

## PLANNING COMMITTEE

**Wednesday, 29 January  
2025**

**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

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.

## A G E N D A

<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 30 October 2024	<b>5 - 12</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. Works to Trees	<b>13 - 22</b>
5. Applications for Development	
(a) White Hart Hotel, Bailgate, Lincoln	<b>23 - 72</b>
(b) White Hart Hotel, Bailgate, Lincoln (Listed Building Consent)	<b>73 - 100</b>

## **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  
Martin Christopher, Councillor Rebecca Longbottom,  
Councillor Bill Mara, Councillor Callum Roper and  
Councillor Emily Wood

**Apologies for Absence:** Councillor Annie Currier

**22. Confirmation of Minutes - 02 October 2024**

RESOLVED that the minutes of the meeting held on 02 October 2024 be confirmed and signed by the Chair as a true record.

**23. Update Sheet**

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

**24. Declarations of Interest**

Councillor Emily Wood made a Declaration of Predetermination with regard to the agenda item titled '57 Newland Street West, Lincoln'.

She had predetermined her view on this planning application. She left the room during the consideration of this item and took no part in the discussion or vote on the matter to be determined.

**25. Member Statement**

In the interest of transparency, Councillor Rebecca Longbottom, requested it be noted in relation to Agenda Item No 4, Works to 5 x Mature Lime Trees in Castle Ward - she had met with the Arboricultural Officers and Councillor Donald Nannestad to discuss the proposed works, however, not in a personal capacity and there was no conflict of interest.

**26. Work to Trees**

Dave Walker, Arboricultural Officer:

- a. advised Planning Committee that the main purpose of his 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 his report
- c. highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was in City Council ownership and identified for removal, or where a tree enjoyed some

element of protection under planning legislation, and thus formal consent was required

d. explained that ward councillors had been notified of the proposed works.

Members asked:

Question: Had mitigation measures being discussed with Anglian Water Authority to reduce the loss of the five lime trees in Castle Ward progressed any further?

Officer Response: The Arboricultural Officer was still in discussions with Anglian Water Authority. Suggestions were being made for installation of a modular planting system, or use of root barriers. The trees required replacement as a large percentage of the roots would be severed during utility works, resulting in the likelihood of the trees becoming unstable in the future which was the main concern.

An interpretation board would also be erected at the site.

RESOLVED that the tree works set out in the schedule published within the report be approved.

**27. Applications for Development**

**28. 57 Newland Street West, Lincoln**

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

The Planning Team Leader:

- a. referred to the application premises, a two-storey mid-terrace property with an existing offshoot to the rear, located at 57 Newland Street West, on the north side of the road
- b. advised that planning permission was sought for the erection of a single storey, rear extension off the existing off-shoot and widening to the existing off-shoot at the rear of the dwelling
- c. highlighted that the property was currently in use as C3 and C4 flexible use which was granted under application number 2024/0371/C4
- d. stated that the application had been called into Planning Committee by Councillors
- e. provided the relevant site history to the application property as detailed within the officer's report
- f. provided details of the policies pertaining to the application, as follows:
  - Policy S13: Reducing Energy Consumption in Existing Buildings
  - Policy S53: Design and Amenity
  - National Planning Policy Framework

- g. provided details of the issues to be assessed in relation to the planning application, as follows:
- Accordance with National and Local Planning Policy
  - Design and Impact on Residential Amenity
  - Impact on the Amenity of Nearby Properties
  - Highways Safety, Access and Parking
  - Reducing Energy Consumption
- h. outlined the responses made to the consultation exercise
- i. concluded that the proposal could be recommended for approval and would not have a significant detrimental impact on the residential and visual amenity of neighbouring properties in accordance with policies S53 and S13 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

Councillor Lucinda Preston addressed Planning Committee in relation to the proposed planning application in her capacity as Ward Advocate, covering the following main points:

- She wished to object against this planning application in the strongest possible terms, yet another in the West End from the same landlord as before.
- She spoke on behalf of local residents and the community.
- The proposals would result in loss of amenity to the local community
- The planning application may seem like a small extension, however, it would have a long-term impact on the local community and their mental health.
- There would be very little open space for the residents of the property to enjoy the sunshine/plants and flowers, which was clearly not a concern to the landlord looking at the current poor state of the property.
- The proposed planning application was contrary to the spirit of Article 4 regulations which were instigated to provide a balance in the community.
- With the loss of outdoor space proposed, the property was unlikely to return to a family home.
- More and more homes in the West End were being purchased to be extended by this landlord.
- Environmental issues were at stake; the backyard offered potential for green space, pot plants, flora and fauna.
- Should this planning application be granted, it would result in more open space being squeezed out simply for financial gain.
- Her concerns related to valid material planning considerations in respect of loss of outdoor space, community impact, and the cumulative impact on open space.
- The proposals were not necessary; there was already an existing extension and adding a further one of two metres would result in avoidable additional negative impact.
- She urged that planning permission be refused.

Councillor Neil Murray addressed Planning Committee in relation to the proposed planning application in his capacity as Ward Advocate, covering the following main points:

- He disagreed with the officer recommendation, similar to Councillor Preston's views.
- The planning application would have a detrimental impact on the local community.
- This landlord was building on yards of open space across the city, taking away environmental benefits and gardens.
- Residents in the area had not submitted objections as they felt the Planning Authority would give the application planning approval in any case.
- The proposal would have a cumulative negative impact on neighbouring residential amenity.
- He urged Planning Committee members to think about the environmental implications of the proposals and to turn down the planning application.
- The concerns of local residents and the local councillors should be considered here.
- Should planning permission be granted, he requested that a condition be imposed to prevent this building crew from further bullying and harassment of neighbours.

Members discussed the content of the report in further detail.

Members thanked the public audience for their attendance/comments and engagement in the planning process.

The following concerns were raised in respect of the planning application:

- The potential future use of the property as a House in Multiple Occupation.
- Concerns regarding loss of potential green space.
- It was incorrect to state that Planning Committee was not deemed as being fair to people in the Carholme area.
- The back room window would be blocked off which would make the indoor space downstairs quite dark. The loss of light through the back window would make it difficult to spend too much time in the living area. Natural light was very important.
- There would potentially be damage caused to roads/pavements in the area as a result of additional parked vehicles in the area. It was likely to become a House in Multiple Occupation. There were also concerns regarding space for additional waste bins required and increased fly tipping. Construction materials sat on the public roads/pavements for some time which also caused damage. It would be interesting to hear the Highway Authority's view on this.
- It was important to take local Ward members objections to the proposal on board. This was an indication that residents were tired of being ignored and therefore did not complain themselves.
- There was only a small loss of green space resulting from the proposals, however there were further implications to breach of the spirit of Article 4 for each additional application with loss of open space approved.

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

- The member concerned had made a site visit to the property to find it was in a bad state of disrepair. There was a notice of intended works on the window. The applicant's intentions would enhance the street and renovate the property.

- The extension next door was already in existence and had been applied for retrospectively. It was much larger than the one proposed here.
- The inside of the property space would be increased as a result of the proposed extension. It was a judgement of taste.
- The benefits to the extension would outweigh the concerns raised.
- Each planning application should be considered on its individual merits.
- There were already other extensions in the area, this extra addition would not cause a huge impact on the area.
- The matter of whether or not the applicant owned a lot of properties in the area was immaterial to this planning application.
- The extension would bring about improvement to the inside area of the property and enhance it.
- The property was in dire need of investment, although once upon a time it would have been a lovely family home.
- The lack of garden space was not an issue as there was open space beyond the property with a church set back behind.
- The property was classed as flexible use, therefore it was possible it could be placed on the open market for a family home. The proposed investment to the building would enhance this potential.
- Planning Committee members were 100% bothered about protecting the local area, hence why Article 4 had been introduced. This was never in doubt.
- There was a potential negative affect on light caused by the blocking up of the back window at ground floor level, however, tenant's had a choice whether or not they wished to live there.

