landscaping plan and key received after the original agenda papers were published

l. concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable.
- An independently assessed viability appraisal had concluded that the development would not be viable if it were to provide S106 contributions.
- An overage clause within the proposed S106 would allow the viability of the scheme to be revisited in the future as it came forward, and if viability had improved, this would give the council the ability to recover some or all of the lost contributions.
- The development would relate well to the site and surroundings in relation to siting, height, scale, massing and design.

- The character and appearance of the conservation area would be preserved and the proposals would also preserve the setting of nearby listed buildings.
- The proposals would not result in harm to neighbour's amenity as a result of the built development or associated noise from external plant.
- The development would also provide an acceptable level of amenity for future occupants.
- Matters relating to trees, Biodiversity Net Gain (BNG), landscaping and biodiversity; access, parking and highways; flood risk and drainage; energy efficiency; archaeology and contamination had been appropriately considered by officers against local and national policies and by the relevant statutory consultees, and could be dealt with as required by condition.
- The proposals would therefore be in accordance with the requirements of CLLP Policies S1, S2, S3, S6, S7, S12, NS18, S21, S47, S53, S56, S57, S60, S61 and S66 as well as guidance within the NPPF.

Members discussed the content of the report in further detail.

The following comments and questions emerged from discussions held:

- The cladding was not attractive although the overall design of the building was good.
- In relation to a clawback scheme for S106 contributions to be paid later down the line if this became viable, it was pleasing to see that an arrangement had been reached to give legal weight to employ this scheme to manage economic changes arising.
- Was the high wall staying as part of the development?
- Was there provision for alternative modes of transport?
- Was there enough car parking provision?
- There was a fine balance of opinion as to why the developer was not paying full S106 contributions if the development was to bring more people into the area. The integrity of any developer unable to honour their obligations should be questioned.
- The building design on Sewell's Road side depicting rows of chimney pots was pleasing/traditional.
- Loss of S106 contributions was a real thorn, however new housing was urgently required.
- Was it possible to save the Victorian cement from older times taken out the old building?.It could be researched, restored and relocated elsewhere even if not on the site.
- Officers should go back and negotiate a scheme which offered affordable housing, of which we were so desperately in need.
- It was likely that residents only parking would be required at extra cost to the local authority and residents.
- The development would create a strain on local resources. S106 contributions should be paid rather than the applicant shelving responsibility onto the local community
- The architecture of the building was pleasing, with more greenery to support the local environment.
- Would there be electric vehicle charging points provided?
- Would some properties have more than one car?

- The building was a lot higher than existing surrounding properties.

The Assistant Director of Planning offered the following points of clarification:

- There was very little cladding on the proposed build, it was mostly contrasting brickwork as depicted on the photographs within the power point presentation.
- In terms of the clawback, assumptions were based on estimates of end values. This could change over a period of time and we may be faced with a different economic picture. If material prices dropped/land values increased, for example, this would be a good reason to re-examine the situation.
- The high wall would be retained. Removal of some self-seeded trees may help.
- There was not 1-1 parking, it may cause potential problems further down the line.
- There was a cycle store for 26 bicycles which was considered adequate for the site.
- There was a fine balance to be drawn here as officers. Should we recommend the scheme to you as an excellent outcome? There was no provision of affordable housing which Planning Committee may not support. The option here was for no dwellings at all at this site or 42 dwellings without S106 contributions. It was a decision for Planning Committee to determine.
- Electric vehicle charging points were provided as part of building regulations.
- The scale of the building did run through and was not taller than existing properties.
- A future bigger build may make the scheme more viable but also cause potential further issues.

The chair advised that the remit of Planning Committee was to determine the application before them this evening. He considered this was a good development. We needed all types of accommodation. Being close to the hospital it may encourage more people to work there.

It was moved, seconded and put to the vote that Planning permission be granted as per the officer's report recommendation. The motion was lost.

RESOLVED that planning permission be refused.

Reason:

- Failure to provide S106 funding and unsustainable.

## 11. **53 Lenton Green, Lincoln**

The Planning Team Leader:

- a. referred to the application property, the former warden's house attached to the supported housing provision at Lenton Green
- b. advised that planning permission was sought to convert the six bedroomed property into three self-contained, one-bedroomed residential flats

- c. reported that the property had a small outside space to the front but no access to the rear communal garden which was solely used for the supported tenants of Lenton Green
- d. advised that the application was brought to Planning Committee as the applicant was the City of Lincoln Council, in order with the scheme of delegation
- e. provided details of the policies pertaining to the application, as follows:
  - Policy S1 The Spatial Strategy and Settlement Hierarchy
  - Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns
  - Policy S6 Design Principles for Efficient Buildings
  - Policy S13 Reducing Energy Consumption in Existing Buildings
  - Policy S25 Sub-Division and Multi-Occupation of Dwellings within Lincoln
  - Policy S49 Parking Provision
  - Policy S53 Design and Amenity
- k. advised of the issues to be assessed in relation to the planning application, as follows:
  - Accordance with National and Local Planning Policy
  - Impact on amenity of neighbouring uses and future occupiers of the premises
  - Impact on visual amenity
  - Energy efficiency
  - Highway safety, access and parking
- k. outlined the responses made to the consultation exercise
- l. concluded that:
  - i. The development would create additional supported, local authority housing stock, utilising the long vacant warden's property on site.
  - ii. The proposals would provide a good level of amenity for proposed occupants and would not result in any undue harm to existing residents within the area.
  - iii. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

Members discussed the content of the report in further detail.

Members asked where designated bin storage would be located.

The Planning Team Leader confirmed there was a bin storage area at the rear of the property.

RESOLVED that planning permission be granted subject to the following conditions:

- 3 Years for implementation
- Development to be built in accordance with approved drawings

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