

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Gary Hewson, Councillor Debbie Armiger,
Councillor Chris Burke, Councillor Liz Bushell, Councillor
Martin Christopher, Councillor Annie Currier, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Callum Roper and Councillor Calum Watt

Apologies for Absence: None.

30. Confirmation of Minutes - 30 October 2024

RESOLVED that the minutes of the meeting held on 30 October 2024 be confirmed and signed by the Chair as a true record.

31. Update Sheet

An update sheet was circulated to members of Planning Committee in relation to planning applications to be considered this evening, which included additional responses for Members' attention, received after the original agenda documents had been published.

RESOLVED that the update sheet be received by Planning Committee.

32. Declarations of Interest

No declarations of interest were received.

33. Works to Trees

The Arboricultural Officer:

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

Councillor Longbottom asked for an update in respect of works to five Lime trees in Castle Ward approved at the last meeting of Planning Committee on 30 October 2024, and enquired whether mitigation measures to reduce the loss of trees had been discussed with Anglian Water's approved contractor.

The Arboricultural Officer explained that he had not received any feedback from Anglian Water Authority regarding the installation of an interpretation board or suggestions made for installation of a modular planting system/ use of root barriers. He would make further enquiries and report back to Councillor Longbottom in person.

RESOLVED that:

1. A response to Councillor Longbottom's enquiry in relation to the replacement of five Lime Trees in Castle Ward be provided by the Arboricultural Officer following the meeting.
2. The tree works set out in the schedule published within the report be approved.

34. Applications for Development

(a) White Hart Hotel, Bailgate, Lincoln

The Assistant Director of Planning:

- a. referred to the application property, the White Hart Hotel, a grade II listed building located on the corner with Bailgate and Eastgate, with St Mary Magdalene's Parish Church adjoined to the south, within the Cathedral and City Centre Conservation Area
- b. detailed the City Council's Principal Conservation Officer's description of the history of the premises, being a complicated site comprising four distinct building phases along the street scene
- c. advised that the hotel had recently reopened following extensive renovation works with some works still ongoing; there had been a number of applications, including most recently for the creation of a new leisure pool and spa, which was approved by Members of Planning Committee in July 2024
- d. advised that full planning permission was now being sought for the construction of a new external roof terrace on the flat roof of the 1960's extension which fronted Bailgate, to include a frameless glass balustrade, glazed screen and access doors
- e. added that access would be taken from the existing fourth floor private lounge accommodation; the application also proposed the removal of the existing steel balcony to the south/east elevation and removal of the roof mounted water tower
- f. highlighted the following additional points:
 - A roof terrace was previously proposed on the flat roof area to the rear, east of the building as part of the original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC), however, the terrace was later omitted from the applications following advice from officers that this was not an appropriate addition.
 - Officers had concerns that this would cause harm to the setting of

the listed building and adjacent listed buildings as well as views towards the Cathedral, the character and appearance of the Conservation area and residential amenity.

- Subsequent discussions had been held between officers and the agent regarding a possible roof terrace, although officers had remained of the opinion that this would not be acceptable. Despite this advice, the agent had submitted this current application for a terrace on an alternative location, to the side of the building, adjacent to Bailgate.
- g. reported that in addition to this full application, an accompanying listed building consent application had been submitted (2024/0618/LBC), which only considered proposals in relation to the impact on the application property as a designated heritage asset, whereas this full application would consider this impact along with other matters; such as visual amenity, the character and appearance of the Conservation area, the setting of adjacent listed buildings and residential amenity
- h. stated that both applications were being presented to Members of Planning Committee for determination at the request of Councillor Murray
- i. detailed the history to the application site within the main body of the officer's report
- j. provided details of the policies pertaining to the application, as follows:
- Policy S53: Design and Amenity
 - Policy S57: The Historic Environment
 - Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character
 - National Planning Policy Framework
 - Planning Practice Guidance- Historic Environment
- k. provided details of the issues to be assessed in relation to the planning application, as follows:
- Policy Context
 - Visual Amenity and Impact on the White Hart
 - Impact on Adjacent Listed Buildings, Important Views and the Conservation Area
 - Assessment of Public Benefit
 - Residential Amenity
- l. outlined the responses made to the consultation exercise
- m. referred to the Update Sheet which contained further responses received in relation to the planning application after the agenda papers were published
- n. concluded as follows:
- Officers would recommend that the application be refused on the grounds that the proposed glass balustrade and the use of the existing flat roof as an external terrace would cause unacceptable

harm to visual amenity, the significance and setting of the listed building, the setting and significance of listed buildings in the vicinity and the character and appearance of the Conservation area.