The following questions emerged:

- Reference was made within the officer's report to the extension being constructed from materials to match that existing. Would modern bricks or the same bricks be used? Were the materials to be used to be conditioned?
- What element of works could be carried out without planning permission?
- What was the current use of the property being flexible C3/C4 use?
- Was it possible to apply conditions to the grant of planning permission to protect the impact on residents during the construction process, address the issues of lighting and materials to be used?
- Would it be easier if specific policies were included within the Local Plan to guide members on reasons for refusal?

The Planning Team Leader offered the following points of clarification:

- With regard to working hours during construction, this matter was already conditioned within the officer's recommendation to grant planning permission. This element would be controlled and monitored by the Enforcement Team
- Consultation was always carried out with local neighbours, hence the existence of a notice on the window of the property detailing proposed works.
- There was no issue if members were so minded, to impose an additional condition for a sample/detail of brickwork to be provided by the applicant prior to commencement of works.

- It was possible for applicants to add 4 metres to the back of a property without planning permission. This was already in existence in this case, therefore planning permission was required.
- With regard to potential damage to the road, the applicant required a licence from the Highways Authority to place items on the public roadway. If damaged occurred as a result of this it was within the jurisdiction of the Highway Authority to take enforcement action for it to be put right.
- The application property had been utilised as a House in Multiple Occupation until recently.
- It was not within the remit of Planning Committee to control internal lighting. It was not a material planning matter.
- In relation to how much weight could be attached to local Ward members objections, this was a matter within the remit of Planning Committee members to make judgement.
- The matter of green space had to be treated on individual merit in each planning application, according to the weight considered to be imposed.

Members suggested that in a case where light was being blocked out to neighbouring property due to the height of a proposed construction, then the '45% rule' would be applied. In this matter, the landlord was applying changes to the property and therefore had a duty to protect who was living there.

The Planning Team Leader advised that lighting and ventilation to the property was a matter for control under building regulations. The Planning Authority could consider potential impact on adjacent properties.

It was moved, seconded, put to the vote and carried that an additional condition be imposed on grant of planning permission requiring samples/details of brickwork to be used be submitted to the Planning Authority and approved prior to construction work.

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

### **Standard Conditions**

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

Reason: As required by Section 91 of the Town and Country Planning 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 drawings listed within the approved plans.

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**

Samples/details of brickwork to be used be submitted to the Planning Authority for approval prior to commencement of works

**Conditions to be Discharged Before Use is Implemented**

None.

**Conditions to be Adhered to At All Times**

- 03) The use hereby approved shall only be operated between the hours of 08:00 and 18:00 Monday to Saturday and the use shall not be carried out on Sundays or Bank Holidays.

Reason: To protect the residential amenities of properties in the vicinity.

**Table A**

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

Drawing No.	Version	Drawing Type	Date Received
		Location Plan	20th August 2024
PP/24/0913-02		Elevations - Existing	20th August 2024
PP/24/0913-03		Plans - Existing	20th August 2024
PP/24/0913-01		Plans - Existing	11th September 2024
PP/24/0913-02		Block plans	11th September 2024
PP/24/0913-04		Floor Plans - Proposed	11th September 2024
PP/24/0913-05		Elevations - Proposed	11th September 2024

**29. 391 - 392 High Street, Lincoln**

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

The Assistant Director of Planning:

- a. referred to the application premises at 391-392 High Street, Lincoln, as two-storey and located within the St Peter at Gowts Conservation Area
- b. advised that planning permission was sought for the replacement of 4 windows and two doors to the rear of the property, planning permission was required as it was in commercial use
- c. highlighted that the application was brought before Planning Committee as it was in council ownership and was therefore a regulation 3 application
- d. provided details of the policies pertaining to the application, as follows:
  - Policy S53: Design and Amenity
  - Policy S57: The Historic Environment
  - National Planning Policy Framework
- e. provided details of the issues to be assessed in relation to the planning application, which were visual amenity and character and appearance of the Conservation Area

- f. outlined the responses made to the consultation exercise
- g. concluded that the proposal would relate well to the site and context and would preserve the character and appearance of the Conservation Area, in accordance with Central Lincolnshire Local Plan Policies S53 and S57.

