

## PLANNING COMMITTEE

**Wednesday, 10 July 2024**

**5.30 pm**

**Committee Rooms 1 and 2,  
City Hall, Beaumont Fee,  
Lincoln, LN1 1DD**

Membership:	Councillors Bob Bushell (Chair), Gary Hewson (Vice-Chair), Debbie Armiger, Chris Burke, Liz Bushell, Martin Christopher, Annie Currier, Rebecca Longbottom, Bill Mara, Callum Roper and Calum Watt
Substitute members:	Councillors James Brown, Neil Murray and Emily Wood
Officers attending:	Simon Cousins, Democratic Services, Kieron Manning, Louise Simpson and Dave Walker

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The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

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## A G E N D A

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1. Confirmation of Minutes - 17 April 2024	<b>5 - 14</b>
2. Update Sheet	<b>To Be Tabled</b>
3. Declarations of Interest	

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

4. Work to Trees	<b>15 - 22</b>
5. Confirmation of Tree Preservation Order No:185	<b>23 - 28</b>
6. Applications for Development	
(a) Land Comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln	<b>29 - 124</b>
(b) White Hart Hotel , Bailgate, Lincoln	<b>125 - 210</b>
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## **THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)**

### **LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE**

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The Planning Application File. This is a file with the same reference number as that shown on the Agenda for the Application. Information from the planning application file is available online at <https://development.lincoln.gov.uk/online-applications/>

The application files contain the following documents:

- a. the application forms;
  - b. plans of the proposed development;
  - c. site plans;
  - d. certificate relating to ownership of the site;
  - e. consultation letters and replies to and from statutory consultees and bodies;
  - f. letters and documents from interested parties;
  - g. memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Applications referred to in the Reports on the Agenda for the particular application or in the Planning Application specified above.
  3. Central Lincolnshire Local Plan – Adopted April 2023
  4. National Planning Policy Framework - March 2012
  5. Applications which have Background Papers additional to those specified in 1 to 5 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

## **CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)**

### **Criteria:**

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.



**Present:** Councillor Bob Bushell (*in the Chair*),  
Councillor Gary Hewson, Councillor Debbie Armiger,  
Councillor Chris Burke, Councillor Liz Bushell, Councillor  
Rebecca Longbottom, Councillor Mark Storer and  
Councillor Edmund Strengiel

**Apologies for Absence:** Councillor Martin Christopher, Councillor Bill Mara and  
Councillor Dylan Stothard

**73. Confirmation of Minutes - 20 March 2024**

RESOLVED that the minutes of the meeting held on 20 March 2024 be confirmed and signed by the Chair as a true record.

**74. Update Sheet**

An update sheet was not issued for tonight's meeting.

**75. Declarations of Interest**

Councillor Bob Bushell declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel 50, Boultham Park Road, Lincoln'.

Reason: He sat as a member of the Upper Witham Drainage Board.

He had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, he did not consider that his interest was a pecuniary interest.

He would therefore be participating in the meeting as a member of the Committee.

Councillor Debbie Armiger declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel 50, Boultham Park Road, Lincoln'.

Reason: She sat as a member of the Upper Witham Drainage Board.

She had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest.

She would therefore be participating in the meeting as a member of the Committee.

Councillor Gary Hewson declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel 50, Boultham Park Road, Lincoln'.

Reason: He sat as a member of the Upper Witham Drainage Board.

He had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, he did not consider that his interest was a pecuniary interest.

He would therefore be participating in the meeting as a member of the Committee.

Councillor Liz Bushell declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel 50, Boultham Park Road, Lincoln'.

Reason: She sat as a member of the Upper Witham Drainage Board.

She had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest.

She would therefore be participating in the meeting as a member of the Committee.

Councillor Rebecca Longbottom declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel 50, Boultham Park Road, Lincoln'.

Reason: She sat as a member of the Upper Witham Drainage Board.

She had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest.

She would therefore be participating in the meeting as a member of the Committee.

## **76. Member Statement**

In the interest of transparency, Councillor Bob Bushell, Chair, requested it be noted in relation to the application for development Agenda Item No 5a Site of Victory Hotel, 50 Boultham Park Road, Lincoln; that he was known to the public speaker on this planning application, however, not in a personal capacity and there was no conflict of interest.

## **77. Work to Trees in City Council Ownership**

*(Councillor C Burke arrived at the meeting at this stage in proceedings and took his seat prior to the discussion of the following agenda item).*

Dave Walker, Arboricultural Officer:

- a) advised Planning Committee of the reasons for proposed works to trees in the City Council's ownership and sought consent to progress the works identified, as detailed at Appendix A of his report
- b) highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was either identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required
- c) explained that ward councillors had been notified of the proposed works.

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

**78. Applications for Development**  
**79. Site of Victory Hotel 50, Boultham Park Road, Lincoln**

The Assistant Director of Planning:

- a. referred to the application site of the former Victory Hotel, 50 Boultham Park Road, Lincoln, an irregular shaped parcel of previously developed land located on the west side of the road, approximately 50m to the south of the junction with Dixon Street
- b. reported on the history of the site as follows:
  - It had an open frontage with the width of the site narrowing towards the rear.
  - It was relatively flat including areas of hardstanding and grass.
  - It was currently used for vehicle storage.
  - Consent was granted in 2014 for the demolition of the former Victory Public House.
  - A subsequent planning permission proposed its demolition to facilitate the erection of three detached buildings comprised of 14 dwellings with four ground floor commercial buildings within the frontage of the development.
  - A further application granted minor alterations to the approved scheme. Pre-commencement conditions associated with this permission had all been discharged and there had been a 'start on site.' This permission had therefore been implemented and, even though work had not progressed any further, this permission could be built out at any point.
  - More recently, an application for two buildings to accommodate 18 flats was approved by Planning Committee in January 2023, with delegated authority granted to officers to secure a S106 legal agreement for a financial contribution towards affordable housing, health and education. However, a formal decision was never issued as a discrepancy with the site ownership was identified during the conveyancing process for the S106. A strip of land to the north of the site, which provided historic access to former buildings to the west, was in the ownership of another party. The scheme that was approved by committee could not therefore be constructed without this land being purchased by the applicant. The applicant did not wish to go through this process and decided to withdraw the application.

- c. highlighted that this current application on a slightly smaller site did not include the land to the north, and proposed to erect nine, three-bedroom dwellings
- d. reported that a terrace to the front of the site would accommodate six properties with a further terrace at the rear of the site accommodating three
- e. added that the application also proposed associated external works including car parking and soft landscaping; the existing access point towards the north would be reconfigured to be the main access into the development, with the additional access point to the south being closed
- f. reported that the site was located within Flood Zone 3
- g. advised that revised plans were received during the process of the application, proposing alterations to the rear terrace
- h. stated that all neighbours that adjoined the site, including those that had made representations, were re-consulted on the revised plans and further revised plans were submitted to address concerns raised by the occupants of 54 Boultham Park Road; these neighbouring occupants were accordingly notified of this
- i. highlighted that the application was being presented to Members of the Planning Committee for determination at the request of Councillor Watt.
- j. 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 S47: Accessibility and Transport
  - 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
  - Policy S77: Housing Site in the Lincoln Urban Area
  - National Planning Policy Framework
- k. provided details of the issues to be assessed in relation to the planning application, as follows:
  - Policy context and principle

- Visual amenity
- Residential amenity
- Access, parking and highways
- Flood risk
- Drainage
- Energy efficiency and consumption
- Trees, landscaping and biodiversity net gain
- Contaminated land
- Archaeology

l. outlined the responses made to the consultation exercise

m. concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design.
- The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- Matters relating to parking and highways, flood risk, drainage, energy efficiency, trees, landscaping, BNG, contamination and archaeology had been appropriately considered by officers and 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, S66 and S77 as well as guidance within the NPPF.

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

- The application site was allocated for housing development in the Central Lincolnshire Local Plan.
- The proposals before Planning Committee this evening were for a reduced scheme containing nine dwellings.
- There was provision for associated parking spaces and a large turning area.
- There had been no objections raised by the Highways Authority.
- The site had been vacant for some time and was now in the ownership of a new client.
- There had been very few objections to the planning application. The applicant had worked very hard to address those concerns that had been raised and he offered the developer success.
- The dwellings would be extremely efficient properties in line with the Central Lincolnshire Local Plan.
- The site was in a flood zone, however, the development was designed so that all habitable finished floor levels would be set above flood level with safe zones provided at first floor level.
- These would be energy efficient homes.

- 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 concerns were raised in relation to the planning application:

- Reassurance was sought on the issue of flooding in light of the Drainage Board requesting us to take care.

The following comments were made in support of the planning application:

- This was the third application to come forward for this site.
- It was a Brownfield site which was in need of development.
- This was the best planning application put forward for the site.
- Objections and concerns had been addressed.
- The area was a good place to live close to schools, shops and facilities.
- It represented a positive development.
- These were 3 bedroomed houses for families and positioned further back than the previous application which retained the established line of the buildings.

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

- The biodiversity net gain of 10% was not mandatory here. What scope was there to increase landscaping as referred to by officers within the report?
- What was the likely life span of the houses?

The Assistant Director of Planning offered the following points of clarification in relation to the planning application:

- The site was in Surface Water Flood Zone 3.
- Floor levels would be elevated.
- All the flood concerns in relation to flood resilience and resistance measures were covered within the established building regulations.
- Lincolnshire County Council as lead Flood Authority were satisfied with the proposals.
- In terms of biodiversity, landscaping was not an issue, however, it was what we did with the landscape to preserve native species of flora and fauna.
- In terms of the life span of the properties, this was difficult to predict. Bearing in mind the nature of the construction using brick of modern standards, other properties of lower standard building materials had been standing in the area for about 120 years.

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

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials including hard surfacing
- Details of all boundary treatments
- Windows and doors to be set in reveal
- Assessment of off-site impact of any external lighting
- Hours of construction/delivery

- Closing of existing access
- In accordance with FRA flood mitigation measures
- Construction in accordance with Energy Statement
- Submission of statement to verify construction in accordance with Energy Statement
- Water efficiency standards
- Landscaping scheme, to increase the BNG net gain on site
- Details of bat roost tubes and bird nest bricks
- Implementation of tree protection measures
- Contamination site characterisation and remediation measures/implementation

#### **80. Central Market, Sincil Street, Lincoln (LBC)**

The Planning Team Leader:

- a) advised that the application sought listed building consent for the installation of CCTV cameras to the interior and exterior of Lincoln Central Market, Sincil Street, Lincoln, a grade II listed building
- b) reported the location of the site within the Cathedral City Centre and Conservation Area No 1
- c) advised that the application was brought before Planning Committee as the Central Market was owned by the City of Lincoln Council as the applicant
- d) highlighted that the CCTV cameras were part of the wider redevelopment and refurbishment of the Central Market building which was nearing completion
- e) provided details of the policies pertaining to the application, as follows:
  - National Planning Policy Framework
  - Policy S57: The Historic Environment
- f) provided details of the issues to be assessed in relation to the planning application, as follows:
  - Local and National Planning Policy
  - Effect on the Special Architectural Character and Historic Interest of the Listed Building
- g) outlined the responses made to the consultation exercise
- h) advised that it was initially proposed that the third camera would be slightly larger than the others providing views of Sincil Street and City Square, manufactured with a white finish, however the white finish was considered to be an inappropriate response to the listed building setting resulting in an overly prominent feature
- i) reported that a revised camera design had now been secured, to be fixed via a swan neck bracket which would be attached to the rear of the parapet of the market building, both the camera and bracket finished in

black to tie in with the style and colour of the other two cameras on the west elevation of the building

j) concluded that:

- The revised proposal was considered to be in accordance with the duty contained within section 16 (2) of the Planning (Listed building and Conservation Areas Act) 1990, in considering whether to grant listed building consent for any works the LPA or SoS shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

### **Standard Conditions**

01) The Works must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details submitted with the drawings listed within Table A below.

03) The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

### **Conditions to be discharged before commencement of works**

None.

### **Conditions to be discharged before use is implemented**

None.

### **Conditions to be adhered to at all times**

None.

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
Dahua security bracket DH-PFB303S		Details	15th March 2024
Dahua security PTZ camera		Details	15th March 2024



DH-SD5A425XA-HNR			
0292		Plans - Proposed	20th November 2023
0293		Plans - Proposed	20th November 2023

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**PLANNING COMMITTEE****10 JULY 2024**

<b>SUBJECT:</b>	<b>WORKS TO TREES</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>STEVE BIRD, ASSISTANT DIRECTOR COMMUNITIES AND STREET SCENE</b>

**1. Purpose of Report**

- 1.1 To advise Members of the reasons for proposed works to trees. These will be predominantly trees in City Council ownership, which is the main purpose of the report, but it may include others at times where special circumstances apply, and officers are both able to do so and think it helpful.
- 1.2 It is important to note that the attached list does not represent all the work undertaken to trees in Lincoln, in Council ownership or otherwise. It does however cover all the instances where a tree is in City Council ownership and identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

**2. Background**

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule therefore predominately relate to trees on land owned by the City Council, with management responsibilities distributed according to the purpose of the land (e.g. 'Housing trees,' 'Park trees'). However, it may also include trees that stand on land for which the City Council has management responsibilities under a formal agreement but is not the owner (e.g. County Council highway trees).
- 2.3 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural staff (together with independent advice where considered appropriate).
- 2.4 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases, a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

### **3. Consultation and Communication**

- 3.1 All relevant ward councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

### **4. Strategic Priorities**

#### **4.1 Let's reduce all kinds of inequality**

It is important to the council that quality green spaces are accessible to all, and that everyone should enjoy the benefits that a greener environment brings.

#### **4.2 Let's deliver quality housing**

Housing is about more than providing a building. Houses represent 'home,' and this feeling is developed on a range of factors about the area of a house, including the environment in which it stands. Tree cover is a significant aspect of shaping how an area of housing feels, and thus the creation of homes.

#### **4.3 Let's enhance our remarkable place**

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy. Lincoln's green spaces, including its tree cover, are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit the city.

#### **4.4 Let's address the challenge of climate change**

The trees in Lincoln's parks and open spaces are often referred to as it's lungs. Care for the trees, and how the Council ensure a healthy quality tree cover, underpins and contributes to biodiversity improvements.

### **5. Organisational Impacts**

#### **5.1 Finance**

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital or revenue, unless stated otherwise in the works schedule.

#### **5.2 Legal Implications including Procurement Rules**

- 5.2.1 As trees are assets in the public domain the Council has a legal duty to maintain them, in so far as is reasonably practicable, in a safe condition. This policy supports that requirement, and would add weight to any defence against claims related to injury or damages arising from allegations of negligence of the tree stock.

5.2.2 The Environment Act 21 required an amendment to section 96 of the Highways Act 1980. This placed a duty on a local highway authority to consult the public on the removal of any highway tree (subject to a number of exemption clauses). As the highway trees are all in the ownership of the County Council, this does not technically apply to City Council owned trees. However, the City Council, through this policy, commits to the same principles, and will always report the removal of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively if circumstances dictate e.g. removal of a tree for health and safety reasons.

5.2.3 Exceptions to consulting via the Planning Report system will be applied as per the legislation and include:

- Trunk less than 8cm at 1.3m height.
- Planning permission has already been granted for its removal.

### **5.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This report does not negatively impact equality, diversity or human rights.

### **5.4 Significant Community Impact &/or Environmental Impact**

It is recognised that tree works, not least removals, can impact a community. This is especially true when a large tree of note has to be removed.

Through the processes associated with delivering this report ward councillors are notified in advance, and thereby have the opportunity to request briefings/details relating to any issues of concern.

Whilst officers will always try to flag up any potentially contentious issues in advance, and address them sensitively, this extra level of consultation permits opportunity for members to highlight any concerns, and for these to be considered according.

### **5.5 Corporate Health and Safety Implications**

All works arising from this report are undertaken by the City Council's appointed grounds maintenance contractor. The appointment of contractors is an in-dept and considered process that will not permit the appointment of contractors who are not

considered safe and competent. The assessments remain ongoing throughout the period of their appointment.

All staff are all suitably trained, qualified, and experienced.

## **6. Risk Implications**

### **6.1 (i) Options Explored**

For each tree listed, members may choose to agree, or refuse works. Where they refuse works, then this will have implications which must be understood, on a case by case basis. The preferred approach is agreement to the schedule proffered by arboricultural staff.

### **6.2 (ii) Key Risks Associated with the Preferred Approach**

The work identified on the attached schedule represents the Arboricultural Officer's advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications. These can be outlined by the Arboricultural Officer pertinent to any specific case.

Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

## **7. Recommendation**

7.1 That the works set out in the attached schedules be approved.

<b>Is this a key decision?</b>	Yes
<b>Do the exempt information categories apply?</b>	No
<b>Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?</b>	No
<b>How many appendices does the report contain?</b>	One
<b>List of Background Papers:</b>	None

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES  
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.  
SCHEDULE No 3 / SCHEDULE DATE: 10/07/2024**

<b><i>Item No</i></b>	<b><i>Status e.g. CAC</i></b>	<b><i>Specific Location</i></b>	<b><i>Tree Species and description/ reasons for work / Ward.</i></b>	<b><i>Recommendation</i></b>
1	N/A	Broomhill – Housing property	<b><u>Birchwood Ward</u></b> 1 x Rowan <u>Remove to ground.</u> The canopy of this tree comprises of approximately 60% deadwood – The trunk shows signs of extensive decay - removal is intended to prevent unpredictable collapse.	Approve works.  Replace with 1x Broad-leaved cockspur thorn; to be located as close as possible to the position of the original tree.
2	N/A	Birchwood leisure centre – carpark perimeter	<b><u>Birchwood Ward</u></b> 1 x Maple <u>Remove to ground.</u> The major structural scaffold branches are retained as deadwood, increasing the likelihood of unpredictable collapse.	Approve works.  Replace with 1 x Maple; to be located as close to the position of the original tree as possible.
3	N/A	6 Chedburgh Close	<b><u>Birchwood Ward</u></b> 1 x Poplar <u>Retrospective notice of Removal.</u> This tree was heavily weighted towards the property – the base of the trunk was also compromised due to the presence of a ring of buckled fibre.	Replace with 1 x Rowan; to be located parallel to the footpath located to the rear of Lydd Close.
4	N/A	Boultham Park – entrance gate opposite 155 Rookery Lane	<b><u>Boultham Ward</u></b> 1 x Cherry <u>Remove to ground.</u> Approximately 70% of the canopy is comprised of retained deadwood.	Approve works.  Replace with 1 x heavy standard Cherry; to be located as close to the position of the original planting as possible.

5	N/A	44 Clarendon Gardens – Housing property	<b><u>Castle Ward</u></b> 2 x maple <u>Remove to ground.</u> These trees have developed multi stemmed canopies with wide basal bark inclusions which place the trees at risk of unpredictable failure – the trees are also preventing appropriate use of the rear garden.	Approve works.  Replace with 2 x Spindle; to be located within suitable locations within adjacent grassland.
6	N/A	Sastangate House	<b><u>Castle Ward</u></b> 1 x Bird Cherry <u>Retrospective notice of removal.</u> This tree was discovered to have significant decay present within its base, this placed the tree at high risk of failure.	Replace with 1 x Broad- leaved cockspur thorn; to be planted as close to the site of the original tree as possible.
7	N/A	54 St Faiths Street – Housing property	<b><u>Carholme Ward</u></b> 1 x Chamaecyparis <u>Remove to ground.</u> The width of this tree is restricting pathway access – the amount of reduction work required to mitigate this issue would result in an unviable and unattractive specimen.	Approve works.  Replace with 1 x small cultivar Cherry; to be planted as close to the site of the original tree as possible.
8	N/A	84 Swift Gardens – Housing property	<b><u>Glebe Ward</u></b> 1 x sycamore <u>Remove to ground.</u> This tree recently suffered a large limb failure – the main basal branch unions have wide inclusions which places the tree at risk of further failure.	Approve works.  Replace with 1 x Silver Birch; to be located within King Georges playing field.



9	N/A	Jarvis House	<p><b><u>Hartsholme Ward</u></b>  1 x Sycamore  <u>Retrospective notice of removal.</u>  This tree was removed due to the presence of a basal decay column which was identified during recent surveying works.</p>	Replace tree with 1 x Beech; to be planted as close to the site of the original tree as possible.
10	N/A	Jarvis House	<p><b><u>Hartsholme Ward</u></b>  1 x Beech  <u>Remove to ground.</u>  During recent surveying, this tree was discovered to have several large cavities which place it at risk of future collapse.</p>	<p>Approve works.</p> <p>Replace with 1 x Beech; to be planted as close to the site of the original tree as possible.</p>
11	N/A	70 Sixfield Close – woodland to rear	<p><b><u>Hartsholme Ward</u></b>  1 x Pine  <u>Remove to ground.</u>  This tree is weighted over, and in close proximity to, the property boundary – due to the nature of the species a heavy reduction would lead to the creation of an unviable specimen.</p>	<p>Approve works.</p> <p>Replace with 1 x Scots Pine; to be planted in a suitable position within Hartsholme Country Park.</p>
12	N/A	99 Dewint Avenue – Housing property	<p><b><u>Moorland Ward</u></b>  1 x Sycamore  <u>Remove to Ground.</u>  This tree is causing damage to the adjoining boundary; the trunk is also encroaching into the adjacent private property– the lapsed coppard form of the tree also predisposes the canopy to failure.</p>	<p>Approve works.</p> <p>Replace with 1 x Whitebeam; to be located within the periphery of Hughes House.</p>

13	N/A	Huges House – carpark area to rear	<b><u>Moorland Ward</u></b> 1 x Maple <u>Remove to ground.</u> This tree is likely to be a self-set and is causing significant damage to the tarmac hardstanding and adjoining fence line.	Approve works.  Replace with 1 x Whitebeam; to be located within the periphery of Hughes House.
14	N/A	Fordham House	<b><u>Moorland Ward</u></b> 1 x Rowan <u>Remove to ground.</u> This tree is retained as approximately 90% deadwood.	Approve works.  Replace with 1 x Rowan; to be planted as close to the site of the original tree as possible.
15	N/A	5 Lewis Street/Garage	<b><u>Park Ward</u></b> 1 x Maple <u>Remove to ground.</u> This tree is located within an exceptionally narrow planting site – The adjacent building and hardstanding surface have been destabilised due to the presence of the tree.	Approve works.  Replace with 1 x Silver Birch; to be planted in a suitable position within Queens Park play area.

**SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.185**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING**

## **1. Purpose of Report**

- 1.1 To have confirmed one (temporary) Tree Preservation Order, made by the Assistant Director of Planning under delegated powers. The order currently provides 6 months of temporary protection for the trees but is required to be confirmed by Planning Committee to provide long term future protection.

## **2. Executive Summary**

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is 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. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

## **3. Background**

- 3.1 Tree Preservation Order 185 was made on 15<sup>th</sup> April 2024 protecting a Fagus Sylvatica (Purpurea) within the grounds of Hilton Lodge, Union Road, Lincoln, Lincolnshire, LN1 3BJ .
- 3.2 The tree is considered to contribute to the visual amenity of the area and the unauthorised removal of, or works to, the tree would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 15<sup>th</sup> October 2024.

## **4. Consideration**

The provisional Tree Preservation Order was made following a request to carry out extensive canopy reduction work, amounting to approximately 50% of the canopy.

The Councils Arboricultural Officer visited the site to inspect the tree and using the Arboricultural Association approved 'Helliwell System' of Visual Amenity of Trees and Woodlands, considers this tree to be of high amenity value. The tree appears

to form part of an aerodynamic canopy with an adjoining Beech and this adds to the aesthetic appearance of the castle and cathedral skyline when viewed from the South.

The agent, on behalf of the applicant, suggests that several large limbs have fallen from this tree in the past, however this species is prone to summer drop.

Consultations have been carried out with both the landowner and adjoining properties and no objections to the order have been received.

## **5. Strategic Priorities**

- 5.1 Confirmation of Tree Preservation Order 185 would ensure that the tree would 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 enhancing our remarkable place.

## **6. Organisational Impacts**

- 6.1 Legal Implications – Anyone who wishes to carry out works to the tree will require consent from the City of Lincoln Council first.

## **7. Recommendation**

- 7.1 It is recommended that the Tree Preservation Order be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

**How many appendices does the report contain?**

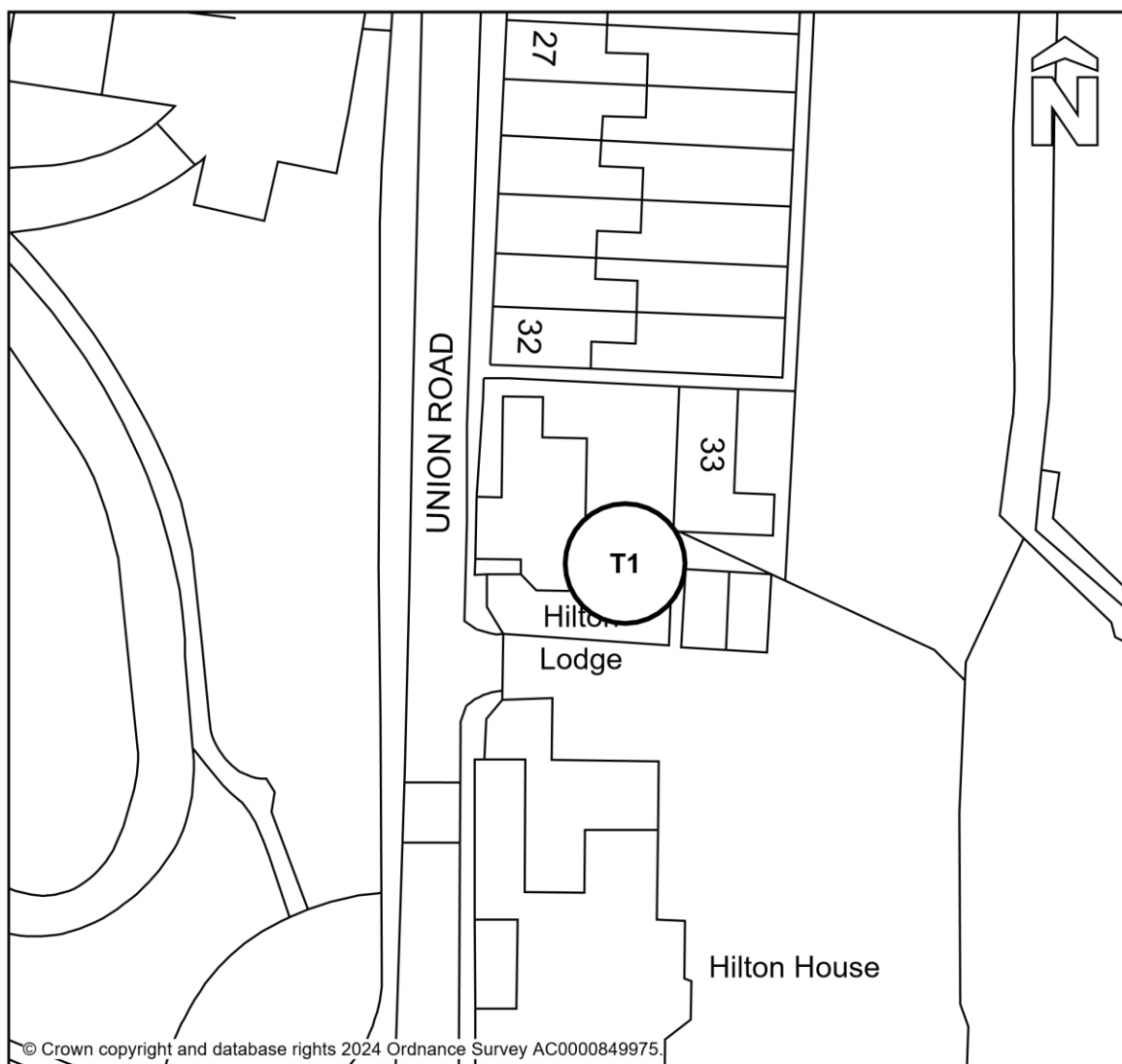
None

**List of Background Papers:**

None

**Lead Officer:**

Kieron Manning, Assistant Director - Planning  
[Kieron.mannng@lincoln.gov.uk](mailto:Kieron.mannng@lincoln.gov.uk)



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## Hilton Lodge No.1 Tree Preservation Order 2024

T1 - Purpurea

 <div> <p>CITY OF <b>Lincoln</b> COUNCIL</p> </div>	
<p>City Hall, Beaumont Fee, Lincoln, LN1 1DD</p>	
<p>Website: <a href="http://www.lincoln.gov.uk">www.lincoln.gov.uk</a></p>	
<p>Scale: 1:500 at A4</p>	
<p>Version 1: 18-Apr-2024</p>	









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<b>Application Number:</b>	2023/0469/FUL
<b>Site Address:</b>	Land Comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln
<b>Target Date:</b>	30th June 2024
<b>Agent Name:</b>	Knights
<b>Applicant Name:</b>	TSP Development (Lincoln) Ltd
<b>Proposal:</b>	Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal and external works to Judges Lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the Judges Lodgings to provide retail/cafe kiosk (Use Class E); erection of 1 ½ and 2 ½ storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate including reconfiguration of entrance door to 2A Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas. (Revised description and revised plans received).

### **Background - Site Location and Description**

The application relates to the Judges Lodgings as well as adjacent land to the north, east and west and also 2 Bailgate. The application proposes to demolish an existing extension to the rear of the Judges Lodgings and replace it 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 are also proposed to facilitate the conversion and to provide a café and restaurant space on the ground floor. An outbuilding to the west of the Judges Lodgings will be altered to provide a retail/cafe kiosk. To the north of the site, it is proposed to erect a 1 ½ and 2 ½ storey building with retail/commercial floorspace and undercroft parking on the ground floor with long-stay serviced accommodation to the upper floors. This is referred to as Block C within the report. The application also proposes the erection of timber glazed shopfronts to create retail kiosks under the arch from Bailgate and to the west. These works will also include the reinstatement of the shopfront to 2 Bailgate and the reconfiguration of the entrance door to 2A Bailgate. Associated works include the erection of buildings/structures to provide plant and infrastructure and hard and soft landscaping works to create a publicly accessible open space with external seating areas.

The Design and Access Statement (D&A Statement) advises that the aspiration is to redevelop the area to create a vibrant mixed use development incorporating food and beverage establishments, boutique retail and apart-hotel style accommodation to complement the accommodation currently available at the White Hart Hotel, which is also within the applicant's ownership. The development proposes to enhance the public realm and reinstate public routes through the site to St Pauls Lane and create new public routes

from St Pauls Lane to Bailgate, and St Pauls Lane and Castle Hill.

The Judges Lodgings, a grade II\* building, sits to the north of Castle Hill and to the east of Lincoln Castle, a Scheduled Monument and grade I listed. The land to the north, east and west of the building is also the subject of this application. The land to the north and to the east was formerly used as a car park, with various roof structures enclosing the land, which was accessed via an arch within 2 Bailgate, a grade II listed building. The roof and associated supporting structures have recently been removed and works are still ongoing in relation to this.

To the north of the site is a private car park and properties on Bedford Court, accessed from St Pauls Lane. The north boundary also abuts an extension to the rear of 6-7 Bailgate. To the east of the site is 3, 4 and 5 Bailgate, with no. 3 also having a flat on the upper floor. 2a Bailgate is a flat which sits above 2 Bailgate and is accessed from a door adjacent to the arch on Bailgate, which is proposed to be reconfigured. To the east and south of the site is 6 and 7 Castle Hill and 8-9 Castle Hill, the Tourist Information Office. A number of these properties and those in the immediate area are either grade II\* or II listed. The site is also within the Cathedral and City Centre Conservation Area.

In addition to this full application, which deals with proposals across the whole site, two accompanying applications for listed building consent have also been submitted. One of the applications relates to the extension to the Judges Lodgings, internal alterations and the external proposals adjacent, including the kiosk (2023/0463/LBC). The other application deals with the retail arcade and associated works to 2 Bailgate (2023/0465/LBC). The listed building consent applications will consider the proposals in relation to the impact on the buildings as designated heritage assets, whereas this full application will consider the proposals in relation to, amongst other issues, the acceptability of the proposed uses, impact on visual amenity, residential amenity and highways.

Some objections and comments have been received in respect of the listed building consent applications, although the number does not meet the threshold for the applications to be referred to committee. The two listed building consent applications will therefore be considered and determined under delegated powers; however, no decision will be made until the committee has determined this current application. Many of the objections raised within the responses to the listed building consent applications cannot be considered as part of that type of application i.e. they relate to matters other than the impact on the heritage asset. These responses are therefore included within this report and the relevant material planning considerations raised will be taken into account as part of the consideration of this application. A request for additional information from the Lincolnshire County Council (LCC) was also made against the listed building consent application, which will also be dealt with as part of this full report.

This application and the accompanying listed building consent applications have been revised during the process. The revisions generally relate to minor design changes that have come about following discussions and meetings between officers, the City Council's Principal Conservation Officer, Historic England (HE) and the applicant team. Internal and external alterations to the flat of 2A Bailgate have been removed from the applications. While officers raised no objection to the internal works originally proposed at this property, which were the subject of application 2023/0465/LBC, issue was raised regarding the proposals to create an external roof terrace and the alteration of the first floor window to a door to provide access. It was considered that the loss of the historic sash window and the introduction of a large area of flat roof would have caused harm to the listed building. In addition, it was also

considered that the introduction of an unsympathetic roof form and material would have a harmful effect on the character and appearance of the conservation area and the setting of the adjacent listed buildings. Therefore, other than alterations to the door within the shopfront to Bailgate which provides access to this property, no works to 2A Bailgate are proposed as part of this or the corresponding listed building consent applications.

Re-consultation with statutory consultees, objectors, and neighbours as necessary has been undertaken. All comments received to the original and revised proposals are included in full within the application and will be considered within the relevant sections of the report.

### **Site History**

Reference:	Description	Status	Decision Date:
2009/0797/F	Erection of three storey buildings to St Pauls Lane and rear of 2 Bailgate for hotel accommodation, provision of car parking taking access from St Pauls Lane; installation of a new shopfront to No.2 Bailgate. (RESUBMISSION)	Granted Conditionally	5 <sup>th</sup> November 2010
2022/0906/FUL	Demolition of single storey former garage and removal of existing roof cladding, structural steel frame and masonry walls and installation of buttresses. (Partly retrospective).	Granted Conditionally	8 <sup>th</sup> February 2023
2023/0463/LBC	Demolition of rear extension and erection of three storey rear extension; internal and external works to Judges Lodgings to provide café/restaurant space with associated kitchen and toilet facilities on ground floor including 2no. internal openings at ground floor and glazing to be replaced on existing ground floor bay window (western elevation) to allow for installation of double doors; blocking up of internal openings at first floor; first floor window to be removed and replaced with sliding sash window (western elevation); repairs and restoration of the internal and external fabric to include plaster repairs (wall and ceilings), window repairs, stonework repairs to stone cills and cornices; replacement of perished stone window cills and cornices; brickwork repairs including repointing in lime-based mortar; repair and repointing of metal	Pending Consideration	

	balustrades; roof repair to include replacement of missing or dislodged slate and replacement of defective lead flashing; repair of rainwater goods; external and internal alterations to single storey outbuilding to facilitate use as retail/cafe kiosk; erection of two/three storey building and building/structures to provide plant and infrastructure in curtilage. (Listed Building Consent). (REVISED PLANS RECEIVED).		
2023/0465/LB C	Erection of timber glazed shopfronts in the form of retail kiosks incorporating low timber stallrisers and profiled mullions with signage panels over; reinstatement of shopfront to no. 2 Bailgate including relocation of entrance door to no. 2A Bailgate. (Listed Building Consent). (REVISED DESCRIPTION AND REVISED PLANS RECEIVED).	Pending Consideration	

### **Case Officer Site Visit**

Undertaken on 15<sup>th</sup> September 2023 and 25<sup>th</sup> February 2024.

### **Policies Referred to**

- 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

### **Issues**

- 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

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
Anglian Water	Comments Received
Environment Agency	Comments Received
Highways & Planning	Comments Received
City Archaeologist	Comments Received
Lincolnshire Police	Comments Received
Historic England	Comments Received

Additional consultation responses submitted in respect of application reference 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application.

Consultee	Comment
The Twentieth Century Society	Comments Received
The Georgian Group	Comments Received

## **Public Consultation Responses**

Name	Address
Mr Paul Watson	Castle Hill Club 4 Castle Hill
Victoria Small	5 Gordon Road Lincoln Lincolnshire LN1 3AJ
Dr Shirley Brook	St Mary Magdalene Church Bailgate Lincoln LN1 3AR
Mrs Caroline Eversfield	6 Gordon Road Lincoln Lincolnshire LN1 3AJ
Mr Stuart Welch	16 Drury Lane Lincoln Lincolnshire LN1 3BN
Barry Hepton & Others	Grayz Tearooms No. 5 Ladieswear Boutique Bailgate Deli Object and Line Bailgate Hair and Beauty
Dr Samantha Stein	Exchequergate Lodge Lincoln LN2 1PZ

Additional public consultation responses submitted in respect of application reference 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application.

Name	Address
Mr Richard Standley	3 Bailgate Lincoln LN1 3AE
Mr Joseph Callaghan	2 Bailgate Lincoln LN1 3AE
Mrs Sarah Callaghan	2 Bailgate Lincoln LN1 3AE

## **Consideration**

### **Policy Context and Principle of Uses**

Within the extended Judges Lodgings building will be a café and restaurant with apart-hotel style bedrooms on the upper floors. The outbuilding will provide a retail/cafe kiosk with the new Block C to the north of the site providing a retail/commercial unit on the ground floor with long-stay serviced accommodation at first and second floor. Finally, an arcade of retail kiosks will be created under the arch, extending to the west of the site. The retail, commercial and food offer uses all fall within Use Class E (Commercial, Business and Services), with the accommodation falling within Use Class C1 (Hotels). The occupant of Exchequergate Lodge does not consider that the range of entertainment uses within the site are appropriate to the local character.

Central Lincolnshire Local Plan (CLLP) Policy S1 advises that the Lincoln urban area, defined as the current built up area of Lincoln, which includes the City of Lincoln, will be the principal focus for development in Central Lincolnshire, including housing, retail, leisure, cultural, office and other employment development. CLLP Policy S35 identifies Lincoln City Centre as Tier 1 within the Network and Hierarchy of Centres across the Central Lincolnshire policy area, which should be the focus for retail and other town centre uses. These overarching policies would support the principle of the proposed uses.

The site is located within the City Centre Area as identified on the CLLP Proposals Map. CLLP.

Policy S36 advises that, within the city centre, a range of uses will be supported in principle, including shops and restaurants (Use Class E) as well as hotels (Use Class C1). This support is subject to a number of requirements, those relevant to this application include:

- q) the development not detracting from the vitality and viability of the City Centre as defined on the Policies Map;
- r) the development complementing the City Centre character and the character of the vicinity of the proposal;
- s) the development not harming the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy, such as causing unacceptable levels of disturbance, noise, smell, fumes, dust, grit or other pollution, or reducing daylight, outlook or privacy to an unacceptable degree;
- t) the development not resulting in levels of traffic;

- u) the development being acceptable in terms of the uses proposed and any risk of flooding on the site; and
- v) dwelling houses or other homes not being lost to non-residential uses unless: i. The level of amenity available in any particular instance is already so poor that continued residential use is not desirable and there is no realistic prospect of the problem(s) being remedied; or ii. The overall development will maintain or produce a net numerical gain in the number of dwellings on the site.

It is not considered that the proposal would detract from the vitality and viability of the city centre and would indeed complement the mix of uses and character of the area. The impact of the proposed use on nearby properties, levels of traffic and flood risk will be considered later within the report. There will be no loss of homes as a result of the proposal. Officers are therefore satisfied that the principle of the proposed uses in this location is wholly acceptable.

CLLP Policy S42 advises that within the urban area of Lincoln, development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and visitor accommodation will be supported. The policy goes on to state that within Lincoln the focus of tourism developments should be on the Cathedral and Cultural Quarters and the High Street and Brayford Waterfront areas, in order to complement and support existing attractions. The site's location is therefore appropriate for the provision of the proposed apart-hotel and long-stay serviced apartment accommodation. Officers also consider that the proposed development would contribute to the local economy, benefit visitors and the local community and would be appropriate for the character of the local environment in scale and nature, further requirements of Policy S42.

Officers therefore have no objection in principle to the proposed uses at the site in accordance with CLLP Policies S1, S35, S36 and S42.

#### Visual Amenity, Character and Appearance of the Conservation Area and the Setting of Listed Buildings

- Judges Lodgings Extension

The new three storey extension to the Judges Lodgings occupies a similar footprint to the existing two storey 1950s extension, which is to be demolished. The D&A Statement advises that “it is important that there is a clear visual hierarchy between the existing Listed building and any new extension, however it is also important that the extension which is inevitably a large building is distinctive and has sufficient presence when viewed from the north approaching the site from St Paul’s Lane”. The height of the extension sits slightly lower than the existing two storey Judges Lodgings, however, the substantial floor to ceiling heights within the Judges Lodgings allow the extension to accommodate three floors. The D&A Statement advises that “the overall width of the new extension is greater than the width of the existing Judges Lodgings building to achieve the accommodation requirements, however by creating a lower linking section, treated as a flat roofed valley and glazed entirely from ground to roof level, the impression is that the mass of the new extension is reduced to reflect that of the host building”.

The existing Judges Lodgings is constructed in Lincolnshire yellow Langworth facing brick, although these are no longer available, so a yellow brick with similar characteristics has been chosen. The extension will have a shallow slate roof, to match the existing building. The new extension is a contemporary addition and will use minimal framed windows.



The occupant of Exchequergate Lodge considers that the development would obscure adjacent buildings and structures from view. The extension should relate more to the history of the building and the 'boxes' that protrude from the rear do not fit with the character of the surrounding area. The Georgian Group has raised concerns about elements of the proposed design of the replacement building at the Judges Lodgings and its potential impact on Hayward's original building. They consider that the design should be less assertive to safeguard the setting of building. Concern is also raised regarding lighting within the large oriel windows and also the stairwell. The occupant of the Castle Hill Club has also raised concerns regarding the impact of the proposals on the historic setting.

In their consultation response HE highlighted the significance of the grade II\* listed Judges Lodgings and that it is within the setting of a number of highly graded listed buildings including Lincoln Castle. They noted that the Judges Lodgings lies within an area of the historic environment which is of extremely high importance nationally and is accordingly very sensitive to change. The immediate area between the castle and cathedral has seen remarkably little modern intervention. Given the sensitivity of the site and its location, they requested a site visit to enable them to fully understand the impact of the proposals.

Following the undertaking of the visit, which also viewed the site from the castle walls, HE has submitted their response. HE welcomes the initiative to find a new use for the listed building and they have no objection to the demolition of the existing rear block. They also support the setting back of the west elevation of the glazed link to reduce its prominence, although, advised that the position of the west elevation should be considered as should the addition of fenestration here. Overall, they raised no objection to the application on heritage grounds and suggested that the advice of the conservation officer be sought.

The Conservation Officer has advised that, whilst the 1950s element of the Judges Lodgings is a product of its time it has little architectural sympathy with the main building. When viewed from the castle walls the elevation is evidently overly horizontal and squat in comparison with the vertical emphasis of the 1810 range, this is exacerbated by the lower height and flat roof. The rear elevation is somewhat utilitarian and it is not considered that it enhances the architectural significance of the designated heritage asset and its loss would not cause harm.

There were extension pre-application discussions regarding the extension, where it was advised that the traditional vertical emphasis of the parent building and hipped roof should be respected but with a contemporary approach to the fenestration. The Conservation Officers notes that the new north elevation has been treated as a key but subsidiary façade, unlike the existing building, and as such will offer a better quality built context in views towards the site. High quality materials and finishes are essential to deliver the aspirations of the proposal. With regard to the west elevation, comments from HE are noted regarding the addition of glazing. However, it is considered that the high quality brickwork is in itself appealing visually and accordingly the simple approach to the treatment of this elevation is supported by officers. HE and the Georgian Group have both made comments about the footprint of the extension, however, reducing this is not achievable given the room layouts. Officers have no objection to this or to the overall form and mass of the extension.

The extension will include undercroft parking, which can be very challenging to deliver to ensure this does not become overly functional in appearance and not complementary to the architecture above. Then Conservation Officer notes that this issue has been overcome by providing visual interest using a 'plinth' approach achieved by the brick bond. Rustication, whereby two out of three bricks are recessed, lends the ground floor a robust appearance,

supporting the upper floors and is reminiscent of a classic architectural piano noble arrangement.

The Conservation Officer has requested a number of conditions to require samples of bricks, stone, mortar, and slates and also details including joinery details for windows, rainwater goods and cills/lintels. In addition, there are a number of conditions which relate to the internal works, which are to be considered as part of the corresponding listed building consent application (2023/0463/LBC). To avoid conditions being unnecessarily duplicated across both applications all the aforementioned conditions will therefore be applied to the listed building consent only.

Officers are therefore satisfied that the scale, form and design of the extension is acceptable and would complement the original architectural style of the building. It would respect the wider context and views towards the building will not be unduly impacted.

- 2 Bailgate and Retail Arcade

The D&A Statement advises that four of the ten proposed retail kiosks are located within the existing undercroft of 2 Bailgate. Two of these kiosks will have shopfronts which also face onto Bailgate, within the area formally used to access the White Hart Garages. These two kiosks provide a formal shopfront to Bailgate, which will repair the damage to the street frontage caused by the 1935 alterations when the garage buildings were constructed. An existing angled entrance door here to 2a Bailgate will also be reconfigured to form part of the shopfront. Curved glass will be incorporated to emphasise the entrance into the arcade. The remaining six kiosks are constructed within the external courtyard area to the west of 2 Bailgate and consist of a range of single storey flat roofed units formed around an external "street" which extends the internal arcade below 2 Bailgate. The two western-most kiosks form the entrance into the retail area and will feature curved glass to emphasise the entrance to the arcade.

The Twentieth Century Society objects to the proposal to demolish the interwar garage entrance, which has important historical significance. They consider that the proposed shopfront is inappropriate. The loss of this historic record of activity will cause harm to the listed building and to the conservation area and should be resisted.

The Conservation Officer has advised that, dating from the mid-18th century, 2 Bailgate is listed grade II and is three storeys in a classical style of brick with stone dressings. An earlier shopfront was removed in 1935 and it then became a garage with maisonette. Part of the alteration included the door to the maisonette being set at an angle within the reveal of the large new opening. As the 20th century society rightly point out in their consultation comments, this is a notable part of the history of the building and the social economic history of this period of the development of not just the hotel trade but also Lincoln and nationally with the rise of the motorcar replacing previously stabling requirement. However, as a relatively modern modification it is not considered to be a key element of the significance of the designated asset which is primary architectural and historic relating to the architectural design of the 18th century house with a shop at ground floor from at least 1833.

Officers and the Conservation Officer therefore have no objection to the loss of the garage entrance and welcome its replacement with an appropriately designed shopfront. Returning the ground floor to commercial echoes the historic use of this area and of the building.

With regard to the retail arcade, the Conservation Officer considers that the Georgian inspired shopfront features are commensurate with the parent property which have strongly

influenced the arcade design. The design successfully features a fascia that extend the full width of the shop with pilasters and capitals below and introduces two curved windows on the main façade, which will create a very pleasing and distinctive façade at ground floor. It is considered that by returning the ground floor to its earlier use as a commercial space and closing up the incongruous gap in the townscape, the overall significance of this listed building will be better revealed.

For this element of the proposal to be successfully executed materials and detailing with be key. The Conservation Officer has accordingly requested conditions to this effect, but again, these will be included on the corresponding listed building consent (2023/0465/LBC) to avoid unnecessary duplication.

- **Block C**

The D& A Statement advises that this block is "intended to "knit" into an area characterised by small ancillary buildings with an assortment of pitched roofs in assorted materials but predominantly red brick walling and clay or slate tiled roofs. The proposals form is a low two-storey range with undercroft parking at ground floor level in the fashion of traditional coaching stables with long-stay hotel accommodation extending at first floor above. The north-western corner of Block C is extended to two and half storeys to emphasis the corner aspect and align the roof with gables facing north and south to reflect those existing buildings fronting St Paul's Lane". A bin store with a decorative gate will sit adjacent.

The Conservation Officer considers that the design choice is relatively modern in terms of fenestration but within a traditional form, echoing the design language of the main extension to the Judges Lodgings. It will be constructed with red brick and clay pantiles. Block C is a modest building which in urban design terms make a positive contribution to the newly created courtyard. The officer notes that, given the previous covered carpark in this location and the current poor hard landscaped open space, this carefully considered new development delivers considerable improvement to the setting and therefore significance of the Judges Lodging and 2 Bailgate by improving the townscape.

Material samples and further details will be required by condition, however, as this building is not the subject of either of the corresponding listed building consent applications, these will be applied to any grant of this consent.

- **Kiosk and Ancillary Plant Structures**

The outbuilding adjacent to the Judges Lodgings will form a kiosk, which will involve the addition of a hipped roof to an existing flat roof section and the installation of new doors and windows. Replacement windows within the main structure will be traditional multi-pane with the doors and windows within the modern flat roof section being contemporary in design. The Conservation Officer welcomes the conversion as it will ensure its long-term survival of this modest but important structure. Conditions requesting materials and detailing will be applied to the corresponding listed building consent application (2023/0463/LBC). HE has no objection to this element of the proposal.

Officers have no objection to the plant structures, which will, for the most part be obscured from view being a wall. Two will be brick with green roofs and the other will have acoustic louvres with a series of small pitched green roofs.

Officers are therefore satisfied that the individual elements of the proposal, although varied, have been well considered and would reflect the site and wider context, in accordance with the requirements of CLLP Policy S53. Officers are accordingly also satisfied that the

proposals do not involve activities or alterations prejudicial to the special architectural or historic interest of the grade II and grade II\* listed buildings or their setting. The proposals would also preserve the setting of adjacent listed buildings, including Lincoln Castle, a Scheduled Monument and grade I listed. The proposals will also enhance the character and appearance of the conservation area. The application would be in accordance with CLLP Policy S57 in these respects.

The proposals would also meet the requirements of the National Planning Policy Framework (NPPF), including paragraph 135 which requires that development should add to the overall quality of the area, be visually attractive and sympathetic to local character and history. The Conservation Officer is also satisfied that the proposals are in accordance with the duty contained within section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and section 72 (1) 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

### Residential Amenity

The extension to the Judges Lodging will have a slightly larger footprint and increase the existing two storey height to three storey. Despite this, officers do not consider that this would significantly alter the relationship with neighbouring properties; the structure would not appear unduly overbearing and the increased degree of loss of sunlight would not be significantly harmful. Within the rear elevation of the extension, above the ground floor undercroft, there are windows, oriel windows and full height doors serving the first floor balcony. Given the separation and the position of Block C opposite, it is not considered that overlooking towards the north to properties on Bedford Court or 6-7 Bailgate would be unduly harmful. Given the oblique angle it is also not considered that the windows and doors would provide the opportunity to overlook towards properties on Bailgate that have a closer relationship to the east of the extension, namely 2a, 3, 4 and 5 Bailgate.

However, officers did raise concerns with the agent as it was considered that the first floor balcony could provide such an opportunity to overlook towards these properties. Overlooking from the balcony has also been raised as a concern by the occupant of 3a Bailgate. It is considered that overlooking from here could be addressed by a screen on the side, east end of the balcony. This matter will accordingly be conditioned on any grant of consent to ensure that the screen is sufficient in terms on protecting amenity, but that it is also an appropriate design so as not to compromise the appearance of the extension.

With regard to Block C, the 2 ½ storey element of this building will sit adjacent to the existing building on the corner of Bedford Street. The building to the east then drops down to 1 1/2 storey and it is at this point that it would sit adjacent to the neighbours' rear yard and partly abut the extension to the rear of 6-7 Bailgate. Given the 1 1/2 storey height, that the roof pitches away from the boundary and that there has previously been a substantial wall on this boundary, officers do not consider that the proposed structure would appear unduly overbearing or result in an unacceptable degree of loss of light. There are no windows within the facing elevation so there would be no issues of overlooking. Officers are satisfied that the 1 ½ storey element of Block C would also have an acceptable relationship with the rear of the properties to the east on Bailgate, and also the properties on Castle Hill to the south.

There would be no impact on neighbouring properties, in terms of overbearing, loss of light or overlooking, from the converted retail/café kiosk, the retail kiosks beneath and adjacent to 2 Bailgate or the ancillary plant structures.

Wider concerns regarding noise have been raised by some of the objectors. Castle Hill Club, 4 Castle Square has raised concerns regarding the impact from noise on the occupants of the flat at 4 Castle Square, which is opposite the application site. The owner of 3, 3a and 4 Bailgate and the occupant of Exchequergate Lodge have also raised general concern regarding the opening hours and the potential for noise for local residents. The matter of noise has been considered by the City Council's Pollution Control (PC) Officer. In his response he has not raised any objection in relation to noise associated with the general use of the buildings and wider site. There are existing commercial and night time uses in the vicinity and officers are satisfied that the nature of the proposed uses would therefore not be out of place here. However, the PC Officer has noted that the proposed development includes a significant amount of external plant, such as Air Source Heat Pumps (ASHPs), which could have an impact on off-site receptors. He considers that existing noise levels could also potentially have an impact on future users of the development.

The application includes a Noise Impact Assessment Report (Noise Report). This report has also been updated during the process of the application to take account of revisions to the scheme and the comments by the PC Officer. The officer advises that the Noise Report recommends a number of mitigation measures to ensure that new noise created as part of the development does not adversely affect nearby residents and to ensure that future occupants of the development are not unreasonably disturbed by the existing noise climate. The officer raises no objection to the report and recommends that a condition should be applied to any grant of consent to ensure that the mitigation measures are incorporated into the development.

The PC Officer has also noted that the development will include a commercial kitchen. He considers that extract systems associated with commercial kitchens can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore, a condition should be applied to any grant of consent to require a scheme for extraction, to control noise and odour. The condition will also stipulate that the sounds levels should not exceed the target levels detailed within the Noise Report.

The PC Officer has also recommended conditions to control the permitted hours for construction, deliveries associated with the construction and waste collections, to limit the impact on the amenities of neighbouring occupants during noise sensitive hours. Given that the proposals represent a significant development with the construction of an extension and new buildings with the potential to impact on a number of residential properties, officers consider that an hours of construction condition would be appropriate to apply in this case.

The proposed conditions from the PC Officer will be duly applied to any grant of consent.

Officers have therefore carefully considered the relationship of the proposals with neighbouring properties, taking account of the objections received. Officers are satisfied that the development would not result in undue harm to neighbour's amenity through overlooking, overshadowing, loss of light or noise and disturbance, in accordance with the requirements of Policies S36 and S53. Officers are also satisfied that the level of amenity for visitors staying within the hotel and serviced accommodation will be acceptable, in accordance with Policy S53.

## Access, Parking and Highways

CLLP Policy S36 requires that developments should not result in levels of traffic or on-street parking which would cause either road safety or amenity problems. Policy S53 advises that developments should maximise pedestrian and cycle permeability and avoid barriers to movement through careful consideration of street layouts and access routes.

The D&A Statement advises that the historical vehicular access to the former garage site is via the open frontage to No. 2 Bailgate. There is another existing vehicular access point from St Pauls Lane. Prior to demolition of the garage buildings access was restricted from St Pauls Lane by a set of timber doors which had remained closed for some period of time. These were removed as part of the demolition of the garages and has enabled this previous vehicular access to be re-opened. There is no vehicular access to the Judges Lodgings other than to the front of the building on Castle Hill. Pedestrians can currently access the garages site through the open frontage to No. 2 Bailgate but this is limited only to access and egress the private car parking areas for the White Hart Hotel. There is currently no permitted pedestrian permeability through the former garages site. The application proposes to reinstate public routes through the site to St Pauls Lane and create new public routes from St Pauls Lane to Bailgate and St Pauls Lane and Castle Hill.

The D&A Statement advises that the garages site currently provides the car parking facility for the White Hart Hotel, there are approximately 30-35 unmarked parking spaces available on the site. There is no car parking associated with the Judges Lodgings building. Areas around the site on Castle Hill, Bailgate and St Pauls Lane operate parking restrictions on the adopted highway. The proposals will see a reduction in the numbers of car parking spaces available to the White Hart Hotel.

The application includes a Transport Statement which advises:

The overall development could be expected to generate 305 two-way vehicle movements during the day. However, it is important to consider the generations of the previous use of the site in comparison. In terms of the previous use of the Judges Lodgings building, as a function and wedding venue it also had nine bedrooms associated with it plus caretakers accommodation, although most recently, these may not have been used for the purpose. The proposed development is predicted to generate a similar level of trips from the 10 aparthotel bedrooms and one two-bed aparthotel suite, compared to the previous Judges Lodgings building use. Despite the Judges Lodgings building being unused it has the potential to be refurbished or renovated to provide a similar number of bedrooms which could generate a similar level of trips to the proposals. The vehicular movements associated with the Restaurant and Retail 'Kiosk' may be considered linked journeys with vehicular movements which already exist on the highway network for visitors to Lincoln, and therefore they are not considered as totally new trips on the network. In conclusion, when considering the development in the context of the National Planning Policy Framework, the residual cumulative impacts of the development is not considered severe and therefore should not be prevented on transport grounds.

The respective occupants of 5 and 6 Gordon Road, off St Pauls Lane, have raised concern regarding highway safety and two letters of objection have also been received on behalf of businesses on Gordon Road; Bailgate Hair and Beauty, Grayz Tearooms, No. 5 Ladieswear Boutique, Bailgate Deli, Object & Line. They consider that St Pauls Lane is ill designed for

its present use; it is cobbled, narrow, one way and has no turning head. The proposal to give access down St Pauls Lane will cause major issues. There is a regular flow of traffic, and drivers also use Gordon Road as a cut through, which is dangerous. The planning application will result in more cars and encourage more pedestrians through the new route, increasing the risk and danger. There is also concern regarding the movement of construction vehicles and the safety of pedestrians at this time.