- The level of less than substantial harm had neither been appropriately justified nor was it outweighed by a public benefit.
- The application would therefore be contrary to CLLP Policies S53, S57 and S58 and the NPPF.

Councillor Anita Pritchard addressed Planning Committee in relation to the proposed planning application in her role as Ward Advocate. She covered the following main points:

- She wished to speak in support of the proposed planning application.
- She spoke as a local ward Councillor and a custodian of Lincoln's heritage.
- She had held discussions with residents and traders in the Bailgate area.
- The White Hart had undergone much improvement and enhancement over recent years.
- These renovation works maintained a useful balance in retaining the heritage of the building.
- The plans for the most recent project were symmetrical and mindful of the surrounding area in which the building sat.
- The proposed roof terrace would offer impeccable views of the Cathedral and City.
- She had taken into account the views of the community in making her representation this evening.
- Regulating access to the roof terrace ensured there would be no impact on businesses nearby.
- The proposals represented a sustainable economic model; supporting the local community and wider community.
- The hotel would be able to showcase local products/crafts etc.
- The City was a 'must visit' destination and the hotel offered a distinct charm and appeal for bespoke experience events.
- Having stayed once, visitors would return again to the City.
- The proposal was positive for the local economy and should be supported.

Councillor Neil Murray addressed Planning Committee in relation to the proposed planning application in his Councillor role within the City. He covered the following main points:

- He had taken the decision to speak tonight after reading the advice from Historic England in response to the planning consultation process.
- His ward already represented one side of the application building.
- He also chaired the City of Lincoln Council Historic Environment Advisory Panel alongside being the Council's appointed Historic Environment Advocate.
- He had been an advocate of local heritage in the City for forty years.
- The recommendation to refuse this planning application was at its very worst 'snobbery'.
- The planning application was of great merit.
- The roof terrace would open up a fantastic new view of the West Front of the Cathedral and wider views of the City.
- Access to such a view would be maximised. It deserved to be celebrated.

- Lincoln Cathedral was at the top of the list of Cathedral's to visit in the country.
- He was disappointed there had not been a site visit by Planning Committee members prior to this evening to give visual context to this application.
- Potential issues related to noise/disturbance had been mitigated by the offer of conditions.
- Why were potential issues mentioned which could be conditioned?
- The scheme would give the opportunity to local residents and visitors to enjoy a different perspective of the iconic front of Lincoln Cathedral.
- The application was in similar spirit to Lincolnshire County Council's investment at the Castle to allow people to walk along the Castle walls.
- He felt the officer recommendation to refuse planning permission was a negative approach.
- He welcomed the planning application.

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

- The applicant had provided significant investment in the White Hart Hotel and other properties in uphill Lincoln.
- The addition of the fourth floor roof terrace would put the premises on the international stage in terms of the final piece in the puzzle for the enhancement of the White Hart.
- The new terrace would offer outstanding views of the Castle, Cathedral and Witham Valley.
- The Cathedral had supported the scheme.
- Conditions would be imposed to reduce any potential impact of the development.
- Views of the Council's Pollution Control Officer had concluded that with controls in place, there would be no impact on the adjacent Church of St Mary Magdalene.
- Concerns raised by the City Conservation Officer related to the modern balustrade, however the most appropriate contemporary option had been chosen as it was frameless and transparent.
- The illustrative computer generated images provided showed that interrupted views of the Castle walls and Cathedral would be minimal.
- The incongruous water tower would be removed which already impacted on the Castle and Cathedral.
- The roof terrace would not be a bar terrace as clarified within the officer's report.
- Activity at roof level would add to the interest of the views.
- Leaving extra space in front of the flat roof enhanced the heritage aspect.
- There would be substantial benefits allowing this premier hotel to be a crowning glory with unique views from the roof terrace.
- The terrace would be used by international employers such as Siemens, universities, Lincoln City Football Club to name a few.
- He requested that planning permission be granted.