Members requested clarification as to:

- Whether the glazed windows would be replaced with triple glazed units.
- Why replacement windows were always coloured white.

The Assistant Director of Planning advised as follows:

- The windows were currently single glazed timber units and would be replaced with double glazed units of increased efficiency.
- White PVC had been chosen as it matched what was already there and was at the rear elevation. This was not always the preferred choice, each application was considered on its own merits.

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

**Standard Conditions**

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

Reason: As required by Section 91 of the Town and Country Planning 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 submitted drawings.

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.



<b>SUBJECT:</b>	<b>WORKS TO TREES</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>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**

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.

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.

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
<b>Lead Officer:</b>	Dave Walker, Arboricultural Officer <a href="mailto:Dave.walker@lincoln.gov.uk">Dave.walker@lincoln.gov.uk</a>

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES  
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.  
SCHEDULE No 1 / SCHEDULE DATE: 29/01/2025**

<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	Birchwood Nature Park – to rear of 16 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove to ground</u> Heavily leaning towards the property – twin stem from ground with compromised basal union. Work is requested to avoid potential collapse.	Approve works.  Replant with a replacement Silver birch: to be located in a suitable position within the park.
2	N/A	Birchwood Nature Park – to rear of 16 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove to ground</u> Approximately 60% of the canopy of this tree is retained as deadwood and is located in close proximity to the property. Work is requested to avoid potential collapse.	Approve works.  Replant with a replacement Silver birch: to be located in a suitable position within the park.
3	N/A	Birchwood Nature Park – to rear of 16 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove to ground</u> This tree is retained as standing deadwood and is located within falling distance of the property.	Approve works.  Replant with a replacement Silver birch: to be located in a suitable position within the park.

4	N/A	Birchwood Nature Park – to rear of 16 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove to ground</u> Heavily leaning towards the property – twin stem from ground with compromised basal union. Work is requested to avoid potential collapse.	Approve works.  Replant with a replacement Silver birch: to be located in a suitable position within the park.
5	N/A	Birchwood Nature Park – to rear of 33 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove eastern stem to ground</u> Poor basal union present. Work is requested to avoid potential collapse of the co-dominant stem towards the property.	Approve works.
6	N/A	Birchwood Nature Park – to rear of 43 Muirfield Close	<b><u>Birchwood Ward</u></b> 1 x Birch <u>Remove to ground</u> Heavily leaning towards the property – twin stem from ground with compromised basal union. Work is requested to avoid potential collapse.	Approve works.  Replant with a replacement Silver birch: to be located in a suitable position within the park.
7	N/A	Jasmin Green – to rear of 49/53 Alness Close	<b><u>Birchwood Ward</u></b> 1 x Oak <u>Remove to ground</u> Excessive lean over property boundary – retain as a coppice stool and monitor regeneration.	Approve works.  Replant a replacement, native Oak; to off-set loss if regeneration of stump does not occur.
8	N/A	8 Home Green – Boutham Park	<b><u>Boutham Ward</u></b> 1 x Sycamore <u>Remove to ground</u> This tree is currently retained with approximately 70% of	Approve works.  Replace with 1 x Beech: to be located in a suitable position within Boutham Park.

			its canopy consisting of deadwood. Work is requested to avoid potential collapse.	
9	N/A	108 Outer Circle Drive – Housing property	<b>Glebe Ward</b> 1 x Sycamore <u>Remove to ground and kill stump</u> This is a large multi-stemmed specimen, located in close proximity to the property boundary – several wide bark inclusions at the trees base place it at risk of unpredictable collapse.	Approve works.  Replace with 1 x native Oak: to be sited in a suitable position within grassland located at Searby Road Nettleham Road junction.
10	N/A	Hartsholme Country Park – Tennis court area	<b>Hartsholme Ward</b> 1 x English Oak <u>Retrospective notice</u> This tree collapsed during storm Ashley.	The tree has been retained as a monolith stem in order to retain standing deadwood habitat – a replacement heavy standard native Oak will be replanted in a suitable position within the grounds to offset the trees loss.
11	N/A	Hartsholme Country Park – Lake side	<b>Hartsholme Ward</b> 1 x Beech <u>Retrospective notice</u> This tree recently fell into the reservoir causing significant damage to the path side edge – the tree was removed in the interests of health and safety.	Replace with 1 x heavy standard Beech: to be planted in a suitable position within the grounds.
12	TPO	55 Finningley Road - Amenity grassland to side of property.	<b>Hartsholme Ward</b> 2 x Silver Birch <u>Remove to ground.</u> These trees are in close proximity to the adjacent property – work to reduce	Approve works.  Replace with two Silver birch: to be located in a suitable position along the