The application along with the concerns raised by local residents has been considered by the LCC in their capacity as Local Highway Authority. In their response they advise that:

Vehicular access to the White Hart garages is presently served via Bailgate, and these proposals will seek to stop up that use and instead turn this link from Bailgate into a pedestrian arcade, which is welcomed. Vehicular access to the site will instead be served via St Pauls Lane. St Pauls Lane already provides access to a public car park, businesses, properties and garages. Due to the nature of the street, vehicle speeds are very low and motorists drive with caution. The proposals will introduce more pedestrian footfall along St Pauls Lane to the south (Bedford Court) in addition to the existing movements along the northern end of St Pauls Lane and Gordon Road, which will reinforce cautious driving and slow speeds. As Highway Authority, we are satisfied that the minimal increase in vehicle movements along St Pauls Lane associated with this proposal will not have a severe impact upon highway safety, and that the increased pedestrian movements will reinforce pedestrian priority on St Pauls Lane. Beyond the car park entrance, the historic cobbles of St Pauls Lane (Bedford Court) have been overlaid with asphalt. To reinforce the slow vehicle speeds, we request that this section of St Pauls Lane is returned to cobbles to the site boundary.

The applicant was made aware of the LCC's request for highway improvement works, to return a section of the road adjacent to the site to cobbles. In response the applicant's agent noted that, while the cobbles would offer townscape improvements, the works could not be considered necessary. They also did not consider that the requirement would be reasonable from a highway safety perspective, particularly as in the LCC's response it is stated that they are satisfied that there will be a minimal increase in vehicle movements, which will not have a severe impact upon highway safety, and that the increased pedestrian movements will reinforce pedestrian priority on St Pauls Lane.

While officers would welcome the works to improve the approach to the site from a townscape perspective, the applicant has made a valid argument that this requirement would not meet the 'necessary' or 'reasonable' test for conditions as set out in NPPF paragraph 56. Officers accordingly advised the LCC of this position and they have not changed their response of no objection. Officers will therefore not be recommending that this matter be conditioned on any grant of consent.

The other condition requested by the LCC, requiring a Construction Management Plan due to the sensitive nature of the site, will be applied to any grant of consent. This should hopefully allay some of the concerns raised in this respect from the business owners on Gordon Road. A response on behalf of the St. Mary Magdalene Church wanted it noting that any developments in the area should do not lead to the closure of vehicular access to the church. While works beyond the site boundary and within the public highway cannot be controlled as part of this planning application, the requirement for a Construction Management Plan should ensure that the access is not unduly impacted during construction.

On the basis of the professional advice from the LCC, officers are satisfied that the proposals

would meet the requirements of Policy S36. The implementation of the new routes through the site are welcomed, which will maximise pedestrian permeability as required by Policy S53.

### Energy Efficiency

CLLP Policy S6 relates to design principles for efficient buildings. It requires that, when formulating development proposals, the following design expectations should be considered and in the following order: orientation of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. The policy also states that Energy Statements, as required by Policy S8 for non-residential buildings, must accompany applications and set out the approach to meeting each of the above principles. Policy S8 is applicable in relation to Block C and the retail arcade. This policy requires that developments should generate at least the same amount of renewable electricity on-site as the electricity they demand over the course of a year.

The application is accompanied by an Energy Statement Report (Energy Statement). In relation to Block C it is advised that a fabric first approach to design with highly efficient building services and renewable energy heat sources has been adopted. The energy consumption of the building has been reduced as far as practically possible. However, in respect of Policy S8 the standard requirements have not been fully met because of the heritage status of the site invoking clause 1 of the exceptional basis clauses. Exceptional basis clause 1 states that, where the requirements cannot be met for technical (e.g. overshadowing), other policy reasons (e.g. heritage) or other technical reason linked to the unique purpose of the building (e.g. a building that is, by the nature of its operation, an abnormally high user of energy), then the Energy Statement must demonstrate both why they cannot be met and the degree to which they are not met. With reference to Block C the Energy Statement advises that, due to the location of the site and its conservation status photovoltaic panels or small-scale wind turbines would have a detrimental impact to the character of the building and its surroundings. These have therefore not been proposed and renewable electricity on-site is not feasible. It also states that, due the purpose of the building as a hotel, it has a high energy use such as hot water & heating demand, therefore it is not achievable to meet the specified targets.

In relation to the retail units, the Energy Statement advises that a fabric first approach to design with efficient lighting has again been adopted and that the energy consumption of the units has been reduced as far as practically possible. It notes that the retail units are simple single room sales kiosks with small footprints. The display glazing in the kiosk makes the percentage of glazing relative to the floor space is high. The space heating design is simple, flexible and practical for the purpose of these units with each unit having direct electric heating. Again, the standard requirements of Policy S8 have not been fully met because of the heritage status of the site, invoking clause 1 of the exceptional basis clauses. The Energy Statement outlines that these have not been met due to the location of the site, where PV would not be supported and therefore renewable electricity on-site is not feasible. It is also explained that the purpose of the units does not allow the requirements to be met- the units are single room sales kiosks with a high degree of glazing which increases heating demand, practical use of electric panel heating & no lighting occupancy/daylight controls.

It has clearly been demonstrated that these proposals have been designed in line with the fabric first approach required by Policy S6. However, the highly sensitive historic location of the site means that the typical approach to design and the inclusion of renewable technologies is not appropriate. When this is combined with the high energy demand of the



uses and, in relation to the retail units, their design, means that the development cannot generate the same renewable electricity on-site as the electricity it demands over the course of a year. While this is regrettable, officers have considered this within the wider planning balance. The development will result in a significant investment into the site- securing a viable use of a deteriorating grade II\* building, improving the setting of a scheduled monument, enhancing the character and appearance of the conservation area and also contributing to the tourism offer in the wider area. On balance, officers are of the opinion that the development has satisfied as much of the policy requirements as is reasonably possible, and do not consider it would be reasonable in this case to require anything further which could compromise either the appearance or delivery of this development.

CLLP Policy S13 relates to the change of use, redevelopment or extension to an existing building. This policy would apply to the extension to the Judges Lodgings. The policy states that “the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)”. However, the policy does note that “for any heritage asset, improvements in energy efficiency of that asset should be consistent with the conservation of the asset’s significance (including its setting) and be in accordance with national and local policies for conserving and enhancing the historic environment”. Notwithstanding this, the Energy Statement advises that an Energy Performance Certificate (EPC) analysis has been undertaken. The results show that the energy performance of the building as extended is significantly improved from the proposed enhancements including fabric upgrade and improved building services incorporating a renewable heat source for both space heating and domestic hot water ASHPs, efficient lighting and ventilation systems. Officers welcome this improvement.

#### Landscaping, Trees, Biodiversity and Biodiversity Net Gain

The application is accompanied by a Landscaping Design and Access Statement, Arboricultural Survey, Ecological Assessment, Biodiversity Offsetting Assessment, Preliminary Bat Survey Report and Bat Roosting Survey Report.

A Landscape Masterplan provides an assessment of the site and locality, as well as identifying a key challenge that the site faces- the connection from Castle Hill to St Pauls Lane and Bailgate to St Pauls Lane is currently obstructed. The masterplan subdivides the site into three landscape character areas. The White Hart Arcade connects Bailgate to the site, known as Judges Court. The use natural stone is intended to guide pedestrian movement towards St Pauls Lanes. Barbican Court, between the Judges Lodgings and the castle is the most public facing space. The east gate barbican feature paving will be retained and the area will incorporate seating, street furniture and paving to reflect the heritage of the site. Tree planting in pots, which will be small species to preserve views to and from the castle, will help to create shade and soften the south facing aspect with wild flowers planted on the castle’s lower embankment. Consideration has also been given to how the adjacent plant area can be treated. Although these will be separated from the seating area by a brick wall, green roofs will be installed on the brick built sub station, electrical cupboard as well as the louvred plant enclosure. Officers welcome this comprehensive approach, which will ensure that the landscaped areas complement the development but also respect the character of the wider context. Officers accordingly consider that the landscaping is appropriate and would ensure that the development would satisfactorily assimilate into the surrounding area, as required by CLLP Policy S53.

The City Council’s Arboricultural Officer has also commented that the landscape proposals for this site appear to be well thought out and would result in the creation of an aesthetically

pleasing open space to accompany the proposed building development. He has noted that the submitted Arboricultural Report identifies the presence of only two trees within the property boundary of the proposed development, these being, T1(*Taxus baccata*) and T2(*Corylus avellana*). Both T1 and T2 are scheduled to be retained on site as part of the proposed development. He considers that they appear to be suitably distanced from the proposed development to require only barrier and ground protection to preclude them from any damage from vehicular impact or possible soil compaction. The officer has requested a condition that any level adjustments required to accommodate permanent hard surfacing within the root protection area (RPA) of T1 should not exceed 25% of any unsurfaced ground present within the RPA. He has also made recommendations in relation to the removal and replacement of the hardstanding within the RPA and that there is no plant or machinery to be stored under tree canopies. These will be conditioned on any grant of consent and the application would therefore comply with the requirements of CLLP Policy S66 in respect of the protection of the existing trees on site.

The Ecological Assessment details how a desk study of was undertaken to identify conservation sites, habitats, and species within the area. A field survey has also been undertaken, which did not identify any protected species. The assessment makes recommendations in respect of protecting nesting birds and European Hedgehogs from the development. A condition requiring that these recommendations are complied with will be applied to any grant of consent. In addition, the report recommends ecological enhancements to the site, such as bird and bat boxes and hedgehog houses. A scheme for the provision of such enhancements will also be required by condition. In addition to the Ecological Assessment a Bat Roosting Survey Report has been submitted which concludes that no bats are currently roosting within the proposed development area, and that no further surveys are required. Officers are therefore satisfied that the development would protect on site biodiversity, in accordance with the requirements of CLLP Policy S60.

In terms of Biodiversity Net Gain (BNG), the requirement for all qualifying sites to deliver 10% BNG became mandatory on major applications submitted after 12<sup>th</sup> February 2024 and on small sites from 2<sup>nd</sup> April 2024 through the Environment Act 2021. The application was submitted in advance of these dates and therefore, as an interim, CLLP Policy S61 requires that development proposals should deliver at least a 10% BNG and the net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

The Biodiversity Offsetting Assessment provides the results of a BNG assessment via the completion of a Biodiversity Metric (DEFRA Metric 4.0). The assessment seeks to quantify the anticipated gains/losses in biodiversity through development. It states that the calculation is informed by the landscape proposals and the vegetation survey. On this basis the report calculates that proposals will deliver a 12.73% net gain in habitats, equivalent to 0.07 units, and no change in hedgerow units or rivers and streams units. Officers welcome the gain in excess of the 10% requirement, as required by CLLP Policy S61. The implementation and retention of the landscaping scheme will be required by a condition on any grant of consent.

### Archaeology

HE have advised that the plot in which the Judges Lodgings stands is extremely sensitive archaeologically. They have recommended that officers seek the advice of the council's expert archaeological advisor regarding the impact on archaeological remains outside the scheduled area.

The applicant has engaged with the City Council's City Archaeologist at the pre-application stage and, as requested, the application is accompanied by an Archaeological Desk Based Assessment (DBA), the results of an evaluation excavation and borehole survey, and details of the specific proposals for below-ground interventions that will be required to deliver the proposals if permission were to be granted.

The City Archaeologist advises that the DBA details the significance of known and anticipated archaeological remains on the site and the impact of the different parts of the development upon them. Archaeological field evaluation of the site has already been undertaken which has informed the proposed foundation designs. These are provided within the DBA and the City Archaeologist considers that this demonstrates an appropriate level of sensitivity to the archaeological remains likely to be present on the site. He notes that, as requested, the designers have avoided tight clusters of piles. Subsequent to the submission of the DBA he has had further conversations with the developers and their structural engineers, and a further revised foundation design has been submitted which decreases the impact from piling still further. Where before the combined piling for blocks A and C included 65 piles, the revised design has reduced this to 52. Given that the piling contractor is yet to be engaged, the applicant does not want to commit to a final foundation design and methodology at this stage. The City Archaeologist is satisfied that this can be conditioned on any grant of consent.

Within the City Archaeologist's response, the significance and potential impacts of the development on Roman, Medieval and Post Medieval Archaeology have been detailed.

It is advised that, although Roman remains are likely to be found at greater depths than will be impacted by shallow foundation elements, the installation of piled foundations will cause them harm. He has therefore advised that the level of harm to any Roman remains that may be present will be less than substantial. The relevant policy test is that contained within NPPF paragraph 208, which requires the harm to be "weighed against the public benefits of the proposal". Officers consider that the development would better reveal the listed buildings within the site and also improve the setting of adjacent listed buildings. The proposals would secure much needed investment into the fabric of the Judges Lodgings. It is also considered that the development would benefit tourism in the city, including businesses within the immediate area that are within listed buildings, in turn contributing towards their long term use and investment. It is considered by officers that the public benefit of the proposals outweighs the potential less than substantial harm to Roman Archaeology, in accordance with the requirements of NPPF paragraph 208.

The City Archaeologist has noted that remains of the medieval castle ditch were seen in evaluation trenches and have been demonstrated to be present at depths that will be impacted by shallow foundation elements and by the installation of the flood attenuation tank. It is considered that these impacts can be mitigated through excavation and monitoring. It is advised that the ditch constitutes a non-designated heritage asset and the provisions of paragraph 209 of the NPPF therefore apply- the appropriate test for decision taking in regard to these assets is "a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset." Officers consider that the public benefits outlined above are sufficient to outweigh the level and scale of harm caused by these proposals, in accordance with the requirements of NPPF paragraph 209.

It is advised that The Post Medieval Archaeology remains on the site also constitute non-designated heritage assets, and although their significance is comparatively low, the scale of loss will be total. It is therefore possible to accept their loss as long as an appropriate level

of mitigation is required of the developer. A programme of archaeological excavation to formation level will enable these remains to be recorded, along with any earlier deposits that may lie underneath them. There are a number of cellars associated with the present Judges Lodgings building that may need to be infilled or removed to enable the proposed development to proceed. If consent is to be granted, the City Archaeologist recommends a condition requiring an appropriate level of measured recording of these features.

The conditions suggested by the City Archaeologist will be duly attached to any grant of consent, and officers consider that this will be sufficient to address the requirements of CLLP Policy S57 and Section 16 of the NPPF.

### Flood Risk and Drainage

The application is accompanied by a Drainage Impact Assessment (DIA), which has been reviewed by Anglian Water. They have advised that the foul drainage and sewerage network have available capacity for the development. With regard to surface water disposal, they have advised that the preferred method would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. CLLP Policy S21 also requires that development proposals should incorporate SuDS. Anglian Water has confirmed that the DIA and associated drainage layout drawings are acceptable, which propose an agreed surface water rate at a maximum of 2l/s discharging to the public sewerage network. Anglian Water has not requested any conditions although their response includes a number of informatives and advice, which sit outside of the planning process. This response has been sent to the agent for their information.

The LCC as Lead Local Flood Authority has also made comments in relation to surface water drainage. They note that this will be improved as a result of the proposals, which will seek to restrict the discharge rate to 2l/s from the existing 86l/s, into the sewer on Bailgate. Attenuation capacity for a 1 in 100 year storm event, plus a 40% uplift for climate change, will be provided on site in the form of a below ground attenuation tank. Accordingly, they raise no objections to the application in this respect.

The Environment Agency (EA) has provided a response to the application, but has not made any comment in relation to flood risk.

On the basis of the advice from Anglian Water and the LCC, officers are satisfied that the application would meet the requirements of Policies S21 and S36.

### Contaminated Land

CLLP Policy S56 advises that development proposals must take into account the potential environmental impacts from any former use of the site. There has been ongoing discussions during the process of the application between the applicant team and the City Council's Scientific Officer-Contaminated Land Officer (Scientific Officer). Additional information and reports have been submitted following these discussions and the application now includes a Preliminary (Geo-Environmental) Risk Assessment, Geo-Environmental Investigation, Remediation Scheme and a Stage 1 Verification Report. The Scientific Officer has noted that the Stage 1 Verification Report details the removal of the underground fuel tanks and subsequent testing. He has advised that these reports meet the relevant requirements and that the standard pre-commencement conditions relating to site characterisation and submission of a remediation scheme can be omitted from any consent granted for the development. He has therefore recommended that he has no objection subject to conditions

to require the implementation of the approved remediation scheme and that any unexpected contamination encountered during groundworks is reported. These will be duly applied to any grant of consent.

The EA has also reviewed the submitted Geo-Environmental Investigation report. Based on the available information, they consider the site to pose a low risk to controlled waters. They have also noted that underground fuel storage tanks (UST) are present at the site. The EA recommends that any redundant tank that is not proposed for future use is appropriately decommissioned, excavated and removed from site. The report recommends that specialist advice is sought to determine the feasibility of removing the USTs, which the EA agree with. They recommend that the USTs be removed as part of the development, appropriate validation sampling should be undertaken in accordance with best practice guidance. They have also recommended a condition in relation to reporting unexpected contamination, which will be applied to any grant of consent, and their comments will be applied as an informative for the applicant.

Based on this specialist advice, officers are satisfied that, with these conditions in place, the application would meet the requirements of Policy S56.

### Design and Crime

Lincolnshire Police have considered the application. In their consultation response they have advised that they do not have any objections to the development although have raised a number of general recommendations in relation to the safety and security. They also specifically requested confirmation that the pedestrian and retail arcade will be secured outside of business or opening hours. They note that the ground plan appears to indicate 'New Bi-folding Security Gate'. They note that not securing this area may result in crime and anti-social behaviour. The occupant of Exchequergate Lodge has also raised a similar concern, that after hours of opening there will be a dark narrow corridor that will attract anti-social behaviour here and also adjacent to the Judges Lodgings.

In response the agent has advised that, whilst the proposed management arrangements have yet to be finalised and it is anticipated that these will evolve prior to first occupation, the following, emerging management strategy has been suggested:

- There will be lockable ornate period style security gates on the Bailgate frontage and also at the western end within the car park which are to be 'branded' White Hart Yard ("Gates").
- The Gates will have an easy to operate Key Code or Key System and Key/Code Holders will be the White Hart Hotel Management Team and Reception personnel, as well as the occupiers of the residential apartment within the upper floors of 2 Bailgate.
- The Gates will typically be closed and locked at 11 pm and reopened at 6 am each day of the week and working in conjunction with the operation of the White Hart Hotel.
- Where pedestrian access is required between the Hotel and White Hart Yard Car Park during the hours of 11 pm to 6 am, there are relatively straightforward alternative routes via Castle Hill Square or Gordon Road and St Pauls Lane.
- White Hart Hotel maintenance/security personnel will regularly inspect the Retail Kiosk Arcade on a periodic basis throughout the opening hours of 6 am to 11 pm each day of the week.

Officers are satisfied that such a strategy would address the aforementioned concerns and would suggest that a condition requires a full management strategy be submitted prior to the retail units first coming into use.

### Other Matters

#### Air Quality and Sustainable Transport

It is proposed that electric vehicle charging points will be incorporated within the development, which is welcomed and would be in accordance with the requirements of CLLP Policy NS18. This matter would be controlled as part of the Building Regulations process and as such, is not necessary to condition as a requirement of the planning application.

#### Private Rights of Access and Terms of Lease

The occupants of 2 Bailgate, also referred to within this report as 2a, has made comments that the development would be against the terms of their lease, would affect rights of access, and also access if the gates are locked either end of the arcade. While these are not a material planning matters and therefore cannot be considered as part of the application, officers have highlighted this concern with the applicant. Again, while this not a material consideration, the applicant has advised officers that the terms of the lease does provide certain rights of access for both vehicles and 'on foot'. It is advised that, there are specific provisions within the lease that enable the freeholder to permanently vary such rights on the serving of a formal notice, which will be dealt with separately from the planning process should permission be granted.

#### Fire Safety

Comments from 3, 3a and 4 Bailgate have raised concerns in relation to fire safety. They note that the courtyard area to the rear of their property can currently be used as a rescue point and the height of the kiosks may restrict the emergency escape. 2a Bailgate has also made reference to fire trucks not being able to access the rear of their property and the removal of the roof, which provided a fire escape. While this is not a material planning matter the concerns of the neighbours have again been highlighted to the applicant. The applicant has advised that the owners/occupants of 3, 3a and 4 Bailgate have no rights of access from the rear of their properties through the White Hart garages. With regard to 2 Bailgate, the applicant notes that their rear courtyard had always been fully enclosed, previously surrounded on two sides by the former garage structures comprising high walls and roof structure. There has been no rights of fire escape for over 20 years. The applicant considers that, in terms of logistical access for fire tenders and emergency vehicles, access to the rear of the upper floor levels of the property will be significantly improved by the wider redevelopment proposals. There was previously no access for such vehicles to the rear of property due to the then existence of the recently demolished former White Hart Garage buildings.

### **Application Negotiated either at Pre-Application or During Process of Application**

Yes, see above.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The principle of the uses are considered to be appropriate to the site and within the wider context. The extension to the Judges Lodgings, the retail kiosks and Block C have 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 are of further benefit to the site and wider area. The setting of the grade II\* Judges Lodgings and grade II 2 Bailgate will be preserved, as will the setting of other adjacent listed buildings, including the scheduled and grade I listed Lincoln Castle. The character and appearance of the conservation area will 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 have been appropriately considered by officers against local and national policies and by the relevant statutory consultees, and can 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.

### **Application Determined within Target Date**

Yes

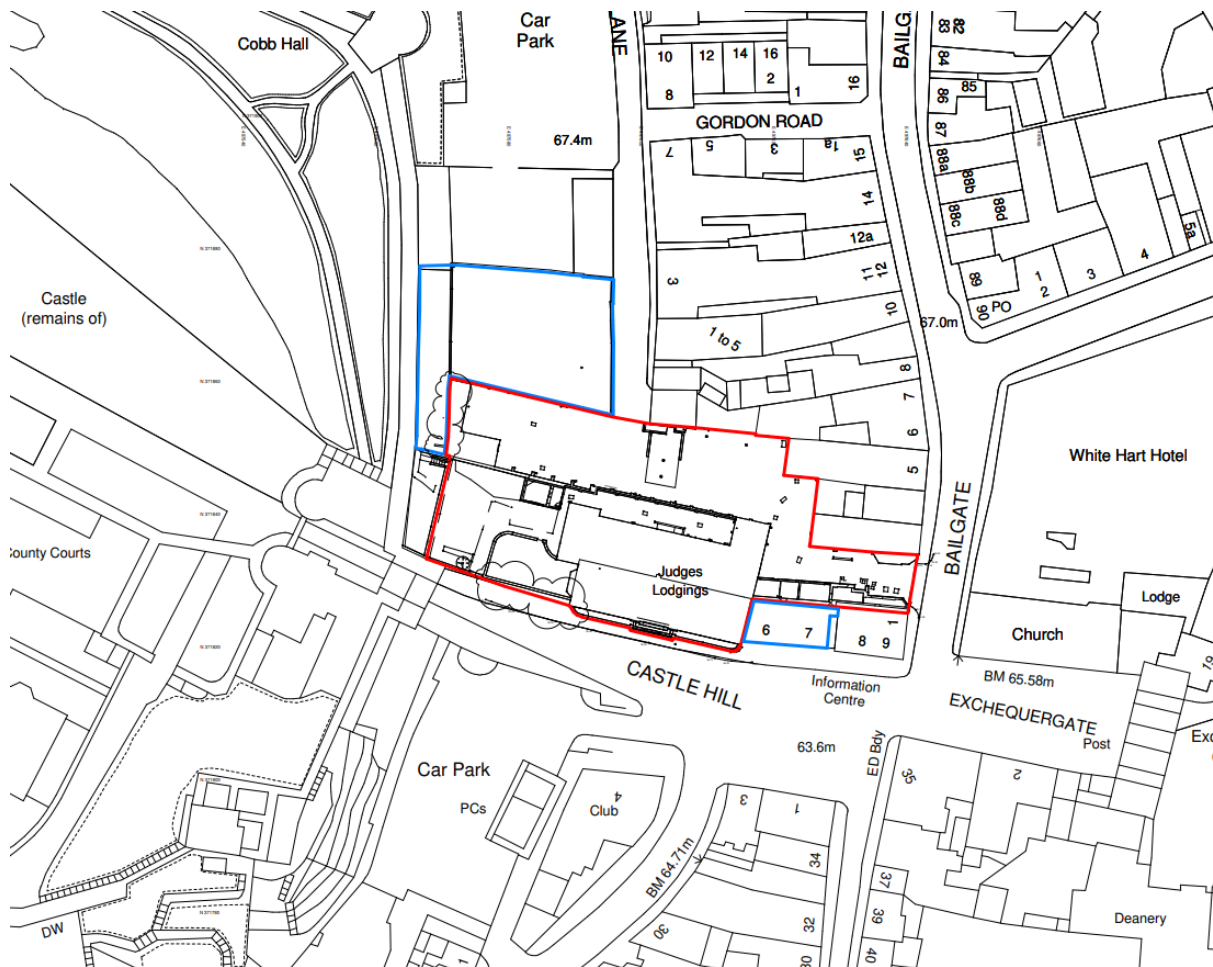
### **Recommendation**

That the application is Granted Conditionally subject to the following conditions:

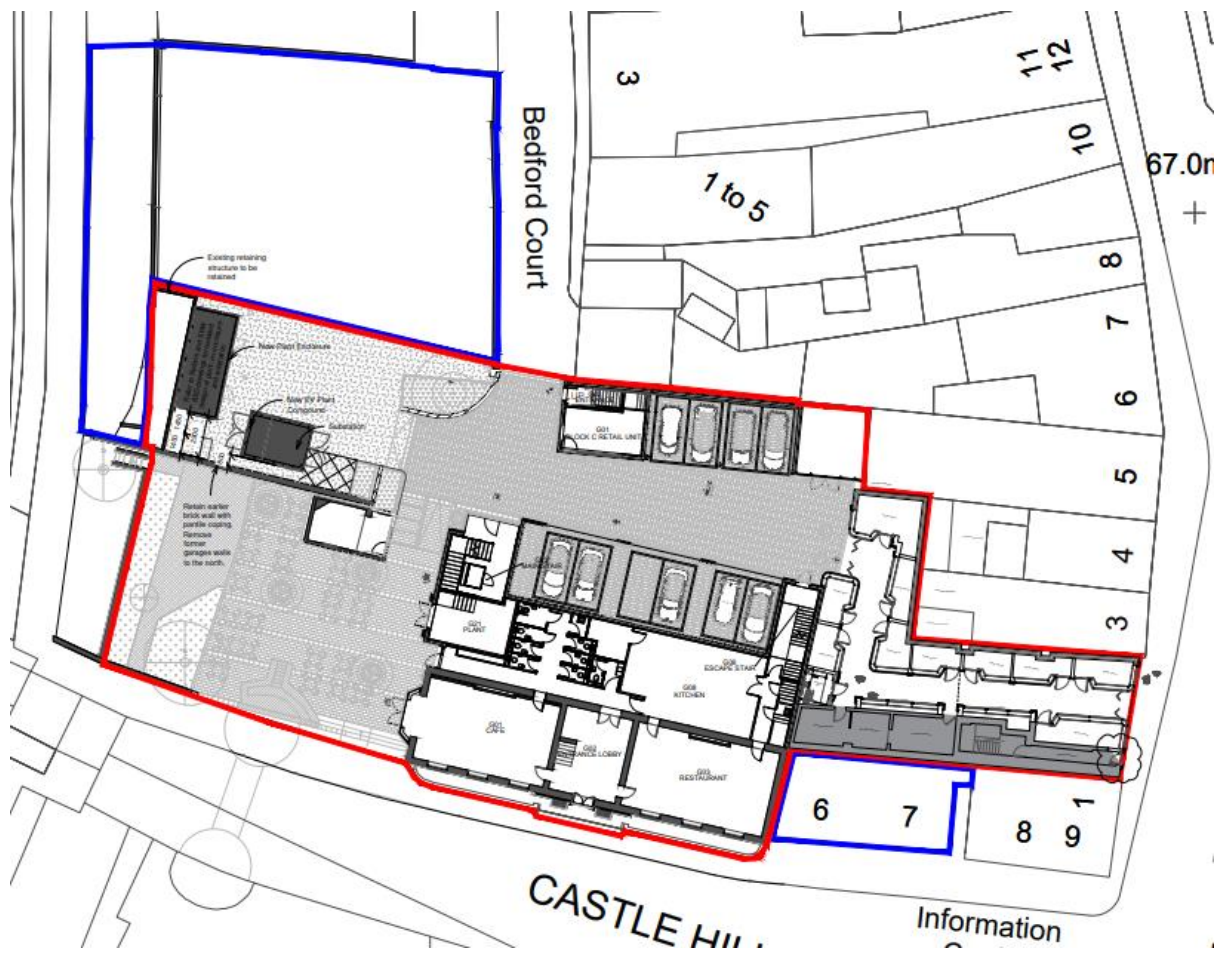
- Time limit of the permission
- Development in accordance with approved plans
- Material sample and details for Block C
- Implementation and retention of landscaping scheme
- Protection measures for tree RPAs
- Details of screen to balcony
- Implementation of noise mitigation measures
- Scheme for kitchen 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 works
- Implementation of contaminated land remediation scheme
- Reporting unexpected contamination
- Management Strategy for retail kiosks

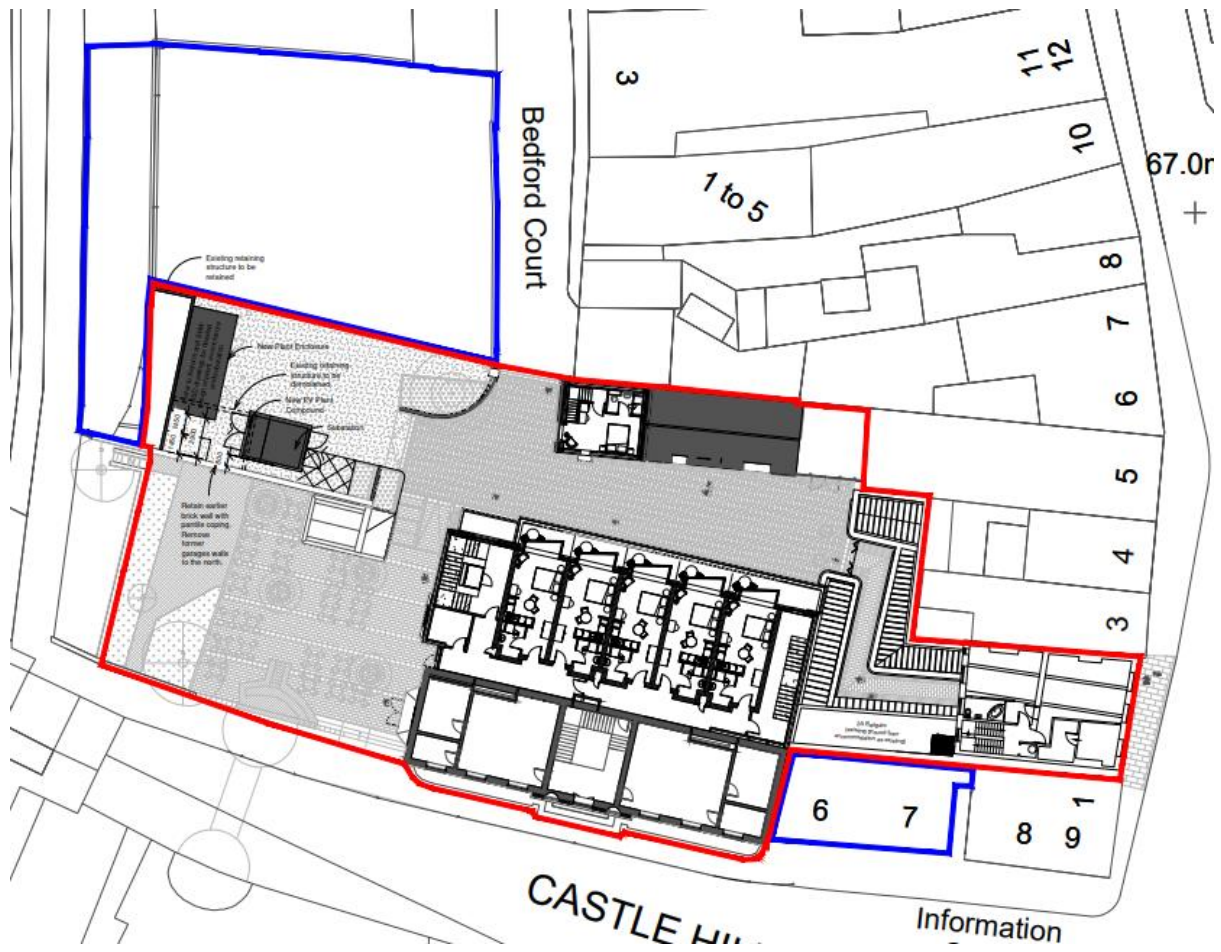




Site location plan

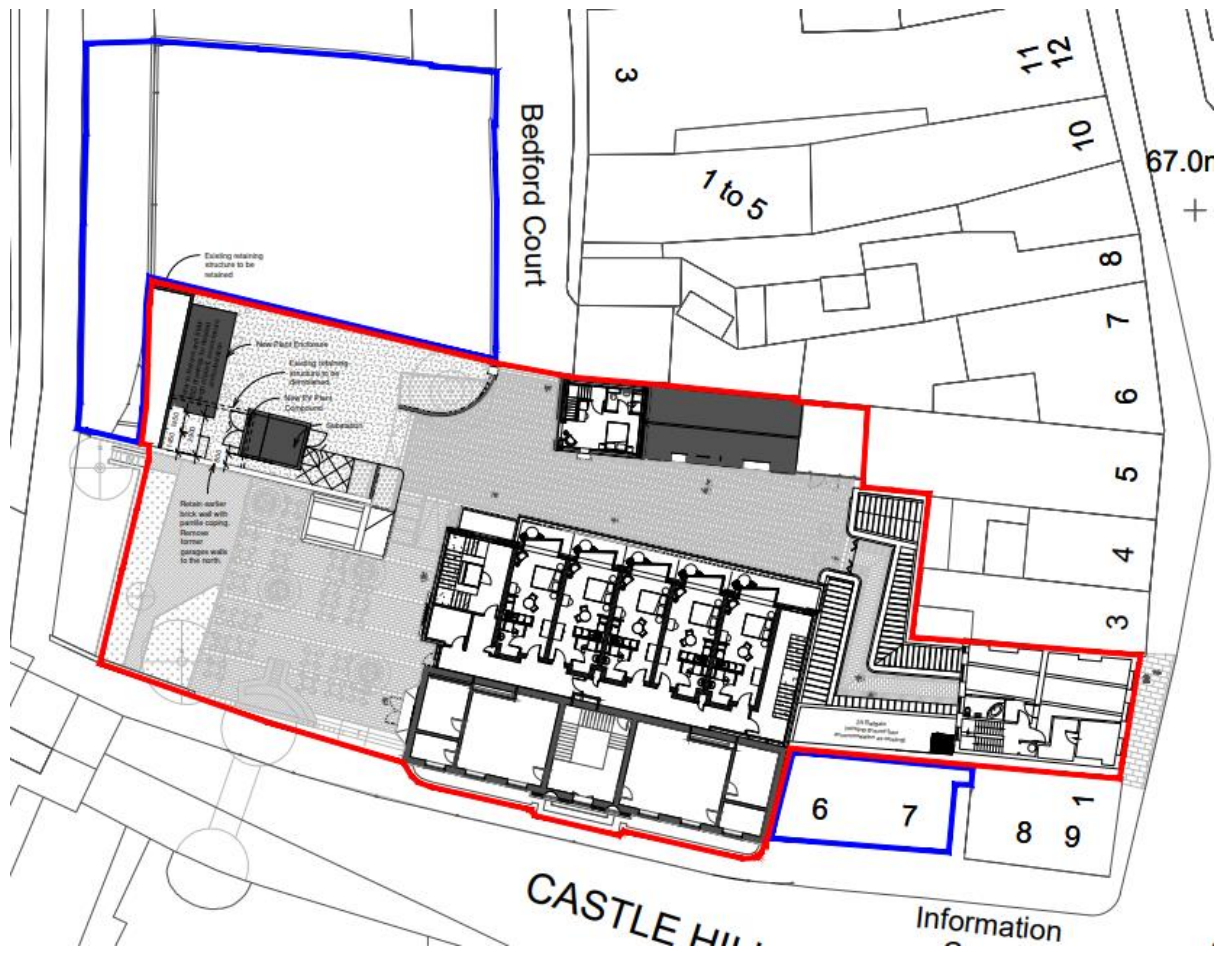


Overall ground floor plan



Overall first floor plan



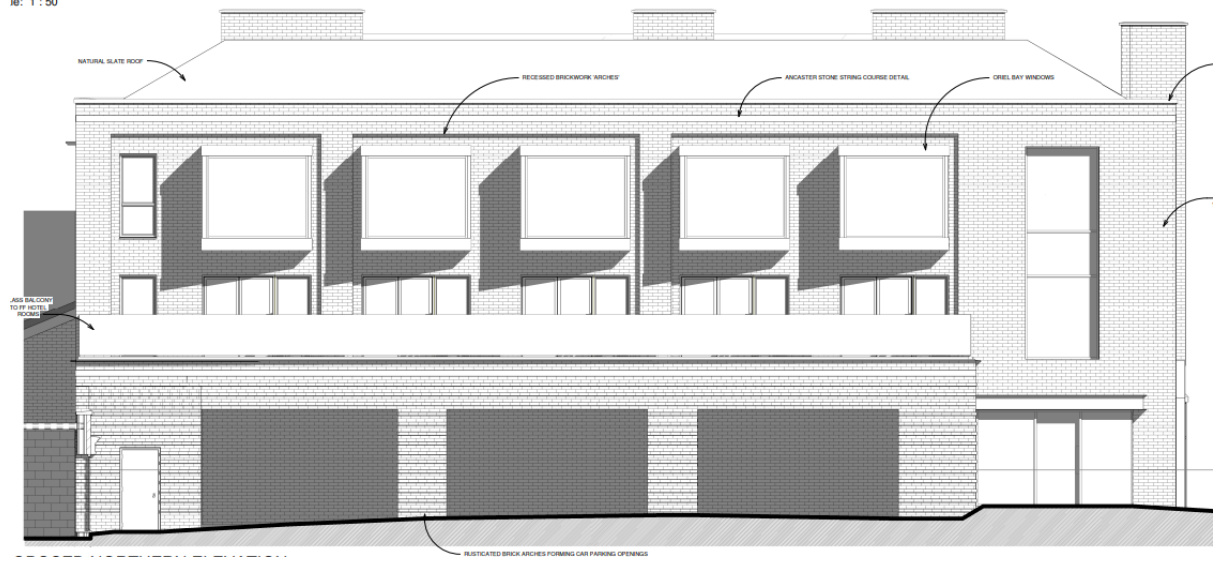


Overall second floor plan



Landscape Masterplan

10: 1 : 50



Judges Lodgings north elevation

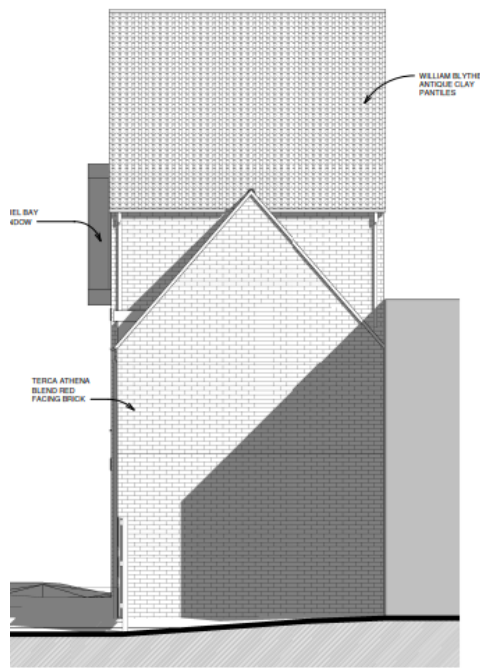


Judges Lodgings west elevation

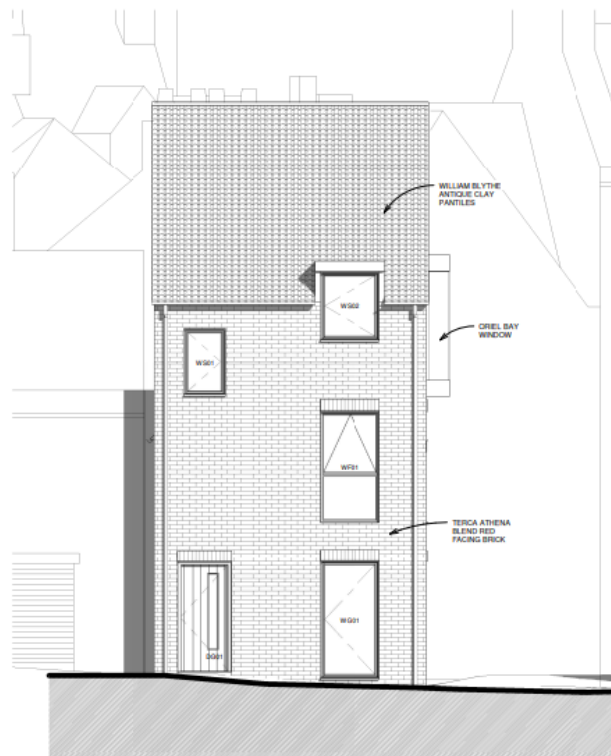


2 Bailgate and retail arcade elevations

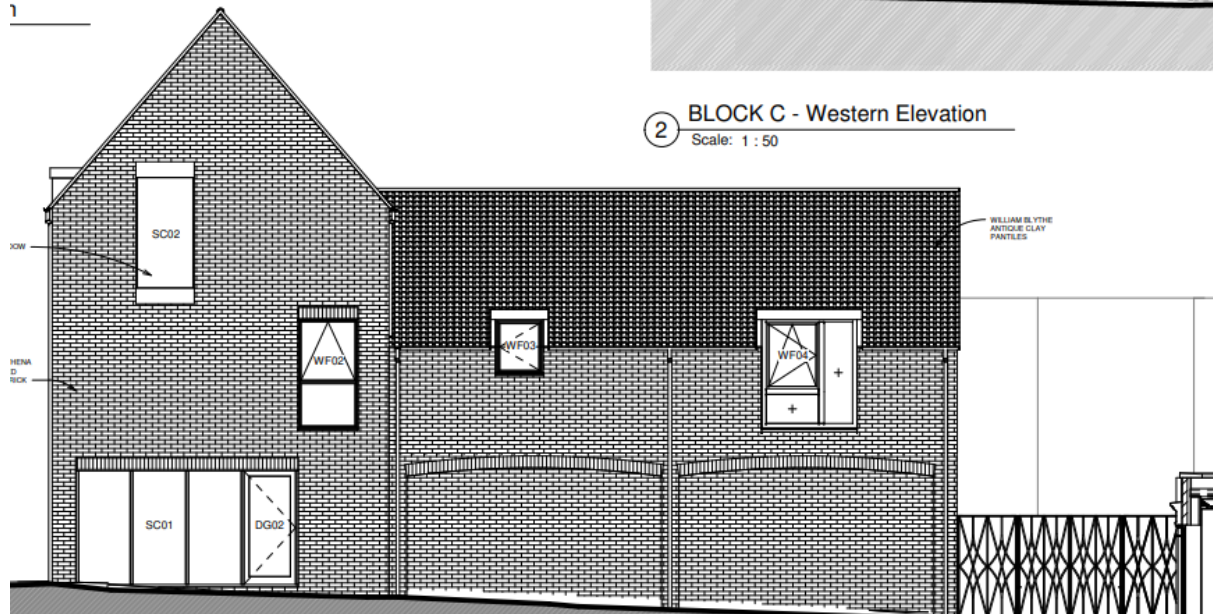




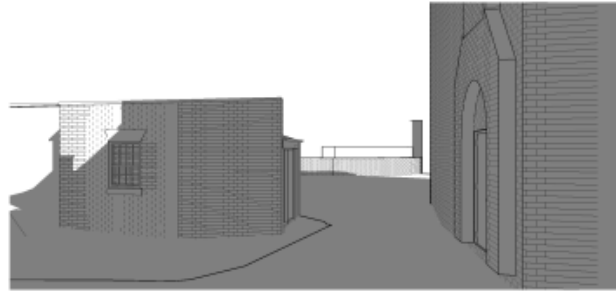
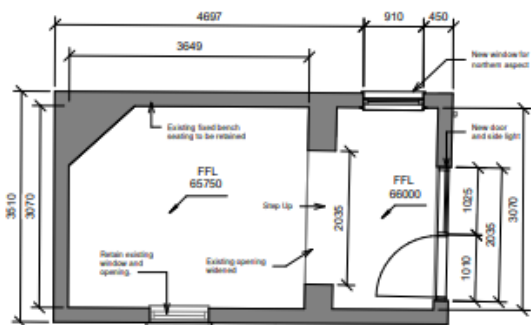
1



2 BLOCK C - Western Elevation  
Scale: 1 : 50

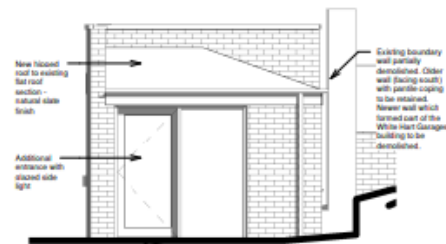


Block C elevations



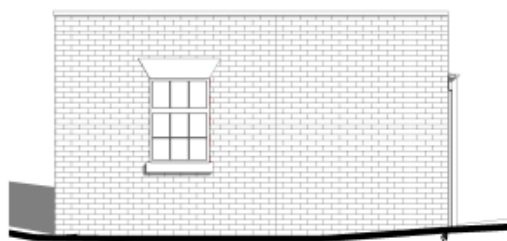
5 Kiosk - 3d view looking north  
Scale:

Kiosk - Proposed Floor Plan



Kiosk - Proposed Eastern Elevation

Existing external levels to be reduced to correspond with internal floor level

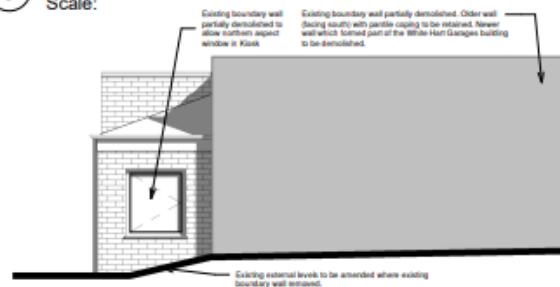


Kiosk - Proposed Southern Elevation

Existing external levels to be reduced to correspond with internal floor level

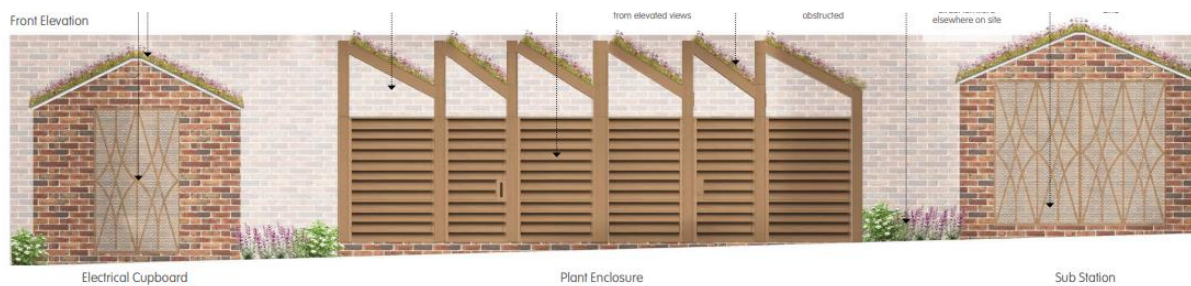


6 Kiosk - 3d view looking south  
Scale:



Kiosk - Proposed Northern Elevation

## Kiosk floor plan and elevations



## Plant enclosures





View looking east towards retail arcade with Block C to left and Judges Lodgings extension to right



View of Bailgate of shopfront, arcade and 2 Bailgate



West, rear elevation of retail arcade

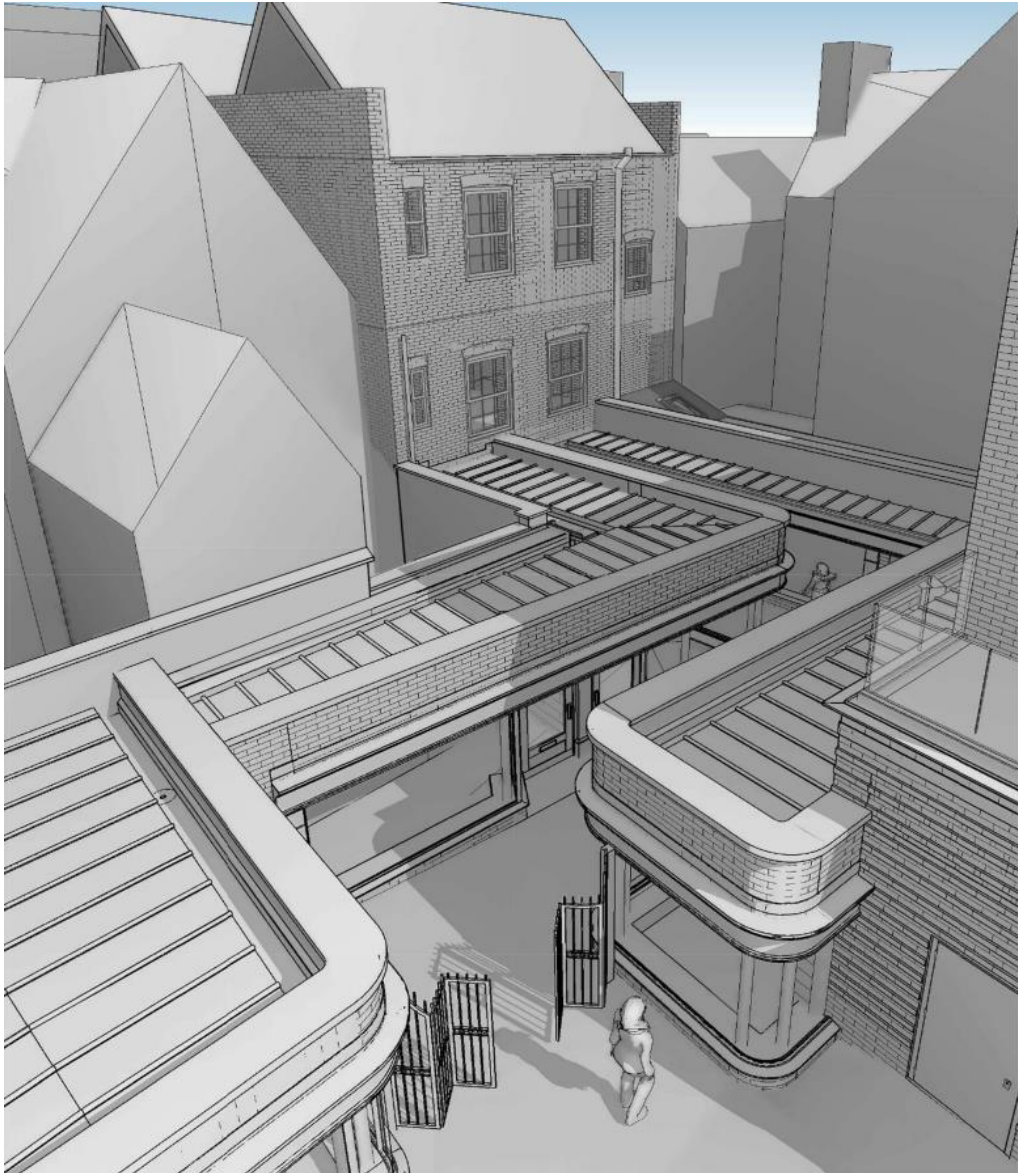


Birdseye view of Judges Lodgings extension and Block C behind

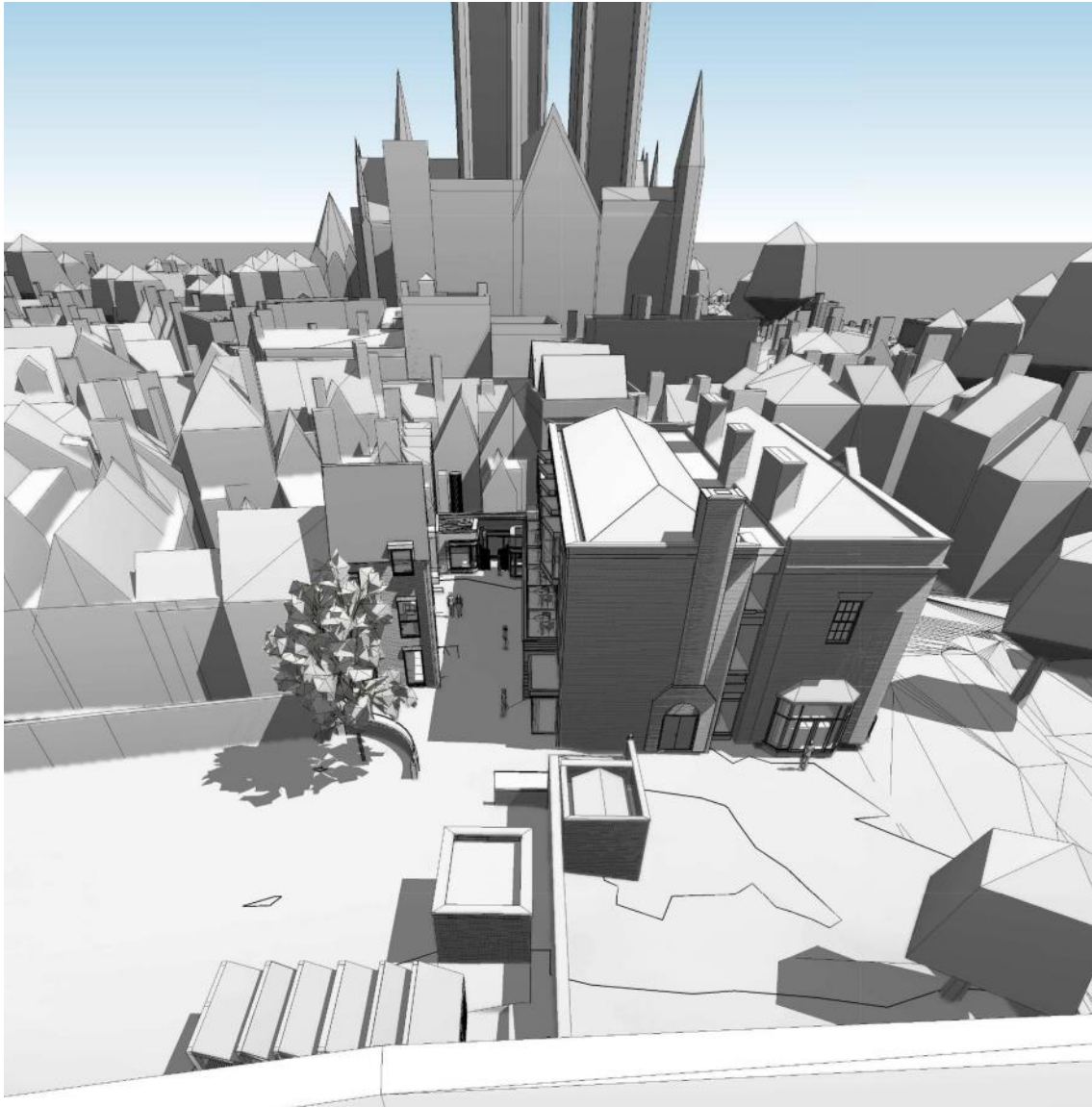




Birdseye view of Judges Lodgings extension and Block C

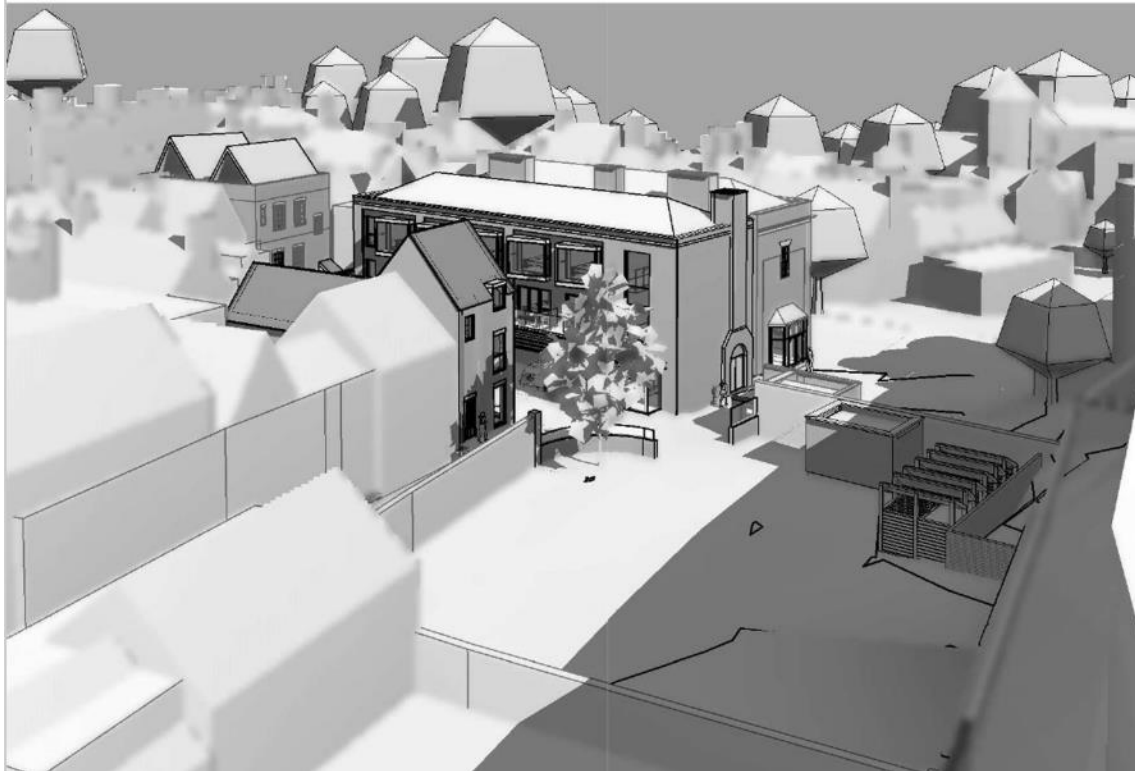


Birdseye view of retail arcade and rear of 2 Bailgate



Birdseye view east from castle walls





Birdseye view from Cobb Hall



Judges Lodgings





2 Bailgate



Rear of 2 and 3 Bailgate





Rear of 2 Bailgate and 6 and 7 Castle Hill



Views from castle wall





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## **Judges Lodgings and 2 Bailgate Consultations Responses**

**Name**

Mr Stuart Welch

**Address**

16 Drury Lane

**Date Received:**

18th July 2023

As a local resident and near neighbour to the proposed development, I wish to express my unequivocal and strong support for this imaginative scheme.