Members discussed the content of the report in further detail.

The following comments emerged in relation to the proposed planning application:

- The Cathedral had supported the proposals for the roof terrace. The member in question was not sure why officer's had spoken in their presentation to the contrary.
- Shop owners supported the proposals.
- Lincolnshire County Council as Highways Authority had no objections.
- Local councillors were in support of the scheme.
- The City wanted to see increased tourism and to encourage international character. The proposals should be supported, similar to York's reputation.
- This was an innovative, reasonable and ambitious proposal that should be supported.
- The development was centred in the uphill part of the city of which we were all proud and had a huge potential.
- The development would have a positive impact on the building.
- The flat roof was currently under-utilised although the views from it were stunning.
- The use of a glass balustrade made sense in terms of the sensitivity of the views.
- The condition to control the number of patrons on the roof terrace and music levels between the hours of 8am and 11pm was not necessary.
- The Cathedral would prefer accessibility to the roof terrace to be restricted till 11.00pm, not 11.30pm. This would be in line in with the operational hours of the Magna Carta in Castle Hill square.
- Peoples views would differ in relation to the impact from the roof terrace as to whether it would be detrimental to the views from the Castle walls. It was pleasing to note that the water tower would be demolished.
- This was a difficult application which officers had spent many long hours in deliberation. The applicant wished to add something modern to a historic building, and visual amenity would be affected, however, was this of sufficient detriment to refuse.
- The Uphill area was very special with a different atmosphere to other parts of the city, however, with mitigation measures in place we would still maintain this atmosphere with the addition of the roof terrace.
- The statement within the Design and Access Statement submitted, that the proposal enabled employment opportunities to be maintained was a threat to Councillors implying we would make employees redundant should planning permission be refused.
- The acoustic atmosphere and calm presence of the Uphill area in this core heritage area was surreal. Should planning permission be granted there was a worry that a precedent would be set for future development. There was a noise level concern.
- There was tension here between progress and preservation of the area/supporting the local economy.
- There were concerns regarding potential impact on the adjacent Church of St Mary Magdalene next door and access for maintenance.
- Mitigation measures were proposed to address potential noise pollution. We would not know until the roof terrace was established what degree of impact there would be.
- Historic England were experienced consultees in these types of proposals.
- The Cathedral had issued a bland response to the consultation process in that it did not welcome music or drinking but did not object to the proposals.
- The Uphill are was a unique area to sit and contemplate.

- It was important for the White Hart Hotel to prosper, however, our amazing and important views needed to be considered also.

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

- Was it possible to protect the stonework of the building by using alternative materials to glass?
- Would a site visit been useful from the Castle walls to look at the height of objects placed on the flat roof and impact on views?
- Could a condition be imposed to limit the height of objects placed on the roof?
- How had the potential concerns of noise impact to the adjacent Church of St Mary Magdalene been addressed?
- Would there be a disabled access in addition to internal steps up to the roof terrace?
- Clarity was requested as to whether the balustrade would be set back on the roof terrace and in line with the White Hart building next to it
- Would the balustrade be the same height as the existing water tower to be demolished?
- What would be the width of the gravel perimeter?
- It was assumed that any furniture would be taken off the roof terrace at the end of the evening, timing would be needed for this to avoid noise. Would people be able to report any issues with noise being carried?
- There was no mention of lighting in the planning documents, Would it spill onto the path?
- Could clarification be given to the response detailed on the Update Sheet raising concerns that the application was not publicly advertised outside the building?

The Chair reminded members of their remit here. They held a massive responsibility to the citizens of Lincoln in protecting our historic heritage which must not be compromised. There was a balance to be drawn as to whether the negative impacts outweighed the benefits of the scheme, and vice-versa. Modern and ancient could work together, but not if an area we enjoyed was compromised. Each member must weigh up the information presented to us and come to a balanced decision based on that information. Professional officers were here to guide us. Should we go against their advice, we would need to justify why we had done so.