			overhang would result in the production of unviable specimens.	adjacent access footpath to Hartsholme Park.
13	N/A	11 Waddingworth Grove – Housing  Please note that minimal planting locations are available within the ward.	<b><u>Minster Ward</u></b> 10 x Cupressus 2 x Sycamore <b><u>Remove to ground.</u></b> All trees form a poorly managed remnant hedgerow, which cannot be brought back to a manageable form through reduction works.	Approve works.  12 native trees will be planted within Hope Wood to offset the loss of the non-native hedge line.
14	N/A	64 Welton Gardens – Housing property  Please note that minimal planting locations are available within the ward.	<b><u>Minster Ward</u></b> 11 x Cupressus <b><u>Remove to ground.</u></b> All trees form a poorly managed remnant hedgerow, which cannot be brought back to a manageable form through reduction works.	Approve works.  11 native trees will be planted within Hope Wood to offset the loss of the non-native hedge line.
15	N/A	26 Westwick Gardens - Rear garden of Housing property	<b><u>Boultham Ward</u></b> 1 x Sycamore <b><u>Remove to ground level</u></b>  Self-set specimen liable to split out as basal condition is unclear whilst within significant amount of Organic matter, suspected Basal rot with this kind of surrounding material, specimen is situated in high target area of multiple properties.	Approve works.  1 Acer platanoides will be planted within Boultham Park Green space Rookery lane entrance.

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<b>Application Number:</b>	2024/0617/FUL
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln
<b>Target Date:</b>	31st January 2025
<b>Agent Name:</b>	Paul Ponwaye
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower.

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

The application property is the White Hart Hotel, a grade II listed building located within the Cathedral and City Centre Conservation Area. It sits on the corner of Bailgate and Eastgate with St. Mary Magdelene's Parish Church (the church) adjoining to the south. The site is abutted to the rear, east and south, by residential properties; 19-23 Minster Yard, Exchequergate Lodge and 24 Eastgate.

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 arranged over three bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in a classical style, expansions to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. Both of these elements utilise a stucco and red brick built form with regular and symmetrical fenestration including first and second floors with French windows and balconies, albeit that the 1960s version has much simpler detailing. 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. 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.

The hotel recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of applications, including most recently for the creation of a new leisure pool and spa, which was approved by Members of the Planning Committee in July 2024.

This application is for full planning permission for the construction of a new external roof terrace on the flat roof of the 1960s extension which fronts Bailgate. The terrace would include a frameless glass balustrade, glazed screen, and access doors. Access would be taken from the existing fourth floor private lounge accommodation. The application also proposes the removal of the existing steel balcony to the south/east elevation and removal of the roof mounted water tower.

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). 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. There have been subsequent discussions between officers and the agent regarding a possible roof terrace, although officers have remained of the opinion that this would not be acceptable. Despite this advice, the agent has submitted this current application for a terrace on an alternative location, to the side of the building, adjacent to Bailgate.

Following this, there has been further discussions between officers and the agent regarding a possible roof terrace, although officers have remained of the opinion that this would not be acceptable. Despite this advice, the applicant has decided to re-submit an application for a terrace, although instead of being to the rear as previously, this is now proposed to the side, adjacent to Bailgate.