This is a once in many generations opportunity for a most welcome and major investment to transform the area from a run-down, under-utilised eyesore into a well-designed, vibrant, publicly accessible quarter which will be both attractive to visitors and useful to local residents.

May I strongly urge the Planning Officers and Committee members of the City of Lincoln Council to grant this application in full without delay.

**Name**

Mr Paul Watson

**Address**

Castle Hill Club, 4 Castle Hill,

**Date Received:**

21st July 2023

We have concerns about the setting of the castle if the area adjacent to the castle is opened up for what will be outside drinking and eating for the hotel/apartments. The public may be able to walk through, but I doubt they will be permitted to sit and eat on the "external seating areas" without ordering from the hotel. The generation of a food and drink area abutting the castle will change the historic setting of the castle with hospitality hard up against the walls and almost on top of the outline of the outer barbican. Keeping the screen wall, with no access through would be better. Access to the roadway to the rear of the building can still be secured with passageway through the existing arch and onto Bailgate. This would move the flow of pedestrians away from the front of the castle. The noise generated from the proposals would also adversely affect the occupants of the flat at 4 Castle Square which is directly opposite.

**Name**

Dr Shirley Brook

**Address**

St Mary Magdalene Church, Bailgate, Lincoln, LN1 3AR

**Date Received:**

9th August 2023

I am writing as Secretary of St Mary Magdalene Parochial Church Council on behalf of the Churchwardens' Team.

We have noted that the change of vehicular access to the White Hart Hotel car park, as proposed in planning application 2023/0469/FUL,

will mean that the lower end of Bailgate will no longer be used by hotel guests for access to the hotel car park.

We are writing to highlight that the church, which stands opposite the car park entrance, uses the bottom end of Bailgate for vehicular access.

There are daily services and activities in the church in addition to Sunday services, weddings and funerals. Therefore vehicular access is required by the church on a daily basis and at all times.

It is important that this is noted by the Planning Dept. and by Highways, to whom we are also writing, in order that any developments in the area do not lead to the closure of vehicular access to the church.

**Name**

Dr Samantha Stein

**Address**

Exchequergate Lodge, Lincoln, LN2 1PZ

**Date Received:**

9th August 2023

We are nearby neighbours, with interest in the local area and historic character. Thank you to consultants for putting together a very interesting DBA and Impact assessment, pulling together a wide range of maps and documentary evidence.

It is clear that the 1950/60s redevelopment of the structure did do some incredible damage to the historic fabric of the building, which absolutely needs addressing. However, I do feel that the proposed alterations only seek to replace the poor 1960s extensions, rather to improve on them within the character of the historic core of the city. This is one of the KEY views from Lincoln Castle. While the 1950/60s two story structure was once in vogue, just as the currently proposed three story replacement is in vogue, at the time, that structure also seemed to be a good idea. Replacing it with something higher and 3 story will be yet another mistake, both from within the structure, and from the views from the castle, from 2 Bailgate, and from Bedford Court and St Pauls.

Apologies if views from the castle were missed in the lengthy application, but it would be preferable to see an updated proposed scale view from the castle walls and other surrounding locations. With the current plans, I can only imagine that the new proposed structure obstructs views of the timber framed building of the visitor's centre, 2 Bailgate, as well as of St Mary's church from the castle, but I'd prefer to see this virtually rendered.

Considering the wealth of knowledge that the Heritage Impact Assessment has provided, and the developers commitment to honouring Lincoln's heritage, it would be outstanding if the proposal could speak to the archaeological and historical aspects of the original 1810 grand but only two story building. This would match the scale and height of the rooms that were originally intended with the original architect's plans. The very odd 'boxes' that protrude from the back do not fit with the character of the surrounding area, and will not present well in 10-20 years time when this is no longer in fashion. The

proposed extension stretches out much further than the original footprint of the building, and a reduction in size would mean that the views from the castle would not be impeded by modern fabrics.

From an urban architecture point of view, I have significant concern about the proposed 'kiosks' in this application. They do not have any facilities plumbed into them, so I have to assume that none of them will be serving food. If this is the case, then again I have to only assume that they will be open from 10-5, leaving a very dark and empty narrow and winding corridor for evening and night hours. In an area already attracting some regular anti-social behaviour, this would be a recipe for disaster. Alternatively, if there are late hours for these kiosks, this would mean louder and longer hours for surrounding residents. I cannot offer a solution, but I do feel that the current proposal is not a good one.

Similarly, I do not find that a bar or kiosk is an appropriate use of the space to the west of the lodgings. This small space will also invite loud or antisocial behaviour at all hours, and if secured and closed, then it is exclusionary. Considering it was mapped to be a formal gardens, why not reinstate a formal garden, incorporating a Georgian sensory garden (for example), or other heritage exhibit, to be open during business hours and hotel guests at all hours?

It is also worth including that there are residents living adjacent and near to this building, and working hours should be dictated by the planning permission to regular working hours, namely only 8am-6pm Monday to Friday; this includes plant and waste delivery and collection.

I also can't help but feel that this is starting to be a bit 'Disneyland' in trying to create an all-singing all-dancing one stop shop for entertainment, when we are, in fact, in the middle of a medieval city, with an organic and lively already existing core. The area does not need to interconnect, and there does not need to be a character on every corner. The 'kiosks' in particular feel very much like they are trying to bring a modern motorway service station to a medieval city, and it does not fit with the local character.

**Name**

Victoria Small

**Address**

5 Gordon Road, Lincoln, Lincolnshire, LN1 3AJ

**Date Received:**

8th November 2023

I own a business on Gordon Road in the Bailgate.

I've been trying to get in touch with my local councillors with concerns about the flow of traffic down Gordon Road and the dangerous situation this is presenting to pedestrians and businesses along there. But I still have not heard back.

With the new planning application for the alterations to the carpark and flow of traffic. This is only going to cause greater concerns and problems as the access to the car park and commercial waste

disposal, etc, is down a tiny one-way cobbled lane.  
Gordon Road is already dangerous, with more traffic trying to cut through, I feel this proposal to give access down st Paul's Lane will cause major issues.  
Please can you advise further.

**Name**

Mr Paul Watson

**Address**

4 Castle Square

**Date Received:**

11th November 2023

The access through the wall that runs up to the Castle will increase noise and volume of pedestrians almost directly in front of our residential flat. In addition the proximity of the outdoor eating and dining area will add to the noise and seriously detract from the historic setting of the castle.



To the Chair of the Planning Committee, City of Lincoln Council

13 November 2023

Dear Councillor Bushell,

**2a Bailgate and Judges Lodging 2023/0469/FUL**

This letter is from premises' owners on Gordon Road, off St Paul's Lane. The entrances to our hairdressers, cafés, gift and fashion shops open directly on to the street. We have a close knowledge of our place and community.

We ask the Planning Committee to refuse the application until it is completely satisfied that St Paul's Lane and Gordon Road is safe for Bailgate's visitors, customers, local people and community. We think pedestrians will be at significant increased risk if the scheme goes ahead in its proposed form. We believe that St Paul's Lane is ill designed for its present use let alone the addition of a new traffic route. The reasons are set out below.

In this letter we also challenge the assertion that making St Paul's Lane at its southern end, a pedestrian route into the Judges Lodging development, will help the local economy. We think it will have little or no positive impact and has a high possibility of disrupting pedestrian movements around the area to the community's gross disadvantage.

Lastly we ask the Committee to consider the impact of significant building work on the local area, especially given that St Paul's Lane is narrow and at times, heavily used by pedestrians.

**ST PAULS LANE AND GORDON ROAD**

St Paul's Lane runs south from Westgate to the entrance to the Judges' Lodging site. Gordon Road is a short road linking St Paul's Lane to Bailgate.

St Paul's Lane gives access to a short stay carpark for around thirty vehicles and a private company carpark for about ten cars. There is a more or less constant flow of cars into and out of the main carpark at key times during the day. It can be a particularly congested area when parking is at capacity.

The lane also provides critically important access for delivery vans and lorries. At times, especially in the late morning, there are a significant number of related vehicle

movements. Eight or more businesses directly rely on the lane for the delivery of supplies while three or more others depend on customers arriving in private cars or taxis. There is no meaningful alternatives for these movements. The committee should note there is no dedicated turning area.

A large number of pedestrians use St Pauls Carpark as a way through to Bailgate—it is a long established route. They cross the lane at multiple points and then walk along Gordon Road. Drivers and pedestrians are largely mindful of others but the roadscape is confused and there are no demarcated routes through the carpark or across the road. The committee should note that pavements in some places are narrow (as indeed is the road)—pedestrians are forced to walk in the roadway in a way that would not be acceptable in other public places.

Pedestrians using the area include children walking to and from Westgate Academy and nearby secondary schools, the many people who live in the Burton Road and West End areas and beyond, the users of shops, hospitality and service premises, and the many visitors we welcome every year, many of whom do not know the local street layouts and need time to understand them.

Gordon Road is a narrow street believed by many to be traffic free although there is vehicle access for businesses to load and unload at any time of the day. The road is frequently misused by drivers, who see it as a convenient shortcut from Bailgate to St Paul's Lane and on occasion, the other way, despite one way signs. There is a dangerous conflict of space where in several cases shop doors are just inches away from where vehicles travel. For a good length of the street vehicles are also driven alongside where customers sit, eating and drinking, at tables. The committee should note that Gordon Road is heavily used by families and older people. Its present use is dangerous and deeply unsatisfactory.

The western end of Gordon Road is a blind junction where drivers cannot easily see vehicles travelling along St Pauls Lane without nudging on to the street.

We have seen a number of near accidents and instances of dangerous driving on both roads. It includes multiple instances of speeding and rare but worrying instances of cars reversing down Gordon Road.

We see the increase in traffic that will come from the opening up of the Judges Lodging as highly risky. The planning application states that there will be thirty three

dedicated parking spaces on the proposed site. This includes the existing carpark that is not part of the application but whose vehicles will move through the site. All vehicles will access the site by St Pauls Lane (marked as Bedford Court on a number of the applicant's plans).

The Judges' Lodgings site will be used for deliveries and collections of all sorts. The applicant's Traffic Assessment presently only lists refuse collection but we know vans and lorries will also use St Paul's Lane as access for cleaning, maintenance, provisions, shop deliveries and the other services a busy hospitality site needs in order to function efficiently. We cannot estimate the number but given the density of the site, it could be a busy flow of vehicles, particularly at the height of the season and at critical times of day, each seeking parking and sometimes in conflict for that limited space.

It is difficult to estimate the increase in traffic along St Paul's Lane because the developer gives scant information about possible use. We think though, that the level could be significant. We also note the need for any estimate to factor in informal, unauthorised parking and other ad hoc access of which there could be a lot, for example taxi drop offs.

We have all witnessed instances of bad driving up and down St Pauls Lane as it now. While most drivers are highly considerate, a few are not. If the density of traffic increases, if the scheme goes ahead, the risks will exponentially grow. The confused roadscape will add to the problems. Dangers include the risk that drivers will see the relatively empty stretch of road between the Judges' Lodgings and the Gordon Road junction as a reason to speed before reaching the St Paul's carpark area, with the attendant risk that brings. We have already seen instances of this.

Please note that the operation of Gino's restaurant on the corner of Gordon Road and St Paul's Lane depends on a store and preparation area on the other side of the lane. There is a constant movement of staff between the two buildings and at present, the store doors open outward.

Under the proposed development pedestrians will be encouraged to use St Paul's Lane as access to and from the Judges Lodging site. In other words, the lane at its southerly end and the site entrance will become a shared pedestrian and vehicle through way. The existing pavement is rudimentary and while the road and pavement



may well be upgraded in time, the confused roadscape and pattern of use will remain, with significant risk points, at the Gordon Road junction for example.

You can see our reasons for being so concerned about the impact of the proposed scheme on the safety and security of the area. We see the present state as poor but think it could get much worse. There is a longstanding case for a whole review of the area before any change takes place.

.....

Our second concern is about disruption to the existing pedestrian route from the carparks at the north side of the castle and from the Burton Road area. It relates particularly to visitor numbers, whose critical mass is necessary for Gordon Road, St Paul's Lane and Bailgate's economic well being.

At present pedestrians walk along Westgate, then either veer off through the short cut in the carparks by the edge of the castle to walk down Gordon Road or continue forward through St Paul's Churchyard. One way or another they provide footfall of major importance to the shops and hospitality venues on the route. We cannot overstate the importance of this, especially at a time of radical change in the retail economy.

The developer's proposal is to open a third route down St Paul's Lane. The impact will be both to lose a perhaps significant portion of the trade existing visitors bring, and also to create a pattern of movement that may exclude much of Bailgate all together, noting that pedestrians entering the Judges Lodging development will have the choice to turn left through the arcade or right to access Castle Hill by way of the proposed café, with its direct access to the castle. We know from the many visitors we greet every year and act as city ambassadors to, that if they are new, they need time to understand the area. The St Paul's Lane route will potentially be an incredibly partial view of our rich resources and we fear that, in the valuable and sometimes short time visitors have in Uphill Lincoln, they will not walk up Bailgate.

We ask the Committee to note that Bailgate is both a community and a visitor destination. It is in formal terms, an urban village. Its users are not just local but come from around Lincolnshire. They come for its resources, social and cultural life. They identify closely with the place. The tourist footfall added to this local use is critical to our well being. It provides a mix and level of sustainability absent from

other centres and makes it possible to maintain critical, diverse resources such as our chemist, post office and bookshop.

.....

Our third concern is about safety whilst proposed building works take place. We welcome aspects of the Judges Lodging development such as the remodelling of the main building. It will bring increased risk though. We know that the contractors have been thoughtful during the clearing back phase but ask the city planners and other agencies to put in place a rigorous traffic access plan during the construction period. It needs to take particular note of vehicle and pedestrian movements around the Gordon Road junction where the risk will be at its highest. There have been rare but significant instances of speeding traffic already, including a large lorry whose driver didn't understand the risks on St Paul's Lane. Once the true building works begin those instances will potentially radically increase.

Yours Sincerely,

Karen Giddens, Bailgate Hair and Beauty

Scott and Caroline Eversfield, Grayz Tearooms

Vicky Small, No 5 Ladieswear Boutique

Jill and Barry Hepton, Bailgate Deli

Jill and Barry Hepton, Object & line

The main contact for this letter is Barry Hepton [info@objectandline.co.uk](mailto:info@objectandline.co.uk)

**Name**

Mrs Caroline Eversfield

**Address**

6 Gordon Road, Lincoln, Lincolnshire, LN1 3AJ

**Date Received:** 14th November 2023

The entrance to St Paul's Lane is very narrow. The transport consultation has referred to occupancy of the St Paul's Lane carpark as around 50% on a weekday morning. However, it is usually full at the weekend and St Paul's Lane can be very congested and chaotic with cars and pedestrians. If you add in a further 33 cars trying to access the hotel carpark, together with additional service and delivery vehicles, St Paul's Lane will become impossible. There is only one way in and out and insufficient width for two cars at the entrance/exit.

It would be preferable to maintain the entrance to the hotel carpark from Bailgate.

Furthermore, the congestion will impact on Gordon Road. Gordon Road is an access only road, one way but we already see cars driving through (in both directions). This is likely to increase with the current proposal and will increase the likelihood of an accident. Gordon Road should be a pedestrian only road.

**Name**

Mr Stuart Welch

**Address**

16 Drury Lane, Lincoln, Lincolnshire, LN1 3BN

**Date Received:** 16th April 2024

Dear Madam,

I have received your two letters each dated 27 March advising that following revisions to these two applications a reconsultation period is required and that representations are to be received by 19th April.

I wish to repeat the support which I delivered to you on both original applications.

Please advise and confirm - can my original statements in support of both applications be 'transferred' over to the revised applications or do you require me to repeat them ?

With thanks and regards,  
Stuart Welch

To the Chair of the Planning Committee, City of Lincoln Council

17 April 2024

Dear Councillor Bushell,

### **2023/0469/FUL Judges Lodging**

This letter is from premises' owners on Gordon Road, off St Paul's Lane. At the time of the previous consultation in November we wrote to you with our concerns. This letter takes up the same issues but is an update on what we have seen and know.

As before, we ask that the Planning Committee refuses the application until it is satisfied that the Judges Lodging development will not unfairly impact on Bailgate. The focus is on St Paul's Lane but the changes may have a much broader effect on the area.

As before too, our interest is threefold:

1. The safety of the pedestrians who use St Paul's Lane and Gordon Road given that the locality is sometimes very crowded, the streetscape is confusing and that pedestrians and vehicles share the same spaces.
2. That the proposed new pedestrian route down Saint Paul's Lane into the Judges Lodging site could have a damaging effect on the local economy and sustainability of the area.
3. That the likely considerable movement of vehicles during the construction period needs to be very carefully managed.

In a letter to the committee on 14 November the County Council recommended that an appropriate management plan to be designed and implemented for 3. above so we have faith that it will be one of the conditions of the application.

#### **ST PAUL'S LANE AND GORDON ROAD**

In our earlier letter we gave an account of how the locality works at present; that it is sometimes very busy with cars, vans and lorries and is often an awkward place for drivers to negotiate. In particular we pointed out that, as well as the entry point to a busy carpark St Paul's Lane is an essential loading and unloading area for servicing a dozen or more local businesses. Vehicles include the private cars and taxis that bring



clients to the hairdressers and other service industries as well as larger vehicles making regular deliveries to the six hospitality venues in the immediate vicinity. In a number of cases lorries have to take up the whole road width when delivering. It should be noted there are no ready turning circles or safe ways to reverse up the road.

Many pedestrians traverse St Paul's Lane and the adjacent carpark during the day, weaving between stationary and moving vehicles. They include school children going to and from Westgate Academy, family groups, tourists and people of all ages visiting Bailgate for work, shopping or leisure; the range is wide and diverse. It includes many people with mobility issues, understanding that a large proportion of Bailgate's day time visitors are older.

Whilst this complex set of movements works reasonably well for much of the time there are periods, especially in late morning and during holidays where the risk levels are high and the streetscape is overcrowded to a worrying degree.

The opening of St Paul's Lane to traffic going to and from the Judges Lodging will add to the risk, it cannot do otherwise. We are troubled how little attention has been paid to understanding the level. Our earlier letter set out what we think will happen. We ask the Planning Committee not to go ahead with any approval until there is a Traffic Access Statement that truly describes potential traffic flow into and around the yard at the rear of the Lodging and adjacent to the proposed new shops. We see for example, that there is no mention of the impact of the carpark in the north west corner of the site, which is excluded from the planning application but will generate traffic flow through the area covered in the application as cars, vans and other vehicles enter and leave St Paul's Lane by way of a narrow opening, marked Bedford Court on the plans, an entrance to be shared with pedestrians.

We note the applicant's revised access statement that all traffic will be routed down St Paul's Lane but give no detail of what level or form that traffic flow will be. This is essential for any consideration of safe site practice. We believe that it will include a potentially large number of delivery vehicles both for the Lodging and the shops, service vehicles, private cars and taxis. We are concerned about both the formal, planned traffic flow and the unplanned and potentially much larger informal and disorganised traffic flow such as couriers and drivers new to the site or confused by a lack of signing. The committee should note that there are no dedicated turning circles within the Judge's Lodging yard or any attempt to control or demarcate traffic flow.



There is an almost complete lack of meaningful information. Pedestrians are being invited to share this space. It is against the practice of any other civic place we know.

No published consideration has been given to the length of St Paul's Lane between Gino's Restaurant and the Judges Lodging entrance. We are concerned and have seen evidence of cars and vans travelling at speed up the lane. We note the County Council's thought that the street should be reinstated to cobbles to slow traffic but it seems only to be a suggestion. Pedestrians are also being invited to share this access space.

We are pleased to report that there are now moves to make Gordon Road a pedestrian only thoroughway. We thank the county's councillors and officers who are planning what will probably be an experimental order leading to a permanent closure to vehicles. It has caused us great concern over the years as some drivers abuse the road to travel at speed and against the flow of pedestrians. We described in the earlier letter how worried we were about the increasing numbers of drivers travelling up and down the road, and how increased traffic because of the proposed Judges Lodging scheme would add to the numbers.

Finally, in this section, we note the County Council's assertion in November that opening up St Paul's Lane will lead to a 'minimal increase' in vehicle movements and will not have a 'serious impact on highway safety'. Given our concerns above, we think this should be reconsidered, seeing that there has been no meaningful review of traffic movements on St Paul's Lane for many years, let alone the changes that could come from the possible new uses of the lane.

.....

Our second concern is about the creation of a new pedestrian route into the Judge's Lodging site by way of St Paul's Lane. The applicants speak of this as the reopening of a historic route but we see it as potentially disrupting to the life of the area. They also speak in several places about 'encouraging' this access without placing it in the broader context of the best interests of Bailgate and Steep Hill.

The proposal is to route pedestrians who presently walk along Westgate or from the car parks, then on to Bailgate by way of St Paul's churchyard or Gordon Road, down the bottom half of St Paul's Lane into the Judge's lodging site, dispersing them

through the new shops or through the proposed café area to the castle entrance. One way or another these people will no longer walk through Bailgate.

The variety of pedestrians walking east on to Bailgate is very large indeed. It includes local people coming to and from Burton Road or further afield in the city, school children, workers and the many, many tourists on which Bailgate depends. The Planning Committee will be aware that the sustainability of the area is dependent on a critical mass of all these interest groups. Bailgate is unusual in this respect.

It is essential that this flow of people is maintained at as high a level as possible. It is critical to maximise the number of opportunities people have to enjoy and utilise the area, knowing that without, it will be weakened.

The entry to Bailgate by way of the nondescript bottom end of St Paul's Lane makes no sense to us. Far from it, it damages everyone's interests. We ask the Planning Committee to understand the potential impact.

.....

In conclusion, we have no criticism of the Judges Lodging scheme in principle, welcoming change and improvement where it is shown to be to the benefit of the community and the economy. We want change to be evidence led and that evidence to be substantial. At the moment, it is very, very scant and potentially damaging to all our interests.

Yours Sincerely,

Scott and Caroline Eversfield, Grayz Tearooms

Vicky Small, No 5 Ladieswear Boutique

Jill and Barry Hepton, Bailgate Deli

Jill and Barry Hepton, Object & line

Karen Giddens, Bailgate Hair and Beauty

The main contact for this letter is Barry Hepton [info@objectandline.co.uk](mailto:info@objectandline.co.uk)

Additional public consultation responses submitted in respect of application references 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application

**Name**

Mr Richard Standley

**Address**

3 Bailgate, Lincoln, LN1 3AE

**Date Received:**

1st August 2023

Dear Sirs, as the owners of adjacent effected property at 3 and 3a and 4 Bailgate we have several concerns with the proposed planning application:

1. The courtyard area to the rear of our property could currently be used as a 'rescue' point for fire services to access if occupiers cannot exit the front of the property in the event of a fire. Our concerns are the height and nature of the kiosks backing onto the courtyard are no higher than the existing wall and allow for emergency escape / fire service access and rescue onto a flat roof and there is an escape mechanism away from the rear of the property. An exit door/route from the rear courtyard would resolve this concern.
2. The proposed outside amenity space for flat 2a on the first floor level doesn't allow overlooking of the rear of property 3a.
3. The apartment hotel bedrooms have balconies on the first floor and we would like to ensure that there are screens or restrictions put in place to prevent overlooking and excessive noise from late night occupier use (particularly as they are designated as Apart Hotel (effectively short stay residential use ie AirBandB type occupation).
4. Concerns over Block B overlooking rear of the property and detrimental changes in view from the Grade 2\* listed property.
5. Hours of operation, residential noise (in all but name) use of the apartments and pedestrian noise over and above the existing car park use.

**Name**

Mr Joseph Callaghan

**Address**

2 Lincoln, LN1 3AE

**Date Received:**

15th April 2024

I am registering my objection at this stage, while we are in talks with the developer over the issue, the issue has not been satisfactorily resolved and indeed may not be at all. So it feels prudent to raise the issue officially as it appears the developer is intent on bulldozing this through anyway. The terms of the lease and rights of the leaseholder are very clear and simple, access by foot and or vehicle over the ground proposed for the kiosks. The property has enjoyed these rights uninterrupted for over 20 years, this access forms a huge part of the enjoyment and ease of lifestyle in living in the property. The proposed new access comes with a great deal of issues that I won't go

into now but it will be something to be raised if this isn't resolved satisfactorily, I welcome further discussions.

**Name**

Mrs Sarah Callaghan

**Address**

2 Bailgate, Lincoln, LN1 3AE

**Date Received:**

15th April 2024

I object to the planning application for the kiosk because I live at 2 Bailgate and the current lease gives right of access and egress by vehicle and by foot, where the kiosk are being proposed to be built. This would violate the lease and the rights of the lease holders.

Th property has enjoyed un interrupted use of this for over 20 years and it is written in black and white on a legal document.

This would also mean that all vehicles to and from the car park would be via St Pauls and that road is simply not big enough to accommodate that much traffic.

**Name**

Mrs Sarah Callaghan

**Address**

2 Bailgate, Lincoln, Lincolnshire, LN1 3AE

**Date Received:**

16th April 2024

I forgot to say in my recent objection that this will also be a fire hazard for us (living at 2 Bailgate) as no fire trucks would be able to get to the back of our building and we now only have one exit at the front. We could exit over the roof at the back of the building but now that has been removed, so we could very easily be trapped because of this development.

There is also the issue if homeless people taking over this area. We already have people sleeping underneath our house here and I know the developer wants to gate the kiosk's but this will mean we then have no access to our utility area when the gates are locked and again this is against our lease

This kiosks will be so tiny that they seem pointless. As no once the counter and staff are in there, hardly anyone will be able to shop. If they end up being empty this will down grade the area.

Flying freehold -the property above is also a flying freehold which I believe means it cannot be built underneath for insurance reasons.



Historic England

Ms Marie Smyth  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DF

Direct Dial: 0121 625 6870

Our ref: L01563175

4 August 2023

Dear Ms Smyth,

**Arrangements for Handling Heritage Applications Direction 2021  
& T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**JUDGES LODGINGS AND ADJACENT LAND, CASTLE HILL, LINCOLN,  
LINCOLNSHIRE, LN1 3AA  
Application Nos 2023/0463/LBC & 2023/0469/FUL**

Thank you for your letters of 17 July 2023 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

#### **Historic England Advice**

##### *Significance*

The Judge's Lodgings, Castle Hill is listed grade II\* as a building of more than special architectural and historic interest. It lies within the Cathedral and City Centre conservation area and within the setting of a number of highly graded listed buildings including Lincoln castle (listed grade I and a scheduled monument), Lincoln cathedral (listed grade I), Exchequergate (grade I), Leigh-Pemberton House (grade II\*) and 6-7 Castle Hill (grade II\*). It also lies within the setting of a number of grade II listed buildings.

The Judge's Lodgings lies within an area of the historic environment, including Castle Hill, Bailgate, Minster Yard and Steep hill, which is of extremely high importance nationally. It is accordingly very sensitive to change. The immediate area between the castle and cathedral has seen remarkably little modern intervention. As you are aware, Lincoln's historic environment, of which this area is the 'jewel in the crown', is of enormous benefit to Lincoln as a city, including its visitor economy and as a place to live and work.

##### *Impact of the proposed scheme*



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Telephone 0121 625 6888  
HistoricEngland.org.uk



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Historic England

The proposed scheme is to convert the currently vacant Judges Lodgings with further development to create a hotel and café/restaurant. The proposals include the demolition of the rear extension and construction of a three storey rear extension, under-croft car parking, internal and external alterations to the Judges Lodgings, repairs, alterations to the single storey outbuilding to form a retail/café kiosk, erection of a two/three storey building with retail/commercial floor space, retail kiosks, a building/structures to provide plant and infrastructure, reinstatement of a shopfront at No. 2a Bailgate, and landscaping.

The information accompanying the application is very thorough. However, we advise that a site visit is necessary for us to fully understand the impact of the proposals.

#### *Legislation, policy and guidance*

The statutory requirement to have **special regard** to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining these application. The statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cathedral and City Centre conservation area (s.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must also be taken into account by your authority in determining these applications.

Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and the *Setting of Heritage Assets*.

#### *Historic England position*

We would be grateful if you could arrange a site visit in order for us to fully understand the impact of the proposals and provide you with advice. We refer you to your expert archaeological advisor with respect to the impact of the proposed scheme on archaeology and measures to mitigate, minimise or avoid archaeological impacts.

#### **Recommendation**

Historic England has concerns regarding the applications on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

David Walsh



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**David Walsh**

Principal Inspector of Historic Buildings and Areas



Historic England

Ms Marie Smyth  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DF

Direct Dial: 0121 625 6870

Our ref: L01563175

16 February 2024

Dear Ms Smyth,

**Arrangements for Handling Heritage Applications Direction 2021  
& T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**JUDGES LODGINGS AND ADJACENT LAND, CASTLE HILL, LINCOLN,  
LINCOLNSHIRE, LN1 3AA  
Application Nos 2023/0463/LBC & 2023/0469/FUL**

Thank you for your letters of 27 October 2023 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

#### **Historic England Advice**

##### *Significance*

The Judge's Lodgings, Castle Hill is listed grade II\* as a building of more than special architectural and historic interest. It lies within the Cathedral and City Centre conservation area and within the setting of a number of highly graded listed buildings including Lincoln castle (listed grade I and a scheduled monument), Lincoln cathedral (listed grade I), Exchequergate (grade I), Leigh-Pemberton House (grade II\*) and 6-7 Castle Hill (grade II\*). It also lies within the setting of a number of grade II listed buildings.

As is evident from the designations mentioned above, the Judge's Lodgings lies within an area of the historic environment, including Castle Hill, Bailgate, Minster Yard and Steep hill, which is of extremely high importance nationally. It is very sensitive to change. The immediate area between the castle and cathedral has seen remarkably little modern intervention. As you are aware Lincoln's historic environment, of which this area is the 'jewel in the crown', is of enormous benefit to Lincoln as a city, including its visitor economy and as a place to live and work.

The Judge's Lodgings forms an important part of this key location, sited just outside



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the east gate of the castle and between the castle and cathedral. Substantial public investment in the castle has allowed greater access to wonderful views from the castle wall across Castle Hill and Minster Yard towards Lincoln cathedral. This view is one of the most important historic views in the Midlands. The Judges Lodgings is at the forefront of this view. The historic building plots and roofscape are evident with principal buildings set at the front of plots. Views of the listed building from in and around Castle Hill are also an important part of the character and appearances of the conservation area as well as the setting and significance of the Judges Lodgings.

The Judges Lodgings itself is evidently a high status residence of the early 19<sup>th</sup> century which is an important part of its significance. Its shallow, hipped roof form is characteristic of this period. Its plan form also makes an important contribution to its significance. The mid-20<sup>th</sup> century rear block detracts from the significance of the listed building, and has a negative impact on views from the castle walls.

The plot in which the Judges Lodgings stands is also extremely sensitive archaeologically. It adjoins the scheduled castle and its key location in the heart of the Roman and medieval city and just outside the east gate of the castle means that nationally important archaeological remains will be present, such as the remains of the 13<sup>th</sup> century barbican already exposed in the garden.

#### *Impact of the proposed scheme*

The proposed scheme is to convert the currently vacant Judges Lodgings with further development to create a hotel and café/restaurant. The proposals include the demolition of the rear extension and construction of a three storey rear extension, under-croft car parking, internal and external alterations to the Judges Lodgings, repairs, alterations to the single storey outbuilding to form a retail/café kiosk, erection of a two/three storey building with retail/commercial floor space, retail kiosks, a building/structures to provide plant and infrastructure, reinstatement of a shopfront at No. 2a Bailgate, and landscaping.

Historic England welcomes the initiative to find a new use for the listed building and we have no objection in principle to a hotel/restaurant/café on the site. We also have no objection to the demolition of the mid-20<sup>th</sup> century rear block. We welcome the proposals to minimise intervention to the 19<sup>th</sup> century Judges Lodgings, although as discussed on site new door openings in the principal rooms on the ground floor need to be single jib doors to minimise the impact on the significance of the listed building.

We support the setting back of the west elevation of the glazed link to reduce its prominence. However, we advise that setting the west elevation of the new rear wing back so that it does not extend further than the 19<sup>th</sup> century building should be considered to support the desired subsidiary nature of the rear wing. We also advise that some additional fenestration is considered in the west elevation of the rear wing to visually break up its apparent mass.



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The revised proposals to avoid potentially harmful intervention to the remnants of the castle barbican are welcome. We also welcome the revised proposals for the kiosk.

We refer you to your expert conservation advisor on impacts on the significance of the grade II listed No. 2a Bailgate, noting that any proposed roof terrace would need to clearly be read as part of the roofscape in this historically sensitive area. We also refer you to your expert archaeological advisor regarding the impact on archaeological remains outside the scheduled area.

#### *Legislation, policy and guidance*

The statutory requirement to have **special regard** to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your local authority in determining these planning applications. The statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cathedral and City Centre conservation area (s.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must also be taken into account by the your authority in determining these applications.

Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and the *Setting of Heritage Assets*.

The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities (paragraph 197, NPPF).

The NPPF goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation (paragraph 199, NPPF). Any harm or loss to significance 'should require clear and convincing justification' (paragraph 200, NPPF).

#### *Historic England position*

Historic England welcomes in principle these proposals to provide a sustainable future for the Judges Lodgings. We refer you to our comments above regarding the west elevation of the rear west wing.

#### **Recommendation**

Historic England has no objection to the applications on heritage grounds. Your



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Historic England

authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

David Walsh

**David Walsh**

Principal Inspector of Historic Buildings and Areas

-----Original Message-----

From: Becky Phillips-Melhuish

Sent: Tuesday, April 2, 2024 8:44 AM

To: Technical Team (City of Lincoln Council) <Technical.Team@lincoln.gov.uk>

Subject: FW: Reconsultation on Planning Application

[You don't often get email from [becky.phillips-melhuish@lincolnshire.gov.uk](mailto:becky.phillips-melhuish@lincolnshire.gov.uk). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Warning: External Email. Do not click links, open attachments, or reply unless certain of safety. Do not share inappropriately.

Good Morning

Please be advised that we have no comments to make on the revised site plans for 2023/0469/FUL, 2023/0463/LBC and 2023/0465/LBC as they have no impact on the public highway or surface water flood risk.

Kind regards

Becky Phillips-Melhuish (pron. Mel-ish) she/her/hers Growth Manager (Planning Advice) -  
Development Management Lincolnshire County Council County Offices, Newland, Lincoln LN1 1YL



## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Lincoln City Council

**Application number:** 2023/0469/FUL

**Application Type:** Full

**Proposal:** Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal and external works to Judges Lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the Judges Lodgings to provide retail/café kiosk (Use Class E); erection of two and three-storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate; relocation of entrance and creation of external balcony to No. 2a Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas.

**Location:** Land comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln, Lincolnshire, LN1 3AA

**Response Date:** 14 November 2023

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

**Application number: 2023/0469/FUL**

**Application Type: Full**

**Location: Land comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln, Lincolnshire, LN1 3AA**

## **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

### **Recommendation: Approve with conditions**

This proposal seeks to redevelop the Judges Lodgings and White Hart garages, reintroducing pedestrian permeability between Castle Square, Bailgate and St Pauls Lane.

Vehicular access to the White Hart garages is presently served via Bailgate, and these proposals will seek to stop up that use and instead turn this link from Bailgate into a pedestrian arcade, which is welcomed.

Vehicular access to the site will instead be served via St Pauls Lane. St Pauls Lane already provides access to a public car park, businesses, properties and garages. Due to the nature of the street, vehicle speeds are very low and motorists drive with caution. The proposals will introduce more pedestrian footfall along St Pauls Lane to the south (Bedford Court) in addition to the existing movements along the northern end of St Pauls Lane and Gordon Road, which will reinforce cautious driving and slow speeds. As Highway Authority, we are satisfied that the minimal increase in vehicle movements along St Pauls Lane associated with this proposal will not have a severe impact upon highway safety, and that the increased pedestrian movements will reinforce pedestrian priority on St Pauls Lane.

Beyond the car park entrance, the historic cobbles of St Pauls Lane (Bedford Court) have been overlaid with asphalt. To reinforce the slow vehicle speeds, we request that this section of St Pauls Lane is returned to cobbles to the site boundary.

Due to the sensitive nature of the site, we request that a Construction Management Plan is produced prior to any commencement of works.

Surface water drainage will be improved as a result of the proposals, which will seek to restrict the discharge rate to 2l/s from the existing 86l/s, into the sewer on Bailgate. Attenuation capacity for a 1 in 100 year storm event, plus a 40% uplift for climate change, will be provided on site in the form of a below ground attenuation tank.

### **Highway Condition 00**

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities; and

- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material.

Reason: In the interests of the safety and free passage of those using the adjacent public highway during construction.

**Highway Condition 21**

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of returning Bedford Court to cobbles) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

**Highway Informative 07**

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website;

[www.lincolnshire.gov.uk/highways-planning/works-existing-highway](http://www.lincolnshire.gov.uk/highways-planning/works-existing-highway)

**Highway Informative 08**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**Officer's Name: Becky Phillips-Melhuish**

**Officer's Title: Growth Manager (Planning Advice)**

**Date: 14 November 2023**





## Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk).

AW Site Reference: 206886/1/0191754

Local Planning Authority: Lincoln District (B)

Site: Land Comprisong Judges Lodgings Castle Hill And 2 Bailgate Lincoln Lincolnshire LN1 3AA

Proposal: Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal

Planning application: 2023/0469/FUL

**Prepared by:** Pre-Development Team

**Date:** 20 September 2023

### ASSETS

#### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Canwick Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

This response has been based on the following submitted documents Developer Impact Assessment 05 May 2023  
The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements "

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents (DIA Dated 05 May 2023 and associated drainage layout drawing attached within) and can confirm that these are acceptable to us with an agreed surface water rate at a maximum of 2l/s discharging to the public sewerage network. We require these documents to be listed as approved plans/documents if permission is granted. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.  
<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>



## Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk).

AW Site Reference:	206886/1/0191754
Local Planning Authority:	Lincoln District (B)
Site:	Land Comprisong Judges Lodgings Castle Hill And 2 Bailgate Lincoln Lincolnshire LN1 3AA
Proposal:	Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal
Planning application:	2023/0469/FUL

**Prepared by:** Pre-Development Team

**Date :** 20 September 2023

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Anglian Water has reviewed the submitted documents (DIA Dated 05 May 2023 and associated drainage layout drawing attached within) and can confirm that these are acceptable to us with an agreed surface water rate at a maximum of 2l/s discharging to the public sewerage network. We require these documents to be listed as approved plans/documents if permission is granted. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>





Marie Smith  
Lincoln City Council  
Development Control  
City Hall Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DF

**Our ref:** AN/2023/134831/01-L01  
**Your ref:** 2023/0469/FUL

**Date:** 26 September 2023

Dear Marie

**Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the judges lodgings; internal and external works to judges lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the judges lodgings to provide retail/café kiosk (Use Class E); erection of two and three-storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate; relocation of entrance and creation of external balcony too. 2a Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas.**

**Land Comprising Judges Lodgings Castle Hill And 2 Bailgate Lincoln  
Lincolnshire LN1 3AA**

Thank you for consulting us on the above application, on 14 September 2023.

#### **Environment Agency position**

We have reviewed the Geo-Environmental Investigation report (ref: EGE-22-11-12-01) by Evolve Geo-Environmental dated 23 March 2023.

Based on the available information, we consider the site to pose a low risk to controlled waters. It is understood that redundant underground fuel storage tanks (UST) are present at the site. The Environment Agency recommends that any redundant tank that is not proposed for future use is appropriately decommissioned, excavated and removed from site. However, it is noted that it is currently unknown whether it is possible to remove these USTs without compromising existing buildings. The report recommends that specialist advice is sought to determine the feasibility of removing the USTs. We agree with this approach and recommend that tanks should only be removed if all associated risks are acceptable. Should the USTs be removed as part of the development, appropriate validation sampling should be undertaken in accordance with best practice guidance. Further advice can

Ceres House, Searby Road, Lincoln, LN2 4DW  
Customer services line: 03708 506 506  
Email: [LNplanning@environment-agency.gov.uk](mailto:LNplanning@environment-agency.gov.uk)  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.

Cont/d..

be found at [Prevent groundwater pollution from underground fuel storage tanks - Decommissioning an underground storage tank - Guidance - GOV.UK \(www.gov.uk\)](#)

We recommend the following condition:

**Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me using the details below.

Yours sincerely

Amelia Crawford  
Sustainable Places Planning Advisor  
☎ 07387 134115 (mobile)  
✉ [amelia.crawford@environment-agency.gov.uk](mailto:amelia.crawford@environment-agency.gov.uk)  
🌐 [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

End

2



**From:** LN Planning <LNplanning@environment-agency.gov.uk>  
**Sent:** 02 November 2023 09:19  
**To:** Technical Team (City of Lincoln Council)  
**Subject:** RE: Reconsultation on Planning Application

**Categories:** Dee

WARNING: This email originated from outside of the organisation. Do not click links, open attachments or reply unless you are confident that the content is safe and do not share inappropriately.

Dear Planning Officer

We have no comments to make on the amended plans and refer you to our letter dated 26 September 2023 for our position on this application.

If I can be of any further assistance please do not hesitate to contact me using the details below.

Kind regards

Amelia Crawford  
Planning Advisor

Environment Agency | Sustainable Places | Lincolnshire and Northamptonshire Area E Ceres House, Searby Rd,  
Lincoln, LN2 4DW , 07387 134115 (mobile)  
O amelia.crawford@environment-agency.gov.uk  
a <http://www.gov.uk/environment-agency>  
I am doing the Chartered Town Planner Apprenticeship -if you would like to find out more, please ask

Marie Smyth  
Lincoln City Council  
Development Control  
City Hall Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DF

**Our ref:** AN/2023/134831/02-L01  
**Your ref:** 2023/0469/FUL  
**Date:** 03 April 2024

Dear Marie Smyth

**Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the judges lodgings; internal and external works to judges lodgings and provision of café and restaurant space (use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the judges lodgings to provide retail/café kiosk (use Class E); erection of two and three-storey building with retail/commercial floorspace (use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate; relocation of entrance and creation of external balcony to no. 2a Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas.**

**Land Comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln, Lincolnshire, LN1 3AA**

Thank you for re-consulting us on the above application on 27 March 2024, following the submission of Revised description and revised plans.

We have no additional comments to make and therefore refer you to our previous response dated 26 September 2023 (AN/2023/134831/01-L01), which includes the condition we recommend should planning permission be granted.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me using the details below.

**Environment Agency**  
Nene House (Pychley Lodge Industrial Estate),  
Pychley Lodge Road, Kettering, Northants, NN15 6JQ  
Email: [LNplanning@environment-agency.gov.uk](mailto:LNplanning@environment-agency.gov.uk)  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

*Customer services line: 03708 506 506  
Calls to 03 numbers cost the same as calls to standard  
geographic numbers (i.e. numbers beginning with 01 or 02).*

Cont/d..

Yours faithfully

**Mr James Cordell**  
**Planning Adviser**

Direct dial 02030 255032

Direct e-mail [james.cordell@environment-agency.gov.uk](mailto:james.cordell@environment-agency.gov.uk)



Marie Smyth  
Planning Team  
City Hall,  
Beaumont Fee,  
Lincoln.  
LN1 1DD

Directorate of Communities &  
Environment  
**Simon Walters** MBA, ACIS, MCMI  
City Hall, Beaumont Fee,  
Lincoln. LN1 1DD  
Telephone: (01522) 881188  
Facsimile: (01522) 567934  
Website: [www.lincoln.gov.uk](http://www.lincoln.gov.uk)  
Minicom: (01522) 873693 - Reception

**Alastair MacIntosh**  
is dealing with this matter  
E-mail:  
[alastair.macintosh@lincoln.gov.uk](mailto:alastair.macintosh@lincoln.gov.uk)  
Direct Line: 01522 873478

2023/0469/FUL

Date: 27/06/24

Dear Marie,

**Land Comprising Judges Lodgings  
Castle Hill And 2 Bailgate Lincoln Lincolnshire LN1 3AA**

*Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal and external works to Judges Lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the Judges Lodgings to provide retail/café kiosk (Use Class E); erection of 1 ½ and 2 ½ storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate including relocation of entrance door to 2A Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas. (REVISED DESCRIPTION AND REVISED PLANS RECEIVED).*

My observations and advice with regard to the applications above are as follows.

**Proposal**

The proposed new build elements and the extension to the existing Judges Lodgings building will require the excavation of at least the shallow foundation elements such as ground beams and pile caps, and potentially the entire footprint of each structure, to a depth of around 1.2 m below the existing ground surface.

The piled foundations for these structures will require the introduction of pre-augured piles to a depth exceeding that of any possible archaeological remains present on the site.

A water drainage attenuation tank is proposed to be constructed at the west end of the site which would require the excavation of a space 12m long, 8m wide and 2.5m deep. This will entail a connection to existing drainage on Bailgate, which will require excavation of a drainage run across the site. Excavation for other new service connections will also be required.

The new kiosks do not have piled foundations or deep ground beams, but will require the removal of existing ground surfaces and presumably some excavation to prepare an appropriate surface for construction.

The existing car park surface and yard areas will be removed and new landscaping is proposed for the area west of the Judges Lodgings, which includes the north-east tower of the castle east gate. This will likely require shallow excavation across the site.

#### **Pre-Application Advice**

The applicant requested formal pre-application advice from the council. They were advised to submit an appropriate desk based assessment and to undertake a programme of field evaluation to establish the archaeological potential of the site and to inform an assessment of the significance of any material present.

They were also advised to prepare a detailed foundation design, informed by Historic England's guidance note "Piling and Archaeology", to enable the specific impacts of the proposal to be identified before a decision can be made.

#### **Submission**

As requested, the application is supported by a desk based assessment, the results of an evaluation excavation and borehole survey, and details of the specific proposals for below-ground interventions that will be required to deliver the proposals if permission is granted.

#### *Desk Based Assessment*

This document provides a full archaeological and historical background to the development of the site, and is supported by the results of a search of the Lincoln City Historic Environment Record. When considered alongside the evaluation excavation it is sufficient to fulfil the requirements of NPPF paragraph 200.

In terms of its content, the DBA provides details of the significance of known and anticipated archaeological remains on the site and the impact of the different parts of the development upon them.

#### *Evaluation and other intrusive Surveys*

The applicant commissioned an archaeological field evaluation of the site comprising two 10m by 1.8m trenches and one 4.65 by 1m trench. The report incorporated the results of previous archaeological monitoring undertaken during geotechnical investigations across the site.



Trenches 1 and 2, to the west of the development site, revealed a number of deposits that have been interpreted as fills of the castle ditch, with dating evidence from the medieval and post-medieval periods. Trench 3 provided further evidence of medieval deposits, perhaps from development or occupation beyond the castle ditch, along with the remains of brick walls and flagstone floors from the buildings that appear from historic maps to have occupied the site until the 1930s.

Monitoring of geotechnical works was less informative, although the borehole survey indicates that the castle ditch was excavated to such a depth that it is likely to have removed all earlier remains present in the eastern part of the site.

#### *Foundation Design*

The foundation design supplied by the applicants within the desk based assessment demonstrates an appropriate level of sensitivity to the archaeological remains likely to be present on the site. As requested, the designers have avoided tight clusters of piles, except in the eastern part of the site where there has been significant disturbance from the 20<sup>th</sup> century extension and its associated foundations.

Subsequently to the submission of the desk-based assessment I have had further conversations with the developers and their structural engineers, and a further revised foundation design has been submitted which decreases the impact from piling still further. Where before the combined piling for blocks A and C included 65 piles, the revised design has reduced this to 52.

While the developers are understandably reluctant to commit to this design fully before a piling contractor has been engaged, I believe it demonstrates the correct approach and is in line with the current guidance provided by Historic England in "Piling and Archaeology". If permission is granted I would recommend applying a pre-commencement condition to require the submission of a final foundation design and methodology to be agreed by the Local Planning Authority.

### **Significance and Impacts**

#### *Roman Archaeology*

Roman remains will almost certainly be present on the site where they have not been removed by the medieval castle ditch. Any Roman structural remains that are present should be considered of equivalent significance to those found in the nearby Lindum Colonia scheduled monument (NHLE no. 1003569) and would therefore fall under the definition of footnote 72 to paragraph 206 of the National Planning Policy Framework, meaning that they need to be considered under the policies for designated heritage assets.

Although Roman remains are likely to be found at greater depths than will be impacted by shallow foundation elements, the installation of piled foundations will cause them harm. While it is difficult to establish the exact level of harm without seeing the remains in question, the impact of pre-augured piled foundations can be estimated from similar

interventions around the city, and although the deposits directly in the line of each pile will be destroyed the impact around individual piles is limited, usually to around 5 to 10 cm in a circle around the pile. This means that in most cases the archaeological material affected would be capable of being interpreted in the event of a future excavation, assuming that the space between each pile is sufficient to allow an excavation to take place. The applicant has been made aware of the need for sensitive foundation design and appears to have taken this advice in the production of their proposals. I would therefore advise that the level of harm to any Roman remains that may be present will be less than substantial. The relevant policy test is that contained by NPPF paragraph 208, which requires the harm to be "weighed against the public benefits of the proposal".

No mitigation is possible for the impacts of the piled foundations, and it is therefore advised that no deviation from the final layout of piling should be permitted by the Local Planning Authority without further assessment of impact. This should include any proposal to move a pile location because of refusal during installation, or to increase the number of piles after further calculations by the developer.

#### *Medieval Archaeology*

Remains of the medieval castle ditch were seen in evaluation trenches 1 and 2, and have been demonstrated to be present at depths that will be impacted by shallow foundation elements, and by the installation of the flood attenuation tank. The ditch constitutes a non-designated heritage asset and the provisions of paragraph 209 of NPPF therefore apply. It is also possible that there may also be medieval remains associated with the projected former route of Eastgate.

Piled foundations drilled through the ditch fill will not greatly affect the overall significance of the asset. Ditch fills on this scale are typically quite homogenous, and it is unlikely that the legibility of these deposits will be affected by the introduction of piles. Their loss must therefore be justified under paragraph 209, which requires "a balanced judgment" to be made "having regard to the scale of any harm or loss and the significance of the asset".

While the overall significance of the medieval castle ditch is quite high, the scale of loss represented by even unmitigated piling is relatively low. However, any deposits affected by shallow foundations should be excavated in full as they will be lost in their entirety. The proposed flood attenuation tank should also be subject to a full archaeological excavation to formation depth.

#### *Post Medieval Archaeology*

Remnants of 19th century (or earlier) buildings were identified in trench 3, these having been demolished to allow the garage to be constructed in the early 20th century. These have the potential to illuminate the uses of the outbuildings and it will be interesting to see if they relate to the 17th century Swan public house, or if they are associated with the later uses of number 2 Bailgate.

These remains also constitute non-designated heritage assets and using the criteria of paragraph 203 we can see that although their significance is comparatively low, the scale of loss will be total. It is therefore possible to accept their loss as long as an appropriate level of mitigation is required of the developer. A programme of archaeological excavation to formation level will enable these remains to be recorded, along with any earlier deposits that may lie underneath them.

There are also a number of cellars associated with the present Judges Lodgings building that may need to be infilled or removed to enable the proposed development to proceed. If permission is forthcoming I would recommend that a condition requiring an appropriate level of measured recording of these features is applied to ensure that their significance is properly assessed and understood before further works take place.

### **Objections and Comments**

No objections or comments have so far been made on the archaeological impacts of the proposed development.

### **Policy Appraisal**

#### *Central Lincolnshire Local Plan*

##### *Policy S57*

With regard to the Archaeology provisions of S57, the submission meets all tests to enable a decision to be made. Specifically;

- The application is accompanied by a desk-based assessment.
- An appropriate field evaluation was undertaken, and the report submitted in advance of a decision.

#### *National Planning Policy Framework*

##### *Paragraph 200*

The application is supported by an appropriate desk-based assessment including the results of a field evaluation and is therefore compliant with this policy.

##### *Paragraph 201*

The comments contained in this document represent an appropriate assessment of the significance of heritage assets likely to be affected by the proposed development.

##### *Paragraphs 205-208*

Where Roman archaeology has not been removed by the previous excavation of the castle ditch it should be considered of equivalent significance to a designated heritage asset under the provisions of footnote 72 to paragraph 206 of the NPPF. It is unlikely that such remains will be impacted by any aspect of this proposal except the piled foundations. I would therefore advise you that the level of harm to such remains is less than substantial and should be considered against the public benefits of the wider proposals. While it is not possible to mitigate the impact of piling through excavation,



monitoring of arisings during the pre-auguring stage may allow some useful information to be gained, and this should form part of any future Written Scheme of Information.

*Paragraph 209*

Most if not all of the archaeology likely to be affected by the shallow foundations and the attenuation tank of the proposed development should be considered non-designated heritage assets. The appropriate test for decision taking in regard to these assets is "a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset." These impacts can be mitigated through excavation and monitoring.

*Paragraph 210*

N/A

*Paragraph 211*

The requirements of this policy will be fulfilled by the application of appropriate conditions as described below.

**Proposed Conditions**

If, following your assessment of this development, you are minded to recommend approval of the application, my advice to you is that the following conditions would be appropriate to ensure that impacts to archaeological remains are mitigated proportionally, and that the relevant policy tests can be met.

- Prior to commencement of works a full Written Scheme of Investigation (WSI) should be submitted and approved by the LPA, taking account of any comments and suggestions from the LPA. The WSI should contain;
  - a methodology for archaeological mitigation of the impacts of the proposed development.
  - A methodology for measured and photographic recording of any built fabric to be lost as a consequence of the development
  - Evidence that a contract has been entered into with an appropriately qualified archaeological contractor for all phases of work including post excavation reporting and archiving.
  - Provision for an appropriate contingency of time and resources in the event of unforeseen circumstances.
  - Provision for the assessment of unexcavated remains around and beneath the development and sufficient time and resource to enable their preservation in situ according to a methodology to be agreed with the Local Planning Authority.
- The development should be undertaken solely in accordance with the approved WSI, and any changes to require the written approval of the Local Planning Authority. A full archive and archaeological report should be submitted to the relevant receiving bodies within 12 months of the completion of archaeological

groundworks. The archive and report for the building survey should be submitted within 6 months of the completion of recording.

I hope the assessment given above is useful to you in coming to your decision on these applications. Please get in touch if you need further clarification on any particular point.

Yours sincerely

Alastair MacIntosh  
City Archaeologist  
City of Lincoln Council





## **Directorate of Communities & Environment**

Simon Walters MBA, ACG, MCMI  
City Hall, Beaumont Fee  
Lincoln, LN1 1DF

22<sup>nd</sup> September 2023

Your Ref: 2023/0469/FUL

### **Town and Country Planning Act 1990**

#### **Consultation on Planning Permission**

**Land Comprising Judges Lodgings, Castle Hill And 2 Bailgate, Lincoln, Lincolnshire, LN1 3AA.**

**Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal and external works to Judges Lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the Judges Lodgings to provide retail/café kiosk (Use Class E); erection of two and three-storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate; relocation of entrance and creation of external balcony to No. 2a Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas.**

#### **Lincolnshire Police do not have any objections to this development.**

Thank you for your correspondence and the opportunity to comment on the proposed scheme. **Lincolnshire Police do not have any objections to this development**, but I would like to make the following general recommendations in relation to the safety and security of this development.

#### **CCTV**

There is a requirement that CCTV systems provide an effective deterrent and when necessary, obtain identification images to improve the chance of an offender being identified and convicted.

The range and scope of any CCTV system on this site may be directly related to the proposed minimum staffing levels (i.e., reception and/or security staff)

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POLICE HEADQUARTERS  
PO Box 999, Lincoln LN5 7PH  
(Sat Nav: LN2 2LT)  
[www.lincs.police.uk](http://www.lincs.police.uk)

☎ 01522 55 8292  
☎ 075700 99424  
✉ [john.manuel@lincs.pnn.police.uk](mailto:john.manuel@lincs.pnn.police.uk)



Such a scheme should be designed to monitor all vulnerable areas and be fit for purpose. Any system should be to a minimum of BS EN 50132-7:2012 *CCTV surveillance systems for use in security applications. Police Response: BS8418:2010*

A useful reference to help achieve this goal is the *CCTV Operational Requirements Manual 2009 ISBN 978-1-84726-902-7 Published April 2009 by the Home Office Scientific Development Branch* available at this link [CCTV OR Manual](#)

### **Intruder / Attack alarms systems**

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the ACPO Security Systems policy, which can be at the following link: Security Systems Policy PD 6662:2010

### **Lighting**

Lighting should be designed to provide a uniform spread of light with clear colour rendition. Lighting incorporated within the perimeter protection should be designed including its use with CCTV. Security lighting, such as metal halide units, should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes and parking facilities. All fittings shall be vandal resistant and positioned out of reach.

Where there is no surveillance, informal or formal, lighting can only assist an offender, in such circumstances, appropriate 'switching off' of lighting should be considered after staff have left designated areas.

### **Windows**

All ground floor windows and those that are easily accessible from the ground must either conform to PAS24:2022 'Specification for enhanced security performance of casement and tilt and turn windows for domestic applications.

All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.8mm (*See Glossary of terms*) or glass successfully tested to BS EN 356:2000 *Glass in building. Security glazing - resistance to manual attack* to category P2A unless it is protected by a roller shutter or grille as described in paragraphs 52 above. With effect from January 1<sup>st</sup>, 2011, all laminated glass must be certificated to BS EN 356 2000 rating P3A unless it is protected by a roller shutter or grille.

### **Roller Shutters and Grilles**

Grilles and shutters can provide additional protection to both internal and external doors and windows. The minimum standard for such products, when required, is certification to

- LPS 1175 Security Rating 1 or
- WCL 2 Burglary Rating 1

For roller shutters, the above minimum-security ratings are generally sufficient where:

- a shutter is required to prevent minor criminal damage and glass breakage or
- the shutter is alarmed, and the building is located within a secure development with access control and security patrols or

- the shutter or grille is intended to prevent access into a recess or
- the door or window to be protected is of a high security standard.