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

- He confirmed that he did not say that the Cathedral had objected within his presentation.
- In terms of the materials proposed to be used on the balustrade, the decision to be made was to refuse or approve the planning application as it was before members this evening.
- The height of objects to be placed on the roof was not a matter that could be enforced by the Planning Authority.
- Regulation of the placement of lights, umbrellas etc on the roof terrace was also not within the remit of the Planning Committee. Portable lighting placed on the roof terrace was not development and not enforceable.
- Noise issues: There were two parts to consider:

- An assessment of potential noise in relation to impact on amenity. Would this be harmful as a statutory nuisance? The Pollution Control Officer said not.
- The level of impact on the adjacent Church of St Mary Magdalene or properties onto Minster Yard. Noise from the roof terrace would be new to this part of the Conservation Area, problematic/detrimental to the Conservation Area and Scheduled Monument.
- The balustrade would be set back 600mm from the wall. Its height would be 1.5metres, which was lower than the existing water tower.
- In terms of the Cathedral response regarding times of operation, that type of detail to be applied was within the remit of Planning Committee members to determine should the application be supported.
- The consultation process was carried out in September last year, and advertised according to full statutory regulations.
- In terms of setting a precedent, each planning application was considered on its own merits., However, the establishment of a particular development would not be immaterial to future development.in the area. The weight to be applied in this respect would be the remit of officers to advise upon and for Planning Committee members to decide.
- Disabled access: The inclusion of steps to the roof terrace were part of the Listed Building Consent and not the subject of the full application. There would only be steps which was not unusual for a listed building.

Whether or not the planning application was granted, a motion was proposed, seconded, and put to the vote that hours of operation for the roof terrace be set at 8.00pm- 11.00pm. The motion was carried.

RESOLVED that planning permission be refused on the grounds of:

- The proposed glass balustrade would have no meaningful relationship with the prevailing architectural language of the grade II listed White Hart Hotel, causing harm to the significance of the historic façade;
- The proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace, would be a modern and incongruous addition. It would not relate well to the site and would fail to reflect or satisfactorily assimilate into the surrounding area, contrary to CLLP Policy S53.
- It would diminish and harm the architectural significance of this designated heritage asset, contrary to CLLP Policy S57 and NPPF paragraph 212.
- The proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace would cause harm to the character and appearance of the Conservation Area and would fail to respect the special historic context, contrary to CLLP Policies S57 and S58 and paragraphs 212 and 213 of the NPPF.
- The proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace would have a negative impact on the roofscape within important views towards the Cathedral, harming the setting of this Grade I listed building. For the same reason the proposal would also cause harm to the setting of a number of other listed buildings in the vicinity. The application would therefore be contrary to CLLP Policies S53, S57 and S58 and paragraphs 212 and 213 of the NPPF.
- The less than substantial harm which would be caused to the significance of the heritage assets had not been justified in terms of the tests set out

within paragraph 215 of the NPPF and was not outweighed by a public benefit, providing an external terrace allowing private members of the hotel to take advantage of views, but in doing so compromised these same views from the public realm; and

- The proposal failed to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possessed and was therefore contrary to the duty contained within sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act).

(b) White Hart Hotel, Bailgate, Lincoln (Listed Building Consent)

The Assistant Director of Planning:

- a. referred to the application property, the White Hart Hotel, a grade II listed building, located on the corner with Bailgate and Eastgate within the Cathedral and City Centre Conservation Area
- b. reported that it sat on the corner of Bailgate and Eastgate with St. Mary Magdelene's Parish Church (the church) adjoined to the south; the site was abutted to the rear, east and south, by residential properties; 19-23 Minster Yard, Exchequergate Lodge and 24 Eastgate
- c. detailed the City Council's Principal Conservation Officer's description of the history of The White Hart Hotel, being a complicated site comprising four distinct building phases along the street scene
- d. advised that the hotel had recently reopened following extensive renovation works with some works still ongoing, there had been a number of applications, including most recently for the creation of a new leisure pool and spa, which was approved by Members of Planning Committee in July 2024
- e. advised that this application sought listed building consent for a new external roof terrace on the flat roof of the 1960s extension which fronted Bailgate
- f. reported that the application would include a frameless glass balustrade, glazed screen, and access doors, with access taken from the existing fourth floor private lounge accommodation, where it was proposed to install new internal steps and a balustrade from the existing lounge to accommodate the change in levels
- g. added that the application also proposed the removal of the existing steel balcony to the south/east elevation and removal of the roof mounted water tower
- h. highlighted that a roof terrace was previously proposed on the flat roof area to the rear, east of the building as part of the original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC), however the terrace was later omitted from the applications following advice from officers that this was not an appropriate addition
- i. added that officers had concerns that this would cause harm to the setting of the listed building and adjacent listed buildings as well as views towards

the Cathedral, the character and appearance of the conservation area and residential amenity

- j. reported that despite this and subsequent advice, the agent has submitted this current application for a terrace on an alternative location, to the side of the building, adjacent to Bailgate
- k. advised that in addition to this listed building consent application, an accompanying application for full planning permission had been submitted (2024/0617/FUL) and considered by Planning Committee as the previous agenda item this evening
- l. confirmed that this listed building consent application considered the proposals, including any internal alterations, in relation to the impact on the application property as a designated heritage asset
- m. confirmed that both applications were being presented to Members of the Planning Committee for determination at the request of Councillor Murray
- n. highlighted that responses had been received from the church and the Cathedral Estates Department in relation to both the full and listed building consent applications, however, as the comments raised related to visual amenity, residential amenity and noise and disturbance, they could not be considered as part of this application i.e. they related to matters other than the impact on the application property as a designated heritage asset and their responses were therefore copied and considered as part of the assessment of the full planning permission report
- o. detailed the history to the application site within the officer's report
- p. provided details of the policies pertaining to the application, as follows:
 - Policy S57: The Historic Environment
 - National Planning Policy Framework
 - Planning Practice Guidance- Historic Environment
- q. advised of the issues to be assessed in relation to the planning application, as follows:
 - Policy Context
 - Impact on the Building as a Designated Heritage Asset
 - Assessment of Public Benefit
- r. outlined the responses made to the consultation exercise
- s. concluded that:
 - Officers recommended that the application be refused on the grounds that the proposed glass balustrade and the use of the existing flat roof as an external terrace would cause unacceptable harm to the architectural and historic interest of the building and to its setting and significance.
 - The level of less than substantial harm had neither been appropriately justified nor was it outweighed by a public benefit.

- The application would therefore be contrary to CLLP Policy S57 and the NPPF.

Members discussed the content of the report in further detail.

Members asked whether approval of this Listed Building Consent application would be helpful to the applicant should an amended revised full planning application be submitted.

The Assistant Director of Planning advised that Listed Building Consent application approval needed to be based on the specific material implications in front of us this evening.

Members asked whether a new application could be submitted.

The Principal Planning Officer and the Principal Conservation Officer advised that this same Listed Building application could be resubmitted with a revised full application. If there were no reasons for refusal it would still stand against the same policies, unless there was a change in planning policy in the meantime.

RESOLVED that the listed building consent planning application be refused on the grounds of:

- The glass balustrade would have no meaningful relationship with the prevailing architectural language of the grade II listed White Hart Hotel, causing harm to the significance of the historic façade;
- The glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace, would be a modern and incongruous addition which would diminish and harm the architectural significance of this designated heritage asset;
- The proposal would be prejudicial to the special architectural and historic interest of the listed building, its significance and setting, contrary to CLLP Policy S57 and NPPF paragraphs 212 and 213;
- The less than substantial harm which would be caused to the significance of the listed building had not been justified in terms of the tests set out within paragraph 215 of the NPPF and was not outweighed by a public benefit, providing an external terrace for use by private members of the hotel; and
- The proposal failed to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possessed and was therefore contrary to the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas Act).