In addition to this full application, an accompanying listed building consent application has been submitted (2024/0618/LBC). Listed building consent applications only consider proposals in relation to the impact on the application property as a designated heritage asset, whereas this full application will 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. Both applications are being presented to Members of the Planning Committee for determination at the request of Councillor Murray.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0618/LBC	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).	Pending Decision	
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	Granted Conditionally	11th July 2024

	facilities and gym together with associated drainage and services.		
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).	Granted Conditionally	11th July 2024
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	25th May 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 new shopfront to existing restaurant fronting Bailgate, glazed lantern and alterations to window openings. (Revised description,	Granted Conditionally	25th May 2023

	plans and supporting documents).		
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### **Case Officer Site Visit**

Undertaken on 15th November 2024.

### **Policies Referred to**

- 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

### **Issues**

- 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

### **Consultations**

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

### **Statutory Consultation Responses**

Consultee	Comment
Principal Conservation Officer	Comments Received
Highways & Planning	Comments Received
Historic England	Comments Received

### **Public Consultation Responses**

Name	Address
Church Of St Mary Magdalene	Bailgate Lincoln Lincolnshire LN1 3AR
Mr Mark Wheeler	The Cathedral Estate Department Lincoln Cathedral Minster Yard

Name	Address
Church Of St Mary Magdalene	Bailgate Lincoln Lincolnshire LN1 3AR

## **Consideration**

### **Policy Context**

Central Lincolnshire Local Plan (CLLP) Policy S53 requires that uses should not result in adverse noise, taking into account surrounding uses. They should be compatible with neighbouring land uses and not result in likely conflict with existing uses unless it can be satisfactorily demonstrated that the ongoing use of the neighbouring site will not be compromised. The development should also not result in harm to people's amenity through overlooking, overshadowing or loss of light.

CLLP Policy S53 also requires that developments should relate well to the site, its local and wider context and existing characteristics to ensure that the development can be satisfactorily assimilated into the surrounding area; protect any important local views into, out of or through the site; and reflect or improve on the original architectural style of the local surroundings.

CLLP Policy S58 reiterates the importance of protecting Lincoln's setting and character. It states that all proposals should protect Lincoln's distinct built heritage and townscape character. Developments within conservation areas, should preserve and enhance their special character, setting, appearance and respect their special historic and architectural context.

CLLP Policy S57 states that "Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire". The White Hart is a listed building and within a conservation area, both of which are defined as designated heritage assets. The policy also requires that, in instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), they should "protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset".

With regard to listed buildings CLLP Policy S57 states 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. In respect of conservation areas, it is advised that "Significant weight will be given to the protection and enhancement of Conservation Areas. Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance and setting, including as identified in any adopted Conservation Area appraisal". Proposals should retain architectural details that contribute to the character and appearance of the area; where relevant and practical, remove features which have a negative impact on

the character and appearance of the Conservation Area; and assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape and skyline.

Paragraph 207 of the National Planning Policy Framework (NPPF) requires that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”. CLLP Policy S57 also sets out a similar requirement for development proposals that could affect the significance of a heritage asset, including any contribution made by its setting.

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 provides a proportionate assessment of the historic interest and significance of the building. It also provides an assessment of the study area and details the listed buildings and scheduled ancient monuments in the vicinity. It also includes an assessment of the potential impacts of the proposal, as required by NPPF paragraph 207 and CLLP Policy S57.

NPPF paragraph 212 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”. Paragraph 213 goes on to advise 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...grade II listed buildings, or grade II registered parks or gardens, should be exceptional”.

Paragraph 215 advises “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.” This is echoed in CLLP Policy S57 “Where a development proposal would result in less than substantial harm to a designated heritage asset, permission will only be granted where the public benefits, including, where appropriate, securing its optimum viable use, outweigh the harm”.

#### Visual Amenity and Impact on the White Hart

An existing window opening in the south elevation is proposed to be altered to provide Crittall glazed double doors, which would provide access to the proposed roof terrace from the fourth floor bar/lounge. There is no objection in principle to the visual impact of this alteration as it is within the modern 1960s extension to the building, which has already seen similar alterations approved as part of the previous applications.