### **Pedestrian & Retail Arcade**

Can it be confirmed that the retail arcade will be secured by way of effective gating outside of business or opening hours? The ground plan does appear to indicate this to be the case by way of the 'New Bi-folding Security Gate'? Not securing the proposed retail area may result in crime and anti-social behaviour and in particular use by 'rough sleepers'.

### **Café Open Area – Block A - Kiosk**

I would recommend that this area is gated and secured outside of opening hours and that appropriate CCTV coverage is provided (if not already provided by existing coverage).

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2023* which can be located on [www.securedbydesign.com](http://www.securedbydesign.com) Homes 2019.

**Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.**

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

Additional consultee responses submitted in respect of application references 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application



Marie Smyth  
City of Lincoln Council

By Email

09 August 2023

Dear Marie Smyth

**SITE:** Judges Lodgings, Castle Hill, Lincoln, Lincolnshire, LN1 3AA

**APPLICATION REF:** 2023/0463/LBC

**PROPOSALS:** Demolition of rear extension to Judges Lodgings

**OUR REF:** 185989

Thank you for notifying the Twentieth Century Society of the above application which involves the demolition of fabric which falls within our period of remit, and affects both the Grade II\* listed Judges Lodgings and the Grade II listed 2 Bailgate. The Society has no comments to make on the demolition of the 1959-60 extension to the Judges Lodgings, but objects to the proposal to demolish the interwar garage entrance which forms part of the No 2 Bailgate.

No.2 Bailgate is a grade II listed building, the list description of which, although brief, specifically mentions the 'garage opening flanked by door and 'showcase''. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The building is located in the

The Twentieth Century Society is a company limited by guarantee, registered in England no 05330664

Registered office: 70 Cowcross Street, London EC1M 6EJ  
Registered Charity no 1110244  
Tel. 020 7250 3857



Cathedral and City Centre Conservation Area. Section 72 requests that local authorities pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (NPPF, 2021) includes paragraph 199 which states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation [...] This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Paragraph 200 states that any harm to, or loss of, significance should require clear and convincing justification.

The garage at 2 Bailgate has important historical significance as part of the interwar trend to provide for the newly popular leisure activity of motoring and was built as a parking amenity for the adjacent White Hart Hotel which it has served for almost 90 years. Not only does the original garage opening from 1935 survive but also the attendant's booth, display kiosk and garage doors. It is unfortunate that the parking garage has been lost, but the most significant element of the site, the entrance, remains. Parking garages began to appear in Edwardian times in London and the parallel between stabling for horses and garaging for cars was made (see Kathryn Morrison *Carscapes* p.168)– an apt comparison for this site as the White Hart no doubt would have provided stabling in previous decades. The garage attendant would have had a similar role as the liveryman in caring for the customers' transport, and this role has a visible reminder here in the remaining attendant's office on Bailgate. In the interwar period it became essential to provide garaging as car ownership expanded, especially for hotels, theatres and cinemas. Recently though, the combination of high land values for central sites and the restrictions placed upon car usage in cities through pedestrianisation and concern over air quality, has led to an increasing number of these car garages being lost with no record of their existence. The entrance to the garage here, with its remaining features, represents an important evidence of this development not only in the changing face of Lincoln city centre, but also in the history of the White Hart Hotel, recording this phase of its life adapting to the changing requirements of its guests.

The Society considers that the current proposals to replace the garage entrance with a conjectural shop front are inappropriate and that the scheme could easily be modified to retain these features with little loss of the proposed retail space. The loss of this historic record of activity will cause harm to the listed building and to the conservation area and should be resisted. We urge the local

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[clare@c20society.org.uk](mailto:clare@c20society.org.uk)  
[www.c20society.org.uk](http://www.c20society.org.uk)



authority to request amendments to the scheme to retain these important twentieth century features.

I trust that these comments are helpful in your determination of this application and the Society would be pleased to hear the decision.

Yours sincerely



Clare Price

Head of Casework  
The Twentieth Century Society  
70 Cowcross Street  
London EC1M 6EJ  
Tel 020 7250 3857  
Fax 020 7251 8985  
[Clare@c20society.org.uk](mailto:Clare@c20society.org.uk)

**Remit:** The Twentieth Century Society was founded in 1979 and is the national amenity society concerned with the protection, appreciation, and study of post-1914 architecture, townscape and design. The Society is acknowledged in national planning guidance as the key organisation concerned with the modern period and is a constituent member of the Joint Committee of the National Amenity Societies. Under the procedures set out in *ODPM Circular 09/2005*, all English local planning authorities must inform the Twentieth Century Society when an application for listed building consent involving partial or total demolition is received, and they must notify us of the decisions taken on these applications.

The Twentieth Century Society, 70 Cowcross Street, London EC1M 6EJ – Tel 020 7250 3857

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[www.c20society.org.uk](http://www.c20society.org.uk)

**From:** James Darwin

**Sent:** 08 August 2023 12:16

**To:** Marie Smyth

**Subject:** Your ref: 2023/0463/LBC Judges Lodgings, No.5 Castle Hill, Lincoln

Dear Marie Smyth,

Thank you for informing the Georgian Group of an application to undertake internal works, demolish the existing c1959-62 rear range of the former Judges Lodgings and to construct a new larger extension in its place. The proposal was discussed by the Group's Casework Committee on the 31<sup>st</sup> of July 2023. I must apologize for my delay in forwarding their advice.

The Judges Lodgings form part of a nationally significant group of listed buildings fronting onto Castle Hill and surrounding streets which include the grade II\* listed Nos.6-8 (cons) Castle Hill, and the grade I listed Castle itself. The Judges Lodgings, No.5 Castle Hill, which is itself grade II\* listed was constructed c1810 to the designs of William Hayward and has a fine pedimented classical façade. Sadly, the original rear section of the building was demolished along with later additions in the 1950s and replaced by the present lacklustre addition.

The Group wishes to defer to others on those aspects of the proposals which will impact upon the setting of historic buildings which date from outside our 1700-1840 date remit. Whilst the Georgian Group has no objection in principle to the proposed change of use of the Judges Lodgings, the demolition of the c1959 block, or its replacement by a structure of broadly the same scale and massing of the original now demolished early nineteenth century rear range, we do have considerable concerns about elements of the proposed design of the replacement building and its potential impact on Hayward's original building.

Hayward's originally design followed the eighteenth and early nineteenth century tradition of having a distinct hierarchy to its façades, the western elevation, and the rear (northern) service elevation in particular, being of a far more utilitarian design than the distinguished pedimented principal façade to Castle Hill. Eighteenth and nineteenth century classical buildings also display a hierarchy within the openings of each elevation, openings reducing in size as the eye travels up the building. The design of any replacement rear range should respect these important elements of Hayward's original scheme by avoiding the adoption of overly assertive detailing and facing materials. The adoption of a less assertive design would also help to safeguard the setting of the original grade II\* building when viewed from the Castle walls, and that of the surviving modest historic service buildings on St Paul's Lane to the building's rear. A less assertive design would also thus better preserve the character and significance of the immediately surrounding elements of the conservation area.

Of particular concern to the Group's Casework Committee are the proposed large oriel windows lighting the top floor of the northern elevation which will be particularly conspicuous from the Castle Walls. During the winter months when they are likely to be lit from within for large parts of the day, these windows are likely to have a particularly assertive presence within this part of the conservation area. For similar reasons the Committee also had concerns about the impact of the proposed large two storey stair window on views from the Castle Walls, and on those looking south along St Paul's Lane.

The Casework Committee of the Georgian group wishes to defer to others on the merits of all other aspects of the proposed scheme.

Para 199 of the NPPF directs that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its

significance.’ In this case the proposed development will have a considerable impact on the setting of a number of highly graded designated assets and of the conservation area.

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Georgian Group would strongly recommend that the design of the northern (rear) elevation of the proposed new hotel building is revised in order to both better safeguard the setting (and thus the significance) of the grade II\* listed building, and of the character of the immediately surrounding parts of the conservation area. If the applicant is unwilling to do so, we must regretfully recommend that listed building consent is refused.

Yours Sincerely

James Darwin (Head of Casework)

The Georgian Group’s Head Office is at No.6 Fitzroy Square, London W1T 5DX, the Group also has regional casework offices in the Southwest, Midlands, North of England, and Wales.

**From:** James Darwin  
**Sent:** 17 November 2023 09:07  
**To:** Marie Smyth  
**Subject:** Your ref: 2023/0463/LBC - Judges Lodgings, Castle Hill, Lincoln, Lincolnshire, LN1 3AA

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Dear Marie Smyth,

Thank you for informing the Georgian Group of a revised proposals to demolish the existing c1959-62 rear range of the former Judges Lodgings and to construct a new larger extension in its place. Internal works are also proposed to the grade II\* building. The original proposals were discussed by the Group's Casework Committee on the 31<sup>st</sup> of July 2023, and we then wrote to you with our comments. Unfortunately, the proposed revisions to the scheme do not address the concerns raised in our original letter to any significant degree.

The Judges Lodgings form part of a nationally significant group of listed buildings fronting onto Castle Hill and surrounding streets which include the grade II\* listed Nos.6-8 (cons) Castle Hill, and the grade I listed Castle itself. The Judges Lodgings, No.5 Castle Hill, which is itself grade II\* listed was constructed c1810 to the designs of William Hayward and has a fine pedimented classical façade. Sadly, the original rear section of the building was demolished along with later additions in the 1950s and replaced by the present lacklustre addition. The Group wishes to again defer to others on those aspects of the proposals which will impact upon the setting of historic buildings which date from periods outside of our 1700-1840 date remit.

Whilst the Georgian Group has no objection in principle to the proposed change of use of the Judges Lodgings, the demolition of the c1959 block, or its replacement by a structure of broadly the same scale and massing as the original now demolished early nineteenth century rear range, we do have considerable concerns about elements of the design of the proposed replacement structure and its potential impact on the setting of Hayward's original building.

Hayward's original design followed the eighteenth and early nineteenth century tradition of having a distinct hierarchy to its façades, the western elevation, and the rear (northern) service elevation in particular, being of a far more utilitarian design than the distinguished pedimented principal façade to Castle Hill. Eighteenth and nineteenth century classical buildings also display a hierarchy within the openings of each elevation, the openings reducing in size as the eye travels up the building. The design of any replacement rear range should respect these important elements of Hayward's original scheme by avoiding the adoption of overly assertive detailing and facing materials. The adoption of a less assertive design would also help to safeguard the setting of the original grade II\* building when viewed from the Castle walls, and that of the surviving modest historic service buildings on St Paul's Lane to the building's rear. A less assertive design would also thus better preserve the character and significance of the immediately surrounding elements of the conservation area.

Of particular concern to the Group's Casework Committee are the proposed large oriel windows lighting the top floor of the northern elevation which will be particularly conspicuous from the Castle Walls. During the winter months when they are likely to be lit from within for large parts of the day, these windows are likely to have a particularly assertive presence within this part of the conservation area. For similar reasons the Committee also had concerns about the impact of the proposed large two storey stair window on views from the Castle Walls, and on those looking south along St Paul's Lane.

The Casework Committee of the Georgian group wishes to defer to others on the merits of all other aspects of the proposed scheme.

Para 199 of the NPPF directs that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' In this case the proposed development will have a considerable and detrimental impact on the setting of a number of highly graded designated assets and of the conservation area.

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The Georgian Group would strongly recommend that the design of the northern (rear) elevation of the proposed new hotel building is revised in order to both better safeguard the setting (and thus the significance) of the grade II\* listed building, and the character of the immediately surrounding parts of the conservation area. If the applicant is unwilling to do so, we must regretfully recommend that listed building consent is refused.

Yours Sincerely

James Darwin (Head of Casework)

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<b>Application Number:</b>	2024/0087/FUL
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	John Roberts Architects Ltd
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

### **Background - Site Location and Description**

The application property is the White Hart Hotel, a grade II listed building. It is located on the corner with Bailgate and Eastgate, within the Cathedral and City Centre Conservation Area. The City Council's Principal Conservation Officer advises that the White Hart is a complicated site comprising four distinct building phases along the streetscene. The oldest element dates from the early 18th century, and was re-fronted in 1844. Today it presents an impressive three storeys on the corner of Eastgate and Bailgate. She has noted that on the Eastgate elevation the 1840s refronting continues to meet a 1930s extension in a Neo-Georgian style in brick with a central basket arched carriage opening within the 5 bays. She advises that this designated heritage asset has historical significance derived from its development as a key site for hostelry in Lincoln and architectural significance derived from the classical design and method of construction. Expansion to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. In addition to the various external alterations, much of the hotel interior has been subjected to re-fittings over the years and in particular during the early and mid-20th century.

The hotel has recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of approved applications as well as a number of ongoing current applications, including this one.

This application is for full planning permission for internal alterations to create a new leisure pool and spa, including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

The proposals 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 was omitted to allow for the necessary archaeological work and investigations associated with the pool to take place. The vents for the pool will be incorporated within the overall roof mounted planted 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 are no external alterations proposed as part of this application.

In addition to this full application an accompanying listed building consent application has been submitted (2024/0088/LBC). Listed building consent applications consider proposals in relation to the impact on buildings as designated heritage assets, whereas this full application will consider the proposals in relation to other matters; such as archaeology and residential amenity. This application will not consider the internal works, such as the new internal partitions. The listed building consent application is also being presented to

Members of the Planning Committee for determination.

A number of objections have been received in relation to both applications, although many of the objections raised within the responses to the listed building consent application cannot be considered as part of that type of application i.e. they relate to matters other than the impact on the heritage asset. These responses are therefore included within this report and the relevant material planning considerations raised will be taken into account as part of the consideration of this application.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0088/LBC	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services (Listed Building Consent). (ADDITIONAL SUPPORTING DOCUMENTS RECEIVED).	Pending Decision	
2023/0058/LBC	Internal alterations to re-configure layout and create fitness suite including removal of stud partitions, doors, windows and stairs; enlargement and blocking up of window openings; creation of new door openings; installation of new stud partitions, raised floor, stairs, lifts and doors. External alterations including new shopfront to restaurant, alterations to Eastgate elevation, glazed lantern and new stair pod to roof. (Listed Building Consent).	Granted Conditionally	25/05/2023

	(Revised description, plans and supporting documents).		
2023/0057/FUL	Refurbishment & alterations to existing hotel including construction of new stair pod at fourth floor level, alterations to Eastgate elevation, installation of new shopfront to existing restaurant fronting Bailgate, glazed lantern and alterations to window openings. (Revised description, plans and supporting documents).	Granted Conditionally	25/05/2023

### **Case Officer Site Visit**

Undertaken on 10th April 2024

### **Policies Referred to**

- Policy S42 Sustainable Urban Tourism
- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- National Planning Policy Framework
- Planning Practice Guidance

### **Issues**

- Archaeology and policy context
- Assessment of public benefit
- Residential amenity

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
City Archaeologist	Comments Received
Historic England	Comments Received
Council For British Archaeology	Comments Received
Highways & Planning	Comments Received

### **Public Consultation Responses**

Name	Address
Mr Giles Walter	Walk House Blackthorn Lane Cammeringham Lincoln LN1 2SH
Mr Simon Shaul	31 Chatterton Avenue Lincoln Lincolnshire LN1 3SZ
Mr D Krapp	1 Orchard Walk Lincoln
Thomas Fegan	50a Empingham Road Stamford PE9 2RJ
Mr Mark Raimondo	9 High Street, Coningsby Lincoln LN44RB
Miss Tracey Smith	23 Vale road Battle Tn330he
Dr Samantha Tipper	128 station road Lincoln LN6 9AI
Mrs Fiona Orr	11 Longdales Road Lincoln LN2 2JR
Dr Emily Forster	Flat 6 589 Crookesmoor Road Sheffield S10 1BJ
Mr Peter Taylor	Lochnagar Welton Le Wold Louth LN11 0QT
Miss Bianca Vecchio	19/217 Northbourne Avenue Canberra 2612
Mrs Annabel Johnson	The Old Vicarage 84 Little Bargate Street Lincoln LN5 8JL
Dr Samantha Stein	Exchequergate Lodge Lincoln LN2 1PZ



Mr Andre2 Falconer	6 Doddington Avenue Lincoln Lincolnshire LN6 7EX
Mrs Chris Smith	61 Hebden Moor Way North Hykeham Lincoln LN6 9QW
Mr Sam Elkington	Boothby Property Consultancy Ltd 73 London Road Sleaford NG34 7LL
Miss Lynda Ohalloran	39 Aberporth Drive Lincoln Lincolnshire LN6 0YS
Mrs Alison Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Rob Steer	45 Glennifer Drive Glasgow G78 1JA
Mr Clive Wilkinson	38 Roselea Avenue Welton Lincoln LN2 3RT
Mr James Parman	13 Barnes Green Scotter Gainsborough DN21 3RW
Richard Costall	
Mrs Fiona Berry	Sycamore House Chapel Street Market Rasen LN8 3AG
Miss Melanie Jones	7 Park Road West Sutton On Sea Lincolnshire LN12 2NQ
Mrs Sandra Crosby	5 Kirmington Close Lincoln Lincolnshire LN6 0SG
Dr Carolyn La Rocco	Baxter Park Terrace Dundee Dd4 6nl

Mr Steve Hilton	44 Cole Avenue Waddington LN5 9TF
Mr Philip Brammer	2 Highfield Close Osbournby Sleaford NG34 0EW
Miss Alice Pace	Lucas House Carr Road North Kelsey Market Rasen LN7 6LG
Mr Tim McCall	Almond Avenue Lincoln LN6 0HB
Miss Jessica Latham	2 Williams Terrace Leabourne Road Carlisle CA2 4FD
Miss Isabelle Sherriff	68 Wath Road Barnsley S74 8HR
Victoria Small	5 Gordon Road Lincoln Lincolnshire LN1 3AJ
Mrs Sophie Green	63 Hunts Cross Avenue Liverpool L25 5NU
Mr Jack Dean	26 Barley Road Birmingham B16 0QU
Dr Elisa Vecchi	3 Rusland Close
Miss A M Sheffield	127 Manthorpe Grantham NG31 8DQ
Miss Chandani Holliday	18 Belle Vue Road Lincoln LN1 1HH
Ms Sarah Gray	33 Norreys Avenue Oxford OX1 4ST
Mr Jonathan Jones	6 Doddington Avenue Lincoln Lincolnshire LN6 7EX

Mr Paul Smith	21 Northfields Bourne PE10 9DB
Mrs Sue Kent	Forrington Place Saxilby Lincoln LN1 2WJ
Dr Carina O'Reilly	35 Mildmay Street Lincoln Lincolnshire LN1 3HR
Mrs Caroline Worswick	9 Chepstow Close Macclesfield SK10 2WE
Mrs Catherine Sweeney	4 Tinkle Street Grimoldby Louth LN11 8SW
Mr Martin Smith	84 Moor Lane North Hykeham Lincoln LN69AB
Mrs Philippa Redding	Mulberry House 6 Chequer Lane Ash Canterbury Kent CT3 2ET
Mr Martin Smith	84 Moor Lane North Hykeham Lincoln LN6 9AB
Mrs Patricia Jones	37 Silver Street Lincoln Lincolnshire LN2 1EH
Mr Richard Ward	Appletree House Nocton Road, Potterhanworth Lincoln LN4 2DN
Mrs Heather Rippon	17 Earlsmeadow Duns TD11 3AQ
Ms Penelope Toone	4 Midia Close Lincoln LN1 1AR

Avril Golding	96 Stonecliff Park Prebend Lane Welton LN2 3JT
Mr Christopher Padley	54 Hewson Road Lincoln Lincolnshire LN1 1RX
M Marshall-Brown	10 Paddock Lane Blyton Gainsborough DN21 3NF
Ms Susan Hayden	Crew Yard, Low Street, North Wheatley, Retford. DN22 9DR
Mrs Ward Rachael	31 Chesney Road Lincoln Lincolnshire LN2 4RX
Mr Stuart Welch	16 Drury Lane Lincoln Lincolnshire LN1 3BN
Ms Milica Rajic	Exchequergate Lincoln LN21PZ

Additional public consultation responses submitted in respect of application reference 2023/0087/LBC, relevant to the consideration of this application:

Name	Address
Mr Paul Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Andrew Blow	9 The Green Nettleham Lincoln LN2 2NR
Mr Paul Rowland	2 South Farm Avenue Sheffield S26 7WY
Mrs Rosemarie Dacosta	253 Burton Road Lincoln Lincolnshire LN1 3UH
Mrs Tracy Harris	Bramble Cottage 46 Sleaford Road Lincoln LN4 1LL
Mrs Louise Austin	62 Backmoor Crescent Sheffield S8 8LA
Mr Andrew Ottewell	Sycamore lodge Holmes lane Dunholme near Lincoln Lincoln LN2 3QT
Brian Porter	4 Chalgrove Way Lincoln Lincolnshire LN6 0QH
Ms Justine Whittern	Oude Heijningsedijk 1 Heijningen, The Netherlands 4794 RA NG31 8RW
Mr John Abbett	67 Newbold Back Lane Chesterfield S40 4HH
Miss Jo Teeuwisse	Bourtange 9545tv

### **Consideration**

During the process of the application revised and additional information has been received. Adjoining neighbours and those that had made comments were reconsulted on 27<sup>th</sup> March. Additional supporting information was submitted and a further re-consultation exercise was undertaken on 27<sup>th</sup> April. In addition to comments received from neighbours adjoining the hotel and within the immediate area further responses have been received from residents of the city, surrounding areas and outside of the county. All of the comments in relation to



this application, along with those submitted against the corresponding listed building consent application, are included in full within this report for members to consider. Officers would also offer the following summary of the comments received.

The letters of objection highlight the important location of the hotel in the most historic part of the city. Some consider that the site is of equivalent value to neighbouring scheduled monuments. They note that there have been significant archaeological findings in and around the area, some of national archaeological and historic importance. The objectors consider that archaeology should be preserved. Concerns are raised regarding the depth of the excavation, which is considered will destroy layers of archaeology from different eras. It is argued that the pool is not necessary and there is no benefit to the city or wider public benefit. It is suggested that the benefit is private, not public. If a pool is considered necessary, then it is suggested that this be above ground. Some of the objections consider that granting permission would be contrary to the National Planning Policy Framework (NPPF) and local plan policy. They consider that the works have not been sufficiently justified and that the submitted documents are lacking in information and are not accurate. Some of the objections also raise concern in respect of the introduction of oxygen and changes to water systems, that will further decay deposits.

In addition to the objections, comments in support of the application from members of the public have also been received. These note that the proposal is an important element in the applicant's wider scheme to transform the hotel into a premier destination, which will have direct and indirect benefits for the local economy. It is also considered that the public record has benefitted from the results of the investigations already undertaken. It is also suggested that archaeological concerns can be overcome with an appropriate management and mitigation plan.

While the Council for British Archaeology (CBA) were not initially consulted on the application, given that it does not meet the tests for doing so (demolition or partial demolition of a listed building), they nevertheless submitted an objection to the application. Following the receipt of additional information officers re-consulted the CBA given their previous objection and they submitted a further response. They have confirmed that this does not remove their previous objection, but advised this should be considered as "comments".

Historic England (HE) has submitted two responses- the first advising that that they are not offering advice and that officers should seek the views of the city council's own specialist conservation and archaeological advisers. Their second letter, following the submission of additional information, confirmed that they did not wish to offer any comments and that officers should again seek the views of the conservation officer and archaeologist.

### Archaeology

The City Council's City Archaeologist has provided a comprehensive response in relation to the application. The response is included in full within the report, although his consideration is also included as follows:

#### **Proposal**

The installation of the pool will require the total excavation of an area of 13m by 5m to a depth of 2.025m. One corner of this volume will need to be excavated to a depth of 2.525m to accommodate a sump with an area of around 1.5m by 1.5m. All archaeological material in this volume would need to be removed.

The proximity of the pool to the external wall fronting on to Eastgate means that underpinning will be needed to ensure the structural stability of the building. This will require a trench to be excavated along the inner face of the wall to a depth of 2.275m below the existing ground level.

### **Pre-Application Advice**

The applicant requested pre-application advice, as recommended by the National Planning Policy Framework (NPPF) and by Historic England in their advice note Managing Significance in Decision-Taking in the Historic Environment (GPA 2). I advised that a proposal of this kind in this location would certainly have archaeological constraints, and that these might be such that development would either be refused or might prove to be prohibitively expensive to deliver. Nonetheless they wished to proceed with the application, and I therefore advised them to produce an appropriate desk-based assessment and to undertake an archaeological evaluation excavation within the footprint of the proposed pool.

I further advised that the proposal would only be acceptable if it were capable of mitigation by excavation, and that if it should prove impossible to do so safely, I would recommend that the application should be refused. To address this issue, I asked them to produce a construction plan and a draft Written Scheme of Investigation to demonstrate the deliverability of archaeological mitigation alongside the installation works required.

The evaluation excavation demonstrated that archaeological remains are present on the site at a depth of around 250mm beneath the existing floor level. These remains include several phases of medieval and post medieval buildings and features to a depth of at least 1.2m, with the earliest features possibly dating from the 12<sup>th</sup>/13<sup>th</sup> centuries.

### **Submission**

#### *Desk-Based Assessment*

The applicant's initial desk-based assessment provided insufficient detail to inform the decision-making process and I therefore requested them to resubmit the document with several amendments and improvements including;

- A more nuanced assessment of archaeological significance to establish what deposits could be of equivalent significance to a designated heritage asset.
- More information about the known depths at which Roman archaeology has been encountered in previous excavations undertaken in the upper city along with a visual representation.
- An assessment of the potential for preservation of archaeological remains in situ including details of whether the pool might be delivered at a higher level, and what residual impacts might be expected upon deposits around and beneath the finished product.

Following its resubmission the Desk Based assessment is now acceptable for the purposes of fulfilling the relevant sections of both local and national planning policy.

#### *Written Scheme of Investigation*

The applicant has also submitted a draft Written Scheme of Investigation (WSI), as requested, which demonstrates that the proposals are capable of mitigation by excavation in accordance with NPPF paragraph 211. Looking at the proposed WSI in

more detail, three parts of the process would have to be undertaken as a monitoring exercise rather than full excavation, and this is based on the requirement to ensure the safety of the team.

The first of these is the introduction of shoring around three sides of the area to enable excavation at depth to be accomplished, after which the first 1m-1.2m of material will be fully excavated by the archaeology team using single-context recording down to the base of the foundations of the north wall of the White Hart. The resulting surface is to be covered with geotextile and boarded to protect it while the first phase of underpinning of the external wall takes place. This is the second part that would be monitored rather than excavated, as it is a potentially hazardous engineering operation. Once that has been completed, the team will continue the excavation to the base of the first phase of underpinning, after which the second phase of underpinning will take place using the same methodology. Following this the archaeological contractor will complete the excavation to formation level, including the sump.

The WSI also contains draft documents showing the applicant's intention to commission an appropriate archaeological contractor for all phases of work associated with the mitigations strategy and a draft commitment to publication of the results of the project. These provide a measure of certainty that the project will be appropriately funded and reported in accordance with NPPF paragraph 211.

Some elements of the WSI will need to be revised if permission is granted and I do not consider the submitted document to be final or binding. I am keen to see additional information included about the provision for remains around and below the proposed pool to be effectively preserved in situ, and for a contingency to be allocated allowing unforeseen circumstances to be managed. This should allow us to take an iterative approach to preservation throughout the project. I would also like to see an expanded commitment to undertaking public outreach during site works. For this reason, and as set out below, I would recommend that you apply a pre-commencement condition to any forthcoming permission to require a revised WSI to be submitted for approval.

### **Significance and Impacts**

It is highly likely that Roman archaeology is present on the site as there is no evidence that it has been removed or truncated by subsequent development. It has consistently been accepted by the Local Planning Authority that such remains would be of equivalent significance to a designated heritage asset and should therefore be considered according to the relevant paragraphs of NPPF (205-208) as required by footnote 72 of NPPF. However, it is unlikely that such remains are present within the depth to which the proposed pool will be excavated, except in the sump which may encounter the uppermost Roman levels. As the full depth of Roman material is likely to exceed the formation level of the pool by at least 1m and possibly up to 3m, I would therefore advise you that the level of harm to these remains is likely to be less than substantial and should therefore be assessed against the public benefits of the proposal, as required by NPPF paragraph 208.

Early medieval archaeology in this part of the city is likely to comprise so-called "dark earth" deposits, as encountered during excavations at the castle, cathedral, and bishop's palace. This material is formed from multiple processes that took place after the abandonment of Roman Lincoln, starting with the natural accumulation of organic detritus over several centuries. At the castle, this material was supplemented in the

9<sup>th</sup>/10<sup>th</sup> century by the deliberate importation of material to create a level surface for later occupation and exploitation. If material of this kind is present on the site it has the potential to add to our understanding of how post Roman Lincoln was exploited by Anglo-Saxon and Danish settlers, and therefore could be of great value to local and regional research agendas. The impact upon material of this period within the footprint and depth of the pool is likely to be extensive and may require the removal of all such material. Balanced against this archaeological potential and the apparently extensive impact is the widespread occurrence of this material across both the upper and lower walled Roman city and the poor preservation in uphill Lincoln of the predominantly organic deposits of which it is comprised. It is also important to remember that material of this kind is not scheduled in its own right anywhere else in the city, or indeed in cities such as York where the preservation of organic material is very much greater due to the frequent occurrence of anaerobic conditions. I would therefore advise you that this material if present should be considered a non-designated heritage asset and should be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Medieval remains have been demonstrated to be present on the site and appear to comprise the remnants of buildings and associated occupation features such as floor surfaces and dumps of material. Medieval remains of this kind are common within the city and occur in most locations where there has been no deliberate attempt to remove them. In this location it is possible that they will provide information about the nature of medieval development along Eastgate, whether residential or commercial, the date by which Eastgate itself was established as a street leading from the Castle to the east gate of the upper city, and the way in which the street and its related structures related to the establishment of the cathedral close. It is likely that all remains of this date within the footprint of the pool will be removed as a consequence of this proposal. However, the presence of multiple phases of buildings indicates that there has been a degree of truncation or even outright loss of earlier structures and the significance of these remains and the weight they ought to carry in the planning balance is therefore diminished accordingly. No evidence has so far been recovered or presented that would suggest that these remains are of more than local or regional significance in themselves or that they have any relevant relationship with nearby designated heritage assets such as either the castle or the cathedral. They should also be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Post-medieval remains on the site may include some of those of the medieval period described above, which may have continued in use into later centuries. The evaluation also identified deposits that are possibly associated with 18<sup>th</sup> and 19<sup>th</sup> century development of the White Hart site. These remains are of no more than local significance. There is also evidence for some post medieval disturbance of the earlier archaeology of the pool area, in the form of a 19<sup>th</sup>/20<sup>th</sup> century cellar in its northwest corner, and a pipe conduit dating from the 1938 extension of the White Hart. The loss of these remains should be assessed against NPPF paragraph 209 without reference to footnote 72.

The possibility of human remains dating from any of the periods above remains, but I do not believe it is likely. Roman custom was to bury the dead outside the city walls, so it is unlikely that human remains from this period will be present. There is no record of specific medieval cemeteries or graveyards occupying this site, and while there is a medieval church next door its burial ground is recorded as having been within the

Cathedral Close immediately to the south of the nave. Added to this is the complete absence of even fragmentary human remains from either the evaluation excavation or the monitoring works that have been undertaken on the site, which given the long history of use, reuse and disturbance of the site indicates that such remains are not present.

Impacts to the Listed Building have been considered by the city's conservation officer and I have nothing to add to her assessment.

### **Objections and Comments**

Many of the objections submitted are based on an over-interpretation of the significance of the archaeology of the site, enabled in part by the original desk-based assessment. This has since been superseded by a more detailed document, and as such many of these objections have been addressed. They also proceed from the inaccurate position that it is wholly unacceptable to disturb or excavate remains that are "demonstrably of equivalent significance to scheduled monuments", when in fact this judgment is based upon the level of harm that will result to them from the proposed development and can in many cases be justified by a counter-balancing level of public benefit.

A number of objections are based on the assumption that medieval remains on the site are of equivalent significance to a scheduled monument. However, planning policy does not support the position that all archaeology is of this level of significance until proven otherwise. There must be some indication that remains have special significance before the relevant policies can be brought into play. So far, no evidence has been found or presented that this is the case, either from the evaluation excavation or from the monitoring works undertaken during previously consented renovations. While this assessment may change during the course of any future excavation, that possibility can be managed through the WSI that would be required by the condition suggested below.

Some objectors, including the Council for British Archaeology, have questioned the sufficiency of the evaluation excavations undertaken by the applicant team. While it would have been preferable to have seen the entire archaeological sequence, I accept that this was not possible given the restrictions inherent to undertaking such works inside a standing building and adjacent to a potentially unstable load-bearing wall. I am satisfied that, when taken together with the deposit model included in the resubmitted desk-based assessment, the information provided by the evaluation is sufficient to inform an appropriate and robust decision by the local planning authority. I would also observe that as one of the purposes of evaluation was to enable the applicant to decide whether or not to proceed with the application it would have been directly against the requirements of NPPF paragraph 210 for me to permit the loss of the medieval heritage assets identified in the evaluation to that point.

Objections have been raised to the validity of the "deposit model" provided in the updated DBA. While it would certainly be desirable for more data points to have been included we are unfortunately constrained by a lack of available information in uphill Lincoln as a consequence of the lack of modern interventions and of the omission of reliable height data in most antiquarian reports. I am therefore satisfied that the DBA includes sufficient information to demonstrate the depths at which Roman archaeology could be expected to occur on the site and that on the strength of the

information available the level of harm to such remains from the proposed development will be less than substantial.

A specific concern raised by one of the objectors is the impact of the development on remains that will be left in situ when it is completed. In particular the possibility of damage due to “the introduction of oxygen and changes to perched and natural water systems in the buried environment” was mentioned. I can state with some confidence that there are unlikely to be anaerobically preserved remains or perched water systems in uphill Lincoln, as no evidence of such conditions has ever been identified. I have also discussed the matter with Historic England’s regional science adviser who agrees that this possibility is remote. With respect to other impacts to remains left in situ, the applicant has provided technical information demonstrating that there will be no compression effects resulting from the construction of the pool, that precautions against concrete migration will be taken, and that the water circulation of the pool will be monitored to ensure any leakage can be rapidly identified and corrected.

Although it was not necessary for you to consult the Council for British Archaeology on this application, I note that their listed building casework officer has chosen to submit comments on the archaeological implications of this development. Their first letter of objection responded primarily to the original DBA and many of the concerns it raised have been addressed by the resubmission. Their second letter deals with those issues that they feel remain to be addressed, in particular the difference between the level reached by the evaluation excavation and the formation level of the pool (a point I have addressed above), and the necessity for a robust mitigation strategy to be in place to enable any excavation to address relevant research questions. With regard to the second issue, I am confident that the draft WSI demonstrates that appropriate mitigation of this development is possible, and the final WSI, to be required by planning condition, will ensure the developers adherence to appropriate levels of mitigation and recording of the archaeological resource.

The entirely valid objection to the use of the excavation and its results as a public benefit and therefore as a justification of the development was also raised, and the applicant has removed claims of this nature from the application documents.

## **Policy Appraisal**

### *Central Lincolnshire Local Plan*

#### *Policy S57*

With regard to the Archaeology provisions of S57, the submission meets all tests to enable a decision to be made. Specifically;

- The application is accompanied by a desk-based assessment.
- An appropriate field evaluation was undertaken, and the report submitted in advance of a decision.
- As preservation in situ is not possible or appropriate to the specific requirements of the proposal, the developer has produced a draft written scheme of investigation to enable the preservation of remains by record which has been agreed with the City Archaeologist.



## *National Planning Policy Framework*

### *Paragraph 200*

The submission meets the relevant tests, in that an appropriate desk-based assessment has been submitted, that includes the results of a search of the Historic Environment Record, along with the report of an evaluation undertaken at the request of the Local Planning Authority.

### *Paragraph 201*

The comments contained in this document represent an appropriate assessment of the significance of heritage assets likely to be affected by the proposed development.

### *Paragraphs 205-208*

The proposals have the potential to impact upon two relevant heritage assets, namely the White Hart itself as a Grade II listed building, and the potential Roman Archaeology that may be present on the site, under the provision of paragraph 206 and footnote 72. For the former, please refer to the specific advice of the principal conservation officer *[to be considered as part of the corresponding listed building consent application]*. For the latter, please refer to the statement of significance and assessment of impact provided above. To restate this advice briefly, the level of harm to Roman archaeology (which is considered to be of demonstrably equivalent significance to a scheduled monument, and which may or may not be encountered during the development process) is considered to be less than substantial and should be measured against the public benefits of the proposal.

### *Paragraph 209*

Most if not all of the archaeology likely to be affected by the proposed development should be considered non-designated heritage assets. The appropriate test for decision taking in regard to these assets is “a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset.”

### *Paragraph 210*

The imposition of appropriate conditions as suggested below will address the stated requirement.

### *Paragraph 211*

The draft WSI submitted by the developer is sufficient to address the requirement for developers to “record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. Given that the proposal will result in the total removal of archaeological remains within its area and depth, no less mitigation than total excavation of those remains is proportionate to the impact, subject in all cases to the safety of site workers. This will enable the preservation by record of the archaeological remains affected by the proposal.

## **Proposed Conditions**

If, following your assessment of this development, you are minded to recommend approval of the application, my advice to you is that the following conditions would be appropriate to ensure that impacts to archaeological remains are mitigated proportionally, and that the relevant policy tests can be met.

- Prior to commencement of works a revised version of the WSI should be submitted and approved by the LPA, taking account of any comments and suggestions from the LPA. The WSI should contain;
  - a methodology for full archaeological excavation of the pool area using single context recording as far as this is compatible with the safety of the excavation team, and monitoring of those elements that cannot be safely excavated.
  - Evidence that a contract has been entered into with an appropriately qualified archaeological contractor for all phases of work including post excavation reporting and archiving.
  - Provision for an appropriate contingency of time and resources in the event of unforeseen circumstances.
  - Provision for the assessment of unexcavated remains around and beneath the development and sufficient time and resource to enable their preservation in situ according to a methodology to be agreed with the Local Planning Authority.
- The development should be undertaken solely in accordance with the approved WSI, and any changes to require the written approval of the Local Planning Authority
- Prior to occupation or use of the pool complex the developer should submit a post-excavation timetable to the Local Planning Authority for approval.
- A full archive and report should be submitted within 12 months of the completion of groundworks.

### Officer Conclusion

On the basis of this professional advice from the City Archaeologist, which has taken account of representations from the members of the public and the CBA as well as technical advice from HE's regional science adviser, officers are satisfied that the potential impact on archaeological remains has been appropriately considered. Officers are therefore satisfied that the application meets the requirements of NPPF paragraphs 200, 201 and 205-208.

### Assessment of Public Benefit

The only outstanding matters for officers to consider in the planning balance is the assessment of public benefit against the potential for the development to impact on Roman archaeology of potentially equivalent significance to a scheduled monument that may be present on the site, in accordance with NPPF paragraph 208, and the impact on other archaeological remains as non-designated heritage assets, as required by NPPF paragraph 209.

In respect of NPPF paragraph 208, the City Archaeologist has advised that "the level of harm to Roman archaeology (which is considered to be of demonstrably equivalent significance to a scheduled monument, and which may or may not be encountered during the development process) is considered to be less than substantial and should be measured against the public benefits of the proposal". For the avoidance of doubt, this assessment relates to the potential impact of the 1.5m x 1.5m sump only, as this is the part of the excavation which has the greatest potential to encounter the uppermost Roman levels.

NPPF paragraph 208 requires that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Planning Practice Guidance on the Historic Environment advises that:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

The applicant's revised Statement of Public Benefit concludes:

The proposed swimming pool and leisure facilities will add to and diversify the offer at the White Hart Hotel and it can be demonstrated that the Proposed Development would lead to economic benefits through direct and indirect tourism spend.

A key element of the Proposed Development is to improve the year round offer and guest facilities at the White Hart which would smooth the seasonal peaks and troughs in occupancy levels – addressing seasonally low occupancy levels during the winter months. As a result, the Proposed Development will generate additional income required to support the optimum viable use – a key factor which is acknowledged to help safeguard the long-term conservation of a designated heritage asset in accordance with NPPF Paragraph 203(a).

The Proposed Development would result in further investment in the fabric of the listed building. Specifically, it will repurpose part of the designated heritage asset which has been underutilised and, as such, seen very little investment over a period of time leading to its general degradation of its fabric through a lack of routine maintenance under previous ownership. It is important to note that if the existing back-of-house areas were left undeveloped – and without a viable use – they would not attract the level of investment in the upgrade, repair and continued maintenance of this part of the listed building. Only through the re-purposing of these areas can continued investment be expected since underutilised back-of-house areas are not revenue-generating. The Proposed Development will secure a viable use for this part of the Hotel and, in turn, demonstrably assisting in the maintenance and enhancement of the designated heritage asset.

It is considered appropriate for the decision-maker to give weight to the heritage benefits associated with enhanced public access to the interior of the Hotel as a Grade II listed building. The increased number of staying guests and day visitors would allow more members of the public the opportunity to appreciate and experience the interior of this designated heritage asset, better revealing its significance.

The increase in guest numbers and improved occupancy levels during the quieter winter months will result in demonstrable economic benefits. Applying the recent Visit Britain visitor average spend figure of £96 per night and the projected 2,113 additional guest nights, the proposal would result in excess of an additional £200,000 being spent annually in the City's visitor economy.

As a result of the Proposed Development and associated investment, it is projected that an additional need for 60 staffing hours will arise – an equivalent of 1.5 full-time equivalent jobs.

The Proposed Development will enable and support healthy lifestyles by providing opportunities for the local population to use the facilities non-residential day guests. The Hotel would look to make available a number of packages to local residents which would include annual membership and various day packages which would include the use of the leisure and spa facilities.

Officers therefore consider that the proposed pool and associated facilities- which are not private given that they are available for use by members of the public both staying at the hotel and for non-residential guests- would secure a viable use for this part of the designated heritage asset. The initial benefits of this are that the proposals will better reveal this part of the building to the public and will result in investment to the fabric. The proposals will increase the offer at the hotel and in turn its appeal to visitors, increasing the occupancy. Officers would acknowledge that the hotel has already benefited from investment and works to secure its future, however, the proposals would further contribute towards this.

Officers consider that the increase in occupancy of the hotel would benefit tourism in the area. Central Lincolnshire Local Plan (CLLP) Policy S42 advises that within the urban area of Lincoln, development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and visitor accommodation will be supported. The policy goes on to state that within Lincoln the focus of tourism developments should be on the Cathedral and Cultural Quarters, within which the hotel is located, in order to complement and support existing attractions. The applicant's statement has demonstrated how the additional guests would benefit Lincoln's visitor economy. The commercial properties within the immediate area are also likely to see this benefit, many of which are within listed buildings. Officers would therefore also argue that the economic benefit to these business would also contribute towards securing the long term use and investment into the buildings as designated heritage assets, which constitutes a further public benefit of the proposals.

It is considered by officers that the public benefit of the proposals outweigh the potential less than substantial harm to Roman Archaeology from the pool sump. The proposals would therefore meet the requirements of NPPF paragraph 208.

With regard to the remaining archaeological deposits, which are considered to be non-designated heritage assets within the meaning of NPPF paragraph 209 and therefore of

lesser significance than the potential Roman archaeology, officers consider that the public benefits outlined above are sufficient to outweigh the level and scale of harm caused by these proposals.

The conditions suggested by the City Archaeologist will be duly attached to any grant of consent, and officers consider that this will be sufficient to address the requirements of NPPF paragraphs 210 and 211.

#### Residential Amenity

Given that the proposals relate to internal works only, there would be no direct impact on neighbouring occupants. However, during the application process the City Council's Pollution Control (PC) Officer requested that the applicant provide details of any proposed ventilation/air handling system that is to be incorporated, including details of where any extracted air will be vented to and what level of noise the plant is likely to produce. This would enable him to consider the likely impact of any noise from fixed mechanical plant (fans etc.) and any chemical odours that can often be linked with swimming pools and their associated dosing systems.

Details of the measures to control the level and use of chlorine have been provided by the applicant's consultant, such as a UV filtration system, which will reduce the reliance on the Air Handling Unit (AHU). It has been advised that the opening hours for the pool will be between 7am and 9:30pm, and when the pool is closed the AHU will run at a reduced capacity. The consultant considers that, with the minimal lengths of ducting from the unit to the grilles, the noise will be very little and the existing background noise in Lincoln is expected to be far greater.

Having considered this the PC Officer is satisfied that, given that the pool's AHU will be operating on a reduced capacity outside of the specified pool opening hours, he does not believe that external noise levels from the swimming pool's plant will be an issue.

Officers are therefore satisfied that the proposals would not cause harm to neighbouring properties, in accordance with CLLP Policy S53.

#### **Application Negotiated either at Pre-Application or During Process of Application**

Yes, see above.

#### **Financial Implications**

None.

#### **Legal Implications**

None.

#### **Equality Implications**

None.

## **Conclusion**

Matters in relation to archaeology have been appropriately considered by the City Archaeologist and officers have duly assessed the development's impact against the public benefits. Conditions will ensure that the excavations for the development are appropriately managed and recorded. The residential amenities of neighbouring properties will 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.

## **Application Determined within Target Date**

Yes.

## **Recommendation**

That the application is Granted Conditionally subject to the following conditions:

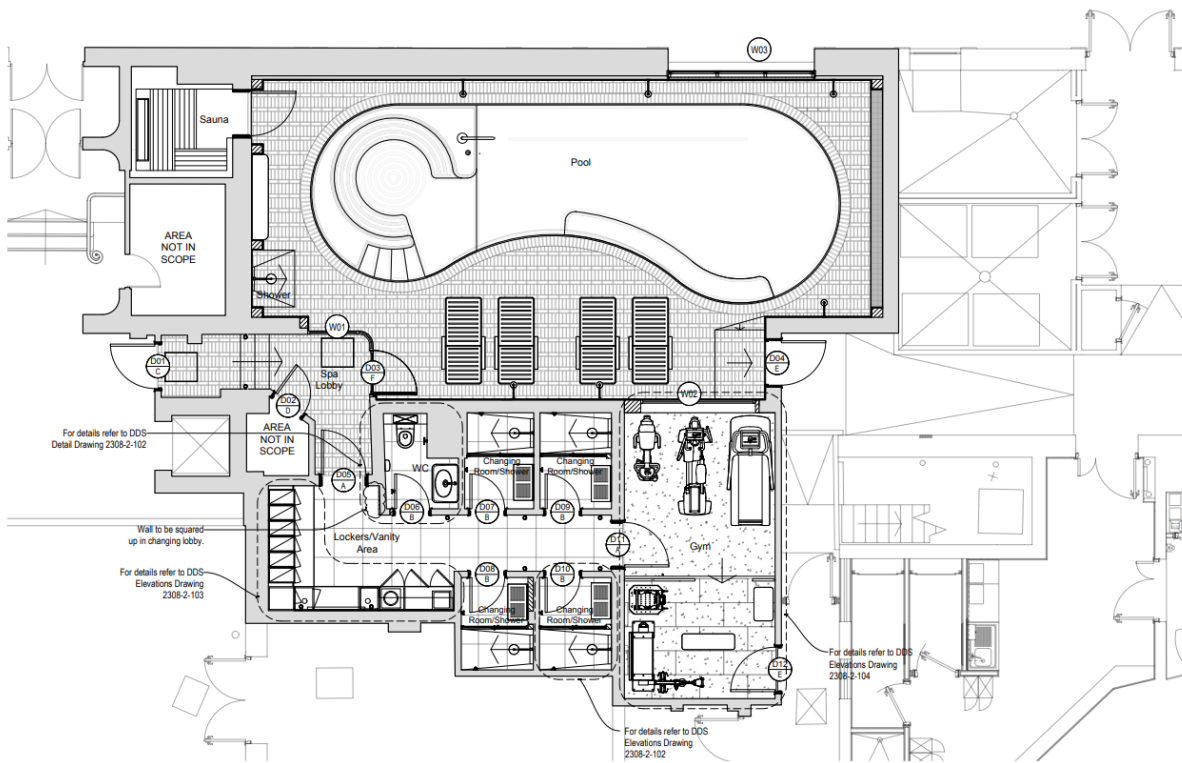
- Time limit of the permission
- Development in accordance with approved plans
- Development in accordance with WSI
- Submission of post-evacuation timetable prior to first use of pool
- Submission of full archive and report following completion of works



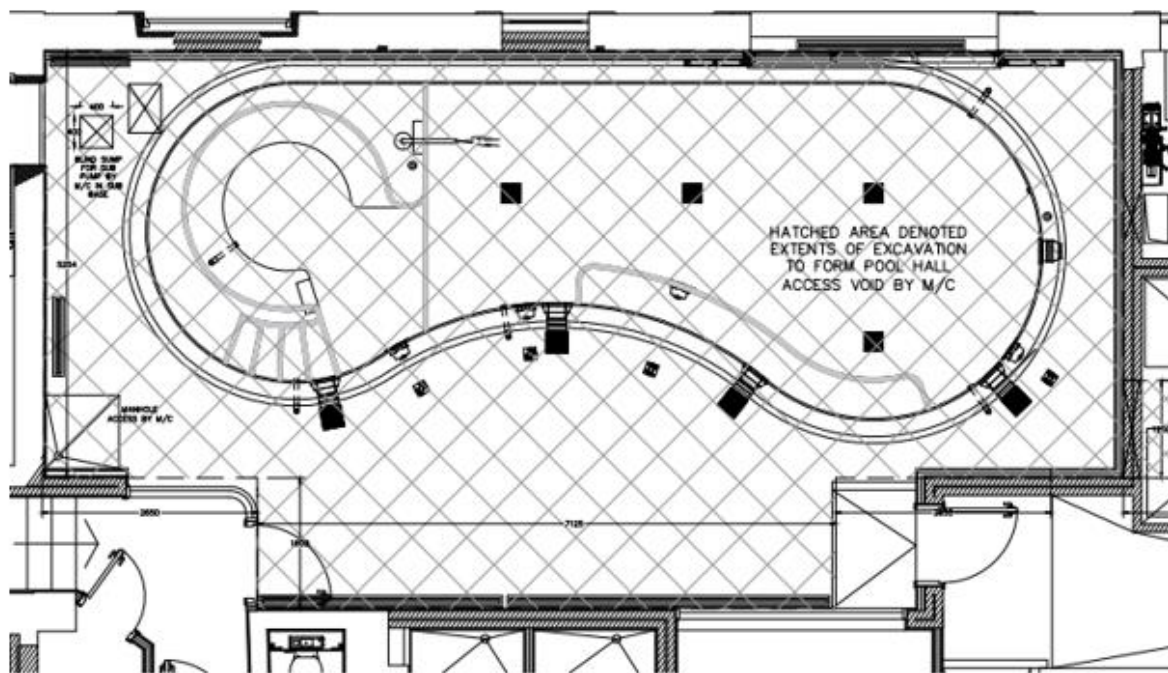
## White Hart Hotel FULL plans and photographs



Site location plan



Proposed layout



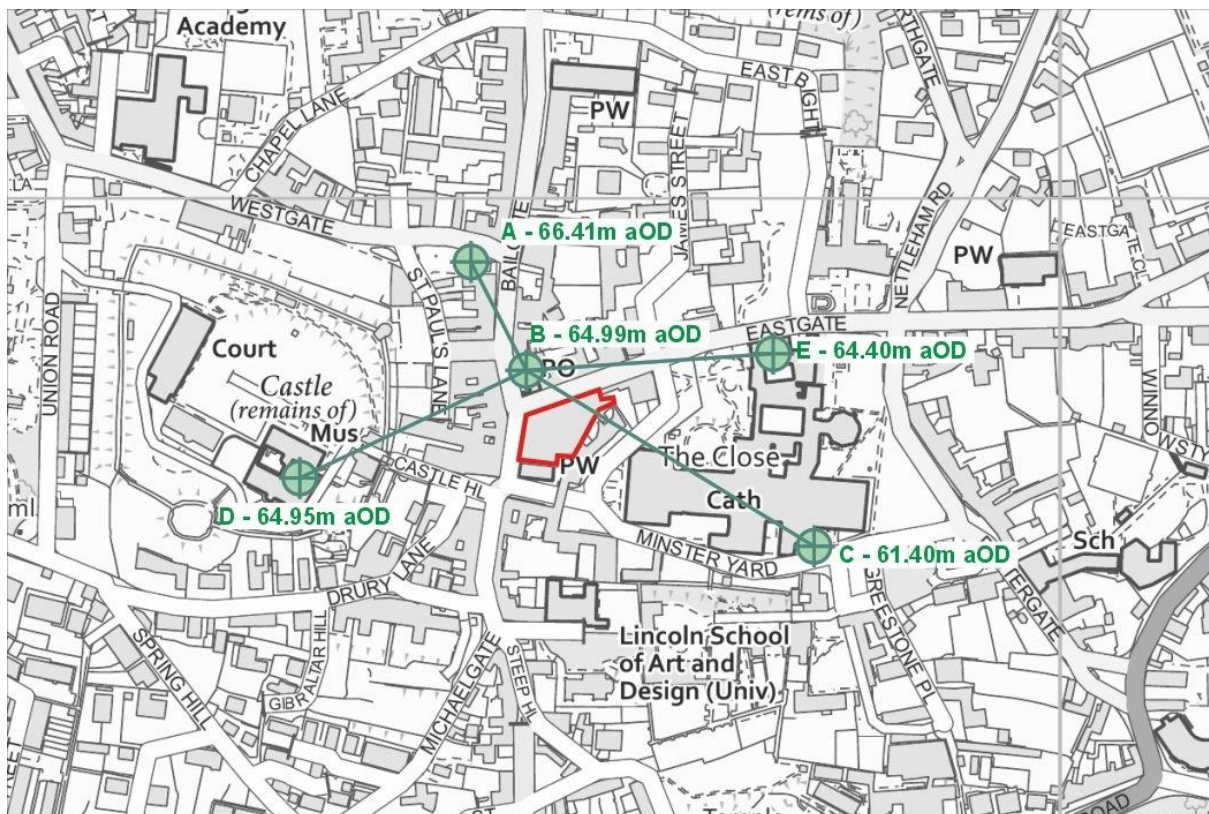
Pool layout



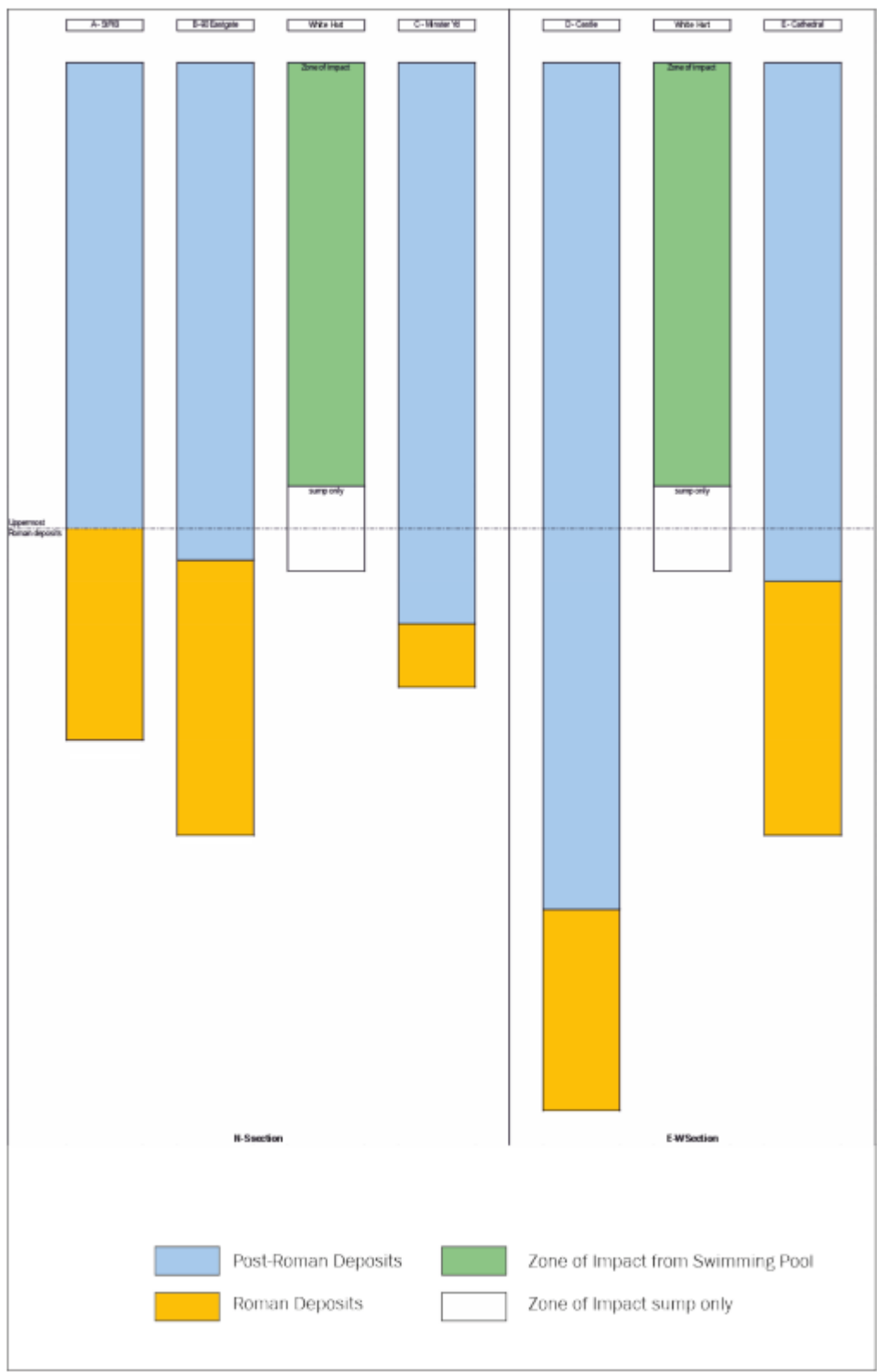




Approximate location of pool circled in red. Red shading indicates scheduled ancient monuments in the area with listed buildings marked in blue.



Location of sites referenced on comparative deposit model

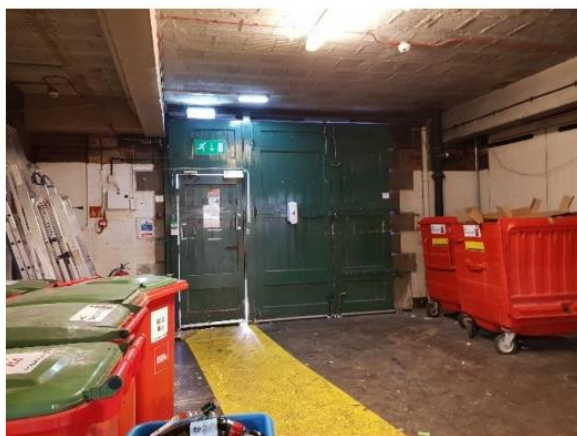


Comparative deposit model with ground level zeroed for all sites





Photograph from Eastgate



**Figure 40** Looking north (L) and northeast (R) within the service area at the northeast corner of the hotel within the c.1938 addition. The large green gates provide access to Eastgate through the archway. This is part of the proposed location of the eastern end of the swimming pool.





**Figure 41** Looking east (L) and south (R) within the service area on the north side of the hotel.



**Figure 42** Looking northwest (L) and southeast (R) along the service corridors at ground floor level.

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## **White Hart Hotel FUL consultations responses**

### **Name**

Mrs Sandra Crosby

### **Address**

5 Kirmington Close, Lincoln, Lincolnshire, LN6 0SG

**Date Received:** 22nd February 2024

The position of the proposed swimming pool is in an area of national historical interest. The depth of excavation will destroy the archeology of several different eras but will be of little or no benefit to the city or it's population. This is unacceptable and should be stopped.

### **Name**

Miss Lynda Ohalloran

### **Address**

39 Aberporth Drive, Lincoln, Lincolnshire, LN6 0YS

**Date Received:** 22nd February 2024

Our archeology needs to be preserved

### **Name**

Milica Rajic

### **Address**

Exchequergate, Lincoln, LN21PZ

**Date Received:** 23rd February 2024

I am an archaeologist with over 30 years experience in commercial archaeology. I strongly object to the application.

The fact that this application, 2024/0087/FUL and the application 2024/088/LBC exist is shocking.

The desk based assessment (DBA) document should have been returned for a significant improvement (it is missing a plethora of published information on previous archaeological excavations in the vicinity of the hotel, to name but one problem with the report). The pre-planning application consultation with Lincoln City Archaeologist should have resulted in the immediate rejection of the proposal. The archaeological trenching evaluation (the excavation of one test pit and two trenches) should have never happened, because we already know what is there: at the very least over 3m of well-preserved stratified archaeology of Roman date onwards. The applicant should have been reminded (either by their own team of consultants and archaeologists or by the planning authority) of the setting of the White Hart Hotel and its below ground potential, advised against intrusive, below ground works and, if the leisure pool and spa in this location are a deal breaker for the success of Lincoln tourism, encouraged to change the design (eg above ground plunge pool). However due to either lack of due diligence, lack of knowledge and expertise, or all combined, we are where we are - facing the destruction of Lincoln's heritage. My objection is based on the policy and guidance provided in the National Planning Policy Framework (NPPF, the NPPF Planning

Practice Guidance) and good practice advice notes produce by Historic England on behalf of Historic Environment Forum including Managing Significance in Decision Taking in the Historic Environment and the Setting of Heritage Assets. I refer specifically to paragraphs 205,206,207,208,211 and footnote 72 of the NPPF, as well as Historic England Preservation In Situ guidance (2016). It is clear these are not being applied correctly, and the developer seems to believe that a local tourism policy trumps national guidance and NPPF. There is no public benefit to outweigh the destruction of nationally significant remains. The public benefits argued mainly fall under the tourism policy (S42), but even this does not refer to the necessity for 3-4\* hotels to include a pool. What's more, there is no grounds for arguing public benefit of public outreach, as destruction of archaeological remains (and outreach generated from this) cannot be part of the decision making process (NPPF 211). I ask that this proposal is objected and that NPPF is applied correctly on applications considered by Lincoln City Council.

**Name**

Mrs Philippa Redding

**Address**

Mulberry House, 6 Chequer Lane, Ash Canterbury Kent, CT3 2ET

**Date Received:**

25th February 2024

I strongly object to this application. This newly refurbished hotel is situated in the most historic part of Lincoln near both the Cathedral and the Castle. Part of the marketing is about the historic location and heritage. Building an underground pool and spa is completely against preserving the heritage - layers of incredibly important archaeology will be lost. It's about time councils took more notice of our heritage - once its gone its gone. Developers all over the country seem to place heritage very low on their list of priorities. I urge you to decline this application.

**Name**

Mrs Alison Griffiths

**Address**

36 Belle Vue Road, Lincoln, Lincolnshire, LN1 1HH

**Date Received:**

26th February 2024

The exterior work to the Hotel has been carried out sensitively retaining the original character of the building which has enhanced the area. On reading the archaeological report on the test digs in the area planned for a pool, I feel very strongly that the development should not go ahead. A pool and spa is not in keeping with the historical nature of the hotel and in my opinion will not benefit the city in any way whereas the amount of fascinating archaeology has a wider appeal.

**Name**

Mrs Fiona Berry

**Address**

Sycamore House, Chapel Street, Market Rasen, LN8 3AG

**Date Received:** 26th February 2024  
Since coming to live in Lincolnshire 10 years ago I have been astonished about how little is known of the Roman history of the county. The idea that an application to destroy the archaeological record under buildings in the oldest area of the city could be given approval on economic grounds is ridiculous, when we would be potentially destroying our future ability to make sense of the history of the area. Some things are more valuable than a putative increase in visitors and the health of a handful of people. There are much better places to site a pool in Lincoln which would not interfere with important archaeological remains. I object most strongly to the application.

**Name**  
Miss Isabelle Sherriff

**Address**  
68 Wath Road, Barnsley, S74 8HR

**Date Received:** 27th February 2024  
Archaeology is a precious and scarce resource that should not be needlessly destroyed for the sake of a vanity project such as a pool.

**Customer Details**

Name: Mr D Krapp  
Address: 1 Orchard Walk Lincoln LN5 8PL

**Comment Details**

Commenter Type: Member of the Public  
Stance: Customer objects to the Planning Application  
Comment Reasons:

Comment: I find it ridiculous to read in one of the reports that the City of Lincoln policy in respect of sustainable urban tourism recognises the need for luxury boutique hotels and the provision of a swimming pool along with other upgrades to the White Hart Hotel would assist in meeting this policy driver. Really? Is a pool a requirement for a boutique hotel? I don't think so.

It then continues with elaborating about the health benefits, as if this would be a public leisure facility, which it is not going to be.

And finally, it almost sounds as if the City of Lincoln Council Archaeologist already agreed to the destruction of the archaeological evidence underneath the proposed pool.

So why the consultation? Is this a done deal, behind closed doors?

I hope that the comments made by the public are being properly evaluated and considered in assessing the application and I do hope that the application is being denied. Nothing listed in any of the reports supporting the application justifies the destruction of archaeological remains underneath the current building.

**Name**  
Mr Martin Smith

**Address**  
84 Moor Lane, North Hykeham, Lincoln, LN6 9AB

**Date Received:** 27th February 2024  
No objection or problem upgrading and improving one of Lincoln's more iconic hotels, a task long overdue. But including a swimming pool and destroying Lincoln's unknown heritage which is acknowledged to be there in the foundations will not provide more general benefit. Not approving this application will allow appropriate architectural work to be planned and carried out later to enrich Lincoln's heritage. Resources would be better employed refurbishing/carrying out the rest of the complex in a shorter length of time, reducing the construction time in a popular visitor area encouraging more tourism, and provide more general benefit than creating a swimming pool that will only benefit a small number of personnel.

**Name**  
Mrs Patricia Jones

**Address**  
37 Silver Street, Lincoln, Lincolnshire, LN2 1EH

**Date Received:** 28th February 2024  
As I see it looking at the application it is agreed by all that there are significant archaeological findings in and around this area upon which the pool is proposed to be constructed. Indeed they have been uncovered and can be clearly seen. It also seems that these would be destroyed in the process of pool building but please agree also that these are not for someone private individual to destroy just for their own financial gain. These precious pieces of our history belong to the people of Lincoln for hundreds of years to come just as they have been there for Lincoln's history up until now. How much more do we have to lose for private gain? Please council - do not let our amazing and unique architecture be lost just so someone can swim about.

**Name**  
Mr Stuart Welch

**Address**  
16 Drury Lane, Lincoln, Lincolnshire, LN1 3BN

**Date Received:** 3rd March 2024  
As a long-time local resident living in close proximity to the White Hart Hotel, I strongly support this application. The proposed facility is an important element in the applicant's wider scheme to transform the White Hart Hotel (and the adjoining Judges' Lodgings complex) into a premier destination which will have many direct and indirect benefits for the local economy and community. The extensive, expensive and professional archaeological investigations and reports which have been carried out on site have revealed information and artefacts which would have remained unknown without the redevelopment of the hotel site. The public record has greatly benefitted from this. It is difficult anywhere in this area of uphill Lincoln to excavate without coming across medieval or Roman remains. It is important to recognise and record these for greater understanding in posterity, but this should not interfere with much-needed sensitive re-development



for the modern age - Lincoln's historic past should not constrain its economic future.

**Name**

Mr Richard Ward

**Address**

Appletree House, Nocton Road, , Potterhanworth, Lincoln, LN4 2DN

**Date Received:** 5th March 2024

An excellent opportunity to enhance the economic prospects of the city with a high quality hotel offering in a unique location.

This shouldn't be prevented by possible archaeological remains that would have remained hidden in any event even if they are present.

**Name**

Victoria Small

**Address**

5 Gordon Road, Lincoln, Lincolnshire, LN1 3AJ

**Date Received:** 6th March 2024

I object to the destruction of any archeology finds, whether visible to public or not.

These findings should be preserved and if possible incorporated within any building work to be seen by guests using the facilities.

A pool at the White Hart Hotel would be a lovely idea, but not at the detriment to any archeology and heritage.

**Name**

Mr Clive Wilkinson

**Address**

38 Roselea Avenue, Welton, Lincoln, LN2 3RT

**Date Received:** 6th March 2024

This application to improve and add to the facilities available at The White Hart Hotel will help enhance the quality of hotel accommodation on offer in the "uphill locality" helping to attract further visitors to the area in all seasons.

As for any possible archaeological discoveries, without this application proceeding these would remain hidden away beneath existing "privately-owned" building perhaps never to be discovered, but could now be unearthed, catalogued, photographed etc. and displayed locally for the benefit of ALL public and future generations.

Without the recent improvements and excavations within the Castle grounds (or even The Eastern by-pass) many artefacts would remain undiscovered and this could be a similar case.

I fully support this application.

**Name**

Mr Simon Shaul

**Address**

31 Chatterton Avenue, Lincoln, Lincolnshire, LN1 3SZ

**Date Received:** 7th March 2024

Due to the historic location of this I have an feeling that the archaeological side will be disregarded. Somewhere near here stood a temple as we all know so this site may well hold something of not just local but national importance.

**Name**

Mrs Sophie Green

**Address**

63 Hunts Cross Avenue, Liverpool, L25 5NU

**Date Received:** 8th March 2024

I object to the proposed development of a gym/sauna area at the white hart hotel. If there is even chance that archeological remains of importance exist beneath the building, the owners should, out of conscience, cancel their plans to excavate the area. Why not consider building upwards, onto the roof or elsewhere, somewhere that doesn't risk the destruction of the city's unique history and heritage.

**Name**

Mrs Sue Kent

**Address**

Forrington Place, Saxilby, Lincoln, LN1 2WJ

**Date Received:** 8th March 2024

This is shocking even considering digging down into what is our archaeological heritage here in Lincoln. Frankly the Roman remains are irreplaceable and this should never even be thought about , surely?

**Customer Details**

Name: Mr Rob Steer

Address: 45 Gleniffer Drive Glasgow G78 1JA

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There have been a number of issues raised regarding this proposed development, many of which appear to indicate the failure by the submitting parties as offering any consideration as to the protection of existing archaeology within the hotel grounds, something they should have considered when building a business in such a historically important area of Lincoln. Any excavation works in such a historically important area must surely be carefully considered as to the likelihood of the permanent loss to the nation of our history? The addition of a pool is hardly likely to increase the profits for business, and I have already read what can only be described as underhand, impolite targeting of Dr Sam Stein, bordering on outright bullying if anyone dares disagree with a business proposal. This is both questionably unethical and unjust to start throwing dirt into the face of a well regarded archaeologist whilst the planning application, I believe, may be contrary to the national planning policy framework (para 207, footnote 72). Please note my objection to this proposal for this alteration. As a footnote, the website for the White Hart describes itself as being in the 'historic heart of Lincoln', I'm afraid that this will need to be removed if the business keeps digging up its history beneath the ground it uses to sell itself.

**Name**

Mr Giles Walter

**Address**

Walk House, Blackthorn Lane, Cammeringham, Lincoln, LN1 2SH

**Date Received:** 8th March 2024

It is really important for Lincoln to have a first class hotel to attract visitors to the city. I therefore fully support the improvements that have been made to the White Hart to date and likewise support the proposals for a leisure pool and spa which will add to its appeal.

**Name**

Mr Sam Elkington

**Address**

Boothby Property Consultancy Ltd, Maydene House, 73 London Road, Sleaford, NG34 7LL

**Date Received:** 8th March 2024

I am a practicing Commercial Chartered Surveyor with over 40 years of commercial property experience within the City of Lincoln and the County as a whole and have been involved in a significant number of the City's major development projects during my career.

I consider the proposal as submitted is one that should be warmly welcomed by the City. The investment that has already been made in to Lincoln's most iconic hotel, which is of national repute, has been

significant and this proposal does I feel further show how the White Hart Hotel is going to be brought up to a high class standard with the appropriate and necessary facilities befitting the area and the City.

Whilst the archeological concerns are noted, I consider that with an appropriate management and mitigation plan these can be overcome and any archeology exposed through the build process can be recorded and noted so as to further enhance the knowledge that the City has of the area and not lead to any delays or hamper the build process.

I support the application and consider that we should welcome the vision and efforts of the new owners who have brought back to life one of the City's greatest assets and who are committing further resources to make the Hotel one that the City can be proud of.

**Name**

Avril Golding

**Address**

96 Stonecliff Park, Prebend Lane, Welton, LN2 3JT

**Date Received:**

9th March 2024

The site lies within an area of national archaeological and historic importance within the heart of medieval and Roman Lincoln. Tourists visit Lincoln to discover the heritage. That heritage can't be replaced. Too much of Lincoln's heritage has already been destroyed and without it what does Lincoln have to offer the tourist to differentiate it from other cities.

**Name**

Ms Susan Hayden

**Address**

Crew Yard,, Low Street,, North Wheatley, Retford., DN22 9DR

**Date Received:**

9th March 2024

As a regular visitor to Lincoln, I come for the history. It is my local city of choice because of that visible link to the past. I could go to Sheffield or Nottingham but I choose Lincoln so local shops and restaurants benefit from my custom.

How appalling to ignore the heritage. At least invest in a full archaeological investigation of what is there. What a bonus for the hotel it could be to have a conserved and documented site on the premises.

**Name**

Mr Jack Dean

**Address**

26 Barley Road, Birmingham, B16 0QU

**Date Received:**

12th March 2024

The consideration of this planning is completely dishonourable. It

should not go ahead. As outlined in ArcheologyUK's post about the plans, this proposed pool will be a serious threat to present and nearby archeological layers and history. Not to mention completely out of keeping with the visual aesthetics of the area and building. A businesses individual needs and wants should not override the necessities of historical preservation and cultural care. If the business wants to increase profit margins I would suggest they market their historical and cultural value more efficiently to bring in a higher quantity of higher paying guests. If they absolutely need a pool then the CBA's suggestion of an above ground non-destructive pool will suffice. And it should go without saying that suggesting an outdoor pool in this country with our weather is a necessity is a ridiculous statement - and suggests poor project consideration and forethought.

**Name**

Mrs Ward Rachael

**Address**

31 Chesney Road, Lincoln, Lincolnshire, LN2 4RX

**Date Received:**

12th March 2024

Lincoln has a rich history which should be preserved. I agree that updating the hotel would be a positive move but to loose the archaeology, potential artefacts and history to leisure facilities is detriment to preserving Lincolns story. The leisure facilities can be built anywhere in the building so change the location and keep Lincolns history safe and on view for all to share.

**Name**

Mrs Heather Rippon

**Address**

17 Earlsmeadow, Duns, TD11 3AQ

**Date Received:**

12th March 2024

Dear Sir,

I am writing this objection to yourself over the proposed swimming pool at the grade 2 listed White Hart hotel in Lincoln.

The digging of the foundations for this have the potential to cause irreversible damage to many important and thus unseen previously pieces of important archaeological layers, that could be rare, unique or never before seen.

With so many culturally different peoples traversing through the city that is known as Lincoln without further investigation in a controlled archaeological dig the truth of what lies beneath cannot be known and thus if this vitally important area is irreversibly changed with deep excavation, never can be known.

Thus I feel that this site should be left as it is with no deep excavation and no disturbance of potentially important heritage.

Yours

Mrs H Rippon

**Name**

Dr Carina O'Reilly

**Address**

35 Mildmay Street, Lincoln, Lincolnshire, LN1 3HR

**Date Received:**

12th March 2024

I find it astonishing that this application has been encouraged to progress this far. There is absolutely no justification for the proposed level of damage to nationally important archaeology for the sake of excavating a private swimming pool. There can be no mitigation for destruction at this level.

It is clear from trial excavations that the archaeology in situ is of an equivalence to that of neighbouring scheduled monuments. The National Planning Policy Framework is remarkably clear and unambiguous in such cases: the site beneath the White Hart is of equivalent value to neighbouring scheduled monuments, and therefore should be "considered subject to the policies for designated heritage assets", meaning that "clear and convincing" justification needs to be presented for its alteration or destruction due to development. No such justification has been presented, nor clients - the arguments put forward by the developers are risible.

Policy LP25 of the Central Lincolnshire Local Plan states that "Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting." This test is clearly not met in by these proposals. The policy goes on to state that "Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ."

It is perfectly possible and appropriate to retain this archaeology in-situ: by rejecting this proposed development. To do otherwise goes against not just the spirit of the Local Plan and the National Planning Policy Framework, but its explicit provisions, and would render the Council vulnerable to costs on successful judicial review, which under the circumstances would be highly likely. I encourage the Committee to reject this proposal unambiguously.

**Name**

Mrs Caroline Worswick

**Address**

9 Chepstow Close, Macclesfield, SK10 2WE

**Date Received:**

13th March 2024

Enhancing Lincoln's attraction as a tourist destination is more likely to come from preserving its history, than supplying a hotel leisure complex. It has been demonstrated by the Council for British



Archaeology that this project would devastate an area of historical significance, they deem it to be of national importance. Their comments are reinforced by another objector, who draws on 30 yrs of commercial archaeology experience and gives a negative assessment of this plan. I strongly believe this application should be rejected.

**Name**

Dr Elisa Vecchi

**Address**

3 Rusland Close

**Date Received:**

13th March 2024

The hotel lies at the heart of the historic centre of the city, in an area of immense archaeological significance. The proposed swimming pool poses a threat to the archaeological evidence, risking substantial harm and potential loss of heritage assets. Despite the claims, there would be limited or no benefit for the Lincoln citizens and the general public from such an intervention. Other solutions should be sought that would not impact the city historic asset and cause the irreversible destruction of nationally significant archaeology.

**Name**

Mr James Parman

**Address**

13 Barnes Green, Scotter, Gainsborough, DN21 3RW

**Date Received:**

13th March 2024

The Bailgate/Castle Square area of Lincoln is of extreme architectural importance, much of which remains buried and untouched, any building work in the area must be done under strict surveillance and anything discovered must be preserved for eternity. The destruction of likely historical remains for a business venture is totally unacceptable and the only gains will be those of the financial kind to the owners of the hotel, and not as they suggest to the city.

**Name**

Thomas Fegan

**Address**

50a Empingham Road, Stamford, PE9 2RJ

**Date Received:**

13th March 2024

As a Lincolnshire resident, I object to the needless disturbance and destruction of valuable archaeological layers within the proposed excavation - layers that are of national as well as county significance. Lincoln's heritage assets are a valuable draw to tourists, and of cultural significance to present and future generations. They cannot be replaced if damaged or lost!

**Name**

Mr Mark Raimondo

**Address**

9 High Street, Coningsby, Lincoln, LN44RB

**Date Received:** 13th March 2024

Lincoln's unique selling point is its link to history. Whilst the proposer can point to benefit from increased visitor residency, it is counter-intuitive to support something which damages Lincoln's key attraction to a large proportion of the national and international visitors. If the proposer wishes to pursue the swimming pool proposal to realise the proposed benefits then an above ground construction seems most appropriate and fair compromise.

**Name**

Miss Melanie Jones

**Address**

7 Park Road West, Sutton On Sea, Lincolnshire, LN12 2NQ

**Date Received:** 13th March 2024

Archaeological sites are of great importance and should not be destroyed by swimming pools or any other commercial project. Other countries around the world especially Europe treasure their history and archaeological findings. Tourists come to visit Lincoln to see the archaeological findings and history, not to go in hotel swimming pools. This would not happen in a beautiful country like Italy or Greece.

**Name**

Mr Peter Taylor

**Address**

Lochnagar, Welton Le Wold, Louth, LN11 0QT

**Date Received:** 13th March 2024

Excavation here is inappropriate because it is likely to disturb historic remains

**Name**

Miss Bianca Vecchio

**Address**

19/217 Northbourne Avenue, Canberra, 2612

**Date Received:** 14th March 2024

Building a swimming pool for a hotel on the basis of increased leisure and income rather than appreciating and protecting the buried heritage is not acceptable. You would do more for both local and national cultural development alongside increased tourism by properly caring for the buried remnants of the past.

**Name**

M Marshall-Brown

**Address**

10 Paddock Lane Blyton, Gainsborough, DN21 3NF

**Date Received:** 14th March 2024

Strongly object to this destruction of our local and national heritage.  
Highly inappropriate. Above ground only if agreed by planners.  
Lincolnshire heritage being destroyed yet again!1

**Name**

Miss Tracey Smith

**Address**

23 Vale road, Battle, Tn330he

**Date Received:**

14th March 2024

Lincoln is a city of huge national historic importance. I have visited the city numerous times and enjoy the rich variety of building heritage on display. However, much of the heritage of the city is hidden below ground and represents an irreplaceable resource...i.e. once it's gone. A city's heritage belongs to all of it's inhabitants and that is why any potential harm to that heritage needs to be prevented, and at the very least any works fully investigated. I oppose the building of the swimming pool in a historic building, due to the harm it would cause to both hidden heritage and the potential harm to a historic building.

**Name**

Dr Samantha Tipper

**Address**

128 station road, Lincoln, Ln6 9al

**Date Received:**

14th March 2024

There is too much archaeology and historical significance in that area for a pool. A pool is not needed, won't benefit the public and will destroy so much history/archaeology in that area. There is also a pool currently empty and closed 10 min walk away at deans sport and leisure. If a pool is needed in the area some investment in the one already built would be better.

**Name**

Mrs Fiona Orr

**Address**

11 Longdales Road, Lincoln, LN2 2JR

**Date Received:**

14th March 2024

It is likely that this plan will do a great deal of harm to any archaeological evidence in the area.

**Name**

Miss Chandani Holliday

**Address**

18 Belle Vue Road, Lincoln, LN1 1HH

**Date Received:**

14th March 2024

I do not think that a swimming pool will benefit the local area or the local people and community. The white heart is already very popular and well regarded in Lincoln and beyond. The popularity is partly due

to its location within the archeological area and the history of the building its self. The building has been conserved wonderfully up to now, and any further alterations, I believe, would be a detriment rather than of benefit.

**Name**

Miss Alice Pace

**Address**

Lucas House, Carr Road, North Kelsey, Market Rasen, LN7 6LG

**Date Received:**

15th March 2024

Too much important archaeological heritage within the area, and a pool is not necessary.

**Name**

Miss A M Sheffield

**Address**

127 Manthorpe, Grantham, NG31 8DQ

**Date Received:**

15th March 2024

I am writing to express my strong objection to the proposed internal alterations at the White Hart Hotel in Lincoln, particularly the creation of a new leisure pool and spa. While I appreciate the desire for development, I believe this proposal lacks sufficient consideration for the broader community's interests and the preservation of our historical and economic landscape.

Firstly, the notion of public benefit stemming from a private leisure pool and spa is dubious at best. The claimed economic contribution of approximately £202,848 per year appears inflated and fails to adequately address the concerns of local businesses and residents. The minimal financial impact per person per day does not justify the potential disruptions caused by the construction and operation of such facilities.

Furthermore, the disregard for archaeological significance is deeply concerning. The site's proximity to scheduled monuments should prompt thorough consultation with organizations like Historic England. The failure to engage with experts in heritage preservation raises serious doubts about the integrity of the planning process.

It is evident that short-term gains are being prioritized over the long-term well-being of our community and cultural heritage. The council's apparent willingness to overlook these issues in favor of superficial development is alarming and requires urgent scrutiny.

I implore the planning authority to reassess this proposal in light of its dubious public benefits, potential negative impacts on local businesses and residents, and the significant archaeological considerations. It is crucial that decisions regarding our city's development are made with transparency, integrity, and the best interests of all stakeholders in mind.

Thank you for considering my objections. I urge you to take decisive action to ensure responsible and sustainable development in our city.

**Customer Details**

Name: Ms Penelope Toone

Address: 4 Midia Close Lincoln LN1 1AR

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Surely an Archaeological site has to be investigated properly before planning permission is given making any site of historical interest lost.

I fail to understand how this potential feature would not be more of a tourist attraction than a dipping pool

**Name**

Dr Samantha Stein

**Address**

Exchequergate Lodge, Lincoln, LN2 1PZ

**Date Received:**

16th March 2024

If Lincoln City Council are planning to approach this case appropriately and with full and good knowledge of NPPF and CLLP, planning officers and councillors will undoubtedly object to the scheme. This is on the basis of National Planning Policy Framework Paragraph (Dec 2023) 206-207, footnote 72, as well CLLP S57 and section 10.0.03.

I am an archaeologist of nearly 20 years. I have worked as a commercial archaeologist, as well as assistant science advisor at a significant national body. I have previously worked on cases similar to this one in multiple other cities with nationally significant archaeology. If I was still working at Historic England, my letter would be to recommend objection on the grounds of destruction of nationally significant archaeology present without any exceptional public benefit. Although normally, it would not even come to that. Following identification of nationally significant archaeology, a pre-application consultation with HE should have been requested, as it would have undoubtedly stopped this application in its tracks.

What is shocking in this case is that despite: 1) being in a conservation area, surrounded on all sides by Scheduled Monuments; 2) the archaeological consultant affirming the remains are of national significance, and 3) the evaluation confirming good preservation from just below the surface, the Council and its officers have not requested pre-app comments from Historic England, and have allowed this proposal to go all the way through to public consultation.

It appears from language used in the application that there were pre-planning consultations, as well as references to agreements with local planning archaeologists. As a result, I am gravely concerned about WHY comments from national heritage bodies were not requested even as part of the formal application, and why this developer was permitted by the council to believe that this was not an affront to national planning regulations.

Fortunately, due to local rumblings, the Council for British Archaeology have since written a strongly worded letter and made it clear that this development is highly objectionable and inappropriate on heritage grounds, and I trust their objections will be read by all councillors and planning officers.

This application plainly sets out that the archaeology on this site is of national significance, and that the application will destroy these remains (DBA summary and S7; archaeological evaluation). From a scientific perspective, this proposal also fails to note that the impact will reach beyond the area of excavation, as the introduction of oxygen and changes to perched and natural water systems in the buried environment will facilitate further decay to deposits which will not be excavated or recorded.

Destruction of nationally significant archaeology could be defensible if suitable public benefit can be established. However, the added public value of a below ground pool is zero to none. Overall the quoted benefit includes a single unskilled full time job, plus just over £200,000 to the local economy. What this proposal has not explored is if these figures would be exactly the same if there was simply an enhanced above ground spa or above ground pool. I'd imagine this investigation would decrease the economic benefit of the below ground pool to nearly or exactly nothing. On a site of national significance, this is simply unacceptable.

Misleading public benefits are also included in the form of public outreach about the archaeology. This is going directly against NPPF paragraph 211, which states: '...the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.' What's more, even if suitable public benefit could be demonstrated, a grey literature report and a few talks to the local community on a site of national significance is just offensive. The people of Lincoln deserve better.

What this is demonstrating above all else is that there seems to be an oversight or failure to do due diligence with regards to safeguarding the heritage that belongs to the people of Lincoln. This is further evidenced with regards to the Desk Based Assessment; this document was signed off, despite only including the absolute bare minimum with regards to research, failing to report multiple important publications, one of which notes significant well preserved Roman high status buildings and mosaics in the site directly adjacent to the proposed development.

As a member of the public, I am appalled and disgusted that this is even being entertained. As a professional archaeologist, I would



strongly advise that the planning department seeks the recommendations of Historic England inspectorate and their regional science advisor for clarity about why this planning application is an affront to NPPF.

**Name**

Mr Andre2 Falconer

**Address**

6 Doddington Avenue, Lincoln, Lincolnshire, LN6 7EX

**Date Received:**

17th March 2024

I strongly object to the proposal (despite being a keen swimmer and spa goer) because:

1. The archaeological evaluation of the site confirms that it is as significant as its neighbouring scheduled monuments.
2. The works will result in significant damage/total loss of a heritage asset.
3. The alleged benefits of the pool in no way make up for the destruction of a nationally significant site - even if the pool and spa was open to the public 24/7 (which it most definitely will not be).
4. The proposal contravenes the Central Lincoln Local Plan which states that heritage assets, settings, and archaeological resources are IRREPLACEABLE and require careful management.

Please do not allow more of the city's heritage to be lost. We must protect it for future generations. Thank you.

**Name**

Mr Jonathan Jones

**Address**

6 Doddington Avenue, Lincoln, Lincolnshire, LN6 7EX

**Date Received:**

17th March 2024

I object to the proposal in the strongest possible terms due to the proposed total destruction of an archaeological site of world significance. The idea that the construction of a private swimming pool, even one that is sometimes open to the public, constitutes justification for this wanton act of brutal destruction in such a significant heritage site is frankly offensive.

**Name**

Mr Paul Smith

**Address**

21 Northfields, Bourne, PE10 9DB

**Date Received:**

17th March 2024

The proposed works will do irreparable damage to the archaeological history beneath this building.

**Name**

Ms Sarah Gray

**Address**

33 Norreys Avenue, Oxford, OX1 4ST

**Date Received:** 18th March 2024

I have read the application documents, in particular the letter from the Council for British Archaeology.

I agree with conclusion in the letter that 'the proposed "local media involvement, school visits/talks, open days (dependent on site conditions), exhibitions or evening talks" is no where near proportionate mitigation to the total excavation of an area of nationally significant archaeology containing Medieval, Roman and (probable) Viking layers, with no potential for preservation in situ (established best practise), in order to create a private swimming pool.

Furthermore, we note that the completed and successful refurbishment of the hotel establishes that the viability of the scheme is not dependant on the creation of a swimming pool.

If the applicants believe a swimming pool is essential for their hotel spa then this should be constructed above ground in order to retain the highly significant archaeology in situ.'

I therefore strongly object to the application.

**Name**

Mr Christopher Padley

**Address**

54 Hewson Road, Lincoln, Lincolnshire, LN1 1RX

**Date Received:** 18th March 2024

This development, if permitted will have a major impact on the archaeology of an area of national importance. There is no public advantage in permitting it which comes remotely near justifying it being permitted within the current national planning guidance nor the current city council planning policies. It is particularly astonishing that, according to the press, the council has not consulted Historic England. The council has a legal requirement to consult Historic England "where it (the council) considers" an proposal to have a significant impact on scheduled site of national importance. The council cannot reasonably, in the legal sense of the term, consider there to be no such importance and is therefore in breach of the law in not undertaking that consultation.

**Name**

Mr Tim McCall

**Address**

Almond Avenue, Lincoln, LN6 0HB

**Date Received:** 18th March 2024

This private development is what it says, PRIVATE. The only person who this will benefit is the developer himself. Of course he has no regard for the historical artefacts beneath the hotel. I really hope the planners can see through this and deny the works. We have to protect what is left for generations to come. The Bailgate area will be full of archeological remains that needs protecting until such time it can be rediscovered and protected, not destroyed for ever.

**Name**

Miss Jessica Latham

**Address**

2 Williams Terrace Leabourne Road, Carlisle, CA2 4FD

**Date Received:** 18th March 2024

I absolutely object to the destruction of significant archaeology for the sake of private matters. Any good that can come from this does not outweigh the loss of important archaeology, and could still happen without this destruction. Build pool above ground level.

**Name**

Mr Philip Brammer

**Address**

2 Highfield Close, Osbournby, Sleaford, NG34 0EW

**Date Received:** 18th March 2024

I wish to object to this application as it stands. I would prefer the pool to be built without recourse to excavating land untouched since at least the Roman period. As the old adage says, 'When it's gone, it's gone' and if consent is given as the application requests unknown amounts of history will be lost forever. Having lived in Lincolnshire my entire 70 years I have always been proud of the the focus and protection given to historical sites and sites within areas of potential historical interest, and I really cannot understand why this application is different.

**Name**

Mrs Chris Smith

**Address**

61 Hebden Moor Way, North Hykeham, Lincoln, LN6 9QW

**Date Received:** 18th March 2024

Lincoln has already lost so much of its architecture and history. The Sky line is spoiled with the boxes that house the university etc. To lose this important historical archaeological site would be another blot on Lincoln's page, and all for spa facilities.

**Name**

Richard Costall

**Date Received:** 18th March 2024

The White Hart Hotel has sadly been neglected over recent years and is in need of substantial investment/improvement to bring the hotel up to modern day standards and provide the facilities which clientele expect of a top quality hotel in this day and age.

This application adds to those facilities and can only help to attract more visitors to the City of Lincoln and hopefully result in more overnight stays which will also bolster the businesses in the Bailgate/Eastgate uphill quarter.

With the introduction of more frequent smaller uphill events throughout the calendar year (following the loss of the Christmas Market) this

should result in more visitors from both home and abroad. This proposal will go a long way to help conserve the buildings, provide much needed facilities which will further lift the area and therefore become more sustainable. These proposed works, from past experience, will almost certainly afford us an opportunity to look back into the past and enable us to plot and record archaeology for future generations.

For the above reasons I wish to support this Full Planning Application and the Application for LBC subject to the imposition of appropriate planning conditions.

Richard Costall

**Name**

Dr Emily Forster

**Address**

Flat 6, 589 Crookesmoor Road, Sheffield, S10 1BJ

**Date Received:** 18th March 2024

The only benefit of this proposed work will be to the private developer/owner, not the public. In addition, going by numerous reports and photographic evidence circulating in the community, the work clearly poses a serious threat to significant archaeological remains beneath the hotel. As others have suggested, keeping the pool above ground to avoid this unnecessary vandalism of the archaeological resource would be a much better alternative. As an archaeologist I strongly object to the proposal in its current form.

**Name**

Mrs Annabel Johnson

**Address**

The Old Vicarage, 84 Little Bargate Street, Lincoln, LN5 8JL

**Date Received:** 18th March 2024

The site is in the heart of an ancient city and the building work will destroy layers of Lincoln's unique history. Ideally, the swimming pool would be made of glass, so that local residents could observe the unique finds, in situ, for hundreds of years to come... as this is unrealistic, I object to the city's history being obliterated for a swimming pool. We have a history of tearing down and tearing up irreplaceable heritage. Please don't let the short-term profit margins of one business owner override the intangible benefits of two thousand years of history of this site.

**Name**

Mrs Catherine Sweeney

**Address**

4 Tinkle Street, Grimoldby, Louth, LN11 8SW

**Date Received:** 21st March 2024

I would expect a rigorous approach to exploring and preservation of all archaeological material. Layers finds etc in keeping with National Planning rules.

**Name**

Mr Dieter Krapp

**Address**

Keswick Lodge, 1 Orchard Walk, Lincoln, LN5 8PL

**Date Received:** 3rd April 2024

Dear Sir/Madam,

I can't see any new convincing justification despite the submitted new documentation that would justify an approval of the application. I also find the, almost personal, attacks contained in the new documentation very disturbing.

The fact remains, that this development would destroy part of Lincoln's Roman, Anglo-Saxon's and Viking history for the simple sake of a 'non-public' swimming pool.

I fully support the recommendation of the CBA made in their letter dated 5th of March 2024

**Name**

Ms Milica Rajic

**Address**

Exchequergate, Lincoln, LN21PZ

**Date Received:** 7th April 2024

I am writing to object to the above application, following the submission of the additional and revised supporting documents.

It is very unfortunate that the application has not yet been withdrawn, and that the council's precious public funds and time continue to be spent on something that should have not been submitted in the first place.

Applicant's acknowledgment, directly and by proxy, of a need for improvement of the documents submitted in the first round is welcomed. It does beg a question why it was poorly done in the first instance, and why it was apparently signed off by the city council's relevant bodies. It is encouraging to see the council's historic environment team listening to the public and external specialists in the heritage sector.

However, the revised documents are still far from being of a professional standard and are still of a very low quality.

Above all, it is frightening to see a published document (COVERING LETTER) in which a member of public is singled out and ad feminam attacked. This sets a dangerous precedent, discourages public involvement and an open debate, misleads any further conversation and reviews of the application, and serves one purpose - to get the planning application through, by hook or by crook.

This document should have never been published as it is personal attack which breaches Lincoln City Council's own guidance (see under 'Please do not': Provide personal information or make personal judgements regarding anybody else). The content of the document serves no meaningful, objective purpose to support the application, it sets a dangerous precedent and should be removed immediately.

Following my existing comment, here is my professional assessment of the other additional documentation:

SUPPORTING STATEMENT, REV A: This document is badly written and is not fit for purpose. It shows that it is compiled perhaps in hurry, and contains a plethora of illogical statement and false statements. For example, the argument that it is important to develop this part of the hotel because it is chosen to be developed is logical fallacy; the applicant is using the argument that something is true because it is not false.

The technical justification and the 'diagram' to illustrate height restrictions is missing the basics and the fundamentals in architectural drawings, and, as such, should not and cannot be used to explain the argument against the above ground pool. Indeed, it might not be possible to have an above ground pool, but the current illustration and the wording does not demonstrate that.

When it comes to the additional load which 'the above ground pool would have upon archaeological remains', it ignores one of the basic laws of physics. Perhaps the architectural company, who made this comment, should apply their own, publicly shared remarks and should stick to their own expertise and therefore not verge into physics or the archaeological matters (for which they are neither qualified nor experienced).

This document, Supporting statement, rev A, should be returned for significant improvement.

LETTER TO CITY ARCHAEOLOGIST in which Grayfox Swimming Pools Limited answer the question raised by City Archaeologist (question not disclosed) is not fit for purpose as it is another illogical statement. They say that something (pool leaking) will not happen because it will be monitored - why monitor something if it is not going to happen? In addition, this is solely Grayfox Swimming Pools Limited word, a promise based on no demonstrable technical specifications, drawings, statistics etc. etc.

This document should be returned for a significant improvement.

The STRUCTURAL CALCULATIONS document clearly demonstrates the impact of the swimming pool's structural box (needed for the housing of the pool structure itself) during its construction and as finished on the Grade II Listed Building but also to the adjacent highway. This impact is larger and more profound than the finished pool dimensions as presented in the Supporting Statement document. The 'hole in the ground' that will need to be made to accommodate the structural box, which in return will accommodate the pool, is much



larger and much deeper than the finished measurements of the swimming pool. This information must be taken into consideration when assessing the impact of the proposed development and the construction of the swimming pool to the archaeology. The 'Retaining wall Design' drawing is not fit for purpose and should be returned for a significant improvement.

STATEMENT OF PUBLIC BENEFITS document has seen an addition of two paragraphs to the original, and some minor changes, namely an update of the dates of the opening of the hotel (which, for the benefit of the accuracy, is only partially opened as the works are still ongoing with no publicly available finishing date), an up to date references in Introduction and Background, and an update in references to NPPF paragraph. Unfortunately, at the time of this comment, the documents referenced in Table 1 are not accessible on the portal. The drawings not referenced in the document but available on the portal show, for example, reinforcement and hardcore compacted materials being introduced into the 'in situ' archaeological environment which is something that needs to be taken into consideration when assessing the potential damage to the archaeology.

The new paragraphs are: 'Improved Public Access- Revealing the Designated and Heritage Asset' and 'Investment and Securing the Variable Use of a Designated Heritage Asset' .

The 'Improved Public Access- Revealing the Designated and Heritage Asset' paragraph argues that without a swimming pool the particular area of the hotel will continue to degrade and will remain 'lost'. It is unfortunate to see that a destruction of the underground heritage is seen as an only way to improve the above ground heritage. It is also unfortunate to see the lack of imagination for the potential of the use of this 'lost', 'back door to the hotel' space, and that the only solution seems to be a swimming pool! It is baffling to think that anyone would believe that a private swimming pool will 'enliven the street-scene and deliver improvements to this elevation', which this paragraph argues to be the case. Lincoln City Council should have much higher standards for the built environment within the conservation area.

An important point to bear in mind when reading this paragraph is that, so far, any and all alterations to the White Hart hotel, which originally was a late medieval inn, were largely to the above ground fabric with limited interventions to the below ground archaeology. With the exception of necessary services, the plot is largely left as it was in the mid 17th century when the building was constructed. The first disturbance in the history of this plot will be the one for the unnecessary swimming pool.

An example of heritage benefit precedent set from elsewhere is from Custom House, 20 Lower Thames Street, London EC3R 6EE, as per the footnote 19 of the Statement of Public Benefits document. This comparison is very misleading as in that case, it is in relation to the above ground refurbishment of historically heavily compromised building and also does not include any significant the below ground disturbance (application changed from class D2 to class E which specifically says is 'not involving motorised vehicles or firearms or use

as a swimming pool or skating rink'). Equally, the argument in which 'the public access to the Custom House has been limited' bears no parallel and resemblance to the public access to the White Hart Hotel. However, if we were to entertain the last argument, then the White Hart Hotel, as recently refurbished and without the demolition of the archaeology, is already ticking the box of 'significant heritage benefit'. No one is questioning or stopping access to the White Hart Hotel as a Grade II Listed building, on the contrary. However, the 'smoothing of the season peaks' by introduction of the swimming pool are a projection, a 'guesstimate' and will be beneficial to the applicant only and of not benefit to the public.

The 'Investment and Securing the Variable Use of a Designated Heritage Asset' paragraph misinterprets NPPF Para203(a) and PPG Paragraph: 015 Reference ID: 18a-015-20190723 and implies that these are applicable to the destruction of the heritage. They are not. This paragraph also suggests that the only way to re-purpose and improve the fabric of the listed building and the only way to re-purpose the hotel area which is currently 'underutilised' is to dig a swimming pool. This argument is self-serving and shows a lack of resource and imagination.

The paragraph then continues and links the excavation of the swimming pool to the Covid-19 pandemic and the war in Ukraine and proposes that the improvement of the trading conditions with the hospitality sector and the White Hart Hotel's own trading strength is a key to the improvement to the individual household overheads in Lincoln. This is again lazy, incorrect and self-serving.

REVISED DESK BASED ASSESSMENT V2.2: The cosmetic improvements (such as proper indexation, improvements in figures and plates captions, additional figures, correction of spelling mistakes, etc) are welcomed and the City Archaeologist's request for a revision is commendable.

Unfortunately, the report is still falling far from adequate and complete. Its format and its language need to be properly quality assessed and assured, the definitions need to be tightened, the contradicting paragraphs need to be reviewed and edited, the references (yet again) need to be not cherry picked but properly updated and presented in toto, to name but a few problems with the 'formalities'.

That aside, the main issues with the report are:

1. A change of tune when it comes to the national significance of the archaeological remains below ground.

Which material evidence happened between the first version of the document and this one to suggest the change? Which specialists' bodies were consulted to be able to justifiably say that medieval wall foundations discovered at the White Hart hotel 'are not demonstrably of equivalent significance to scheduled medieval remains in the city'? As the report admits that the intrusive evaluation (hand excavated trenches) was a confined space with its limitation (negating access), how was then possible to properly access the discovered walls and therefore properly assess them (and therefore determine they are of

now national significance)? What is the sample % of evaluation trenching applied to the proposed development area and what is therefore sample % of the walls discovered?

2. A statement that there would be 'no meaningful impact on archaeology of national significance'.

How is 'meaningful' defined? How did the author come to this conclusion? Who from the national specialist bodies in the subject was consulted? What is a demonstrable comparison to justify the conclusion? Why is an archaeological company offering a subjective statement as a factuality?

3. And last but not the least, the 'deposit model'.

This is extraordinary incompetent part of the report. If what is presented in Figures 15 and 16 was supposed to be a geoarchaeological deposit model, then there is a massive, worrying problem (not only when it comes to this planning application). The presented is not a geoarchaeological deposit model. The sample chosen for the model is too small, it does not include blatantly obvious 'spots' in the city (all readily available and in the vicinity of the proposed development area), the interpretation of the chosen spots is incorrect (there is a misuse and a fundamental lack of knowledge on AOD and BGL levels, what they mean and how they 'work'). Let us for a moment imagine that the only figure in the report is Figure 15 and that there is no skewed interpretation. This figure shows that Roman deposits (which are now deemed to be the only nationally important layers) will in fact be impacted.

In conclusion, by resubmitting the documents the applicant acknowledges that it got it wrong, the applicant's team admit they got it wrong. By incorporating the comments that came from the public and from the professional archaeologists, the applicant team acknowledges a very poor first-time approach to the complexity and the seriousness of the context of the application.

As the irreversible destruction of the nationally significant archaeological remains will happen if this application goes ahead, as the documents and the application continue not to be fit for purpose and as the applicant's attitude such as 'we know what we are doing, everything is going to be fine' are demonstrably incorrect and cannot be taken as a valid argument, it is now high time for the council to advise for this application to be rejected.

6 April 2024

City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

FAO Planning Committee; Marie Smyth; Alastair Macintosh

I have recently become aware that there is a letter (Cover Letter, Supplementary Information) published on the planning portal which specifically names and discusses me, Dr Samantha Stein, in relation to planning application 2024/087/FUL and 2024/088/LBC. This is in response to my recent comments expressing concern about the reckless and destructive nature of this planning application with regards to the nationally significant archaeology in the City of Lincoln.

I find it shocking, disturbing, and dangerous that the council have chosen to publish a personal attack including personal details of a public consultee on the planning portal. In this instance, it is arguable that this application is no longer objective, and should be rejected on this premise alone.

The letter written by John Roberts Architects includes personal details, incorrect information about my experience, and accusations that I have written misleading comments about the application. The very opposite is true, and the architect's letter is deliberately misleading to suggest that I have demonstrably less relevant experience. While my expertise is in geoarchaeology, my PhD is on the post-Roman period in Lincolnshire (2014), I have a minor in medieval studies, and my previous experience includes a position at Historic England as acting science advisor in the south west and Yorkshire regions. This position included comprehensive training on the application of the latest science in archaeology within the planning process, with particular reference to [preservation of archaeological remains](#). As part of the planning process, and working with other local authorities, I have previously applied this expertise to similar cases as this one in cities such as Gloucester, York, Exeter, Sheffield, and many more in towns and villages across the country. With regards to my knowledge of Historic England official guidance, as well as my extensive experience in the planning process, the only conclusion I can draw is that current application does not meet standards required to warrant the destruction of archaeological remains in a city with important and well-preserved archaeology, such as Lincoln.

In addition, while I have primarily put my own name to criticisms of this application, I have been in consultation with many other professionals in the fields of archaeology and planning. The combined experience of those consulted is over 200 professional years. I find it appalling and dangerous that the applicant singles me out in their cover letter, when other respected and professional archaeologists have also commented on the application. Indeed, the planning lead at the well-respected organisation the Council for British Archaeology has written a letter that has come to the same conclusions completely independently, and this letter was shared widely across their social media accounts.

What is more, I have not once addressed the applicant *ad hominem*, nor have I publicly called for people to object to this application. In any statements I have made, I have pointed out how the application does not meet the thresholds of NPPF or other local planning policies, and pointed interested parties in the direction of the application to make comments *if* they chose to do so. What followed is an overwhelming 58 public objections across the full and LBC applications, demonstrating

that the people of Lincoln love their heritage and do not want to see it destroyed by unjustifiable development for development's sake.

Interestingly, John Robert's Architects follows their attack on myself with a caveat that I've provided the opportunity to add more information; this could be read as an admission that their application was not done to the required standards in the first place. One could now ask, why has the developer been withholding information from the planning committee?

Following the addition of supporting documents, however, my assessment and comments made prior to the end of the first period of public consultation still stand. This stance is detailed in my previous objection dated 16 March 2024. The application does not meet the standards required to warrant destruction of important archaeological remains. The construction of a private swimming pool will destroy nationally significant archaeology in an archaeological sensitive area of the city, and will provide no public benefit to the people of Lincoln. Benefits are only made to the private developer; arguably, the White Hart has been a thriving business for hundreds of years, so the addition of a private swimming pool is only a vanity addition which robs the city of its precious archaeological resources.

One major change has been made to the re-submitted application documentation: the sudden denigration of the archaeology from being nationally significant to being of local significance. In the first version of the documents, the applicant claimed that the all the archaeology to be impacted was of national significance. Now the applicant claims that only the Roman archaeology is of national significance, and based on a (completely flawed) geoarchaeological deposit model, that the development of the below ground swimming pool and associated ground works will not touch this archaeology.

That our early medieval and medieval archaeology (dating between 410-1540 AD) is only of local significance is a shocking statement to make. Visitors flock to Lincoln to experience one of the most well-preserved medieval cities in the country, including a large Norman stronghold castle with a rare two motte design, a cathedral with connections to William the Conqueror, two rare Norman houses, all within metres of the White Hart Hotel. For anyone to state that it is only of 'local' significance is misguided and serves only one purpose—to attempt to force the application for the private swimming pool through the planning process.

Considering the significance level of the medieval archaeology on this site is being argued, I strongly suggest that the council request that an impartial review take place, as per Historic England guidance on [assessing significance](#) (para 11). In this guidance, HE states that:

Where the significance is not obvious, appropriate expertise would need to be used, as the NPPF points out (paragraph 189). Analysis would generally be undertaken by a suitably qualified specialist, expert in an appropriate branch of conservation, architectural history, garden history and/or archaeology, or, in more complex circumstances, group of specialists, who can describe significance in a way which is acceptable to the local planning authority and which therefore assists a successful application.

The council should request statements of significance from external experts prior to making any conclusions based only on the applicant's biased statements. With a PhD covering Roman-medieval periods in Lincolnshire, I would conclude that this archaeology is of national significance, however it would be beneficial to consult a group such as the Society for Medieval Archaeology to provide a list of suitable experts to make an independent assessment.



Although my expertise branches beyond the field of geoarchaeology, the applicant has named me as a professional in this field, which is true; I do specialise in geoarchaeological deposit modelling. As part of the updated documents submitted, the applicant has included a crude deposit model (Revised Desk Based Assessment V2, section 8). As a named professional in this field, I can confirm that this model is insufficient and misleading when discussing whether the construction of the swimming pool and associated works will reach Roman deposits, which the applicant does deem as nationally significant.

In my professional opinion, 5 points across the wider uphill Lincoln area, within complex urban deposits, do not constitute a viable or applicable deposit model. An urban deposit model requires hundreds of data points; York's working deposit model incorporates 2,796 points, and is still questioned regularly. Figure 16 in the revised Desk Based Assessment is intentionally misleading, providing a 'zeroed' ground level for all stratigraphy. This is a professionally unacceptable projection of points of a deposit model, and must be discounted. Geoarchaeologically, levels below the surface horizon are irrelevant, especially in an urban environment where different localised activities can influence the ground level dramatically. Figure 15 shows quite clearly that at some parts of the city (point A at St Paul's in the Bail), the Roman archaeology is indeed found at the levels above Ordnance Datum where the destruction for the private pool will take place. So even if this were a viable model, their statements that they will not reach nationally significant layers is still not proven as part of their own model. Even more oddly, multiple local sites with visible Roman remains such as Eastgate northern tower, the mosaic at Lincoln Cathedral, and Newport Arch, all with measureable *in situ* Roman archaeology, have not been included. There is no apparent scientific sampling strategy for the points chosen for their deposit model, nor for the creation of said model.

The applicant is now stating that they will not destroy nationally significant archaeology, due to the fact that the application does not meet the NPPF requirements of public benefit. What they have not included is what happens when the model does fail, and they do encounter Roman archaeology—will they stop excavation and abandon the development? What about the loss of the nationally significant medieval and early medieval archaeology above that, will that destruction be for nothing? What is clear is that the applicant does not know whether or not they will reach Roman deposits, and their statement that 'Impacts on Nationally important Roman archaeology would therefore be nil' (full revised DBA V2) is *demonstrably untrue*.

Due to the *ad hominem* nature of the recently included cover letter (which should never have been published by the City of Lincoln Council), and the biased revisions written to fit the applicant's agenda only, it is evident that this application is no longer objective. On this basis, it should be withdrawn or rejected immediately.

In addition, I strongly urge the planning committee to consider what is important to the people of Lincoln. A total of 58 objections on a planning case is above the average number—Lincolnites and professional archaeologists are crying out to save their archaeology, and asking you point blank to protect their heritage. Our heritage and archaeology belongs to all of us. If you'd like to put a monetary value on it, [a recent study](#) has shown that the heritage sector is worth £45.1 billion to the UK economy, contributing over half a million jobs to the country. With all the history we have to offer here, surely this is the type of thing that Lincoln *should* be investing in, instead of unnecessary and inappropriate developments blind to the public's wishes.

Kind regards,

Dr Samantha Stein

**Name**

Dr Carolyn La Rocco

**Address**



Baxter Park Terrace, Dundee, Dd4 6nl

**Date Received:** 9th April 2024  
Significant national risk to heritage via potential for damage to early medieval and Roman deposit layers.

**Name**  
Mr Stuart Welch

**Address**  
16 Drury Lane, Lincoln, Lincolnshire, LN1 3BN

**Date Received:** 16th April 2024  
Dear Madam,

I have received your two letters each dated 27 March advising that following revisions to these two applications a reconsultation period is required and that representations are to be received by 19th April.

I wish to repeat the support which I delivered to you on both original applications.

Please advise and confirm - can my original statements in support of both applications be 'transferred' over to the revised applications or do you require me to repeat them?

With thanks and regards,  
Stuart Welch

**Name**  
Mr Martin Smith

**Address**  
84 Moor Lane, North Hykeham, Lincoln, LN69AB

**Date Received:** 16th April 2024  
The submission of revised documents containing extra detail and a personal attack on an objector to the original submission do not really change the intent of the proposal, so my original feeling is that this proposal should be rejected still stands.  
The fact that the proposer could not be bothered to find the time to attach these extra details first time, but only after a number of objections were submitted, were more details were included which says quite a lot.  
Whilst personal attacks on an objector may be okay in fictional blockbusters, including them in Lincoln council planning application documents actually demeans the planning application, and suggests the proposer team don't believe the original plans have enough merit on their own.

**Name**  
Mr Dieter Krapp

**Address**  
Keswick Lodge, 1 Orchard Walk, Lincoln, LN5 8PL

**Date Received:** 24th April 2024

Further to my earlier comments, can I please add the following after the recent additional documents were added>

The submission of revised documents containing extra detail and a personal attack on an objector to the original submission do not really change the intent of the proposal, so my original feeling is that this proposal should be rejected still stands.

The fact that the proposer could not be bothered to find the time to attach these extra details first time, but only after a number of objections were submitted, were more details were included which says quite a lot.

Whilst personal attacks on an objector may be okay in fictional blockbusters, including them in Lincoln council planning application documents actually demeans the planning application, and suggests the proposer team don't believe the original plans have enough merit on their own.

Given the fact, that nothing new was added to the application to justify an approval, I will uphold my objection to this application.

**Customer Details**

Name: Mr Steve Hilton

Address: 44 Cole Avenue Waddington LN5 9TF

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst progression in society is important, so is it's history. Lincoln & its councils/planning committees have made far too many ill-conceived decisions regarding our ancient buildings & heritage over the last one hundred & fifty years. The value to the community of a sunken swimming pool, is negligible in a area of such historical interest to both the City of Lincoln & the Nation as a whole.

As a resident born & bred of Lincoln, I object in the strongest of terms to this unnecessary & unwarranted commercial venture.

Yours, Steven L Hilton

Additional public consultation responses submitted in respect of application reference 2023/0087/LBC relevant to the consideration of this application

**Name**

Mrs Rosemarie Dacosta

**Address**

253 Burton Road, Lincoln, Lincolnshire, LN1 3UH

**Date Received:** 21st February 2024

Excavation for a pool in this area, rich with Roman remains, makes me

wonder what would happen to them. There is no need to have a private pool in this area, which will never benefit the local population. I strongly object and feel the destruction of possible archeological finds must be prevented.

**Name**

Mrs Tracy Harris

**Address**

Bramble Cottage, 46 Sleaford Road, Lincoln, LN4 1LL

**Date Received:**

21st February 2024

I cannot understand why a construction of this type would be allowed in such an archaeologically important area as the Bailgate, there is no real public benefit to it unless you are paying for the privilege and it will may disturb untold history unnecessarily. I strongly object.

**Name**

Ms Justine Whittern

**Address**

Oude Heijningsedijk 1, Heijningen, The Netherlands 4794 RA, NG31 8RW

**Date Received:**

21st February 2024

The Bailgate is one of the most archaeologically significant locations in the county. The White Hart Hotel's request for a permit to excavate and remove centuries and layers of history from the area - and from the county's heritage assets hidden and unhidden - merely to add to 'guest amenities' for an unproven trading advantage in my mind fails to meet the standard required. It cannot be justified by any means.

I would suggest that any hotel guest choosing to stay at the hotel is less interested in using a swimming pool and sauna and more interested in exploring the unique and unrivalled medieval location of the hotel. There are other hotels nearby where modern amenities are available and probably done better than the White Hart can manage to squeeze into its basement.

I am not against all developments and improvements. I would have no objection to the White Hart improving disabled access to more of its bedrooms and public rooms - an aspect which it is currently lacking, as it admits on its own website. <https://whitehart-lincoln.co.uk/access-statement>

Lincoln - and Lincolnshire - can insist on better developments and improvements than to allow this unnecessary and invasive one. allowing this would set a dangerous precedent and put other ancient heritage sites at risk of destructive developments in the name of business and profits. I think that would be a bad thing.

I speak as someone who has stayed at that hotel in the past, and as a native of Lincolnshire.

I therefore strongly object to this application.

**Name**

Mr John Abbett

**Address**

67 Newbold Back Lane, Chesterfield, S40 4HH

**Date Received:** 21st February 2024

With regard to the a planning application that has been submitted to install a private spa and leisure centre, including a below ground pool by the White Hart Hotel in Lincoln, Lincolnshire (application 2024/0088/LBC; 2024/0087/FUL).

This historic hotel is at the centre of the medieval city of Lincoln and the centre of Lindum Colonia, a significant early Roman settlement. The creation of the pool would disturb a high volume of archaeological remains which are of national, possibly international, significance. This is unwarranted destruction of our public heritage for little to no public benefit.

The site of the hotel is near the cross roads of the original Roman colony. Previous excavations in the area were packed full of remains of various periods and included medieval shop fronts, early and late medieval cemeteries, Roman drains, villas, hypocausts, and more. The site is surrounded on all sides by Schedule Monuments and listed buildings. Looking at the map of monuments, it is clear that these were scheduled in the early part of the 20th century, when standing buildings were not included in scheduling programmes. However, if this were to be revisited today, it is likely that the entirety of the Lindum Colonia would be a Scheduled Monument, protected as a nationally significant archaeological site.

Lincoln is absolutely amazing because of its archaeology, its history, and its heritage. It is one of the jewels in the historic crown that is tourist-haven Britain. And what's more: Lincoln's heritage belongs to us, the people.

**Name**

Miss Jo Teeuwisse

**Address**

Bourtange, Bourtange, 9545tv

**Date Received:** 21st February 2024

History belongs to us all, it's important, they're our roots, a connection to our ancestors.

You can't just go around destroying it because someone wants a pool in their garden.

Gone once, gone for ever.

The heritage of All cannot be destroyed for the benefit of Few

**Name**

Mr Paul Rowland

**Address**

2 South Farm Avenue, Sheffield, S26 7WY

**Date Received:** 22nd February 2024

Although I am not a resident of Lincoln, I visit your historic city on a regular basis to soak up the incredible history and archaeology. My

family have enjoyed visiting your wonderful Christmas Market over the years and I have several friends who live in Lincoln. When this planning application was brought to my attention I was horrified.

The area around the Cathedral should be a World Heritage Site, but sadly it isn't. However, one day I hope that will change and until then, the preservation of the buildings especially around the cathedral quarter and all below ground archaeology MUST be preserved at all costs for future generations.

Lincoln has a unique and enviable history but your archaeology belongs not only to Lincolnshire, it belongs to the world, and it is because of that that I feel I have the right to comment on this application.

It is Lincoln's history and archaeology that draws tourists to your city from all around the world. No proposed spa and swimming pool will do that. I am sure that there are other hotels in less sensitive areas of the city that can cater for people who want to soak themselves in water, rather than immerse themselves in Lincoln's rich history and countryside.

The 'Destination Lincolnshire' website provides the following tourism figures (below) for the city in 2022.

Following 2021's reports from Global Tourism Solutions (GTS), for the City of Lincoln Council, which saw a 53% economic boost to the visitor economy, the latest figures that have been released for 2022 show a 37.8% increase in economic impact totalling £219.8 million.

The new economic report paints a hugely positive picture as industry recovery continues at pace, with the data showing that in 2022, an additional 21.7% of visitors came to the city, totalling 3.588 million.

Your historic city and archaeology is mainly responsible for the above figures, don't allow a part of it to be destroyed forever.

I think Lincoln is the envy of the rest of the UK and it will survive without another spa and swimming pool, however I don't think it could survive without its rich history and archaeology.

I strongly object to this development.

**Name**

Mrs Tracey Smith

**Address**

84 Moor Lane, , North Hykeham,, Lincoln, LN6 9AB

**Date Received:**

23rd February 2024

How can this development be of any benefit to the local community? The developer seems to lack any sensitivity to public feeling and a total disregard for Lincoln's heritage. Lincoln should be drawing in tourists because of its heritage. The council should not be supporting it's destruction.

**Name**

Mr Paul Griffiths

**Address**

36 Belle Vue Road, Lincoln, Lincolnshire, LN1 1HH

**Date Received:**

26th February 2024

I object to the dipping pool because it is of no benefit to residents of Lincoln.

**Name**

Mrs Alison Griffiths

**Address**

36 Belle Vue Road, Lincoln, Lincolnshire, LN1 1HH

**Date Received:**

5th March 2024

I formally objected to this application but my comment is not appearing and am concerned it has not been properly received. The dipping pool is totally out of place in a hotel such as the White Hart. I'm very worried that nationally important historical finds will be lost and destroyed.

[Original comment submitted against 2024/0087/FUL application]

**Customer Details**

Name: Mrs Louise Austin

Address: 62 Backmoor Crescent Sheffield S8 8LA

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The national heritage should be preserved. If this project goes ahead it will likely set a precedent for other planning applications. There seems no real justification for agreeing the plan and doing so comes across as if you know the right people you can get it passed! Surely the compromise would be to leave the ruins as a feature with a glass bottom pool, but guess this would be more expensive for the developer! Lincoln please work with the policies not against them, doing so leaves the floodgates open to more abuse of the policies. Once the heritage has gone, it's gone, there's no way back and future generations will lose out! Please Lincoln do the right thing and put a stop to this plan.



Name: Mr Tim McCall

Address: Almond Avenue Lincoln LN6 0HB

### **Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This private development is what it says, PRIVATE. The only person who this will benefit is the developer himself. Of course he has no regard for the historical artefacts beneath the hotel. I really hope the planners can see through this and deny the works. It is not long ago since we had the odd situation where the City Council were developers and approval authority for the Western Growth Corridor. On this development were several Roman Kilns and a roman building they voted to destroy in the name of progress, including so called protected trees. I really hope the city planners don't repeat their, in my opinion, mistake in destroying our heritage. We have to protect what is left for generations to come. The Bailgate area will be full of archeological remains that needs protecting until such time it can be rediscovered and protected, not destroyed.

### **Name**

Mr Andrew Ottewell

### **Address**

Sycamore lodge Holmes lane Dunholme near Lincoln, Lincoln, LN2 3QT

### **Date Received:**

6th March 2024

Myself and my family are fully supportive of the pool , spa , gym , it will be a great asset to all ages of the local community as well as visiting guests staying at the White hart for a Weekend/ mid week break.

As far as the significance Roman settlement in our medieval beautiful city any possible ! archaeology artefacts that are found when Excavation carefully starts finding them and bringing them to the surface where special items can be put on display in the Hotel has got to be better than not seeing them at all, best change for our generation to see how people lived hundreds of years ago .

I gather local people will also be able to book the pool and spa area even young children learning to swim which has to be good news .

The visitors staying in the hotel for weekend breaks touring the city how nice after a long day walking around the city you or your family can come back and have a relaxing swim or spa before evening meal , couldn't be better and good for everyone's Health & Well-being, as well as during the cold and rainy winter months guests can stay in the warmth until the weather improves.

It's a win win for everyone and will be a great Asset for our Tourism city.

### **Name**

Brian Porter

### **Address**

4 Chalgrove Way, Lincoln, Lincolnshire, LN6 0QH

**Date Received:** 12th March 2024

Heritage needs to be properly excavated and evaluated prior to the destruction and construction phases. Information plaques and a display cabinet of example finds could then be created in the hotel to enhance the visitor experience.

The archaeology reports clearly point out (see 1 and 2 below) that excavation has not been done below a Mediaeval surface, and that other remains of national importance probably lay below the 1.2m limit of excavation.

Tourism is a major financial and employment factor for Lincoln City and the wider county; heritage sites feature prominently as reasons for visiting.

Too often we have seen heritage destruction without proper recording. Completing the archaeology to Roman or the 'natural' surface, prior to destruction, is therefore important or this very rare opportunity will be lost forever.

Statements from reports in support of my comments:

1) PROSPECT ARCHAEOLOGY Report 8.1.1 states "The excavation of the swimming pool would result in the wholesale removal of these deposits and would therefore be Major Adverse and Permanent."

8.1.2 includes "...the loss of a small area of nationally important remains cannot be denied"

9.1.2 concludes that "This is a rare opportunity to investigate the archaeology of the Roman and medieval periods in the upper city and would inform future decision making on planning applications in the upper city."

2) ALLEN ARCHAEOLOGY report:

8.2 extract: "Notably, throughout the sequence a substantial assemblage of residual Roman pottery and ceramic building material was recovered, indicating potential for encountering further archaeology of this date below the current limit of excavation."

**Name**

Mr Andrew Blow

**Address**

9 The Green, Nettleham, Lincoln, LN2 2NR

**Date Received:** 26th March 2024

This is an archaeological "hot potato" of a kind not seen in the City for a while. My two-penneth as a layman: if it wasn't for the entrepreneurial spirit and business nous, we would never have found out what was under the "back of house" area of the White Hart. It would presumably remain as a storage area (apparently not much needed now in the revised hotel) and its underground would, apart from these test trenches, have to be guessed at. I can't see why the remains cannot be properly explored, evaluated and recorded with the more exciting items placed on public view...and then business must do its thing, as has been allowed at many other locations. If the hotel can then offer three night stays with more confidence (given the availability of a leisure pool) then people will come from further afield. If staying

longer, they'll browse more and spend more in our City and that has to be good in these difficult times.

**Name**

Mr Andrew Blow

**Address**

9 The Green, Nettleham, Lincoln, LN2 2NR

**Date Received:**

30th March 2024

Afterthought. When attending the Lincoln Mystery Plays at the beginning of Holy Week last Sunday at St. Mary Magdalene Church, next door to the White Hart, the audience was told at the outset that there were no toilets in this small ancient church. However, we were told, the neighbouring White Hart Hotel had given permission for any audience member to use its toilets if required. A small anecdote, but does it sound like the sort of business thats going to be un-neighbourly and disrespectful of the city's archaeology?

**Customer Details**

Name: Mrs Louise Austin

Address: 62 Backmoor Crescent Sheffield S8 8LA

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Lincoln is such a wonderful city, one which many people visit to take in the history. The proposal is outrageous, agreeing to the application would, in my opinion, simply benefit the owners and not the general public. If this proposal goes ahead then the floodgates are open for other plans outside Council Guidelines to be approved. Please don't pick and choose which applications are approved based on personal gain for the owners. Lincoln needs to do what Lincoln does best, and preserve the heritage for our, and future generations.



Historic England

Ms Marie Smyth  
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Lincolnshire  
LN1 1DF

Direct Dial: 0121 625 6888

Our ref: **W:** P01574828

16 April 2024

Dear Ms Smyth

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**WHITE HART HOTEL , BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR  
Application No. 2024/0087/FUL**

Thank you for your letter of 27 March 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Tim Allen

**Tim Allen**  
Team Leader (Development Advice)  
E-mail: [tim.allen@HistoricEngland.org.uk](mailto:tim.allen@HistoricEngland.org.uk)



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LN1 1DF

Direct Dial: 0121 625 6888

Our ref: **W:** P01574828

29 April 2024

Dear Ms Smyth

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**WHITE HART HOTEL , BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR  
Application No. 2024/0087/FUL**

Thank you for your letter of 24 April 2024 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Tim Allen

**Tim Allen**

Team Leader (Development Advice)  
E-mail: [tim.allen@HistoricEngland.org.uk](mailto:tim.allen@HistoricEngland.org.uk)



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# Council for British Archaeology



Buildings Archaeology Team

*A National Amenity Society*

Ms Marie Smyth  
Planning Case Officer  
City of Lincoln Council  
By email: [marie.smyth@lincoln.gov.uk](mailto:marie.smyth@lincoln.gov.uk)

5<sup>th</sup> March 2024

**White Hart Hotel, Bailgate, Lincoln, Lincolnshire, LN1 3AR. Application No. 2024/0087/FUL**

Dear Ms Smyth,

Thank you for notifying the Council for British Archaeology (CBA) about the above application. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

## Significance

The White Hart Hotel is a Grade II Listed building (NHLE No. 1388461) that is dated from 1722 and has developed in the same use over the intervening period. An inn on this site is first documented in 1521. It is located in the historic core of Lincoln within the Cathedral and City Centre Conservation Area and surrounded by listed buildings.

The site is extremely archaeologically sensitive, sited between pockets of the scheduled Roman Colonia (NHLE No. 1003569) and adjacent to Lincoln Castle. Whilst not within the scheduled area the archaeological evaluation carried out by Allen Archaeology (Nov. 2023) establishes it is of equivalent significance to a scheduled monument. Trial trenching has demonstrated that significant archaeological features and deposits survive across the proposed development area to a considerable depth. Significant archaeological deposits from Roman, Medieval and Post-medieval periods have been uncovered, with Viking layers hypothesised as underneath current excavation depths. Footnote 72 of the NPPF should therefore inform the decision-making process. It states "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

## Comments

The Archaeological Evaluation report establishes the application site contains deposits of equivalent significance to the adjacent scheduled monument. The proposed swimming pool will

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have direct impacts on these archaeological deposits into Viking layers of stratigraphy, resulting in substantial harm (total loss) of the heritage asset. Paragraph 206 of the NPPF states that

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

...

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

On these grounds the CBA object to this application in the strongest possible terms.

The applicants have submitted a Statement of Public Benefits. The CBA do not believe this establishes demonstrable or proportionate public benefits from the creation of a private swimming pool to outweigh the destruction of nationally significant archaeology. The NPPF is clear:

*Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. [paragraph 195]*

Local policy echoes this in CLLP paragraph 10.0.3:

*Central Lincolnshire's heritage assets and their settings, including the significant historic building stock and archaeological resource, are irreplaceable and require careful management as the area evolves and undergoes significant growth and regeneration.*

The accompanying Statement of Public Benefits notes a potential increase in visitors' length of stay to a hotel, along with more housekeeping and service staff work. It also promotes an opportunity for non-residential day guests to use the hotel spa. These are private benefits to the hotel business, coupled with minimally skilled employment opportunities for the city and luxury paid-for experiences by a small group of people. The scale of public benefit is between nil and negligible. The circumstances do not meet the bar set by the NPPF of "wholly exceptional". The CBA agree that development led archaeology has the potential to deliver public benefit through public participation with excavations, outreach learning and dissemination amongst local communities. However, the proposed "local media involvement, school visits/talks, open days (dependent on site conditions), exhibitions or evening talks" is no where near proportionate mitigation to the total excavation of an area of nationally significant archaeology containing



Medieval, Roman and (probable) Viking layers, with no potential for preservation in situ (established best practise), in order to create a private swimming pool.

Furthermore, we note that the completed and successful refurbishment of the hotel establishes that the viability of the scheme is not dependant on the creation of a swimming pool.

If the applicants believe a swimming pool is essential for their hotel spa then this should be constructed above ground in order to retain the highly significant archaeology in situ.

## Recommendations

The CBA **strongly object** to this application as contrary to chapter 16 of the NPPF, specifically paragraph 206 and footnote 72. We advise it is also contrary to Central Lincoln's Local Plan, specifically paragraph 10.0.3. We advise that this application is either withdrawn by the applicants or refused by your LPA.

An alternative strategy to achieve a swimming pool at the White Hart is constructing one above ground level. The CBA advise this is the only justifiable option in such an archaeologically significant location.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

Kind Regards,

Catherine Bell. MA (cons), ACIfA  
Listed Buildings Caseworker

The Council for British Archaeology (CBA) is the national amenity society concerned with protection of the archaeological interest in heritage assets. Local planning authorities have a duty to notify the CBA of applications for listed building consent involving partial or total demolition, under the procedures set out in, **Arrangements for handling heritage applications – notification To Historic England and National Amenity Societies and the Secretary of state (England) direction 2021**.



*A National Amenity Society*

Ms Marie Smyth  
Principal Planning Officer  
City of Lincoln Council  
By email: [marie.smyth@lincoln.gov.uk](mailto:marie.smyth@lincoln.gov.uk)

c.c. Alastair MacIntosh, City Archaeologist  
[alastair.macintosh@lincoln.gov.uk](mailto:alastair.macintosh@lincoln.gov.uk)

14<sup>th</sup> May 2024

**White Hart Hotel, Bailgate, Lincoln, Lincolnshire, LN1 3AR. Application No. 2024/0088/LBC & 2024/0087/FUL**

Dear Ms Smyth,

Thank you for re-consulting the Council for British Archaeology (CBA) about the above application following additional information being submitted by the applicants. Based on this information, we offer the following observations and advice to assist your authority in determining the application.

## Significance

The CBA note that the revised Desk Based Assessment has redefined the post Roman archaeological deposits in the upper city, adjacent to the scheduled areas, as locally rather than nationally significant. This is based on the schedule description as referring to Roman deposits and not referencing later periods. The CBA retain the belief that the complexity of archaeological deposits in Lincoln contributes to its significance and such a blanket approach is problematic not least when known post Roman deposits such as those associated with the Castle and Cathedral are clearly of national importance.

If it is accepted that only the Roman levels are of equivalent significance to the scheduled areas in the upper city, then the CBA advise that the immediate post Roman horizon should certainly be considered as nationally significant and it should be expected that these deposits may vary in depth due to local circumstances. Any deposits from the Romano British transition would be highly pertinent to national research agendas about this period and key to understanding how this transition period played out in Lincoln.

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## Comments

The CBA are grateful to the applicants and their team for the additional archaeological information submitted. This includes a deposit model from other excavations in the upper city. This informs the archaeological contractors' expectations of what stratigraphy will be reached during the proposed excavation, however, this model is derived from a minimum number of interventions making it open to interpretation. We also note that the evaluation trenches at the White Hart are over a meter above the proposed pool depth and the sump would be even deeper. Since trenching has not tested down to the critical level of evaluation there remains a high degree of assumption that the post Roman horizon will not be reached.

A real challenge with this site is that the deposit model indicates the proposed excavation would be on the cusp of deposits considered to be of national significance and the degree of uncertainty about the depth of the transition deposits remains high. Given the depth of the pool is to be deeper than the evaluations undertaken to date, you will need to be satisfied that any mitigation excavation is possible in this confined space and to the depth of the proposed pool/sump. If your archaeological advisor is satisfied that the appropriate archaeological mitigation is deliverable, then there is the potential for an excavation in this location to contribute to our understanding of the Roman/post Roman interface in Lincoln. As a result, this application could create an important opportunity to enhance our knowledge of this key period and specifically add to our understanding of the depth of this critical horizon in the history of Lincoln. Whilst we note the applicants' point that unexcavated deposits under the proposed pool would be 'retained in situ', the fact they would be beneath a swimming pool means that it is highly unlikely that they will be accessible for excavation again. In accordance with Historic England's guidance on the reburial of archaeological sites it is essential that the significance of any deposits to be left in situ is set out and understood.

The CBA is still unconvinced by the level of public benefit from this scheme but understand the local plan policy for boutique hotels in the upper city. If your LPA are satisfied that this application sufficiently meets national and local policy requirements to be approved, then we advise it should be accompanied by a robust archaeological strategy that recognises the high likelihood of impacting the post Roman interface in the upper city of Lincoln. Establishing the level of the Roman/post Roman interface at this location would make substantial addition to our knowledge of the deposit sequence in Lincoln and make an important contribution to informing future development in the city, therefore arguably of public benefit.

## Recommendations

The CBA remains unconvinced by the public benefits of this scheme and the potential on the buried archaeology. The proposed depth of the swimming pool is greater than the depth of the archaeological evaluations therefore it has not been possible to demonstrate that the



development will avoid Roman deposits. Establishing the level of Roman deposits and the post Roman interface in the Upper City would be of considerable public benefit to our understanding of Lincoln's development and future development management decision making. We believe this development should only be considered if a robust archaeological mitigation strategy is possible and includes clear objectives around establishing the depth of the Roman/post Roman deposits more accurately.

Finally, and out with our advice regarding the application, the CBA was extremely disappointed to see the unjustified personal attack on the professional competencies of an archaeologist who has objected to this application as a member of the public. We view the cover letter from the architects on your LPA's planning portal as entirely unnecessary and unprofessional.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

Kind Regards,

Catherine Bell. MA (cons), ACIfA  
Listed Buildings Caseworker

The Council for British Archaeology (CBA) is the national amenity society concerned with protection of the archaeological interest in heritage assets. Local planning authorities have a duty to notify the CBA of applications for listed building consent involving partial or total demolition, under the procedures set out in, **Arrangements for handling heritage applications – notification To Historic England and National Amenity Societies and the Secretary of state (England) direction 2021.**



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**Directorate of Communities & Environment**

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**Alastair MacIntosh**

is dealing with this matter  
E-mail:  
[alastair.macintosh@lincoln.gov.uk](mailto:alastair.macintosh@lincoln.gov.uk)  
Direct Line: 01522 873478

2024/0087/FUL and 2024/0088/LBC

Date: 11/06/24

Dear Marie,

**White Hart Hotel Bailgate Lincoln Lincolnshire LN1 3AR**

*Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.*

My observations and advice with regard to the applications above are as follows.

**Proposal**

The installation of the pool will require the total excavation of an area of 13m by 5m to a depth of 2.025m. One corner of this volume will need to be excavated to a depth of 2.525m to accommodate a sump with an area of around 1.5m by 1.5m. All archaeological material in this volume would need to be removed.

The proximity of the pool to the external wall fronting on to Eastgate means that underpinning will be needed to ensure the structural stability of the building. This will require a trench to be excavated along the inner face of the wall to a depth of 2.275m below the existing ground level.

**Pre-Application Advice**

The applicant requested pre-application advice, as recommended by the National Planning Policy Framework (NPPF) and by Historic England in their advice note Managing Significance in Decision-Taking in the Historic Environment (GPA 2). I advised that a proposal of this kind in this location would certainly have archaeological constraints, and that these might be such that development would either be refused or might prove to be prohibitively expensive to deliver. Nonetheless they wished to proceed with the application, and I therefore advised them to produce an appropriate desk-based assessment and to undertake an archaeological evaluation excavation within the footprint of the proposed pool.



I further advised that the proposal would only be acceptable if it were capable of mitigation by excavation, and that if it should prove impossible to do so safely, I would recommend that the application should be refused. To address this issue, I asked them to produce a construction plan and a draft Written Scheme of Investigation to demonstrate the deliverability of archaeological mitigation alongside the installation works required.

The evaluation excavation demonstrated that archaeological remains are present on the site at a depth of around 250mm beneath the existing floor level. These remains include several phases of medieval and post medieval buildings and features to a depth of at least 1.2m, with the earliest features possibly dating from the 12<sup>th</sup>/13<sup>th</sup> centuries.

### **Submission**

#### *Desk-Based Assessment*

The applicant's initial desk-based assessment provided insufficient detail to inform the decision-making process and I therefore requested them to resubmit the document with several amendments and improvements including;

- A more nuanced assessment of archaeological significance to establish what deposits could be of equivalent significance to a designated heritage asset.
- More information about the known depths at which Roman archaeology has been encountered in previous excavations undertaken in the upper city along with a visual representation.
- An assessment of the potential for preservation of archaeological remains in situ including details of whether the pool might be delivered at a higher level, and what residual impacts might be expected upon deposits around and beneath the finished product.

Following its resubmission the Desk Based assessment is now acceptable for the purposes of fulfilling the relevant sections of both local and national planning policy.

#### *Written Scheme of Investigation*

The applicant has also submitted a draft Written Scheme of Investigation (WSI), as requested, which demonstrates that the proposals are capable of mitigation by excavation in accordance with NPPF paragraph 211. Looking at the proposed WSI in more detail, three parts of the process would have to be undertaken as a monitoring exercise rather than full excavation, and this is based on the requirement to ensure the safety of the team.

The first of these is the introduction of shoring around three sides of the area to enable excavation at depth to be accomplished, after which the first 1m-1.2m of material will be fully excavated by the archaeology team using single-context recording down to the base of the foundations of the north wall of the White Hart. The resulting surface is to be covered with geotextile and boarded to protect it while the first phase of underpinning of the external wall takes place. This is the second part that would be

monitored rather than excavated, as it is a potentially hazardous engineering operation. Once that has been completed, the team will continue the excavation to the base of the first phase of underpinning, after which the second phase of underpinning will take place using the same methodology. Following this the archaeological contractor will complete the excavation to formation level, including the sump.

The WSI also contains draft documents showing the applicant's intention to commission an appropriate archaeological contractor for all phases of work associated with the mitigations strategy and a draft commitment to publication of the results of the project. These provide a measure of certainty that the project will be appropriately funded and reported in accordance with NPPF paragraph 211.

Some elements of the WSI will need to be revised if permission is granted and I do not consider the submitted document to be final or binding. I am keen to see additional information included about the provision for remains around and below the proposed pool to be effectively preserved in situ, and for a contingency to be allocated allowing unforeseen circumstances to be managed. This should allow us to take an iterative approach to preservation throughout the project. I would also like to see an expanded commitment to undertaking public outreach during site works. For this reason, and as set out below, I would recommend that you apply a pre-commencement condition to any forthcoming permission to require a revised WSI to be submitted for approval.

### **Significance and Impacts**

It is highly likely that Roman archaeology is present on the site as there is no evidence that it has been removed or truncated by subsequent development. It has consistently been accepted by the Local Planning Authority that such remains would be of equivalent significance to a designated heritage asset and should therefore be considered according to the relevant paragraphs of NPPF (205-208) as required by footnote 72 of NPPF. However, it is unlikely that such remains are present within the depth to which the proposed pool will be excavated, except in the sump which may encounter the uppermost Roman levels. As the full depth of Roman material is likely to exceed the formation level of the pool by at least 1m and possibly up to 3m, I would therefore advise you that the level of harm to these remains is likely to be less than substantial and should therefore be assessed against the public benefits of the proposal, as required by NPPF paragraph 208.

Early medieval archaeology in this part of the city is likely to comprise so-called "dark earth" deposits, as encountered during excavations at the castle, cathedral, and bishop's palace. This material is formed from multiple processes that took place after the abandonment of Roman Lincoln, starting with the natural accumulation of organic detritus over several centuries. At the castle, this material was supplemented in the 9<sup>th</sup>/10<sup>th</sup> century by the deliberate importation of material to create a level surface for later occupation and exploitation. If material of this kind is present on the site it has the potential to add to our understanding of how post Roman Lincoln was exploited by Anglo-Saxon and Danish settlers, and therefore could be of great value to local and regional research agendas. The impact upon material of this period within the footprint



and depth of the pool is likely to be extensive and may require the removal of all such material. Balanced against this archaeological potential and the apparently extensive impact is the widespread occurrence of this material across both the upper and lower walled Roman city and the poor preservation in uphill Lincoln of the predominantly organic deposits of which it is comprised. It is also important to remember that material of this kind is not scheduled in its own right anywhere else in the city, or indeed in cities such as York where the preservation of organic material is very much greater due to the frequent occurrence of anaerobic conditions. I would therefore advise you that this material if present should be considered a non-designated heritage asset and should be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Medieval remains have been demonstrated to be present on the site and appear to comprise the remnants of buildings and associated occupation features such as floor surfaces and dumps of material. Medieval remains of this kind are common within the city and occur in most locations where there has been no deliberate attempt to remove them. In this location it is possible that they will provide information about the nature of medieval development along Eastgate, whether residential or commercial, the date by which Eastgate itself was established as a street leading from the Castle to the east gate of the upper city, and the way in which the street and its related structures related to the establishment of the cathedral close. It is likely that all remains of this date within the footprint of the pool will be removed as a consequence of this proposal. However, the presence of multiple phases of buildings indicates that there has been a degree of truncation or even outright loss of earlier structures and the significance of these remains and the weight they ought to carry in the planning balance is therefore diminished accordingly. No evidence has so far been recovered or presented that would suggest that these remains are of more than local or regional significance in themselves or that they have any relevant relationship with nearby designated heritage assets such as either the castle or the cathedral. They should also be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Post-medieval remains on the site may include some of those of the medieval period described above, which may have continued in use into later centuries. The evaluation also identified deposits that are possibly associated with 18<sup>th</sup> and 19<sup>th</sup> century development of the White Hart site. These remains are of no more than local significance. There is also evidence for some post medieval disturbance of the earlier archaeology of the pool area, in the form of a 19<sup>th</sup>/20<sup>th</sup> century cellar in its northwest corner, and a pipe conduit dating from the 1938 extension of the White Hart. The loss of these remains should be assessed against NPPF paragraph 209 without reference to footnote 72.

The possibility of human remains dating from any of the periods above remains, but I do not believe it is likely. Roman custom was to bury the dead outside the city walls, so it is unlikely that human remains from this period will be present. There is no record of specific medieval cemeteries or graveyards occupying this site, and while there is

a medieval church next door its burial ground is recorded as having been within the Cathedral Close immediately to the south of the nave. Added to this is the complete absence of even fragmentary human remains from either the evaluation excavation or the monitoring works that have been undertaken on the site, which given the long history of use, reuse and disturbance of the site indicates that such remains are not present.

Impacts to the Listed Building have been considered by the city's conservation officer and I have nothing to add to her assessment.

### **Objections and Comments**

Many of the objections submitted are based on an over-interpretation of the significance of the archaeology of the site, enabled in part by the original desk-based assessment. This has since been superseded by a more detailed document, and as such many of these objections have been addressed. They also proceed from the inaccurate position that it is wholly unacceptable to disturb or excavate remains that are "demonstrably of equivalent significance to scheduled monuments", when in fact this judgment is based upon the level of harm that will result to them from the proposed development and can in many cases be justified by a counter-balancing level of public benefit.

A number of objections are based on the assumption that medieval remains on the site are of equivalent significance to a scheduled monument. However, planning policy does not support the position that all archaeology is of this level of significance until proven otherwise. There must be some indication that remains have special significance before the relevant policies can be brought into play. So far, no evidence has been found or presented that this is the case, either from the evaluation excavation or from the monitoring works undertaken during previously consented renovations. While this assessment may change during the course of any future excavation, that possibility can be managed through the WSI that would be required by the condition suggested below.

Some objectors, including the Council for British Archaeology, have questioned the sufficiency of the evaluation excavations undertaken by the applicant team. While it would have been preferable to have seen the entire archaeological sequence, I accept that this was not possible given the restrictions inherent to undertaking such works inside a standing building and adjacent to a potentially unstable load-bearing wall. I am satisfied that, when taken together with the deposit model included in the resubmitted desk-based assessment, the information provided by the evaluation is sufficient to inform an appropriate and robust decision by the local planning authority. I would also observe that as one of the purposes of evaluation was to enable the applicant to decide whether or not to proceed with the application it would have been directly against the requirements of NPPF paragraph 210 for me to permit the loss of the medieval heritage assets identified in the evaluation to that point.



Objections have been raised to the validity of the "deposit model" provided in the updated DBA. While it would certainly be desirable for more data points to have been included we are unfortunately constrained by a lack of available information in uphill Lincoln as a consequence of the lack of modern interventions and of the omission of reliable height data in most antiquarian reports. I am therefore satisfied that the DBA includes sufficient information to demonstrate the depths at which Roman archaeology could be expected to occur on the site and that on the strength of the information available the level of harm to such remains from the proposed development will be less than substantial.

A specific concern raised by one of the objectors is the impact of the development on remains that will be left in situ when it is completed. In particular the possibility of damage due to "the introduction of oxygen and changes to perched and natural water systems in the buried environment" was mentioned. I can state with some confidence that there are unlikely to be anaerobically preserved remains or perched water systems in uphill Lincoln, as no evidence of such conditions has ever been identified. I have also discussed the matter with Historic England's regional science adviser who agrees that this possibility is remote. With respect to other impacts to remains left in situ, the applicant has provided technical information demonstrating that there will be no compression effects resulting from the construction of the pool, that precautions against concrete migration will be taken, and that the water circulation of the pool will be monitored to ensure any leakage can be rapidly identified and corrected.

Although it was not necessary for you to consult the Council for British Archaeology on this application, I note that their listed building casework officer has chosen to submit comments on the archaeological implications of this development. Their first letter of objection responded primarily to the original DBA and many of the concerns it raised have been addressed by the resubmission. Their second letter deals with those issues that they feel remain to be addressed, in particular the difference between the level reached by the evaluation excavation and the formation level of the pool (a point I have addressed above), and the necessity for a robust mitigation strategy to be in place to enable any excavation to address relevant research questions. With regard to the second issue, I am confident that the draft WSI demonstrates that appropriate mitigation of this development is possible, and the final WSI, to be required by planning condition, will ensure the developers adherence to appropriate levels of mitigation and recording of the archaeological resource.

The entirely valid objection to the use of the excavation and its results as a public benefit and therefore as a justification of the development was also raised, and the applicant has removed claims of this nature from the application documents.

## **Policy Appraisal**

### *Central Lincolnshire Local Plan*

#### *Policy S57*

With regard to the Archaeology provisions of S57, the submission meets all tests to enable a decision to be made. Specifically;

- The application is accompanied by a desk-based assessment.
- An appropriate field evaluation was undertaken, and the report submitted in advance of a decision.
- As preservation in situ is not possible or appropriate to the specific requirements of the proposal, the developer has produced a draft written scheme of investigation to enable the preservation of remains by record which has been agreed with the City Archaeologist.

### *National Planning Policy Framework*

#### *Paragraph 200*

The submission meets the relevant tests, in that an appropriate desk-based assessment has been submitted, that includes the results of a search of the Historic Environment Record, along with the report of an evaluation undertaken at the request of the Local Planning Authority.

#### *Paragraph 201*

The comments contained in this document represent an appropriate assessment of the significance of heritage assets likely to be affected by the proposed development.

#### *Paragraphs 205-208*

The proposals have the potential to impact upon two relevant heritage assets, namely the White Hart itself as a Grade II listed building, and the potential Roman Archaeology that may be present on the site, under the provision of paragraph 206 and footnote 72. For the former, please refer to the specific advice of the principal conservation officer. For the latter, please refer to the statement of significance and assessment of impact provided above. To restate this advice briefly, the level of harm to Roman archaeology (which is considered to be of demonstrably equivalent significance to a scheduled monument, and which may or may not be encountered during the development process) is considered to be less than substantial and should be measured against the public benefits of the proposal.

#### *Paragraph 209*

Most if not all of the archaeology likely to be affected by the proposed development should be considered non-designated heritage assets. The appropriate test for decision taking in regard to these assets is "a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset."



*Paragraph 210*

The imposition of appropriate conditions as suggested below will address the stated requirement.

*Paragraph 211*

The draft WSI submitted by the developer is sufficient to address the requirement for developers to "record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible". Given that the proposal will result in the total removal of archaeological remains within its area and depth, no less mitigation than total excavation of those remains is proportionate to the impact, subject in all cases to the safety of site workers. This will enable the preservation by record of the archaeological remains affected by the proposal.

**Proposed Conditions**

If, following your assessment of this development, you are minded to recommend approval of the application, my advice to you is that the following conditions would be appropriate to ensure that impacts to archaeological remains are mitigated proportionally, and that the relevant policy tests can be met.

- Prior to commencement of works a revised version of the WSI should be submitted and approved by the LPA, taking account of any comments and suggestions from the LPA. The WSI should contain;
  - a methodology for full archaeological excavation of the pool area using single context recording as far as this is compatible with the safety of the excavation team, and monitoring of those elements that cannot be safely excavated.
  - Evidence that a contract has been entered into with an appropriately qualified archaeological contractor for all phases of work including post excavation reporting and archiving.
  - Provision for an appropriate contingency of time and resources in the event of unforeseen circumstances.
  - Provision for the assessment of unexcavated remains around and beneath the development and sufficient time and resource to enable their preservation in situ according to a methodology to be agreed with the Local Planning Authority.
- The development should be undertaken solely in accordance with the approved WSI, and any changes to require the written approval of the Local Planning Authority
- Prior to occupation or use of the pool complex the developer should submit a post-excavation timetable to the Local Planning Authority for approval.
- A full archive and report should be submitted within 12 months of the completion of groundworks.

I hope the assessment given above is useful to you in coming to your decision on these applications. Please get in touch if you need further clarification on any particular point.

Yours sincerely

*Alastair MacIntosh*

Alastair MacIntosh  
City Archaeologist  
City of Lincoln Council

## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Lincoln City Council

**Application number:** 2024/0087/FUL

**Application Type:** Full

**Proposal:** Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

**Location:** White Hart Hotel , Bailgate, Lincoln, Lincolnshire, LN1 3AR

**Response Date:** 5 March 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

**Application number: 2024/0087/FUL**

**Application Type: Full**

**Location: White Hart Hotel , Bailgate, Lincoln, Lincolnshire, LN1 3AR**

### **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

#### **Recommendation: No Objections**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

#### **Regards**

**Officer's Name: John Clifton**

**Officer's Title: Principal Development Management Officer**

**Date: 5 March 2024**

<b>Application Number:</b>	2024/0088/LBC
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln (LBC)
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	John Roberts Architects Ltd
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services (Listed Building Consent).

### **Background - Site Location and Description**

The application property is the White Hart Hotel, a grade II listed building. It is located on the corner with Bailgate and Eastgate, within the Cathedral and City Centre Conservation Area. The City Council's Principal Conservation Officer advises that the White Hart is a complicated site comprising four distinct building phases along the streetscene. The oldest element dates from the early 18th century, and was re-fronted in 1844. Today it presents an impressive three storeys on the corner of Eastgate and Bailgate. She has noted that on the Eastgate elevation the 1840s refronting continues to meet a 1930s extension in a Neo-Georgian style in brick with a central basket arched carriage opening within the 5 bays. She advises that this designated heritage asset has historical significance derived from its development as a key site for hostelry in Lincoln and architectural significance derived from the classical design and method of construction. Expansion to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. In addition to the various external alterations, much of the hotel interior has been subjected to re-fittings over the years and in particular during the early and mid-20th century.

The hotel has recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of approved applications as well as a number of ongoing current applications, including this one.

This application is for listed building consent for internal alterations to create a new leisure pool and spa, including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

The proposals 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 was omitted to allow for the necessary archaeological work and investigations associated with the pool to take place. The vents for the pool will 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 are no external alterations proposed as part of this application.

In addition to this listed building consent application an accompanying application for full planning permission has been submitted (2024/0087/FUL). Listed building consent applications consider proposals in relation to the impact on buildings as designated heritage assets, whereas the full application will consider the proposals in relation to other matters; such as archaeology and residential amenity. The full application is also being presented to Members of the Planning Committee for determination.

A number of objections have been received in relation to both applications, although many of the objections raised within the responses to this listed building consent application cannot be considered as part of this of application i.e. they relate to matters other than the impact on the heritage asset. These responses are therefore also included within the full planning permission report and the relevant material planning considerations raised will be taken into account as part of the consideration of that application.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0087/FUL	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.	Pending Decision	
2023/0058/LBC	Internal alterations to re-configure layout and create fitness suite including removal of stud partitions, doors, windows and stairs; enlargement and blocking up of window openings; creation of new door openings; installation of new stud partitions, raised floor, stairs, lifts and doors. External alterations including new shopfront to restaurant, alterations to Eastgate elevation, glazed lantern and new stair pod to roof. (Listed Building Consent). (Revised description, plans and supporting documents).	Granted Conditionally	25/05/2023
2023/0057/FUL	Refurbishment & alterations to existing hotel including construction of new stair pod at fourth floor level, alterations to Eastgate elevation, installation of	Granted Conditionally	25/05/2023



	new shopfront to existing restaurant fronting Bailgate, glazed lantern and alterations to window openings. (Revised description, plans and supporting documents).		
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### **Case Officer Site Visit**

Undertaken on 10th April 2024.

### **Policies Referred to**

- Policy S57 The Historic Environment
- National Planning Policy Framework

### **Issues**

- Impact on the building as a designated heritage asset

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
Historic England	Comments Received
Highways & Planning	Comments Received

### **Public Consultation Responses**

Name	Address
Mr Paul Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Sam Elkington	Boothby Property Consultancy Ltd, Maydene House 73 London Road Sleaford NG34 7LL
Mr Andrew Blow	9 The Green Nettleham Lincoln LN2 2NR
Dr Samantha Stein	
Mrs Tracey Smith	84 Moor Lane, North Hykeham, Lincoln LN6 9AB
Mr Paul Rowland	2 South Farm Avenue Sheffield S26 7WY
Mrs Rosemarie Dacosta	253 Burton Road Lincoln Lincolnshire LN1 3UH
Mrs Tracy Harris	Bramble Cottage 46 Sleaford Road Lincoln LN4 1LL
Mr Stuart Welch	16 Drury Lane Lincoln Lincolnshire LN1 3BN
Mr Tim McCall	Almond Avenue Lincoln LN6 0HB
Mrs Louise Austin	62 Backmoor Crescent Sheffield S8 8LA
Mr Andrew Ottewell	Sycamore lodge Holmes lane Dunholme near Lincoln Lincoln LN2 3QT
Brian Porter	4 Chalgrove Way Lincoln Lincolnshire LN6 0QH

Ms Justine Whittern	Oude Heijningsedijk 1 Heijningen, The Netherlands 4794 RA NG31 8RW
Mr John Abbett	67 Newbold Back Lane Chesterfield S40 4HH
Miss Jo Teeuwisse	Bourtange Bourtange 9545tv
Mrs Alison Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH

### **Consideration**

Central Lincolnshire Local Plan (CLLP) Policy S57 requires that permission to alter a listed building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the listed building or its setting. National Planning Policy Framework (NPPF) paragraph 205 advises that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Some of objectors have raised concern that the proposals will cause harm to the historic building.

The application is accompanied by an Assessment of Significance & Heritage Impact Assessment (HIA). This details the key phases of the development of the hotel and identifies that the majority of the proposals, including the proposed pool, are located within the footprint of the large 1938 Eastgate addition. A small area of the proposed sauna would sit within the north east corner of the 1844 part of the building, however, the HIA considers that the main impacts to layout and fabric will be minor with the creation of a doorway between the sauna and pool area and division of the storeroom. With regard to the gym and changing areas, the HIA advises that these will be located partially within and to the south of the 1938 Eastgate addition. The HIA considers that, "as the proposed work is expected to only have an impact on later, 20th century, standing fabric and layout of the current service/back of house area, it is not believed that there would be any adverse impact on any significant standing fabric or building layout".

The City Council's Conservation Officer has considered the proposals and notes that the majority of the works are located within the later relatively modern 1930s portion of the hotel. She has advised that, as the floor plan of this area is not considered to exhibit historic or architectural significance, the alterations proposed will therefore have no impact on the significance of the listed building.

Officers accordingly consider that the proposals are appropriate and would therefore not be prejudicial to the special architectural or historic interest of the listed building or its setting, in accordance with CLLP Policy S57. The proposal would be in accordance with

requirements of the NPPF and the Conservation Officer also considers that the proposal is in accordance with the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

**Application Negotiated either at Pre-Application or During Process of Application**

No.

**Financial Implications**

None.

**Legal Implications**

None.

**Equality Implications**

None.

**Conclusion**

The proposals are 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.

**Application Determined within Target Date**

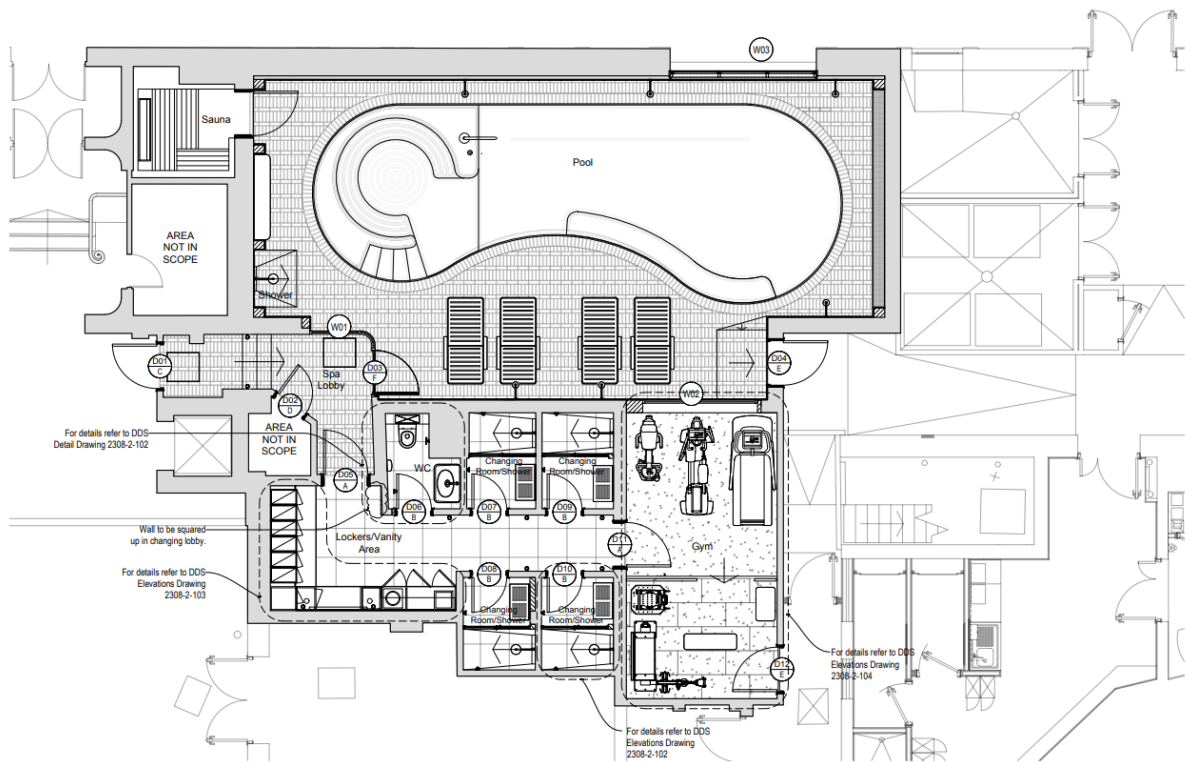
Yes.

**Recommendation**

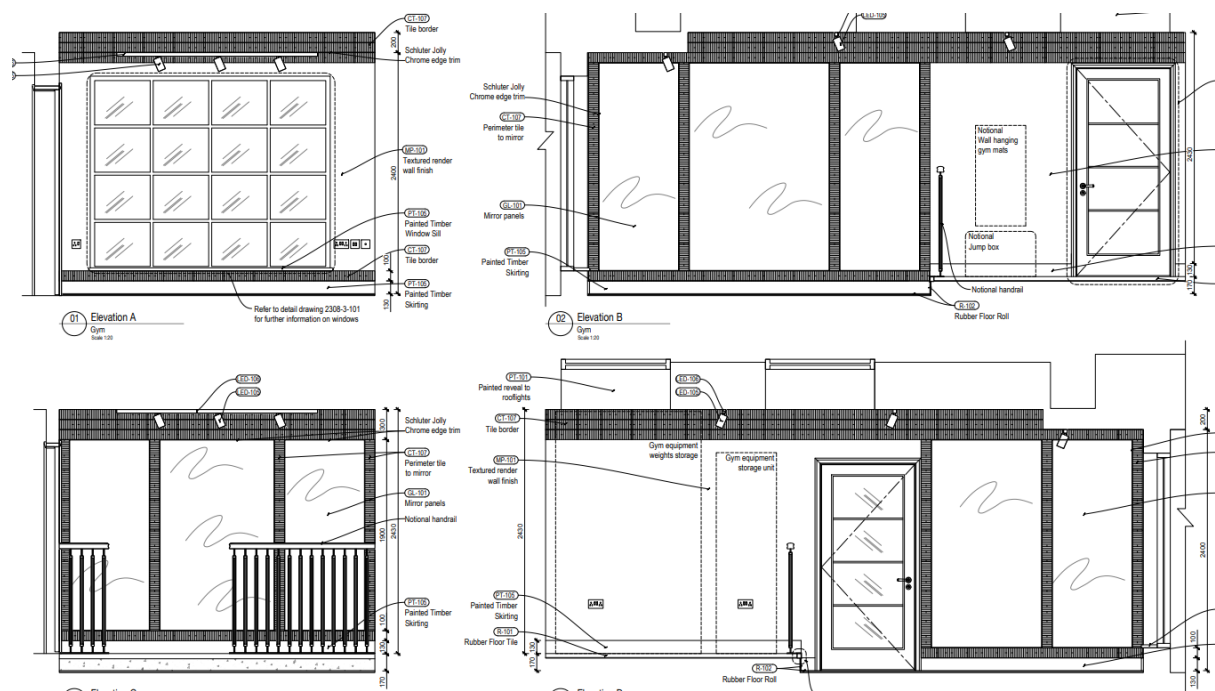
That the application is Granted Conditionally subject to the following conditions:

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

The map shows the White Hart Hotel, a large orange building with a red outline, situated in Exeter, Devon. To the north of the hotel is Gordon Road, with various numbered plots (10, 12, 14, 16, 2, 1, 16, 7, 5, 3, 1a, 15, 14, 12a, 12, 10, 8, 7, 5, 6, 7, 8, 2, 6, 7). To the east of the hotel is Minster Yard, with plots 24, 25, 27, 23, and 19. To the south of the hotel is St Mary Church and the Lodge. To the west of the hotel is the White Hart Inn, with plots 1, 2, 3, 4, 5, 6b, 7, 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, 8m, 8n, 8o, 8p, 8q, 8r, 8s, 8t, 8u, 8v, 8w, 8x, 8y, 8z. The map also shows the Exchequer Gate and the Exchequer Arch. The map includes a scale bar indicating 63.6m and 65.3m. The map is titled 'White Hart Hotel' and 'Exeter, Devon'.

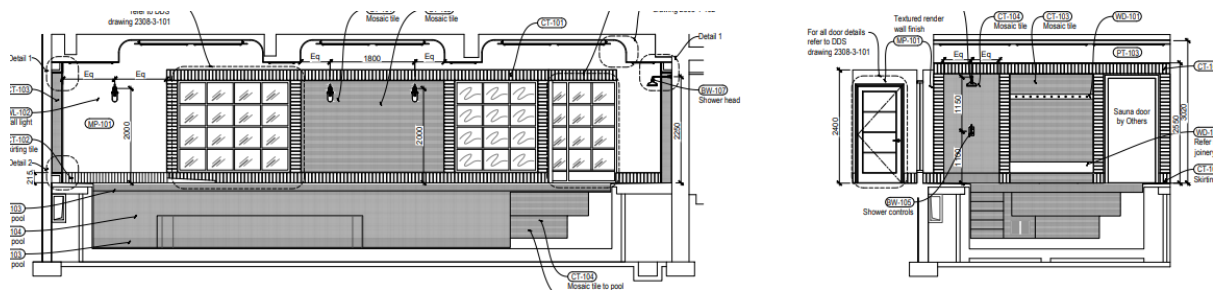


## Proposed layout



## Gym elevations





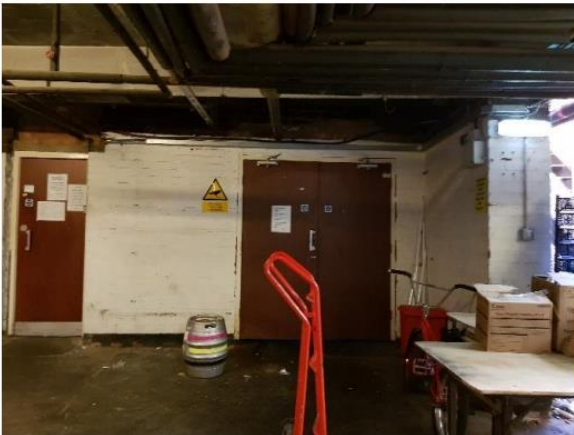
Pool and sauna elevations



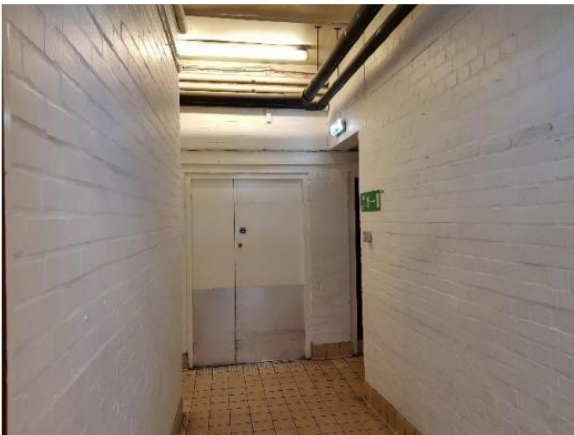
Photograph from Eastgate



**Figure 40** Looking north (L) and northeast (R) within the service area at the northeast corner of the hotel within the c.1938 addition. The large green gates provide access to Eastgate through the archway. This is part of the proposed location of the eastern end of the swimming pool.



**Figure 41** Looking east (L) and south (R) within the service area on the north side of the hotel.



**Figure 42** Looking northwest (L) and southeast (R) along the service corridors at ground floor level.

## **White Hart LBC consultations responses**

The following responses have been submitted against this application. Those that pertain to the matters to be considered by application 2024/0087/FUL have also been copied onto the committee report.

**Name**

Mrs Rosemarie Dacosta

**Address**

253 Burton Road, Lincoln, Lincolnshire, LN1 3UH

**Date Received:**

21st February 2024

Excavation for a pool in this area, rich with Roman remains, makes me wonder what would happen to them. There is no need to have a private pool in this area, which will never benefit the local population. I strongly object and feel the destruction of possible archeological finds must be prevented.

**Name**

Mrs Tracy Harris

**Address**

Bramble Cottage, 46 Sleaford Road, Lincoln, LN4 1LL

**Date Received:**

21st February 2024

I cannot understand why a construction of this type would be allowed in such an archaeologically important area as the Bailgate, there is no real public benefit to it unless you are paying for the privilege and it well may disturb untold history unnecessarily. I strongly object.

**Name**

Ms Justine Whittern

**Address**

Oude Heijningsedijk 1, Heijningen, The Netherlands 4794 RA, NG31 8RW

**Date Received:**

21st February 2024

The Bailgate is one of the most archaeologically significant locations in the county. The White Hart Hotel's request for a permit to excavate and remove centuries and layers of history from the area - and from the county's heritage assets hidden and unhidden - merely to add to 'guest amenities' for an unproven trading advantage in my mind fails to meet the standard required. It cannot be justified by any means.

I would suggest that any hotel guest choosing to stay at the hotel is less interested in using a swimming pool and sauna and more interested in exploring the unique and unrivalled medieval location of the hotel. There are other hotels nearby where modern amenities are available and probably done better than the White Hart can manage to squeeze into its basement.

I am not against all developments and improvements. I would have no objection to the White Hart improving disabled access to more of its bedrooms and public rooms - an aspect which it is currently lacking, as it admits on its own website. <https://whitehart-lincoln.co.uk/access->

statement

Lincoln - and Lincolnshire - can insist on better developments and improvements than to allow this unnecessary and invasive one. allowing this would set a dangerous precedent and put other ancient heritage sites at risk of destructive developments in the name of business and profits. I think that would be a bad thing. I speak as someone who has stayed at that hotel in the past, and as a native of Lincolnshire. I therefore strongly object to this application.

**Name**

Mr John Abbett

**Address**

67 Newbold Back Lane, Chesterfield, S40 4HH

**Date Received:**

21st February 2024

With regard to the a planning application that has been submitted to install a private spa and leisure centre, including a below ground pool by the White Hart Hotel in Lincoln, Lincolnshire (application 2024/0088/LBC; 2024/0087/FUL).

This historic hotel is at the centre of the medieval city of Lincoln and the centre of Lindum Colonia, a significant early Roman settlement. The creation of the pool would disturb a high volume of archaeological remains which are of national, possibly international, significance. This is unwarranted destruction of our public heritage for little to no public benefit.

The site of the hotel is near the cross roads of the original Roman colony. Previous excavations in the area were packed full of remains of various periods and included medieval shop fronts, early and late medieval cemeteries, Roman drains, villas, hypocausts, and more. The site is surrounded on all sides by Schedule Monuments and listed buildings. Looking at the map of monuments, it is clear that these were scheduled in the early part of the 20th century, when standing buildings were not included in scheduling programmes. However, if this were to be revisited today, it is likely that the entirety of the Lindum Colonia would be a Scheduled Monument, protected as a nationally significant archaeological site.

Lincoln is absolutely amazing because of its archaeology, its history, and its heritage. It is one of the jewels in the historic crown that is tourist-haven Britain. And what's more: Lincoln's heritage belongs to us, the people.

**Name**

Miss Jo Teeuwisse

**Address**

Bourtange, Bourtange, 9545tv

**Date Received:**

21st February 2024

History belongs to us all, it's important, they're our roots, a connection to our ancestors.



You can't just go around destroying it because someone wants a pool in their garden.  
Gone once, gone for ever.  
The heritage of All cannot be destroyed for the benefit of Few

**Name**

Mr Paul Rowland

**Address**

2 South Farm Avenue, Sheffield, S26 7WY

**Date Received:**

22nd February 2024

Although I am not a resident of Lincoln, I visit your historic city on a regular basis to soak up the incredible history and archaeology. My family have enjoyed visiting your wonderful Christmas Market over the years and I have several friends who live in Lincoln. When this planning application was brought to my attention I was horrified.

The area around the Cathedral should be a World Heritage Site, but sadly it isn't. However, one day I hope that will change and until then, the preservation of the buildings especially around the cathedral quarter and all below ground archaeology MUST be preserved at all costs for future generations.

Lincoln has a unique and enviable history but your archaeology belongs not only to Lincolnshire, it belongs to the world, and it is because of that that I feel I have the right to comment on this application.

It is Lincoln's history and archaeology that draws tourists to your city from all around the world. No proposed spa and swimming pool will do that. I am sure that there are other hotels in less sensitive areas of the city that can cater for people who want to soak themselves in water, rather than immerse themselves in Lincoln's rich history and countryside.

The 'Destination Lincolnshire' website provides the following tourism figures (below) for the city in 2022.

Following 2021's reports from Global Tourism Solutions (GTS), for the City of Lincoln Council, which saw a 53% economic boost to the visitor economy, the latest figures that have been released for 2022 show a 37.8% increase in economic impact totalling £219.8 million.

The new economic report paints a hugely positive picture as industry recovery continues at pace, with the data showing that in 2022, an additional 21.7% of visitors came to the city, totalling 3.588 million.

Your historic city and archaeology is mainly responsible for the above figures, don't allow a part of it to be destroyed forever.

I think Lincoln is the envy of the rest of the UK and it will survive without another spa and swimming pool, however I don't think it could survive without its rich history and archaeology.

I strongly object to this development.

**Name**

Mrs Tracey Smith

**Address**

84 Moor Lane, , North Hykeham,, Lincoln, LN6 9AB

**Date Received:**

23rd February 2024

How can this development be of any benefit to the local community? The developer seems to lack any sensitivity to public feeling and a total disregard for Lincoln's heritage. Lincoln should be drawing in tourists because of its heritage. The council should not be supporting it's destruction.

**Name**

Mr Paul Griffiths

**Address**

36 Belle Vue Road, Lincoln, Lincolnshire, LN1 1HH

**Date Received:**

26th February 2024

I object to the dipping pool because it is of no benefit to residents of Lincoln.

**Name**

Mr Stuart Welch

**Address**

16 Drury Lane, Lincoln, Lincolnshire, LN1 3BN

**Date Received:**

3rd March 2024

As a long-time local resident living in close proximity to the White Hart Hotel, I strongly support this application.

The proposed facility is an important element in the applicant's wider scheme to transform the White Hart Hotel (and the adjoining Judges' Lodgings complex) into a premier destination which will have many direct and indirect benefits for the local economy and community.

The extensive, expensive and professional archaeological investigations and reports which have been carried out on site have revealed information and artefacts which would have remained unknown without the redevelopment of the hotel site. The public record has greatly benefitted from this.

It is difficult anywhere in this area of uphill Lincoln to excavate without coming across medieval or Roman remains. It is important to recognise and record these for greater understanding in posterity, but this should not interfere with much-needed sensitive re-development for the modern age - Lincoln's historic past should not constrain its economic future.

**Name**

Mrs Alison Griffiths

**Address**

36 Belle Vue Road, Lincoln, Lincolnshire, LN1 1HH



**Date Received:** 5th March 2024

I formally objected to this application but my comment is not appearing and am concerned it has not been properly received. The dipping pool is totally out of place in a hotel such as the White Hart. I'm very worried that nationally important historical finds will be lost and destroyed.

[Original comment submitted against 2024/0087/FUL application]

**Customer Details**

Name: Mrs Louise Austin

Address: 62 Backmoor Crescent Sheffield S8 8LA

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The national heritage should be preserved. If this project goes ahead it will likely set a precedent for other planning applications. There seems no real justification for agreeing the plan and doing so comes across as if you know the right people you can get it passed! Surely the compromise would be to leave the ruins as a feature with a glass bottom pool, but guess this would be more expensive for the developer! Lincoln please work with the policies not against them, doing so leaves the floodgates open to more abuse of the policies. Once the heritage has gone, it's gone, there's no way back and future generations will lose out! Please Lincoln do the right thing and put a stop to this plan.

Name: Mr Tim McCall

Address: Almond Avenue Lincoln LN6 0HB

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This private development is what it says, PRIVATE. The only person who this will benefit is the developer himself. Of course he has no regard for the historical artefacts beneath the hotel. I really hope the planners can see through this and deny the works. It is not long ago since we had the odd situation where the City Council were developers and approval authority for the Western Growth Corridor. On this development were several Roman Kilns and a Roman building they voted to destroy in the name of progress, including so-called protected trees. I really hope the city planners don't repeat their, in my opinion, mistake in destroying our heritage. We have to protect what is left for generations to come. The Bailgate area will be full of archaeological remains that need protecting until such time it can be rediscovered and protected, not destroyed.

**Name**

Mr Andrew Ottewell

**Address**

Sycamore lodge Holmes lane Dunholme near Lincoln, Lincoln, LN2 3QT

**Date Received:** 6th March 2024

Myself and my family are fully supportive of the pool , spa , gym , it will be a great asset to all ages of the local community as well as visiting guests staying at the White hart for a Weekend/ mid week break.

As far as the significance Roman settlement in our medieval beautiful city any possible ! archaeology artefacts that are found when Excavation carefully starts finding them and bringing them to the surface where special items can be put on display in the Hotel has got to be better than not seeing them at all, best change for our generation to see how people lived hundreds of years ago .

I gather local people will also be able to book the pool and spa area even young children learning to swim which has to be good news .

The visitors staying in the hotel for weekend breaks touring the city how nice after a long day walking around the city you or your family can come back and have a relaxing swim or spa before evening meal , couldn't be better and good for everyone's Health & Well-being, as well as during the cold and rainy winter months guests can stay in the warmth until the weather improves.

It's a win win for everyone and will be a great Asset for our Tourism city.

**Name**

Mr Sam Elkington

**Address**

Boothby Property Consultancy Ltd, Maydene House, 73 London Road, Sleaford, NG34 7LL

**Date Received:** 8th March 2024

I am a practicing Commercial Chartered Surveyor with over 40 years of commercial property experience within the City of Lincoln and the County as a whole and have been involved in a significant number of the City's major development projects during my career.

I consider the proposal as submitted is one that should be warmly welcomed by the City. The investment that has already been made in to Lincoln's most iconic hotel, which is of national repute, has been significant and this proposal does I feel further show how the White Hart Hotel is going to be brought up to a high class standard with the appropriate and necessary facilities befitting the area and the City.

Whilst the archeological concerns are noted, I consider that with an appropriate management and mitigation plan these can be overcome and any archeology exposed through the build process can be recorded and noted so as to further enhance the knowledge that the City has of the area and not lead to any delays or hamper the build process.

I support the application and consider that we should welcome the vision and efforts of the new owners who have bought back to life one of the City's greatest assets and who are committing further resources

to make the Hotel one that the City can be proud of.

**Name**

Brian Porter

**Address**

4 Chalgrove Way, Lincoln, Lincolnshire, LN6 0QH

**Date Received:**

12th March 2024

Heritage needs to be properly excavated and evaluated prior to the destruction and construction phases. Information plaques and a display cabinet of example finds could then be created in the hotel to enhance the visitor experience.

The archaeology reports clearly point out (see 1 and 2 below) that excavation has not been done below a Mediaeval surface, and that other remains of national importance probably lay below the 1.2m limit of excavation.

Tourism is a major financial and employment factor for Lincoln City and the wider county; heritage sites feature prominently as reasons for visiting.

Too often we have seen heritage destruction without proper recording. Completing the archaeology to Roman or the 'natural' surface, prior to destruction, is therefore important or this very rare opportunity will be lost forever.

Statements from reports in support of my comments:

1) PROSPECT ARCHAEOLOGY Report 8.1.1 states "The excavation of the swimming pool would result in the wholesale removal of these deposits and would therefore be Major Adverse and Permanent."

8.1.2 includes "...the loss of a small area of nationally important remains cannot be denied"

9.1.2 concludes that "This is a rare opportunity to investigate the archaeology of the Roman and medieval periods in the upper city and would inform future decision making on planning applications in the upper city."

2) ALLEN ARCHAEOLOGY report:

8.2 extract: "Notably, throughout the sequence a substantial assemblage of residual Roman pottery and ceramic building material was recovered, indicating potential for encountering further archaeology of this date below the current limit of excavation."

**Name**

Mr Andrew Blow

**Address**

9 The Green, Nettleham, Lincoln, LN2 2NR

**Date Received:**

26th March 2024

This is an archaeological "hot potato" of a kind not seen in the City for a while. My two-penneth as a layman: if it wasn't for the entrepreneurial spirit and business nous, we would never have found out what was under the "back of house" area of the White Hart. It would presumably remain as a storage area (apparently not much needed now in the revised hotel) and its underground would, apart from these test trenches, have to be guessed at. I can't see why the

remains cannot be properly explored, evaluated and recorded with the more exciting items placed on public view...and then business must do its thing, as has been allowed at many other locations. If the hotel can then offer three night stays with more confidence (given the availability of a leisure pool) then people will come from further afield. If staying longer, they'll browse more and spend more in our City and that has to be good in these difficult times.

**Name**

Mr Andrew Blow

**Address**

9 The Green, Nettleham, Lincoln, LN2 2NR

**Date Received:**

30th March 2024

Afterthought. When attending the Lincoln Mystery Plays at the beginning of Holy Week last Sunday at St. Mary Magdalene Church, next door to the White Hart, the audience was told at the outset that there were no toilets in this small ancient church. However, we were told, the neighbouring White Hart Hotel had given permission for any audience member to use its toilets if required. A small anecdote, but does it sound like the sort of business thats going to be un-neighbourly and disrespectful of the city's archaeology?

6 April 2024

City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD  
FAO Planning Committee; Marie Smyth; Alastair Macintosh

I have recently become aware that there is a letter (Cover Letter, Supplementary Information) published on the planning portal which specifically names and discusses me, Dr Samantha Stein, in relation to planning application 2024/087/FUL and 2024/088/LBC. This is in response to my recent comments expressing concern about the reckless and destructive nature of this planning application with regards to the nationally significant archaeology in the City of Lincoln.

I find it shocking, disturbing, and dangerous that the council have chosen to publish a personal attack including personal details of a public consultee on the planning portal. In this instance, it is arguable that this application is no longer objective, and should be rejected on this premise alone.

The letter written by John Roberts Architects includes personal details, incorrect information about my experience, and accusations that I have written misleading comments about the application. The very opposite is true, and the architect's letter is deliberately misleading to suggest that I have demonstrably less relevant experience. While my expertise is in geoarchaeology, my PhD is on the post-Roman period in Lincolnshire (2014), I have a minor in medieval studies, and my previous experience includes a position at Historic England as acting science advisor in the south west and Yorkshire regions. This position included comprehensive training on the application of the latest science in archaeology within the planning process, with particular reference to [preservation of archaeological remains](#). As part of the planning process, and working with other local authorities, I have previously applied this expertise to similar cases as this one in cities such as Gloucester, York, Exeter, Sheffield, and many more in towns and villages across the country. With regards to my knowledge of Historic England official guidance, as well as my extensive experience in the planning process, the only conclusion I can draw is that current application does not meet standards required to warrant the destruction of archaeological remains in a city with important and well-preserved archaeology, such as Lincoln.

In addition, while I have primarily put my own name to criticisms of this application, I have been in consultation with many other professionals in the fields of archaeology and planning. The combined experience of those consulted is over 200 professional years. I find it appalling and dangerous that the applicant singles me out in their cover letter, when other respected and professional archaeologists have also commented on the application. Indeed, the planning lead at the well-respected organisation the Council for British Archaeology has written a letter that has come to the same conclusions completely independently, and this letter was shared widely across their social media accounts.

What is more, I have not once addressed the applicant *ad hominem*, nor have I publicly called for people to object to this application. In any statements I have made, I have pointed out how the application does not meet the thresholds of NPPF or other local planning policies, and pointed interested parties in the direction of the application to make comments *if* they chose to do so. What followed is an overwhelming 58 public objections across the full and LBC applications, demonstrating



that the people of Lincoln love their heritage and do not want to see it destroyed by unjustifiable development for development's sake.

Interestingly, John Robert's Architects follows their attack on myself with a caveat that I've provided the opportunity to add more information; this could be read as an admission that their application was not done to the required standards in the first place. One could now ask, why has the developer been withholding information from the planning committee?

Following the addition of supporting documents, however, my assessment and comments made prior to the end of the first period of public consultation still stand. This stance is detailed in my previous objection dated 16 March 2024. The application does not meet the standards required to warrant destruction of important archaeological remains. The construction of a private swimming pool will destroy nationally significant archaeology in an archaeological sensitive area of the city, and will provide no public benefit to the people of Lincoln. Benefits are only made to the private developer; arguably, the White Hart has been a thriving business for hundreds of years, so the addition of a private swimming pool is only a vanity addition which robs the city of its precious archaeological resources.

One major change has been made to the re-submitted application documentation: the sudden denigration of the archaeology from being nationally significant to being of local significance. In the first version of the documents, the applicant claimed that the all the archaeology to be impacted was of national significance. Now the applicant claims that only the Roman archaeology is of national significance, and based on a (completely flawed) geoarchaeological deposit model, that the development of the below ground swimming pool and associated ground works will not touch this archaeology.

That our early medieval and medieval archaeology (dating between 410-1540 AD) is only of local significance is a shocking statement to make. Visitors flock to Lincoln to experience one of the most well-preserved medieval cities in the country, including a large Norman stronghold castle with a rare two motte design, a cathedral with connections to William the Conqueror, two rare Norman houses, all within metres of the White Hart Hotel. For anyone to state that it is only of 'local' significance is misguided and serves only one purpose—to attempt to force the application for the private swimming pool through the planning process.

Considering the significance level of the medieval archaeology on this site is being argued, I strongly suggest that the council request that an impartial review take place, as per Historic England guidance on [assessing significance](#) (para 11). In this guidance, HE states that:

Where the significance is not obvious, appropriate expertise would need to be used, as the NPPF points out (paragraph 189). Analysis would generally be undertaken by a suitably qualified specialist, expert in an appropriate branch of conservation, architectural history, garden history and/or archaeology, or, in more complex circumstances, group of specialists, who can describe significance in a way which is acceptable to the local planning authority and which therefore assists a successful application.

The council should request statements of significance from external experts prior to making any conclusions based only on the applicant's biased statements. With a PhD covering Roman-medieval periods in Lincolnshire, I would conclude that this archaeology is of national significance, however it would be beneficial to consult a group such as the Society for Medieval Archaeology to provide a list of suitable experts to make an independent assessment.



Although my expertise branches beyond the field of geoarchaeology, the applicant has named me as a professional in this field, which is true; I do specialise in geoarchaeological deposit modelling. As part of the updated documents submitted, the applicant has included a crude deposit model (Revised Desk Based Assessment V2, section 8). As a named professional in this field, I can confirm that this model is insufficient and misleading when discussing whether the construction of the swimming pool and associated works will reach Roman deposits, which the applicant does deem as nationally significant.

In my professional opinion, 5 points across the wider uphill Lincoln area, within complex urban deposits, do not constitute a viable or applicable deposit model. An urban deposit model requires hundreds of data points; York's working deposit model incorporates 2,796 points, and is still questioned regularly. Figure 16 in the revised Desk Based Assessment is intentionally misleading, providing a 'zeroed' ground level for all stratigraphy. This is a professionally unacceptable projection of points of a deposit model, and must be discounted. Geoarchaeologically, levels below the surface horizon are irrelevant, especially in an urban environment where different localised activities can influence the ground level dramatically. Figure 15 shows quite clearly that at some parts of the city (point A at St Paul's in the Bail), the Roman archaeology is indeed found at the levels above Ordnance Datum where the destruction for the private pool will take place. So even if this were a viable model, their statements that they will not reach nationally significant layers is still not proven as part of their own model. Even more oddly, multiple local sites with visible Roman remains such as Eastgate northern tower, the mosaic at Lincoln Cathedral, and Newport Arch, all with measureable *in situ* Roman archaeology, have not been included. There is no apparent scientific sampling strategy for the points chosen for their deposit model, nor for the creation of said model.

The applicant is now stating that they will not destroy nationally significant archaeology, due to the fact that the application does not meet the NPPF requirements of public benefit. What they have not included is what happens when the model does fail, and they do encounter Roman archaeology—will they stop excavation and abandon the development? What about the loss of the nationally significant medieval and early medieval archaeology above that, will that destruction be for nothing? What is clear is that the applicant does not know whether or not they will reach Roman deposits, and their statement that 'Impacts on Nationally important Roman archaeology would therefore be nil' (full revised DBA V2) is *demonstrably untrue*.

Due to the *ad hominem* nature of the recently included cover letter (which should never have been published by the City of Lincoln Council), and the biased revisions written to fit the applicant's agenda only, it is evident that this application is no longer objective. On this basis, it should be withdrawn or rejected immediately.

In addition, I strongly urge the planning committee to consider what is important to the people of Lincoln. A total of 58 objections on a planning case is above the average number—Lincolnites and professional archaeologists are crying out to save their archaeology, and asking you point blank to protect their heritage. Our heritage and archaeology belongs to all of us. If you'd like to put a monetary value on it, [a recent study](#) has shown that the heritage sector is worth £45.1 billion to the UK economy, contributing over half a million jobs to the country. With all the history we have to offer here, surely this is the type of thing that Lincoln *should* be investing in, instead of unnecessary and inappropriate developments blind to the public's wishes.

Kind regards,

Dr Samantha Stein

**Customer Details**

Name: Mrs Louise Austin

Address: 62 Backmoor Crescent Sheffield S8 8LA

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lincoln is such a wonderful city, one which many people visit to take in the history. The proposal is outrageous, agreeing to the application would, in my opinion, simply benefit the owners and not the general public. If this proposal goes ahead then the floodgates are open for other plans outside Council Guidelines to be approved. Please don't pick and choose which applications are approved based on personal gain for the owners. Lincoln needs to do what Lincoln does best, and preserve the heritage for our, and future generations.



Historic England

Mr K Manning  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

Direct Dial: 0121 625 6888

Our ref: **W:** L01572890

20 February 2024

Dear Mr Manning

**Arrangements for Handling Heritage Applications Direction 2021**

**WHITE HART HOTEL , BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR**  
**Application No. 2024/0088/LBC**

Thank you for your letter of 15 February 2024 regarding the above application for listed building consent.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

pp C Hutchinson

**Tim Allen**

Team Leader (Development Advice)

E-mail: [tim.allen@HistoricEngland.org.uk](mailto:tim.allen@HistoricEngland.org.uk)



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*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.*



Historic England

Ms Marie Smyth  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DF

Direct Dial: 0121 625 6888

Our ref: W: L01572890

26 April 2024

Dear Ms Smyth

**Arrangements for Handling Heritage Applications Direction 2021**

**WHITE HART HOTEL , BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR**  
**Application No. 2024/0088/LBC**

Thank you for your letter of 24 April 2024 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

pp C Hutchinson

**Tim Allen**  
Team Leader (Development Advice)  
E-mail: [tim.allen@HistoricEngland.org.uk](mailto:tim.allen@HistoricEngland.org.uk)



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## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Lincoln City Council

**Application number:** 2024/0088/LBC

**Application Type:**

**Proposal:** Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services (Listed Building Consent)

**Location:** White Hart Hotel, Bailgate, Lincoln, Lincolnshire, LN1 3AR

**Response Date:** 5 March 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.



**Application number: 2024/0088/LBC**

**Application Type:**

**Location: White Hart Hotel, Bailgate, Lincoln, Lincolnshire, LN1 3AR**

### **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

**Recommendation:**

**No Objections**

**Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.**

**Regards**

**Officer's Name: John Clifton**

**Officer's Title: Principal Development Management Officer**

**Date: 5 March 2024**



<b>Application Number:</b>	2023/0819/FUL
<b>Site Address:</b>	Site of 12 Lindum Terrace, Lincoln
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	Franklin Ellis Architects
<b>Applicant Name:</b>	Mr Mike Bullas
<b>Proposal:</b>	Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping.

### **Background - Site Location and Description**

The application site is a large corner plot with Sewell Road to the north and Lindum Terrace to the east and south. The site is bounded by a high brick wall with mature trees within and around the perimeter of the site. The site is vacant after the original building, which sat to the west, was demolished on safety grounds after numerous vandalism and arson incidents. The site has since become overgrown although, to the east side of the site, lies the fragments of the former Eastcliff House Grotto. 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.

The site is located within the Lindum and Arboretum Conservation Area. The City Council's Principal Conservation Officer advises that the site is within a Victorian suburb characterised by large individually designed and often elaborate properties set behind brick walls. It is also within the setting of the grade II listed St Annes Bedehouses and 27 and 29 Sewell Road. These properties sit to the north of the site with 10-11 Lindum Terrace to the west.

The application proposes to erect two, 4 storey buildings accommodating a total of 42 apartments; 21 in each block. There will be 8 one beds and 34 two beds with 35 accompanying parking spaces. Building 1 will be located to the front of the site, facing Lindum Terrace, with Building 2 towards the rear. Associated works include cycle and bin storage, a temporary access within the boundary wall, a new pedestrian access within the boundary wall, tree removal and landscaping.

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.

### **Site History**

Reference:	Description	Status	Decision Date:
2016/1140/FUL	Creation of new medical village, to include a flexible mix of primary and secondary health care services (Use Classes D1 (Non-residential Institutions) and C2 (Residential Institutions) of the Town and Country Planning Use Classes Order 1987, as amended). Refurbishment,	Granted Conditionally	30 <sup>th</sup> January 2018

	conversion and extension of Nos. 10, 11 and 12 Lindum Terrace, including some demolition; erection of a two storey building with additional accommodation linking the existing buildings and undercroft parking beneath. Alterations to existing access to Sewell Road and Lindum Terrace; provision of parking and bicycle, motorcycle and ambulance bays; and associated soft and hard landscaping. (REVISED PLANS).		
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### **Case Officer Site Visit**

Undertaken on 9th January 2024.

### **Policies Referred to**

- 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

### **Issues**

- 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

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received
Housing Strategy & Investment Manager	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Anglian Water	Comments Received
Environment Agency	Comments Received
NHS - ICB	Comments Received
City Archaeologist	Comments Received
Lincolnshire Wildlife Trust	Comments Received

## **Public Consultation Responses**

Name	Address
Mark Goode	20 Northumberland Avenue Lincoln
Dr Philippa Casares	16 Lindum Terrace Lincoln Lincolnshire LN2 5RT
Mrs Frances Halse	17 Lindum Terrace Lincoln Lincolnshire LN2 5RT
Mr Frederick Hackett	27 Sewell Road Lincoln Lincolnshire LN2 5RY
Mr Thomas Pikett	6 Eastcliff Road Lincoln Lincolnshire LN2 5RU
Annette Faulkner p/p Lincolnshire Bat Group	65 London Road Spalding Spalding PE11 2TN
Mrs Philippa Sanders	32 Saxon Street Lincoln Lincolnshire LN1 3HQ
Mrs Jennifer Williams	29 Sewell Road Lincoln Lincolnshire LN2 5RY

## **Consideration**

### **Principle of Use**

Central Lincolnshire Local Plan (CLLP) Policy S1 advises that the Lincoln Urban Area, which includes the City of Lincoln, will be the principal focus for development in Central Lincolnshire, including housing. CLLP Policy S2 deals with growth levels and distribution of housing, allocating a mix of sites to meet housing need. The spatial strategy identifies that the Lincoln Strategy Area will secure around 64% of the supply for the Central Lincolnshire area. The site has no specific policy allocation within the CLLP allocations map. CLLP Policy S3 advises that within the Lincoln Urban Area, housing development proposals at

appropriate locations not specifically identified as an allocation will be supported in principle. Officers are therefore satisfied that the principle of the residential use is wholly appropriate at the site, which was formerly occupied by a residential property and sits within a predominantly residential area. Additional relevant aspects required by this policy in relation to affordable housing, harm to the character of the area and travel will be considered later within the report.

Supporting the application would also be in accordance with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development.

### Developer Contributions

CLLP Policy S45 states that “developers will be expected to contribute towards the delivery of relevant infrastructure, either through direct provision or contribution towards the provision of local and strategic infrastructure to meet the needs arising from the development either alone or cumulatively with other developments.” Contributions would be secured via a Section 106 legal agreement (S106).

In terms of health, CLLP Policies S45 and S54 require that, in line with the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD), contributions towards new or enhanced health facilities will be sought from developers where development results in a shortfall or worsening in provision, as informed by advice from health care commissioners. The NHS Lincolnshire Integrated Care Board has advised that the development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. A contribution of £23,705 has therefore been requested, which will go towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network at Abbey Medical Practice, Lindum Medical Practice and/or Minster Medical Practice. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

With regard to education, CLLP Policy S45 states that conditions or planning obligations are likely to require education provision where there is a demonstrated shortfall in capacity. Lincolnshire County Council (LCC) has requested a contribution for education, to mitigate the impact of the development at a local level. The level of contribution sought from the development is £81,753.68.

In accordance with CLLP Policy S22 and the SPD, the proposed development would be expected to provide 20% affordable housing. The policy states that affordable housing should be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site within the control of the applicant, or the payment of a financial contribution to the relevant local planning authority. The management of on-site affordable units within developments for flats is often problematic, and in such cases it is typical that a financial contribution will be requested. The City Council's Housing Strategy and Investment Manager has accordingly confirmed that a commuted sum towards affordable housing is requested in the amount of £955,197, which is the equivalent to nine units.

CLLP Policy S59 requires that developments will be expected to make a contribution proportionate to their scale towards green infrastructure, in accordance with the SPD. The contribution expected in the case of the development would be £29,478.29. The SPD also

requires development to contribute towards playing fields, and in this case a sum of £11,414.33 would be required.

The proposed development of 42 units would therefore be expected to provide:

Health	£23,705
Education	£81,753.68
Affordable housing	£955,197
Green infrastructure	£29,478.29
Playing fields	£11,414.33
	<b>£1,101,548.30</b>

In cases where applicants do not consider that they can meet the requested contributions on the grounds of viability the CLLP advises that these can be negotiated if an accurate viability assessment is submitted. This approach is also in line with the NPPF and Planning Practice Guidance: Viability.

The applicant has submitted a Viability Assessment, which advises that the scheme is not viable with the requested contributions.

The Viability Assessment has been assessed on behalf of the local planning authority by an independent third party. The independent assessment concurs; that the scheme is unable to support any S106 as it would not be viable. The independent assessment has also highlighted that, even with no contributions, the scheme generates a residual land value of £112,404, which is below the benchmark land value of £580,000.

In scenarios where a viability case has been made, the SPD advises that the local plan (CLLP) recognises the overriding need to ensure all development is sustainable and supported by necessary and appropriate infrastructure, however, the plan is also committed to delivering growth. Therefore, development viability is not only relevant but critical to determining planning applications. Paragraph 58 of the NPPF advises that “the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available”.

In this case officers are satisfied with the conclusion of the independent assessment; that the scheme would not be viable with the expected contributions. Requiring these would result in the development being unviable and not being brought forward. Officers have carefully considered the viability of the scheme against other factors, such as the demand for housing within the city and the desire to see the site come forward for development. Officers would therefore recommend that the application be granted without the requested contributions, however, given that the development does not meet the full policy requirements, this recommendation is subject to the applicant signing a S106 within which would be an overage clause, or ‘clawback’ provision. This would allow the viability of the scheme to be revisited in the future as it comes forward. If viability has improved, this would give the council the ability to recover some or all of the lost contributions i.e. the commuted sums that are not being sought at this time. This approach was recommended by the independent assessment and is advocated in the Planning Practice Guidance: Viability. The applicant is in agreement to entering into such a S106, which, if consent is granted by



members, would be secured by officers prior to the issuing of the planning permission.

### Visual Amenity and Impact on Character and Appearance of the Conservation Area and the Setting of Listed Buildings

CLLP Policy S53 advises that development should integrate into the surroundings and relate well to the site as well as its local and wider context. It should reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design which sympathetically complement or contrast with the local architectural style. Paragraph 135 of the NPPF requires that development should add to the overall quality of the area, be visually attractive and sympathetic to local character and history.

The application advises that the area is dominated by large-scale residential villas within garden plots, the majority of which being 2 and 3½ with some properties to the south of Lindum Terrace being 3½ and 4 storeys. All properties are individually designed with tall boundary walls and a sense of enclosure along the streets, with limited visibility into individual sites. Materials are predominately buildings of red and beige brick and slate roofs, with traditional timber sash windows, stone detailing and chimneys. The previous building was constructed in 19th Century with stone quoins, intricate detailing and a turret. It was set back from the road, positioned towards the west of the site.

There is a clear building frontage line along Lindum Terrace which sets the properties back from the highway. To the north along Sewell Road, properties are tighter to the boundary. The wall is approximately 2m tall along Lindum Terrace and increases in height to approximately 4m as it continues along Sewell Road. There is an approximately 3.5m fall in land level from Sewell Road to Lindum Terrace. Around the eastern edge of the site, the ground levels are raised forming the upper terrace of the former grotto and the boundary wall acts extensively as a retaining wall. In conjunction with the mature trees that feature across the site, the wall provides a large amount of screening from the public highway.

The applicant commissioned a structural report of the boundary wall. This concluded that, despite the observed defects, the wall is not in any immediate danger of collapse or failure although it could benefit from some repairs to be carried out in the near future. Key recommendations were to remove all self-set seedlings, young trees, ivy and climbing plants from behind the wall to prevent further damage. In addition, localised rebuilding and re-pointing work has been advised. Proposals for the removal of trees will be detailed later within the report, however, even with some proposed thinning adjacent to the boundary, the remaining more mature trees would still screen the majority of the site from view.

The proposal is for two distinctly designed villa style buildings. Building One, to the front of the site, will predominantly be viewed in conjunction with 10/11 Lindum Terrace and is therefore proposed to resemble the form of a large traditional massed building. The application advises that the architectural approach for this building is of a traditional form and style, with contemporary elements. There are two villa sized elements which are connected with a more contemporary glazed link with balconies, creating a façade with visual interest. High quality materials with projecting header brickwork detailing and contrasting brick banding provide an ornate facade with attention to detail. The eastern corner has a distinctive tower feature, linking the design to the former 12 Lindum Terrace. Large feature chimneys and well-proportioned windows set the elevational treatment into the character of the area.

Building Two, to the rear of the site adjacent to Sewell Road, will be less visible from Lindum Terrace. A more contemporary style is therefore proposed for the form and massing. The application advises that a similar palette of materials along with similar features will tie the buildings together. The roofscape is simple in form with pitched roofs of consistent eaves height, in contrast to the more varied form of Building One. The south façade incorporates a gable feature, glazed link and chimney to form the front entrance. A contrasting brick sets the remaining element of the southern facade back making this subservient, giving prominence to the entrance. The north façade has a linear pitched roof with low eaves level that is just visible over the boundary wall, with a rhythm of repeated clad bay features and chimneys, taking reference from the Bedehouses. The feature bays have cladding to the upper levels where these will be visible above the wall, with brickwork below.

A number of the objectors have raised concern regarding the contemporary design, which they consider will have an adverse effect on the conservation area. It is considered that the scale and height is excessive and they would be out of proportion and not in keeping with the area. Buildings will dominate the landscape and will harm long views towards the site from Sewell Road and the Arboretum.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed buildings as well as the parking areas, new landscaping and the large area of retained landscaping to the east. The development represents a good use of land and the arrangement of the buildings is considered to be appropriate to the context. The Conservation Officer advises that the site itself was formerly the gardens to a large mansion, Eastcliff House, which prior to its demolition, was the biggest in the area and bigger than the current neighbouring properties to this plot. Therefore, while the proposed development is substantial, there is historic precedent for this in the locality. She also notes that the perception of large properties in generous well treed grounds is preserved by the proposal with the retention of many of the original landscape trees and therefore the strong garden suburb appeal of the area is retained.

The height and scale of the proposals in relation to neighbouring properties is demonstrated within the application by site sections. The heights of properties in the vicinity vary and land levels generally drop from north to south, with additional land level variations within the site. The Conservation Officer notes that, whilst it is acknowledged that the proposed development is larger than the surrounding domestic villas, it has been established that this massing has a historic precedent and furthermore, it is considered that these masses have been appropriately articulated and detailed to mitigate any undue massing. Officers are therefore satisfied that the proposal would relate well to the context in relation to the street layout, building types, size, siting, height, scale and massing, in accordance with Policy S53.

With regard to the design and detailing, there has been comprehensive pre-application discussions which have influenced the architectural approach to appropriately reflect the prevailing character and appearance of the conservation area. The Conservation Officer has noted that this has resulted in the distinctive repetitive gable features, domed corner tower, decorative brick work, series of reveals and projections to animate the façade, selection of window designs and balconies on the Lindum Terrace elevation. Attention to materials is essential in this high status area and the use of a traditional palette of brick and slate with decorative brick specials to achieve visual interest and echo the ornate detailing on many of the historic properties is welcomed. The architectural language of Block 2 to the rear of the site is quieter. Tucked behind a historic high red brick boundary wall, the sequence of projecting bays, steep roofscape, slate roof and chimneys, relates well to the smaller range of Bedehouses behind the red brick wall on the other side of the road which themselves

feature a deep roofscape regularly punctuated by chimneys. Officers consider that the design, proportions and detailing results in a scheme which is of a good quality. It would sit comfortably in the context, complementing the existing character of the area, in accordance with Policy S53.

To ensure that the overall finish and quality of the development is to a high standard, conditions would require samples of the roof tile, roof slate, chimney pot and brick sample panels to show the mortar and use of English garden wall bond. Further conditions will require details of the colour and finish of the standing seam cladding, aluminium framed windows, projecting balcony fascia, feature corbel and metal railings.

The boundary wall to the site is to be retained, with the exception of the slight widening of the main access and the creation of a new pedestrian access gate further east on Lindum Terrace. The opening for the new pedestrian gate will be temporarily made wider to enable its use as a site access during construction. Details of the replacement pedestrian access, including the stone pillars, copings and gate have been provided. The same detail has been provided for the widening of the main entrance and also the brick built bin store. Officers have no objection to these proposals. Officers also consider that the proposed soft landscaping, which is detailed later within the report, will enhance the existing features on site and complement the proposals. The development will therefore provide appropriate landscape and boundary treatments, ensuring that the development can be satisfactorily assimilated into the surrounding area, in accordance with CLLP Policy S53.

Taking account of the comprehensive approach to the layout and design of the development, ensuring that it reflects and respects the existing context, officers and the Conservation Officer consider that the character and appearance of the conservation area would be preserved by the development. Some objectors have raised concern regarding the impact of the proposal on the grade II listed Bedehouses and 27 and 29 Sewell Road. The Conservation Officer considers that the language of the elevation facing Sewell Road is relative to its immediate context, which would preserve the significance derived from the setting of the Bedehouses and pair of villas. The application would therefore be in accordance with the requirements of CLLP Policy S57 in respect of preserving the conservation area and setting of adjacent listed buildings.

### Residential Amenity

At its closest point, an approximately 10m long section of the side elevation of Building 2 would be located approximately 2m from the side, west boundary with 10-11 Lindum Terrace. The side elevation of no. 10-11 would be located between 7m and 8.8m from the proposal. There are windows within the neighbour's facing elevation, although officers do not consider that the proposal would have an unduly overbearing impact or, located to the east, would result in an unacceptable degree of loss of light. The only glazing within the upper floors of the section Building 2 which would sit opposite the neighbouring property are full height glazed doors. However, these are within an angled section of the building which orientates the doors to face towards the north west, away from the neighbouring building rather than directly west, towards it. Officers are satisfied that this would not result in a harmful impact through direct overlooking.

Beyond the rear garden of 10-11 Lindum Terrace, to the north west, sits 30-32 Sewell Road. Given that the proposal would be located over 13m from this neighbour's boundary, and there is a distance of over 27m between windows, officers do not consider that this relationship would be unacceptable.

Objections have been received considering that Building 2 would overlook 27 and 29 Sewell Road and also the occupants of the Bedehouses, which would cause loss of privacy. These properties are located to the north the site, across Sewell Road. While Building 2 would be visible above the boundary wall of the application site and have a view towards these properties, there is sufficient separation and, to a large extent, the neighbouring occupants are protected by the position of their own boundary wall trees/plantings within gardens.

With regard to Building 1, at the front of the site, the side elevation would sit over 19m from the side, west boundary with 10-11 Lindum Terrace and over 23m from the side elevation of this neighbouring property. While there are windows proposed within the facing elevation officers are satisfied that this separation is sufficient to ensure there would not be any issues of overlooking. The separation distance would also ensure that Building 1 would not appear unduly overbearing or cause loss of light. Building 1 sits behind the boundary wall to Lindum Terrace with the retained line of trees in between. Give this, and the separation of over 23m to properties on the opposite side of the road, officers are satisfied that there would be no impact on these neighbouring occupants.

An objection has been raised with concerns regarding the density of the development leading to noise pollution. The City Council's Pollution Control (PC) Officer has not raised any objection to the proposal in this respect but has noted that the proposed development would be served by air source heat pumps (ASHPs), which are proposed to be located on the roof of one of the buildings. The same building also appears to incorporate a relatively large plant room. He has advised that noise from these mechanical sources could have the potential to cause elevated noise levels at nearby dwellings, if not designed and installed sympathetically. He has therefore recommended a condition to require a noise impact assessment report, which would identify any mitigation measures that are necessary to minimise the impact of noise.

The PC Officer has also requested a condition to require an assessment of the offsite impact of all external lighting. With this condition in place, it can be ensured that the external lighting associated with the development will not give rise to offsite problems due to light overspill. The PC Officer has also requested a final condition to restrict construction and delivery hours, to limit the impact on the amenities of neighbouring occupants during noise sensitive hours. All of the conditions requested by the PC Officer will be duly applied to any grant of consent.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, along with the objections received. Officers are satisfied that the development would not result in undue harm to neighbour's amenity through overlooking, overshadowing or loss of light, in accordance with the requirements of Policy S53.

With regard to the amenities of future occupants, the floor area of the flats is acceptable when considered against the Nationally Described Space Standards. Each bedroom and kitchen/living area would be served by a window or glazed doors. The development is laid out so there is an acceptable separation between the two buildings. Officers are therefore comfortable with the arrangement of the development and consider that it would provide a good level of amenity for future occupants, as required by Policy S53.

#### Trees, Biodiversity Net Gain, Landscaping and Biodiversity

The application is accompanied by a Preliminary Arboricultural Assessment, Arboricultural

Impact Assessment, Arboricultural Method Statement, Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment and a Biodiversity Metric Assessment.

CLLP Policy S66 requires that development proposals should be prepared based on the overriding principle that the existing tree and woodland cover is maintained, improved and expanded. The policy requires that applications should provide evidence that existing trees on site have been subject to adequate consideration. None of the trees on site are protected by a Tree Preservation Order (TPO), although the trees are afforded protection given their location within a conservation area. Policy S66 advises that in such areas, where proposals will result in the loss or deterioration of trees on site, permission will be refused unless; there is no net loss of amenity value which arises as a result of the development or the need for, and benefits of, the development in that location clearly outweigh the loss.

The application advises that, following assessment, the majority of the trees located along the boundaries of the site were identified as mature specimens which are visually prominent in the local landscape. The trees were considered to be characteristic of the local area and in keeping with the current setting. During the assessment four trees were considered particularly good examples of their species and therefore categorised as Retention Category A. Trees within the centre of the site are of less significance from a visual perspective, and none considered high value (category A) in the Arboricultural Assessment. Many of these are self-set or have grown in proximity to each other. All the proposed tree removal has been carefully considered alongside the Arboriculturist's advice, and only the internal trees that are required to enable the development are proposed for removal. All boundary trees are to be retained and will have maintenance and appropriate pruning to prolong their health and life. This will future-proof one of the key characters within the conservation area.

Some of the objectors have raised concerns regarding the loss of trees on the site.

The City Council's Arboricultural Officer has visited the site and considered the Preliminary Arboricultural Assessment, Arboricultural Impact Assessment and Arboricultural Method Statement. He has advised that these are all fit for purpose. He has confirmed that the majority of trees identified for removal are located within the central section of the site and many are located on significantly graded slopes; where this is the case root plates have experienced a significant degree of undermining which may negatively affect individual tree stability. The majority of trees identified for removal have developed a cohesive canopy as a result of their proximity to one another. None of those proposed to be removed warrant protection through a TPO. He notes that the outer perimeter of the site contains a significant number of mature trees which mask the central zone from the general public, therefore the loss of trees identified for removal will have little effect on the external aesthetic appearance of the site. The Arboricultural Officer accordingly raises no objections to the development proposals.

Officers welcome the retention of the boundary trees, which will benefit from appropriate pruning to prolong their health. These are important to the character of the area but also serve to screen the trees within the site which will be removed to facilitate the development, and on the basis of the Arboricultural Officer's advice, are not worthy of retention. Those trees retained here are also likely to benefit from the removal of some of the trees that are not considered to be healthy or stable. On balance it is considered that there will be no net loss of amenity value and the trees that are to be retained will indeed benefit from the management, as required by Policy S66. Officers would recommend a condition to require works to proceed in accordance with the Arboricultural Method Statement, to ensure trees are protected during construction works.

The application advises that soft landscaping will enhance the existing features on site, including an understorey grassland below the mature trees, green climbing wall against the boundary wall to the rear of Building 2, biodiverse turf to open spaces and new native shrub planting and trees to further enhance the biodiversity on the site and provide an attractive setting for the residents.

In terms of Biodiversity Net Gain (BNG), the requirement for all qualifying sites to deliver 10% BNG became mandatory on major applications submitted after 12<sup>th</sup> February 2024 through the Environment Act 2021. The application was submitted in advance of these dates and therefore, as an interim, CLLP Policy S61 requires that development proposals should deliver at least a 10% BNG and the net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

The site has a number of trees and also has a large degree of low level vegetation as a result of the site not being occupied for some time. For this reason, officers consulted the Wildlife Trust and the City Council's Ecologist. The Wildlife Trust submitted a holding objection, on the grounds that further ecological information was required. They noted that the submitted Preliminary Ecological Appraisal (PEA) recommends that a Landscape and Ecological Management Plan (LEMP) be submitted to ensure the ecological habitats created post development meet their stated biodiversity value. The City Council's Ecologist also made similar comments regarding the need for a management plan, and also requested the submission of a Biodiversity Metric.

The applicant has accordingly submitted a BNG Metric, BNG Metric Assessment and a letter from their ecological consultant to address the consultation comments. The BNG assessment has identified that the proposed landscaping for the site achieves a BNG of 12.42%. It is noted that there does remain a trading deficit because it is not possible to completely compensate for all habitats on site in terms of 'like for like or better', due to the constraints of the site. Nevertheless, the landscaping has been designed to minimise the impacts of these losses as far as possible. Recommendations are accordingly put forward in vegetated land, woodland and scrub. The applicant accepts that a LEMP will be required for the site and has requested that this be conditioned.

The Wildlife Trust and the City Ecologist were both consulted with the revised information. The Wildlife Trust are satisfied that the comments regarding the BNG metric are reasonable and justified. They have no further comments to make subject to the LEMP being conditioned. The City Council's Ecologist is equally satisfied with the metric. Despite there being a deficit on some of the trading requirements, on the planning balance he doesn't see a significant issue as overall BNG has increased. He also has no objection to the LEMP being submitted post decision, which will be conditioned accordingly on any grant of consent. Officers welcome the gain in excess of the 10% requirement of Policy S61.

In addition to the above BNG requirements, the PEA advises that the development will provide opportunities to enhance the existing woodland and deliver habitats for bats and birds. It also recommends a condition to require a Construction Ecological Management Plan (CEcMP), to minimise any adverse effects on biodiversity from the development. The CEcMP will be conditioned as will a scheme for the provision of additional enhancements, such as bird and bat boxes.

The submitted Preliminary Bat Roost Assessment concluded that the trees on site were found to have low to negligible bat roosting potential. The two small outbuildings were



considered to have high bat roosting potential, although no evidence of bats was found. The report recommends further bat activity surveys on the outbuildings, which will be required by condition. This additional survey was also recommended by the Lincolnshire Bat Group in their consultation response. Officers are therefore satisfied that the development would protect on site biodiversity, in accordance with the requirements of CLLP Policy S60.

### Access, Parking and Highways

The development will utilise the existing access into the site from Lindum Terrace. There is an existing pedestrian access to the north east from Sewell Road, which will be maintained, and a new pedestrian access will be created on Lindum Terrace, to the south. The application proposes a total of 35 car parking spaces, including both surface parking and within undercrofts. There is also an internal cycle store within Building 2, providing 26 spaces.

Objections from local residents consider that there is insufficient parking for occupants, visitors, and deliveries. They note that parking during the day is an issue in the area due to hospital staff and visitors, and the development will lead to parking on surrounding pavements. There is concern for the safety for pedestrians and cyclists, particularly as they consider that Lindum Terrace is effectively one lane during the day due to number of parked cars. Concern is also raised regarding the position of the entrance being close to a blind bend, which has the potential for accidents.

The LCC in their capacity as Local Highway Authority has considered the application. They submitted an initial response requesting additional information, asking for the applicant to give consideration to parking provision recommended for one/two bed flats. This is contained within CLLP Policy S49. The applicant was also asked to provide plans to demonstrate a turning space within the site and a minimum 4.1m wide access.

The applicant provided revised plans to show the requested turning space and an increased width of the access, which will now accommodate two-way traffic entering and leaving the site. With relation to the parking the applicant advised that, due to the constraints of the site, no further parking can be accommodated. It is intended that the proposed parking provision will be allocated to the two bedroom apartments only, one per apartment, with an additional two visitor spaces. No spaces will be allocated to the one bedroom apartments.

This has been considered by the LCC and they have confirmed that they have no objection subject to conditions. In their response they advise that:

Lindum Terrace is located in a sustainable location with good pedestrian links to the surrounding area including central Lincoln and uphill, as well as having good links to the hospital. There is good public transport connections in the area including bus stops within walking distance of the site. There is designated on street parking opposite the site and waiting restrictions on Lindum Terrace. There is areas of local amenity in the area and occupants of the site would not be reliant on travel by car.

#### Highway Safety

The current access is to be widened so that two vehicles can pass in the access to avoid waiting on the highway. There is sufficient turning space within the site for cars and delivery vehicles to be able to access and egress the site in a forward gear. Therefore, there would not be an unacceptable impact on highway safety.

### Highway Capacity

The site is located in a sustainable location and residents wouldn't be reliant on the use of a car, therefore the impact on highway capacity would be minimal. The junction in the local area would be able to accommodate the minor increase in traffic.

### Site Layout

Site layout has been considered to allow for turning within the site with a sufficient amount of parking spaces provided for the proposals. Cycle storage is to be provided within the site layout to encourage sustainable travel options. Alternatively, there is designated on street parking available on Lindum Terrace should it not be available within the site.

### Off-Site Improvements

Off site improvements via the provision of tactile crossing points at the junction of Lindum Terrace and Eastcliff Road will be required to improve pedestrian connectivity in the area.

On the basis of this professional advice officers are satisfied that the car and cycle parking provision is acceptable and there would be no undue impact on highway capacity or safety. It is also considered that the site is in a sustainable location with good access to local facilities and public transport. Travel can therefore be minimised and the use of sustainable transport modes maximised, as required by CLLP Policy S47. The conditions requested by the LCC- requiring the completion of the highway improvements works at the Lindum Terrace and Eastcliff Road junction and a Construction Management Plan (CMP) will be duly applied to any grant of consent.

### Flood Risk and Drainage

Policy S21 requires that development proposals should incorporate Sustainable Drainage Systems (SuDS). The LCC in their capacity as Lead Local Flood Authority has considered the application. During the process they requested that the applicant provide additional information- including a Flood Risk Assessment/Statement, a Drainage Strategy and proposals for surface water drainage infrastructure.

In response the applicant enquired whether the drainage information could be conditioned, rather than detailed calculations and design be submitted prior to determination. The LCC advised that the matter could be dealt with via condition, although the scheme would need to deliver a SuDS scheme. The applicant has accepted this. The LCC has reflected this position in their final response. They advise that a drainage strategy has not been determined at this point, however, it will be required to provide a sustainable urban drainage system which follows the SuDS hierarchy. It has been noted that the drainage strategy may change the site layout at a later stage and this is something the applicant has considered.

Anglian Water has also advised that the preferred method of surface water disposal would be to SuDS. They have advised that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no strategy being provided, no evidence of the surface water hierarchy and no connection points or discharge rates. They recommended that the applicant consults with Anglian Water, and this request has been forwarded to the applicant. Given that the applicant has requested that drainage matters be dealt with post decision, Anglian Water has requested a condition which will require a full surface water management strategy to be submitted for approval. This will be applied to any grant of consent and will allow the matter to be dealt

with post decision, to meet the requirements of Policy S21.

Anglian Water has also advised that the sewerage and foul drainage systems have capacity for the development.

In their consultation response the Environment Agency has advised that they do not wish to make any comments.

### Energy Efficiency

CLLP Policy S6 relates to design principles for efficient buildings. It requires that, when formulating development proposals, the following design expectations should be considered and in the following order: orientation of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. The policy also states that Energy Statements, as required by Policy S7 for residential development, must accompany applications and set out the approach to meeting each of the above principles. The policy requires that developments should generate at least the same amount of renewable electricity on-site as the electricity they demand over the course of a year.

The application is accompanied by an Energy Statement. This advises that a fabric first approach has been adopted although the standard requirements have not been fully met due to the conservation area location of the application site. The Energy Statement advises that exceptional basis clause 1 of Policy S7 has therefore been applied. Policy S7 states that, where the requirements cannot be met for technical (e.g. overshadowing), other policy reasons (e.g. heritage) or other technical reason linked to the unique purpose of the building (e.g. a building that is, by the nature of its operation, an abnormally high user of energy), then the Energy Statement must demonstrate both why they cannot be met and the degree to which they are not met. The Energy Statement advises that a range of renewable technologies have been appraised, many of which are not feasible for the development, such as wind turbines given the enclosed nature of the site.

The development will use air source heat pumps (ASHPs) to meet 100% of the site's space heating and hot water demand and an array of 122 solar photovoltaic (PV) panels will be installed. The design of the buildings, including the form of the roof, has been subject to detailed discussions with officers, to ensure that it was appropriate to the conservation area setting. The PV panels are therefore only proposed to be installed on the flat roof and internal roof slopes, both of which are not open to public view. On balance, officers are of the opinion that the development has appropriately considered a range of renewable options for the site and has satisfied as much of the policy requirements as is reasonably possible, when considering the conservation location of the site. It is not considered that it would be reasonable in this case to require anything further which could compromise the appearance of the development or the character and appearance of the conservation area.

With regard to water efficiency, a standard condition is recommended to ensure the development achieves the water efficiency standards as required by CLLP Policy S12.

### Archaeology

The application is accompanied by an Archaeological Desk Based Assessment (DBA), which has been considered by the City Council's City Archaeologist. He has advised that the DBA demonstrates that the archaeological potential of the site is relatively low. While there remains the possibility of isolated features being present, the likelihood of this is low

as the site appears to have been extensively disturbed. Field evaluation was undertaken in support of a previous application to develop the site. The results of this are referenced in the DBA and support the assessment of low archaeological potential.

The City Archaeologist has advised that, despite the evidence of widespread disturbance on the site, and likelihood of such remains being present is low, provision should be made for recording them in the event that they are present. He has therefore recommended a condition to require the applicant to submit a Written Scheme of Investigation (WSI), as required by NPPF paragraph 211.

The City Archaeologist has also made comments in relation to the Pulhamite Grotto at the site. He notes that the proposed development will require the removal of a large part of the remaining grotto feature and will have a severe impact on the significance of the remainder. An objector has suggested this is listed and raised concern about its loss. While the grotto is not listed, the City Archaeologist has advised that it should be considered as a non-designated heritage asset of local significance, and its loss should therefore be tested against the provisions of NPPF paragraph 209. This same test will also apply to the archaeological remains that may be affected as a result of the proposed development.

The Conservation Officer has noted that key features of the grotto, such as waterfalls, are no longer legible, and the grotto is now much disrupted by tree growth and natural decay. The loss of the deteriorated asset has been weighed against the benefit of the delivery of the residential development within a conservation area. It has also been weighed against the proposals that will see areas of stone relocated into the main bowl area and that this provides the opportunity for a future restoration scheme, which could see this feature researched and restored. Officers are therefore satisfied that, on balance, the scale of the benefits are sufficient to outweigh the level and scale of harm caused by these proposals. The overall archaeological potential of the site is low, and officers are therefore also satisfied that the potential level of harm to archaeology on the site from the development is outweighed by the benefit of a scheme which will enhance the conservation area.

The requirement for the submission of a WSI, which shall include a photographic survey of the Pulhamite Grotto, will be duly applied to any grant of consent. A further condition will also require the submission of the final report for archiving. With these requirements in place, officers are satisfied that the application would meet the requirements of CLLP Policy S57 and section 16 of the NPPF.

### Contaminated Land

The City Council's PC Officer has advised that, due to past uses and incidents on the site, there is the potential for significant contamination to be present. He has noted that a preliminary risk assessment has been submitted, which highlights the need for further site investigation. He has therefore recommended that the full set of land contamination conditions are necessary. The recommended conditions will therefore be applied to any grant of consent and with these in place the application would meet the requirements of Policy S56.

### Other Matters

#### Deign and Crime

A response from Lincolnshire Police has been received, raising no objections to the development. They have, however, made a number of recommendations which have been

shared with the applicant for their information.

#### Air Quality and Sustainable Transport

It is proposed that electric vehicle charging points will be incorporated within the development, which is welcomed and would be in accordance with the requirements of CLLP Policy NS18. This matter would be controlled as part of the Building Regulations process and as such, is not necessary to condition as a requirement of the planning application.

#### Refuse

The application advises that internal secure refuse storage is provided within each building, with capacity for five 1100 litre bins within each, which will be split between general and recyclable waste. Bin collection will be via Lindum Terrace, with an external refuse enclosure within the permitted distance for collections. On collection day, building management will move the bins to the external area.

#### **Application Negotiated either at Pre-Application or During Process of Application**

Yes, see above.

#### **Financial Implications**

None.

#### **Legal Implications**

None.

#### **Equality Implications**

None.

#### **Conclusion**

The principle of the use of the site for residential purposes is considered to be acceptable. An independently assessed viability appraisal has 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 comes forward, and if viability has 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, BNG, landscaping and biodiversity; access, parking and highways; flood risk and drainage; energy efficiency; archaeology and contamination have been appropriately considered by officers against local and national policies and by the relevant statutory consultees, and can 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.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is Granted Conditionally:

- a) with delegated authority granted to the Planning Manager to secure a S106 including an overage clause; and
- b) subject to the following conditions:
  - Time limit of the permission
  - Development in accordance with approved plans
  - Samples of roof tile, roof slate, chimney pot and brick sample panels to show the mortar and use of English garden wall bond
  - Colour finish for standing seam cladding, aluminium framed windows, projecting balcony fascia, feature corbel and metal railings
  - Highways improvement works- crossing at junction of Lindum Terrace and Eastcliff Road
  - Construction Management Plan
  - Surface water drainage scheme
  - Surface water management strategy
  - Archaeological Written Scheme of Investigation including photographic record of grotto
  - Submission of full archive and report following completion of works
  - Contaminated land site characterisation and remediation
  - Noise impact assessment
  - Assessment of offsite impact of external lighting
  - Landscape and Ecological Management Plan
  - Construction Ecological Management Plan
  - Bird and bat boxes
  - Bat survey of outbuildings
  - Implementation of tree protection measures
  - Water efficiency standards
  - Hours of construction/delivery



## 12 Lindum Terrace plans and photos



Site location plan



Proposed site plan



Proposed ground floor site plan



Proposed first floor site plan





Tree removal plan



Building 1 elevations





Visuals of Building 1



Visual of Building 1 from Lindum Terrace



- ③ Buff Brick
- ④ Projecting Brick Detail
- ⑤ Standing Seam Cladding - RAL Colour TBC
- ⑥ Aluminium Double Glazed Windows / Doors - RAL Colour TBC
- ⑦ Natural Slate Roof Tiles
- ⑧ Concrete Roof Tiles
- ⑨ Metal Balcony

① GA Elevation North 93  
1:100



Building 2 elevations





Visuals of Building 2



Visual of Building 2 from Sewell Road



Proposed Lindum Terrace street elevation



Proposed Sewell Road street elevation





Photo of site from Sewell Road looking west





Photo of site from Sewell Road looking north west



Photo of site from Lindum Terrace looking west



Photo of site from Lindum Terrace looking east











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## Site of 12 Lindum Terrace Consultation Responses

### **Name**

Mark Goode

### **Address**

20 Northumberland Avenue

**Date Received:** 16th November 2023

Your description above does not mention the number of parking spaces for the amount of bedrooms . . . surely it should be the same as this would represent the minimum of residents, all, potentially requiring a parking space . . . let alone any visitors that may need to park while attending . . . social worker/health worker/midwife/ doctor/police officer/supermarket home delivery/parcel deliver/royal mail . . . the list is endless. . . And the developers are planning just 34 car parking spaces. I assume , if passed, the adjacent pavements - designed for the use of pedestrian and not parked cars - will become smattered with parked cars - a blight most of Lincoln has become awash with, of which nothing seems to be done by the police or even the City of Lincoln Council . . . . Pedestrians should be able to use pavements without the threat of either being knocked over by a cyclist or having to step into the road due to not being able to pass illegally parked vehicles.

### **Name**

Mrs Frances Halse

### **Address**

17 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RT

**Date Received:** 29th November 2023

The demolition of 12 Lindum Terrace was, if not illegal, certainly immoral. I queried it at the time on The Lincoln City Planning online site but heard nothing. The owner had had the property for several years and (other than installing a security gate) they did nothing to secure its well being despite being well aware of its history of vandalism. The security gates did not stop the vandals but did impede the fire engines getting access to the site when it was eventually subjected to the arson attack. The owner who had previously been so neglectful had it demolished within the week. I cannot be the only person to see comparisons here to the fate of The Wonky Pub.

The garden has a grotto area that is listed as of historic interest and many of the trees are also 'protected'. These plans seem to ignore the grotto and chop down many of the trees - is this because it is so neglected? Because, in that case, we have to ask who has neglected it over the last six or so years; convenient isn't it.

The proposed development is far too big. Last year, with the development of 10-11, we saw the number of dwelling on Lindum Terrace more than doubled. This development would more than double that number again. So many tiny flats will radically change the dynamics of the area and such a dramatic increase in the population, especially young, single people, will have a detrimental affect on the tranquil nature of this historic corner of Lincoln.

It is also too tall with only one exception all the properties at this end of Lindum Terrace are 2-3 stories high - the exception is the property attached to our own and although technically four stories it's profile is the same as our own three story profile. (The property that was on this site was only 3 stories high)

In my opinion the proposed buildings are boring, modern corporate style blocks with a silly little turret trying to pretend that the owners have any interest in the history of the site.

The application is for 42 flat but there are only 35 parking spaces which will force residence to park on the road where parking is already an issue, with people frequently parking on double yellow lines.

The entrance is very close to a blind bend if, as often happens, people have parked on the double yellow lines near the Arboretum play park entrance, vehicles travelling west towards Lindum hill are forced onto the wrong side of the road on the bend, unable to see what is coming towards them. Add in yet another entrance on this corner and the possibilities for an accident are increased substantially.

**Name**

Mr Frederick Hackett

**Address**

27 Sewell Road, Lincoln, Lincolnshire, LN2 5RY

**Date Received:**

29th November 2023

1. The proposal packs too many properties onto the site. Tenants of 42 no. flats will require more car parking than is proposed.

2. The proposed buildings are too tall to fit in with the surrounding area. The earlier building on the site was 2 no. stories high.

3. Proposed building no.2 will over look nos. 27 & 27 Sewell Road. I would ask that the proposal for this building be reduced to two stories.

**Name**

Mr Thomas Pikett

**Address**

6 Eastcliff Road, Lincoln, Lincolnshire, LN2 5RU

**Date Received:**

3rd December 2023

Highway safety and congestion:

The single vehicular access on Lindum Terrace opens onto a road that, due to parked cars, is effectively one lane during the day. If there are 42 flats and 18 parking spaces where are the 24 leftover cars going to go?

Effect on trees:

There are many mature ewe and holly trees on the site. What does 'tree removal' mean. Is it not illegal to remove such trees?

Previous reneging on planning agreements:

10 and 11 , next door , were supposed to be luxury flats; they now appear to be populated with youngsters with 'problems'. This is not a criticism of them but of the disingenuous developers.

**Name**

Dr Philippa Casares

**Address**

16 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RT

**Date Received:**

4th December 2023

We are writing to object to the current proposal to build two large blocks of flats on the land at 12 Lindum terrace. Although in principle we would be delighted to see this land developed for housing for local Professionals as suggested in the application, we have the following concerns and objections to the design as proposed:

Design in a conservation area -the proposed contemporary design will have an adverse effect on the character and appearance of the Conservation Area. Although we are not against a contemporary design in principal and some contemporary designs can work very well to enhance and compliment the beauty of an historic area (as is evident on some very successful contemporary design across Lincoln eg at Lincoln University) the design of these two large blocks of flats have an 80's office block appearance that will age very quickly and do not compliment the current area design and will quickly become an eyesore in what is otherwise a very beautiful and historic part of the city. The design has appeared to focus on cramming as many flats as possible into the space with a tokenistic attempt to acknowledge the previous design with a trivial turret. A single two or maximum 3 storey contemporary modernist dwelling with well cultivated grounds could be a great asset to the area.

Scale and Height - the proposal to replace a single two story Victorian house with two four story large blocks of flats is excessive for the area and will not be in keeping with the scale of buildings in this conservation area and changes the view and landscape as you look down Lindum terrace and from Sewell Road. Although the proposal is to maintain the trees along the boundary wall, the removal of other trees in the plot will mean (especially in winter months) that these two new buildings will dominate the landscape and be out of proportion to other buildings in the area.

Density and noise pollution - Lindum Terrace is a quiet road in uphill Lincoln largely populated with large Detached and terraced Victorian homes used as family dwellings. 42 new apartments will almost double the population in the area. A development of half the size would be more than enough of an increase in size, whilst still providing much needed additional housing.

Parking and traffic - Parking during the day is an issue in the area due to the hospital staff and visitors. Increasing the quantity of vehicles in the area by building 42 flats can only be detrimental.

**Name**

Dr Philippa and Mr John Casares

**Address**

16 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RT

**Date Received:** 11th December 2023

Dear Marie

As you may remember, we are relatively new residents to the city of Lincoln and are very much enjoying the city and all it has to offer. One of the things that we have been very struck by overall is the high quality of design and the integration of really interesting modernist buildings in an area of historic beauty. This isn't always the case in other places.

We are therefore rather disappointed to see the poor quality of design and over development being offered up in Lindum terrace - a conservation area

with great historic interest. We have, obviously made objections to the current proposals for 12 Lindum Terrace on line but we wanted to approach you to say that we are not at all against modernist and contemporary design of high quality or against providing an increase in affordable housing as we recognize this is needed. We are sure that a much better quality design that is less dense could be offered up and therefore not only better for the area but also better for the well-being of those people who currently reside here and for future residents and for the preservation of Lincoln historic uphill area as a desired area to visit and reside.

I also noticed today walking through the arboretum that the new development will be seen from there too and it will also change the line of the landscape from that angle too.

**From:** philippa lucy

**Sent:** 04 December 2023 20:23

**To:** Marie Smyth

**Subject:** Planning and development in a conservation area - 12 Lindum Terrace

Dear Marie

As you may remember, we are relatively new residents to the city of Lincoln and are very much enjoying the city and all it has to offer. One of the things that we have been very struck by overall is the high quality of design and the integration of really interesting modernist buildings in an area of historic beauty. This isn't always the case in other places.

We are therefore rather disappointed to see the poor quality of design and over development being offered up in Lindum terrace – a conservation area with great historic interest. We have, obviously made objections to the current proposals for 12 Lindum Terrace on line but we wanted to approach you to say that we are not at all against modernist and contemporary design of high quality or against providing an increase in affordable housing as we recognize this is needed. We are sure that a much better quality design that is less dense could be offered up and therefore not only better for the area but also better for the well-being of those people who currently reside here and for future residents and for the preservation of Lincoln historic uphill area as a desired area to visit and reside.

With very best wishes

Dr Philippa and Mr Jonathan Casares

16 Lindum terrace

Lincoln

LN2 5RT

**Name**

Mrs Jennifer Williams

**Address**

29 Sewell Road, Lincoln, Lincolnshire, LN2 5RY

**Date Received:**

6th December 2023

1. The 4 storey scale of the two blocks of flats is excessive and will dominate the landscape. There was previously a two storey house on the site. As many flats as possible have been crammed into the site without any concern for the character and appearance of this conservation area which was designated an area of special architectural and historical interest to be

preserved not destroyed by anyone simply wishing to maximise their profits.

2. The blocks of flats do not respect the existing architectural heritage despite being in a conservation area. The block nearest Sewell Road is of mediocre modern construction to be found all over the country but rises opposite two grade 2 listed houses.

3. Insufficient parking for the number of flats which would have a detrimental impact on what is already a congested area for traffic and parking.

by of Lincoln  
Council  
of Beaumont Free  
Lincoln  
LN1 1DP

15 Lindum Terrace  
LN2 5RT  
Lincoln

I object to the proposed development at 12 Lindum Terrace of 42 apartments contained in 4 new blocks. Which is in addition to the earlier development at 10-11 Lindum Terrace.

Together the 2 Applications radically change the nature of the area, devaluing it and effectively allowing the changes without an appropriate level of public consultation.

The changes at 10-11 have allowed to change the intended use of 20 Luxury Flats into [REDACTED] Care Assisted Residential Care Home/Accommodation and avoiding proper planning consent by describing it.

As 20 Luxury Flats. Questions are raised of the motivation of Council officers who have facilitated the application that has evaded proper planning consideration and the benefits to the officers concerned.

This new application is potentially a repeat of the same intention by officers and suggests the need for a careful investigation consideration suspension of the new application by the Council should be considered until the investigation is complete.

If the application is nevertheless considered then the Council needs to consider the impact of the substantial level of traffic in the local area which as already been seriously impacted.



2)  
I understand that the plot of 12 Lindum Terrace  
has a protected status

A pitkinbe frothe post medieval to modern  
1870 AD - 2050 AD

Record ML1124936

Conservation Area Lindum and Arboretum.

I fail to understand how officers have "forgotten"  
of this or failed to remind site owners  
and developer. Such status may help to explain  
the surprise and joy of Developers approval of  
10-11.

The protected status should mean the site is  
suspected that officers have conveniently forgotten  
this protection. This breach should warrant trigger  
reporting to proper authorities.

The Committee should also be aware of the  
behaviour of contractors who have ignored parking  
restrictions in the area at considerable inconvenience  
to neighbours and public. including [REDACTED]  
abuse and prevention of access to the hospital for  
patients, ambulances and the disabled that couldn't  
access footpaths with vehicles, Lorry constantly  
haphazardly parked on footpaths which has parking  
signs stating no parking at anytime but builder  
just turned sign around for their convenience.

Committee need to consider steps to prevent a repeat

Five vandals targeted all 3 property or would.

Like us to believe so. No 12 got demolished

A stunning beautiful Victorian Fairytale Style house

The Council were unaware it was being pulled

down as I spoke on the phone. I was told unsafe.  
But as everyone knows anything is possible to Rebuild!  
If The cathedral or Buckingham palace was to  
be on fire would they also knock down if unsafe.  
I think not.

Lincoln, council planning Have no Respect for  
Lincoln city and are destroying beautiful homes  
before our very eyes. maybe They need to be  
Replaced with planners that have a passion that  
Love & Respect its heritage like our Respected  
King Charles III.

At the start of the new owners of 10.11  
[REDACTED] I made myself known to them saying  
if they gave me contact number I would phone.  
if any breaking this was given Reluctantly.  
And after 34 phone calls to Police / Fire Service  
it just would not stop.

A lot of neighbours opposed new Flats saying out  
of character, traffic, impact in a quiet  
Residential area would change dramatically.  
myself and my partner were the only Residents at  
that meeting that attended.

It was a Shambolic performance with no Respect  
or acknowledgement to Local Residents opinions.  
Councillors were patting each other on the back figuratively  
and saying how nice to save historic building  
well this did not happen. Period Features  
Ripped out with no Respect for any architectural  
heritage.  
When contacting planning I just kept getting

4)

Folded off with the officers decides what a  
feature is worth saving. And not the public!!  
Beautiful Terracotta Capping which adorned over  
all the bay windows Totally Removed and replaced  
with a Sub Standard Roof felt found commonly  
on garden Sheds! Absolutely disgusting and these  
are [redacted] Complaint and ignored Repeatedly

As for [redacted] the Abusive [redacted]  
behaviour towards myself for the entire build  
was disgraceful, parking in front of our driveway  
constantly (which as double yellow lines) putting finger  
up coming onto our private property uninvited  
punching our French doors Aggressively and verbally  
and physically abusing my [redacted] partner. This  
is not a professional Standard that any builder  
should behave in and still abusing myself in  
Lincoln to this day.

I did Report to planners Marie Smyth, police, mp.  
to no Avail.

Since people have moved into 10-11 in June/July

The Abuse continues

[redacted] Shouting abuse & cursing urinating  
in the street escaping the property even though  
they are supposed to be caged for 24 hours.  
Ambulances and police are there most days.

Noisier lighting constantly Flashing all day & night  
as people arrive or leave all directly aimed at  
our house as those properties are on elevated area.  
How much more will they get away with.

5)

I hope Local Residents and the public will Support and Reject the proposed 42 Flats as in Lindum Terrace only 17 houses existed with only 2 of these were Flats 8 in each house. So if This goes ahead a total of 62 Flats. added its like a small housing estate Ludicrous would this be allowed on Hyde park estate. !

For a Council that are supposed to be protecting our heritage They are changing the area From minor school to million pound prettys plus to Substandard Accomodation in a protected conservation area.

Grafton has been dandied on our gate pillar. Which [redacted] denied [redacted] but admitted to myself.

From N Clinton and M. Leavy

**Name**

Mrs Philippa Sanders

**Address**

32 Saxon Street, Lincoln, Lincolnshire, LN1 3HQ

**Date Received:** 18th January 2024

Having looked at the plans I believe the proposed development is out of character and would be overbearing to the surrounding properties in a conservation area. The proposed number of flats would be an overdevelopment of the site.

The overbearing proportions of the proposed flats will significantly overlook the bedhouses, that are listed buildings, with a loss of privacy for any residents.

The development will have a detrimental impact on the character of this conservation area.

City of Lincoln Council  
Development Control  
Planning Department

Corporate Property Team  
Lincolnshire County Council  
County Offices  
Newland  
Lincoln LN1 1YL

Email: [Property\\_Strategy@Lincolnshire.gov.uk](mailto:Property_Strategy@Lincolnshire.gov.uk)

My Ref: S106/COLC/2023/0819/FUL/2023  
17 November 2023

Dear Sir/Madam

**Development** – Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two-bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping

**Application Number – 2023/0813/FUL**

Thank you for your notification of 14 November 2023, concerning the proposed development at the above site. I have now had the opportunity to consider the impact on the local schools reasonably accessible from the development. Please see below overview in relation to the impact, and details for primary, secondary and sixth-form that follow.

#### Overview

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places available 2025/26 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	7	Y	0	£ 0
Secondary	2	N	2	£ 0
Sixth-form	1	N	1	£ 0
			<b>Total</b>	£ 0

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

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County Offices, Newland  
Lincoln LN1 1YL  
[www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£ 0	
Secondary	£54,502.68	N/A - CIL
Sixth-form	£27,251.34	N/A - CIL

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted; the Central Lincolnshire Developer Contributions Supplementary Planning Document (2018) still restricts secondary and school-based sixth form to CIL only. Requests can also be made toward more than one scheme to provide the ability to extend the most appropriate school to mitigate the impacts of development at the time those impacts are felt.

#### Detail

The below table indicates the number of pupils generated by the proposed development. This is on the basis of research by Lincolnshire Research Observatory utilised to calculate Pupil Production Ratio (PPR) multiplied by the number of homes proposed.

House Type (if known)	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
2 Bedroom	34	0.225	7.65	0.0785	2.669	0.032	1.088
Total (rounded down)	34	-	7	-	2	-	1

Capacity is assessed using the County Council's projected capacity levels at 2025/26, this is the point when it is reasonable to presume that the development would be complete or well on the way.

Type	Local School/School Planning Area	Pupils generated	Sufficient places available 2025/26 (Y/N/Partial)	Places to be mitigated
Primary	Lincoln North primary planning area	7	Y	0
Secondary	Lincoln North secondary planning area	2	N	2
Sixth-form	Lincoln North secondary planning area	1	N	1



As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level.

This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case is in line with the below table.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier **	Lincolnshire contribution per place	Total contribution requested
Secondary extension	2	£26,717	£53,434	2.00	£27,251.34	£54,502.68***
Sixth-form extension	1	£26,717	£26,717	2.00	£27,251.34	£27,251.34***
<b>Total</b>	-	-	<b>£80,151</b>	-		<b>£81,753.68</b>

\* current cost multiplier per pupil place based on National Cost Survey

\*\* to reflect Lincolnshire's average build cost compared to national average

\*\*\*amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document

I look forward to hearing from you, thank you for your notification of the application and thank City of Lincoln Council for your continued cooperation and support.

Yours sincerely

**Sam Barlow**  
**Strategic Development Officer**  
**Corporate Property Service**

(By e-mail)

**From:** Paula Burton  
**Sent:** 14 December 2023 16:26  
**To:** Andrea Ripley; Marie Smyth  
**Subject:** RE: 2023/0819/FUL: Site of 12 Lindum Terrace

I can confirm that I am happy with the financial contribution being requested.

Thanks

**Paula Burton**  
Housing Strategy & Investment Manager



CITY OF  
**Lincoln**  
COUNCIL

Together, let's deliver  
Lincoln's ambitious future



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**From:** Marie Smyth <[Marie.Smyth@lincoln.gov.uk](mailto:Marie.Smyth@lincoln.gov.uk)>  
**Sent:** Tuesday, December 12, 2023 2:37 PM  
**To:** Andrea Ripley <[Andrea.Ripley@lincoln.gov.uk](mailto:Andrea.Ripley@lincoln.gov.uk)>  
**Subject:** 2023/0819/FUL: Site of 12 Lindum Terrace

Hi Andrea,

You have been consulted on the above application; for the erection of two buildings accommodating 42 flats. Can you please confirm that you would be requesting a commuted sum towards affordable housing given that they are flats as opposed to an on-site provision. If so, I will request a contribution of £955,197 (equivalent to nine units in Value Zone B) from the developer.

Regards,

Marie

**Marie Smyth**

**NHS Lincolnshire Integrated Care Board**  
**Application Number: 2023/0819/FUL**  
**Location: Site of 12 Lindum Terrace, Lincoln, LN2 5RS**

<p><b>Impact of new development on GP practice</b></p>	<p>The above development is proposing 42 apartments which, based on the average of 1 person per single bed apartment and 2.3 people per dwelling for the City of Lincoln Council area, would result in an increase in patient population of 86.</p> <p>The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p><b>Consulting room GP – One bed</b></p> <table border="1"> <tr><td>Proposed population</td><td>8</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td><math>0.008 \times 5260 = 42.08</math></td></tr> <tr><td>Assume 100% patient use of room</td><td>42</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td><math>42/50 = 0.8</math></td></tr> <tr><td>Appointment duration</td><td>15 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td><math>0.8 \times 15/60 = 0.2</math> hrs per week</td></tr> </table> <p><b>Treatment room Practice Nurse – One bed</b></p> <table border="1"> <tr><td>Proposed population</td><td>8</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td><math>0.008 \times 5260 = 42.08</math></td></tr> <tr><td>Assume 20% patient use of room</td><td>8</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td><math>8/50 = 0.168</math></td></tr> <tr><td>Appointment duration</td><td>20 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td><math>0.168 \times 20/60 = 0.1</math> hrs per week</td></tr> </table>	Proposed population	8	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.008 \times 5260 = 42.08$	Assume 100% patient use of room	42	Assume surgery open 50 weeks per year	$42/50 = 0.8$	Appointment duration	15 mins	Patient appointment time hrs per week	$0.8 \times 15/60 = 0.2$ hrs per week	Proposed population	8	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.008 \times 5260 = 42.08$	Assume 20% patient use of room	8	Assume surgery open 50 weeks per year	$8/50 = 0.168$	Appointment duration	20 mins	Patient appointment time hrs per week	$0.168 \times 20/60 = 0.1$ hrs per week
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<sup>1</sup> Source: Lincolnshire Research Observatory 2011 Census Data

	<b>Consulting room GP – Two bed</b>	
	Proposed population	78
	Access rate	5260 per 1000 patients
	Anticipated annual contacts	$0.078 \times 5260 = 411.33$
	Assume 100% patient use of room	411
	Assume surgery open 50 weeks per year	$411/50 = 8.2$
	Appointment duration	15 mins
	Patient appointment time hrs per week	$8.2 \times 15/60 = 2.1$ hrs per week
	<b>Treatment room Practice Nurse – Two bed</b>	
	Proposed population	78
	Access rate	5260 per 1000 patients
	Anticipated annual contacts	$0.078 \times 5260 = 411.33$
	Assume 20% patient use of room	82
	Assume surgery open 50 weeks per year	$82/50 = 1.645$
	Appointment duration	20 mins
	Patient appointment time hrs per week	$1.645 \times 20/60 = 0.5$ hrs per week
	Therefore an increase in population of 86 in the City of Lincoln Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.	
<b>GP practice(s) most likely to be affected by the housing development</b>	<p>Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.</p> <p>The development will impact Abbey Medical Practice, Lindum Medical Practice, Minster Medical Practice, Heart of Lincoln Medical Group and Brayford Medical Practice as the development is within their catchment area.</p>	

<p>Issues to be addressed to ensure the development is acceptable</p>	<p>This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.</p> <p>NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 86 apartments on Site of 12 Lindum Terrace, Lincoln, LN2 5RS to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at Abbey Medical Practice, Lindum Medical Practice and/or Minster Medical Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.</p> <p>The strategic direction both nationally through the development of PCNs and locally through the Sustainability Transformation Plan is to provide primary care at scale, facilitating 100% patient population primary care and services delivered in the community in an integrated way. Included within the PCNs this is the introduction of additional roles to enhance the delivery of primary care, including a Clinical Pharmacist, Physiotherapist and Social Prescriber.</p> <p>Nationally the NHS Long Term Plan, published in January 2019, seeks to improve the quality of patient care and health outcomes. The plan builds on previous national strategies, including the General Practice Forward View (2016), includes measures to:</p> <ul style="list-style-type: none"><li>• Improve out-of-hospital care, supporting primary medical and community health services;</li><li>• Ensure all children get the best start in life by continuing to improve maternity safety including halving the number of stillbirths, maternal and neonatal deaths and serious brain injury by 2025;</li><li>• Support older people through more personalised care and stronger community and primary care services;</li><li>• Make digital health services a mainstream part of the NHS, so that patients in England will be able to access a digital GP offer.</li></ul> <p>The Abbey Medical Practice, Lindum Medical Practice and Minster Medical Practice are within the LICB IMP PCN where the housing is being developed; there is a huge variation in the type; age and suitability of premises within the PCN of the planned development.</p>					
<p>Fairly and reasonably related in scale and kind to the development.</p>		Average list size per GP	Required m2	£ per m2	Total cost	£per person
	GP team	1,800	170	2,300	£391,000	217
	GP furnishings	1,800			£20,000	12
						229
	Contingency requirements @ 20%					46
	Total per resident					275
	Total per dwelling (resident x 1)					275
	Total per dwelling (resident x 2.3)					632.50

	<p>The table above shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £275 per patient is determined. This figure is multiplied by 1 (the average number of persons per one bed apartment) and 2.3 (the average number of persons per two bed apartments) for City of Lincoln Council to provide a funding per dwelling of £275 for one bed apartment and £632.50 for two bed apartments.</p>
<b>Financial Contribution requested</b>	<p>The contribution requested for the development is as follows:</p> <p>£2,200.00 (£275 x 8 one bed apartment)  £21,505.00 (£632.50 x 34 two bed apartments)  <b>Total: £23,705.00</b></p> <p>Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.</p>
<b>Trigger point</b>	<p>After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.</p> <p>To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.</p>

**NHS Lincolnshire Integrated Care Board**  
**22<sup>nd</sup> November 2023**



Development Management  
Lincolnshire County Council  
County Offices  
Newland  
Lincoln LN1 1YL  
Tel: 01522 782070  
developmentmanagement@lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2023/0819/FUL

Proposal: **Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping**

Location: **12 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RS**

With reference to the above application received 14 November 2023

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

**Requests that the Local Planning Authority request the applicants to provide additional information as set out below.**

#### ADDITIONAL INFORMATION REQUIRED

##### Drainage

Please can the applicant provide the following information;

- A Flood Risk Assessment or Statement, as applicable
- Drainage Strategy including adoption and/or maintenance proposals and sketch layout plans
- Detailed development layout showing surface water drainage infrastructure
- Detailed Hydraulic calculations
- Geotechnical interpretive reports (infiltration assessment, groundwater tables etc.)
- Discharge and adoption agreements

##### Layout

Please can the applicant give consideration to parking provision recommended for one/two bed flats.

Please can the applicant demonstrate turning space within the site for large goods and delivery vehicles so they can access and egress the site in a forward gear.

Please request applicant demonstrate a minimum 4.1m wide access

Case Officer:

Date: 29 November 2023

*Laura Rowett*

## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Lincoln City Council

**Application number:** 2023/0819/FUL

**Application Type:** Major

**Proposal:** Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping

**Location:** 12 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RS

**Response Date:** 22 March 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

**Application number: 2023/0819/FUL**

**Application Type: Major**

**Location: 12 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RS**

## **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

### **Recommendation: No Objections**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

### **No objection subject to:**

- **Planning Conditions** as detailed below.

### **Introduction/Site Location**

The application is for 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments located on Lindum Terrace. The site is currently vacant but has a previous use as a medical facility.

Lindum Terrace is located in a sustainable location with good pedestrian links to the surrounding area including central Lincoln and uphill, as well as having good links to the hospital. There is good public transport connections in the area including bus stops within walking distance of the site.

There is designated on street parking opposite the site and waiting restrictions on Lindum Terrace.

There is area's of local amenity in the area and occupants of the site would not be reliant on travel by car.

### **Existing Conditions**

The site has an existing vehicle access which is to be widened to accommodate two way traffic entering the site. There are existing pedestrian connections to the site from Sewell Road which are to be maintained.

### **Highway safety**

The current access is to be widened so that two vehicles can pass in the access to avoid waiting on the highway. There is sufficient turning space within the site for cars and delivery vehicles to be able to access and egress the site in a forward gear. Therefore there would not be an unacceptable impact on highway safety.

### **Highway capacity**

The site is located in a sustainable location and residents wouldn't be reliant on the use of a car, therefore the impact on highway capacity would be minimal. The junction in the local area would be able to accommodate the minor increase in traffic.

### **Site Layout**

Site layout has been considered to allow for turning within the site with a sufficient amount of parking spaces provided for the proposals. Cycle storage is to be provided within the site layout to encourage sustainable travel options. Alternatively there is designated on street parking available on Lindum Terrace should it not be available within the site.

### **Flood Risk and Drainage**

A drainage strategy has not been determined at this point however it will be required to provide a sustainable urban drainage system which follows the suds hierarchy. It has been noted that the drainage strategy may change the site layout at a later stage and this is something the applicant has considered.

### **Off-Site Improvements**

Off site improvements via the provision of tactile crossing points at the junction of Lindum Terrace and Eastcliffe Road will be required to improve pedestrian connectivity in the area.

### **Planning Conditions:**

In the event that permission is to be given, the following planning conditions should be attached:

### **Highway Condition 00**

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local



- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

## **Informatives**

### **Highway Informative 07**

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website;  
[www.lincolnshire.gov.uk/highways-planning/works-existing-highway](http://www.lincolnshire.gov.uk/highways-planning/works-existing-highway)

### **Highway Informative 03**

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:  
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

### **Highway Informative 08**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the

Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

#### **Highway Condition 21**

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of a tactile crossing point at the junction of Lindum Terrace and Eastcliffe Road) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

#### **Highway Condition 33**

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to greenfield run off rates;



Highway Authority's website via the following link: Traffic Management -  
<https://www.lincolnshire.gov.uk/traffic-management>

**Officer's Name:** Laura Rowett  
**Officer's Title:** Senior Development Management Officer  
**Date:** 22 March 2024

Sent by email to: [developmentteam@lincoln.gov.uk](mailto:developmentteam@lincoln.gov.uk)

30<sup>th</sup> November 2023

**RESPONSE TO 2023/0819/FUL: Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments - Site Of 12 Lindum Terrace Lincoln Lincolnshire LN2 5RS**

Lincolnshire Wildlife Trust wishes to place a **HOLDING OBJECTION** in regards to the above planning application until further ecological information has been submitted and we are satisfied that there will be no significant negative impacts on protected or priority habitats, species or local wildlife sites as a result of the proposed development.

The Preliminary Ecological Appraisal recommends a Landscape Ecological Management Plan (LEMP) also be submitted by the applicant to ensure the ecological condition of the habitats created on site post development meet their stated biodiversity value. The majority of the biodiversity net gain associated with the site is predicated on the enhancement of the woodland and thus a management plan must be provided and we strongly encourage this be provided under condition and prior to works beginning onsite. The Environment Act and Policy S61 of the Local Plan require that biodiversity net gain be assessed for all development but also include stipulations that ensure such calculated gains are realised through the actions stated in documents such as LEMPs for the 30-year period.

Thank you for the opportunity to comment on this application. Please do not hesitate to contact me if you have any queries or need clarification regarding the comments provided.

Yours sincerely,



Ashley Reaney  
Conservation Officer

Banovallum House  
Manor House Street  
Horncastle  
LN9 5HF

01507 526667  
[info@lincstrust.co.uk](mailto:info@lincstrust.co.uk)  
[www.lincstrust.org.uk](http://www.lincstrust.org.uk)



*Lincolnshire Wildlife Trust  
is a company limited by  
guarantee registered in  
England, no. 461863  
and is registered as a  
charity, no. 218895  
VAT no. 613 9067 44*

Hello Marie,

Thank you for sending these over. The ecologist's comments regarding the BNG metric is reasonable and justified. If the LEMP is included as a condition then we have no further comments to make in this application.

Kind Regards,  
Ash

Ashley Reaney, MBio (Hons), PhD  
Conservation Officer  
Lincolnshire Wildlife Trust

[REDACTED]

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**From:** Marie Smyth <Marie.Smyth@lincoln.gov.uk>  
**Sent:** 26 January 2024 12:54  
**To:** Ashley Reaney <areaney@lincstrust.co.uk>  
**Subject:** 2023/0819/FUL: Site of 12 Lindum Terrace

Afternoon Ashely,

You previously made comments in respect of the above application.

The agent has provided a letter from Middlemarch to respond to your comments and those received from our ecologist. The letter, along with the BNG Metric and Metric Assessment, which was submitted with the application, is available on our [website](#) and also using the following link:

<https://acc.autodesk.eu/docs/share/projects/fe88d2ad-18b1-4dc4-9fa6-567b04deec57/files?shareId=7aa619c4-dcb3-45c3-b944-4fa71065ee90>

The agent has requested that the LEMP be conditioned.

I would welcome your comments.

Regards,

Marie

**Name**

Annette Faulkner p/p Lincolnshire Bat Group

**Address**

65 London Road, Spalding, Spalding, PE11 2TN

**Date Received:**

13th December 2023

Thank you for referring this application to Lincolnshire Bat Group for comment, with reference to the bat survey report. We note that it has not been possible to access the interiors of any of the buildings on safety grounds, including the one demolished, either previously or at the present survey, and therefore further surveys will be required next year. See detailed recommendations, and note duration of this report.

## Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk).

AW Site Reference:	208748/1/0199447
Local Planning Authority:	Lincoln District (B)
Site:	Site Of 12 Lindum Terrace Lincoln Lincolnshire LN2 5RS
Proposal:	Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall,
Planning application:	2023/0819/FUL

**Prepared by:** Pre-Development Team

**Date:** 23 November 2023

### ASSETS

#### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Canwick Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

\*his response has been based on the following submitted documents: Application Form/Site Layout Plan - no drainage strategy provided - have therefore assumed a worst case pumped regime The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no strategy being provided, no evidence of the surface water hierarchy and no connection points or discharge rates. We would therefore recommend that the applicant consults with Anglian Water. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Surface Water Disposal (Section 4)

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.



**FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:**

**Next steps**

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

**Surface water:**

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
  - Development hectare size
  - Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
  - Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)



**From:** LN Planning <LNplanning@environment-agency.gov.uk>  
**Sent:** 16 November 2023 09:16  
**To:** Technical Team (City of Lincoln Council)  
**Subject:** RE: 2023/0819/FUL, Site Of 12 Lindum Terrace Lincoln Lincolnshire LN2 5RS

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Dee

Warning: External Email. Do not click links, open attachments, or reply unless certain of safety. Do not share inappropriately.

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

However, if you believe you do need our advice, please email me using the address below.

Many thanks

Amelia Crawford  
Planning Advisor

Environment Agency | Sustainable Places | Lincolnshire and Northamptonshire Area Ceres House, Searby Rd,  
Lincoln, LN2 4DW

Marie Smyth  
Planning Team  
City Hall,  
Beaumont Fee,  
Lincoln.  
LN1 1DD

**Directorate of Communities &  
Environment**  
**Simon Walters MBA, ACIS, MCMI**  
City Hall, Beaumont Fee,  
Lincoln. LN1 1DD  
Telephone: (01522) 881188  
Facsimile: (01522) 567934  
Website: [www.lincoln.gov.uk](http://www.lincoln.gov.uk)  
Minicom: (01522) 873693 - Reception

**Alastair MacIntosh**  
is dealing with this matter  
E-mail:  
[alastair.macintosh@lincoln.gov.uk](mailto:alastair.macintosh@lincoln.gov.uk)  
Direct Line: 01522 873478

2023/0819/FUL

Date: 19/06/24

Dear Marie,

**Site Of 12 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RS**

*Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping.*

My observations and advice with regard to the applications above are as follows.

**Proposal**

Construction of the proposed buildings will require intrusive groundworks of currently unknown extent and depth. No foundation design has been submitted, but I would expect 1 – 1.2m deep trenches to be excavated either for traditional foundations or for pile caps and ground beams. Although no drainage strategy seems to have been submitted it is likely that any such strategy will require some excavation. Groundworks will likely also be required for services and utilities.

**Submission**

The application is supported by an appropriate desk-based assessment which demonstrates that the archaeological potential of the site of the proposed development is relatively low. While there remains the possibility of isolated features being present, including individual or groups of Roman burials, the likelihood of this is low as the site appears to have been extensively disturbed.

Field evaluation was undertaken in support of a previous application to develop the site. The results of this are referenced in the desk-based assessment submitted by the applicant and support the assessment of low archaeological potential.

The design and access statement contains a cursory assessment of the Pulhamite Grotto that was constructed as a garden feature for the former Eastgate house, which demonstrates it to be in poor condition at the time of submission.

### **Significance and Impacts**

Despite the evidence of widespread disturbance on the site it is possible that isolated pockets of undisturbed material remain. These may contain archaeological evidence possibly including Roman burials. While I accept that the likelihood of such remains being present is low, provision should be made for recording them in the event that they are present. The delivery of the new buildings will entail the excavation of foundation trenches, and possibly a full site turnover, either of which would be damaging to archaeological remains should they be present on the site. If present, these would be of local and possibly regional significance, and their potential loss should be tested against NPPF paragraph 209. Impacts to potential remains of this kind can be mitigated by a scheme of works for archaeological monitoring and recording during all groundworks.

The Pulhamite Grotto is an important feature from a number of perspectives, including the first use of artificial stone on such a scale in Lincoln, and as a rare surviving example in the city of a large Victorian garden folly. The proposed development will require the removal of a large part of the remaining grotto feature and will have a severe impact on the significance of the remainder. Weighed against this is the poor survival of the asset. It should be considered a non-designated heritage asset of local significance, and its loss should therefore be tested against the provisions of NPPF paragraph 209. If this feature is to be lost, then an appropriate mitigation strategy would be a measured and photographic survey of whatever remains are present, whether they are to be removed or not. This will ensure that the feature is understood as a whole, as its significance will be severely impaired by even partial demolition.

### **Objections and Comments**

No objections based on archaeological impacts have been received.

### **Policy Appraisal**

#### *Central Lincolnshire Local Plan*

##### *Policy S57*

With regard to the Archaeology provisions of S57, the submission meets all tests to enable a decision to be made. Specifically;

- The application is accompanied by a desk-based assessment.
- An appropriate field evaluation was undertaken, and the report submitted in advance of a decision.

#### *National Planning Policy Framework*

*Paragraph 200*

The application is supported by an appropriate desk-based assessment including the results of a field evaluation and is therefore compliant with this policy.

*Paragraph 201*

The comments contained in this document represent an appropriate assessment of the significance of heritage assets likely to be affected by the proposed development.

*Paragraphs 205-208*

The development will not have an impact on designated archaeological heritage assets, and it is unlikely that any non-designated remains of equivalent significance are present. These paragraphs are therefore not applicable.

*Paragraph 209*

Any archaeological remains likely to be affected by the proposed development should be considered as non-designated heritage assets. The appropriate test for decision taking in regard to these assets is "a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset."

*Paragraph 210*

N/A

*Paragraph 211*

The developer should be required by planning condition to submit a Written Scheme of Investigation to address the requirement for developers to "record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

**Proposed Conditions**

If, following your assessment of this development, you are minded to recommend approval of the application, my advice to you is that the following conditions would be appropriate to ensure that impacts to archaeological remains are mitigated proportionally, and that the relevant policy tests can be met.

- Prior to commencement of works a written scheme of investigation (wsi) should be submitted and approved by the LPA, taking account of any comments and suggestions from the LPA. The WSI should contain;
  - a methodology for archaeological monitoring and recording during all groundworks, including foundations, utilities, services, and surface water drainage.
  - A methodology for a measured and photographic survey of the Pulhamite Grotto
  - Evidence that a contract has been entered into with an appropriately qualified archaeological contractor for all phases of work including post excavation reporting and archiving.

- Provision for an appropriate contingency of time and resources in the event of unforeseen circumstances.
- The development should be undertaken solely in accordance with the approved WSI, and any changes to require the written approval of the Local Planning Authority
- A full archive and report should be submitted to the relevant receiving bodies within 12 months of the completion of groundworks.

I hope the assessment given above is useful to you in coming to your decision on these applications. Please get in touch if you need further clarification on any particular point.

Yours sincerely

Alastair MacIntosh  
City Archaeologist  
City of Lincoln Council





**Directorate of Communities & Environment**

Simon Walters MBA, ACG, MCMI  
City Hall, Beaumont Fee  
Lincoln, LN1 1DF

16th November 2023

Your Ref: 2023/0819/FUL

**Town and Country Planning Act 1990  
Consultation on Planning Permission**

**Site Of 12 Lindum Terrace, Lincoln, Lincolnshire, LN2 5RS**

**Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two-bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping.**

**Lincolnshire Police do not have any objections to this development.**

**Access Control – Apartments**

Communal door sets that serve 4 dwellings or less that are more than two storeys in height should have a visitor door entry system and access control system.

Communal entrance systems that serve 5-10 dwellings should meet the specifications of one of the following standards:

PAS24:2016, or  
PAS24:2022, or  
STS 201 Issue 12:2020, or  
LPS 1175 Issue 7.2:2014 Security Rating 2+, or  
LPS 1175 Issue 8:2018 Security rating A3+, or  
STS 202 Issue 10:2021 Burglary rating 2, or  
LPS 2081 Issue 1.1:2016 Security rating B, or  
STS 222 Issue 1:2021

**Secure Mail Delivery**

External or through wall mail options should be considered that avoid providing access to the main part of the residential building. An external mailbox should

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POLICE HEADQUARTERS  
PO Box 999, Lincoln LN5 7PH  
(Sat Nav: LN2 2LT)  
[www.lincs.police.uk](http://www.lincs.police.uk)

☎ 01522 55 8292  
☎ 075700 99424  
✉ [john.manuel@lincs.pnn.police.uk](mailto:john.manuel@lincs.pnn.police.uk)



conform to TS009. The letter box should be securely fixed to the external face of the building in accordance with the manufacturers specifications and located in a position that benefits from natural surveillance.

Where a through wall style mailbox or system is installed, it should be designed in such a way to again avoid the necessity physical access to the building and provide a secure area for retrieval of mail or parcels by residents.

### **Cycle Storage**

Internal cycle storage should be accessed via a fire, smoke and security rated door-set and specifically address concerns over the storage of e-bikes.

Cycle storage facilities should be constructed of floor to ceiling dividing walls with no windows set in them, either internal or external units should have access doors fitted with thumb turns, or other system to allow emergency exit and prevent locking people inside the unit.

Cycle parking should comprise bicycle stands, anchor points or other suitable security measures to secure cycles and /or mobility scooters or e-bikes.

The cycle storage facility should benefit from restricted and controlled access for authorised users.

### **Under-croft (Ground Floor) Access.**

The design and layout of the ground floor of may allow unwanted access through and into the main residential parts of the building. Access control systems should be included at all points of access including secondary points of access. All points of access should benefit from appropriate bulkhead lighting (ideally dusk to dawn).

I would recommend an additional secure point of access from the general circulation corridor where it provides access to the main stairwell.

Communal door sets shall meet one of the following standards:

PAS24:2016 or PAS:2022, or  
STS 201 Issue 12:2020, or  
LPS 1175 Issue 7.2:2014, or  
LPS 1175 Issue 8:2018 Security Rating A3+, or  
STS 202 Issue 10:2021 Burglary Rating 2, or  
LPS 2081 Issue 1.1:2016 Security Rating B, or  
STS 22 Issue 1:2021

### **Lighting**

Regarding the lighting I would suggest that external lighting be low energy consumption lamps with an efficacy of greater than 40 lumens per circuit watt. The Code for Sustainable Homes requires security lighting to be PIR and for the lamp not to exceed 150w. Secured by Design has not specified this type of security lighting for several years following advice from the institute of Lighting Engineers and police

concerning the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. The Code for Sustainable Homes does not penalise specifiers that follow the SBD guidance (constant level of illumination by utilising low energy luminaries) and allows credits to be awarded for 'default case'.

External lighting must be switched using a photo electric cell (dusk to dawn) with a manual override.

**Building Regulations** (October 1<sup>st</sup>, 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from change of use, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement, and other easily accessible locations.

#### **External doors**

The Secured by Design requirement for all external door sets is PAS 24:2016 (doors of an enhanced security). **This applies to flat entrance door-sets and as such should meet the same specifications as 'front door'**. The locking hardware shall be operable from both sides of an unlocked door without the use of a key (using a roller latch). If the door set is certified to either PAS 24:2012/2022 or STS 201 Issue4: 2012 then it must be classified as DKT.

#### **Climbing Aids**

Where balconies are included, they should be designed to remove any potential to be used as a climbing aid to gain access to any part of the property.

#### **Windows**

All ground floor windows and those that are easily accessible from the ground must conform to improved security standard BS7950: 1997 or WCL 4. PAS24:2016 Glazing should include at least one pane of laminated glass to a minimum thickness of 6.8 mm. (WCL 4 is the reference number for BS7950 and is published by Warrington Certification Laboratories).

Window retainers may be applicable on the ground floor windows as well as all other accessible windows.

It is highly recommended that all vulnerable ground floor windows and doors be security-tested to British Standard 7950 and Product Assessment Specification (P.A.S.) 24:2016 respectively (Secured by Design Standards).

### **Parking Provision.**

Car parking should ideally be located within curtilage of the property at the front.

### **Utilities**

To reduce the opportunities for theft by 'bogus officials' the utility meters should, where possible, be located to the outside of the dwelling at a point where they can be overlooked. This will negate the need for an official to enter the building to read a meter, which will in turn reduce the opportunity for distraction burglary. Where possible utility meters in multi occupancy developments should be located on the ground floor between access controlled.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the

### **Police Secured by Design Award Scheme.**

The Police Secured by Design scheme is an initiative and proven guide for architects, developers, and builders to encourage the use of specified materials and products together with informed design and layout to help reduce the opportunity for crime, disorder, and anti-social behaviour.

The scheme is free and the benefits of its application is supported by academic evidence which shows that SBD developments experience 87% less burglaries, 25% less vehicle crime and 25% less criminal damage and a significant reduction in anti-social behaviour.

Use of specified products will contribute to the sustainability of the development and the requirement for ongoing maintenance. Further guides are available on [www.securedbydesign.com](http://www.securedbydesign.com) that includes SBD Commercial 2015 V2, SBD New Schools 2014 & Sheltered Accommodation. I would ask that you direct architects and developers to these documents and ensure their reference in the various Design & Access statements. Equally please do not hesitate to involve this office in and on any further consultations.

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2023* which can be located on [www.securedbydesign.com](http://www.securedbydesign.com) Homes 2019.

**Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.**

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

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<b>Application Number:</b>	2024/0218/RG3
<b>Site Address:</b>	53 Lenton Green, Lincoln
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	Heronswood Design Ltd
<b>Applicant Name:</b>	Mr Danny Keyworth
<b>Proposal:</b>	Conversion of existing property to form 3 flats.

### **Background - Site Location and Description**

The application property is the former wardens house attached to the supported housing provision at Lenton Green.

The application seeks planning permission to convert the six bedroom property into three self-contained, one bedroom residential flats. The property has a small outside space to the front but no access to the rear communal garden which is solely used for the supported tenants of Lenton Green.

The application is brought to Planning Committee as the applicants are the City of Lincoln Council, in accordance with the scheme of delegation.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 27th June 2024.

### **Policies Referred to**

National Planning Policy Framework

- 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

### **Issues**

To assess the proposal with regard to:

- 1) Accordance with National and Local Planning Policy
- 2) Impact on amenity of neighbouring uses and future occupiers of the premises
- 3) Impact on visual amenity
- 4) Energy efficiency
- 5) Highway safety, access and parking

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
John Lincolnshire Police	Comments Received
Andrea Ripley	Supporting Comments Received
Highways & Planning	Comments Received

### **Public Consultation Responses**

No responses received.

## **Consideration**

### **Accordance with National and Local Planning Policy**

The National Planning Policy Framework (NPPF) sets out three overarching objectives (social, economic, and environmental) to be pursued in mutually supportive ways. Paragraph 8 states that the overall planning balance must look across all three strands and development should be pursued in a positive way.

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development.

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay

Paragraph 123 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 124 suggests that decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;



c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 135 states that planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The application is for the conversion of a former residential warden's house to residential flats and therefore the following policies are relevant:

- 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

The application would generally be in accordance with Central Lincoln Local Plan (CLLP) Policy S3 which supports housing development within the Lincoln Urban Area in principle. The development is within an existing residential area and retains its residential use. Other policy considerations shall be discussed below.

## **Sub-Division of Existing Unit**

A supporting statement has been received by the Housing Strategy Officer which highlights the history of the premises and the reasoning behind the proposed change of use. It has been confirmed that the property has not been used or occupied since the change from housing wardens to Independent Living Coordinators in 2019. With this change there is no longer a need for tied family accommodation or staff sleeping facilities at these supported housing schemes and the property has therefore remained vacant since.

Considerations prior to this planning application to sub divide the property have included the use of the home for temporary accommodation. However, due to the close proximity to a supported scheme, sensitive letting requirement and very small outside space, the property in its current form is not deemed to be suitable for a larger family and temporary accommodation.

The intention is to use the flats as an extension to the existing Lenton Green supported scheme and be overseen by the visiting Independent Living Coordinator, whilst providing access to the common room and communal gardens. However, if the properties have a lack of demand as supported accommodation, the separate entrance to these flats enables the flexibility to let them as general needs housing via sensitive lets. This conversion will maximise the potential of a current unsuitable and unused property to deliver much needed accommodation. The application would therefore be in accordance with policy S25 of the Central Lincolnshire Local Plan.

## **Impact on Amenity of Neighbouring Properties and Future Occupiers of the Premises**

The proposed scheme would create 3 new self-contained flats within the existing building with some minor internal alterations to facilitate the new layout. The conversion would create 3 one bed units all of which would be above the minimum requirements as identified within the Governments technical standards document, ensuring that the amenity of the proposed occupiers is of an acceptable level. Each unit has sufficient circulation space as well as adequate openings within the existing property, providing a good level of natural light and outlook.

The existing window openings would be retained with the external appearance unaltered from the current residential property, ensuring that there would be no change in outlook or any new opportunity for overlooking or any impact to consider through any new build or extension.

The net increase of 2 residential units would create an increase in movements to and from the property as a result of the sub-division of the space, however, this in itself would not be considered to result in an unduly harmful impact on the amenity of the neighbouring properties within an area that is predominantly residential, particularly given the existing adjacent use as supported housing with communal facilities.

Whilst bin storage has not been specifically identified on the submitted site plan, there is ample room for storage on site and the proposed properties would share similar access to other adjacent properties and supported units.

In summary, it is considered that the proposed conversion can be accommodated without having a detrimental impact on surrounding properties. The proposal would therefore

be in accordance with the requirements of Policy S25 and S53 in terms of impact on residential amenity.

### **Impact on Visual Amenity and Design**

The sub-division would not result in any external alterations, retaining the existing footprint and window openings with only internal alterations facilitating the split in the existing floor space. As there would be no visible changes the development would not have a harmful visual impact and the proposal would be in line with Policy S53 of the Central Lincolnshire Local Plan.

### **Energy Efficiency**

As the development would not result in any new build or external changes, many of the general considerations within Policy S6 would not be applicable. However, the internal works to convert the property would be obliged to be in accordance with the latest requirements of Part L, Volume 2 of the Approved Document of the current Building Regulations

The premises has existing solar panels located on the roof of the building as part of the wider scheme and therefore would not be required to install additional equipment as part of this application.

The requirements of local planning policies S6 and S13 have therefore been demonstrated.

### **Highway Safety, Access and Parking**

The Highway Authority have been consulted as part of the application process and have concluded that the proposals would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk.

### **Conclusion**

The development would create additional supported, local authority housing stock, utilising the long vacant warden's property on site. 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. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

### **Recommendation**

That the application is Granted Conditionally.

### **Conditions**

3 Years for implementation

Development to be built in accordance with approved drawings

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## Site Location



## Block Plan



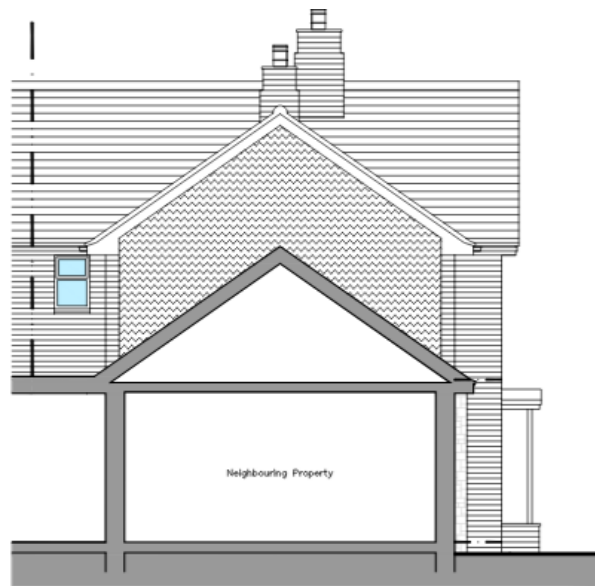


The floor plan illustrates a residential building with the following layout:

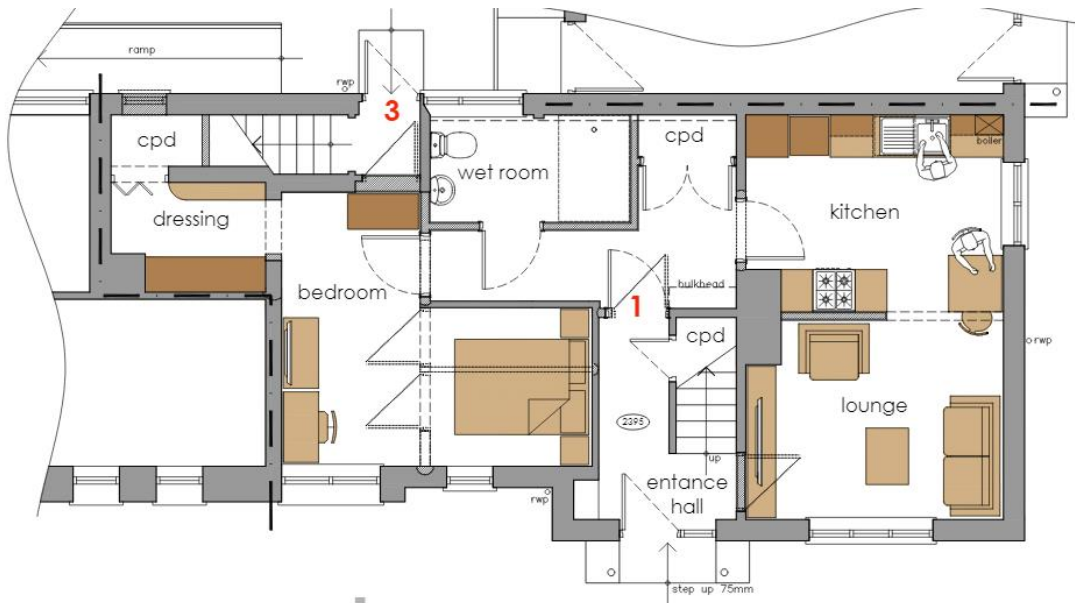
- Bedrooms:** Six bedrooms are shown, labeled bedroom 1 through bedroom 6. Bedroom 1 (2287) is located at the bottom right. Bedrooms 2, 3, 4, 5 (2205), and 6 are arranged along the top and left sides.
- Bathroom and WC:** A bathroom is located at the top right, and a WC (Water Closet) is located at the top left.
- Corridors and Stairs:** Corridors (labeled 'cpd') connect the rooms. Stairs are located in the central part of the plan, near the top left and bottom right.
- Utility Areas:** A boiler room and a room labeled 'rep' (likely a repair or storage room) are also shown.

321

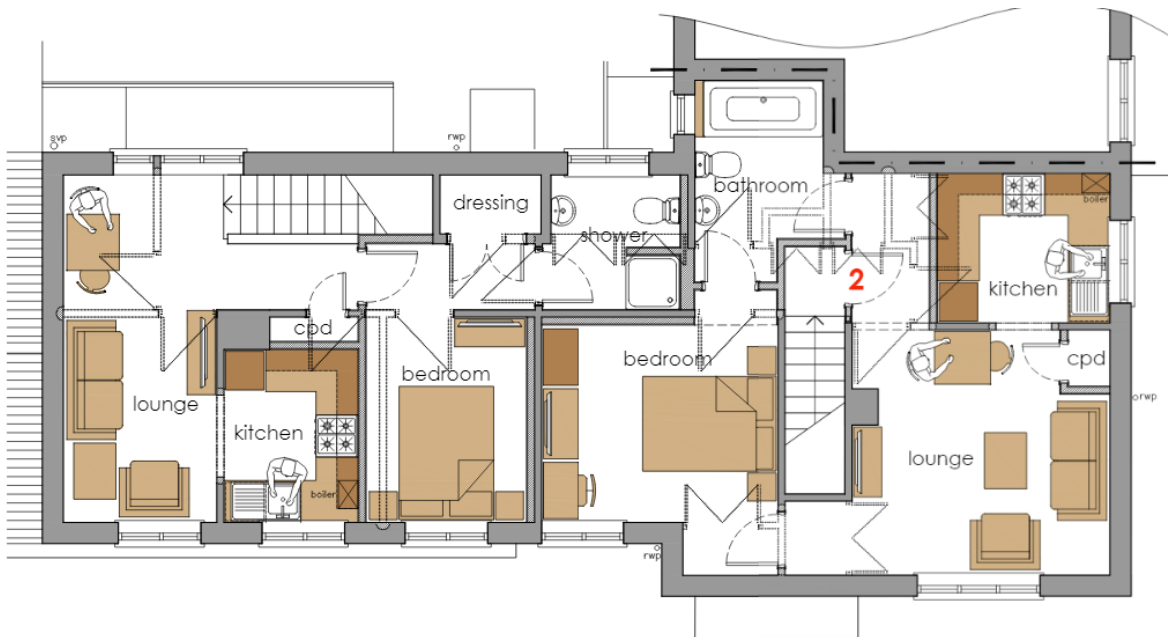




## Proposed Plans

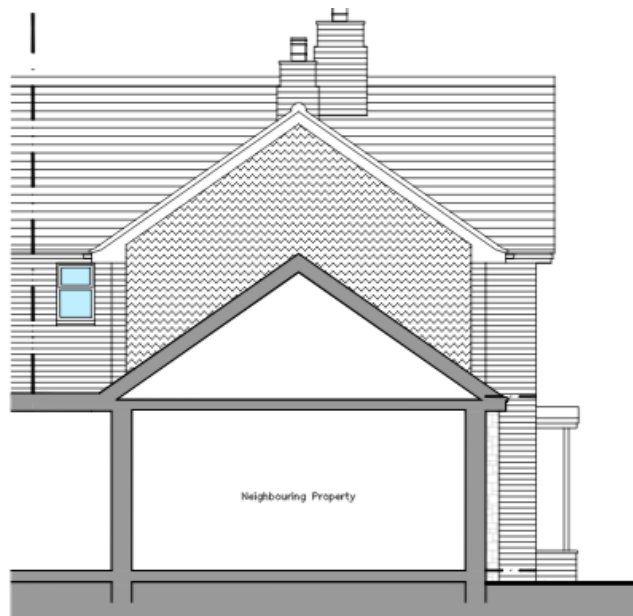


proposed  
ground floor plan



proposed  
first floor plan







## Site Photographs







## Consultation Responses



## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Lincoln City Council

**Application number:** 2024/0218/FUL

**Application Type:**

**Proposal:** Conversion of existing property to form 3 flats

**Location:** 53 Lenton Green, Lincoln, Lincolnshire, LN2 2HR

**Response Date:** 15 May 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

**Application number:** 2024/0218/FUL

**Application Type:**

**Location:** 53 Lenton Green, Lincoln, Lincolnshire, LN2 2HR

### **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

**Recommendation:**

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning proposal does not have an unacceptable impact on the public highway or surface water flood risk.

Regards

**Officer's Name:** John Clifton

**Officer's Title:** Principal Development Management Officer

**Date:** 15 May 2024





Directorate of Communities & Environment  
Simon Walters MBA, ACG, MCMI  
City Hall, Beaumont Fee  
Lincoln, LN1 1DF

23rd April 2024

Your Ref: 2024/0218/FUL

**Town and Country Planning Act 1990**  
**Consultation on Planning Permission**  
**53 Lenton Green, Lincoln, Lincolnshire, LN2 2HR**

**Conversion of existing property to form 3 flats.**

**Lincolnshire Police do not have any objections to this development.**

Crime prevention advice is given free without the intention of creating a contract.  
Neither the Home Office nor the Police Service takes any legal responsibility for the  
Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2024* which can be located on [www.securedbydesign.com](http://www.securedbydesign.com) Homes  
2019.

Crime prevention advice is given free without the intention of creating a contract.  
Neither the Home Office nor the Police Service takes any legal responsibility for the advice  
given. However, if the advice is implemented it will reduce the opportunity for crimes to be  
committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

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POLICE HEADQUARTERS  
PO Box 999, Lincoln LN5 7PH  
(Sat Nav: LN2 2LT)  
[www.lincs.police.uk](http://www.lincs.police.uk)

☎ 01522 55 8292  
☎ 075700 99424  
✉ [john.manuel@lincs.pnn.police.uk](mailto:john.manuel@lincs.pnn.police.uk)





CITY OF  
*Lincoln*  
COUNCIL

**Directorate of Housing and Investment**

City of Lincoln Council, City Hall,  
Beaumont Fee, Lincoln LN1 1DD

Customer Services: (01522) 873333

Website: [www.lincoln.gov.uk](http://www.lincoln.gov.uk)

Date: 15 May 2024

Mr Tom Hobson  
Planning Officer  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF

Dear Mr Hobson

**2024/0218/RG3 – 53 Lenton Green – Sub-division of property**

The Directorate of Housing and Investment are seeking planning permission to convert 53 Lenton Green from a six bedroom property into three self-contained, one bedroom residential flats.

The existing property is not being used for general needs housing but was previously used as a warden attached property to the supported housing provision at Lenton Green. It has a small outside space to the front but no access to the rear communal garden which is solely used for the supported tenants of Lenton Green.

The small outside space to front has limited opportunity for any off-road parking and to provide a suitable garden for a larger family requiring six bedrooms. The property is also next to the busy junction of Cabourne Avenue and Nettleham Road and has an adjacent entrance into the communal hall of the supported scheme making this a busy area during the day.

The property has not been used or occupied since 2019. All City of Lincoln supported schemes are now managed by visiting Independent Living Coordinators and there is no longer a need for tied family accommodation or staff sleeping facilities.

Considerations prior to this planning application to sub divide the property have included the use of the home for temporary accommodation. However, due to the close proximity to a supported scheme, sensitive letting requirement and very small outside space, the property in its current form is not deemed to be suitable for a larger family and temporary accommodation.

The conversion of this property into one bed flats enables best use of the property and also increases the number of one bedroom units within this locality. The Councils intention is to try and use the flats as an extension to the existing Lenton Green supported scheme and be overseen by the visiting Independent Living Coordinator whilst providing access to the common room and communal gardens. However, if the properties have a lack of demand as supported accommodation, the separate entrance to these flats enables the flexibility to let them as general needs accommodation via sensitive lets.

There is a continued high demand for self contained, 1 bedroom accommodation within the City. This conversion will maximise the potential of a current unsuitable and unused property to deliver good quality and much needed flats.

Kind regards



**Andrea Ripley**  
**Housing Strategy Officer**