With regard to the external terrace itself, this would be installed on the existing flat roof comprising paving with a gravel perimeter. A frameless, non-reflective glass balustrade measuring 1.8m high would be installed around the perimeter. The balustrade would be inset approximately 600mm from an existing parapet wall, projecting approximately 1.5m above. To the rear, east the balustrade would be acid etched up to a height of 1.55m, in the interests of protecting residential amenity.

The HIA considers that the balustrade will only just be visible from street level at the junction



of Bailgate and Castle Square and it will also be visible in views between the Castle walls and Cathedral. It concludes that the frameless, non-reflective glass will maximise transparency and views through the terrace, and would be a minimal addition to an existing modern infill building.

The Conservation Officer advises that the grade II listed building, in addition to being a designated heritage asset in its own right, is situated in the Bail area of Lincoln, a particularly sensitive historic area. The complicated history of the development of the White Hart has been detailed within the introduction to this report. The Conservation Officer notes that the proposal relates to the 1960s building. However, whilst this element of the site is modern, the deliberate intention to sympathetically marry its design with the 19th century facade is an important and relevant point. She considers that: "The proposed glass balustrade would be a modern and alien addition with no meaningful relationship with the prevailing architectural language of the White Hart Hotel. As such it will not successfully assimilate with the rest of the listed building and instead will diminish and harm the architectural significance of this designated heritage asset. The incongruous and distracting appearance exacerbated by the introduction of activity in this location will detract from the more architecturally significant historic façade and again cause harm to architectural significance".

Historic England (HE) has raised concerns on heritage grounds regarding the proposed development. In their response they note that the White Hart is listed Grade II as a building of special architectural and historic interest, within an area of the historic environment which is of high significance nationally. They also highlight that the area has seen little modern intervention to date and is therefore very sensitive to change. They consider that the prominence of the proposed balustrade would cause harm to the White Hart Hotel.

Officers concur with the Conservation Officer's assessment and the comments from HE. The introduction of the terrace, albeit with an intentionally lightweight balustrade, would be an inappropriate addition. The submitted 'Design and Access Statement' (D&A Statement) and 'Draft Operating Statement and Associated Proposed Conditions for Planning & Listed Building Consents' (Operating Statement) refers to there being a restriction on furniture having a height no greater than 1.5m, with no parasols. It proposes there would be nine low level tables and 28 chairs with a maximum of 60 persons combined within the internal space and terrace, which is accessible to private members only. Notwithstanding these suggestions, the glazed balustrade along with the presence of guests on the terrace would be visible from street level and the Castle walls. The terrace would operate as an extension of the first floor private lounge/bar, with its use also extending into the evening. The introduction of lighting into the evening would therefore also have a visual impact.

Officers therefore consider that the incongruous and uncharacteristic addition of the glazed balustrade and the activity associated with the use as an external terrace would not relate well to the site and would fail to reflect or satisfactorily assimilate into the surrounding area, as required by CLLP Policy S53. The proposal would also be contrary to CLLP Policy S57 and NPPF paragraph 212, as it would diminish and harm the architectural significance of this designated heritage asset.

#### Impact on Adjacent Listed Buildings, Important Views and the Conservation Area

The HIA provides an assessment of the potential impact on listed buildings in the area. It concludes that none would be adversely affected by the proposals, indeed there would be benefits by the removal of the visually intrusive water tower and balcony.

The D&A Statement considers the impact on wider views, it states that “Whilst it is acknowledged that the creation of a roof terrace will have some impact on views from both the Cathedral (roof tours) and the Castle (wall walk) through the ability for a small number of people to gather on the new roof terrace, this is a “measured” impact and should be considered within the context of the ability for people to gather on both the adjacent scheduled ancient monuments themselves. We would argue that the impact on the setting of the scheduled ancient monuments is no greater than the impact created by the ability for members of the public to access both the Cathedral Roof and Castle Walls currently”.

The Conservation Officer considers that the proposal would have a harmful impact on the setting of multiple designated heritage assets which are Lincoln Cathedral, Lincoln Castle, Judge’s Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene Church and Exchequergate by virtue of the impact of its design and use, in views towards and from the assets and from resultant changes in noise, activity and appearance. The officer’s response is included in full within the report, although the consideration of the impact on each of the aforementioned buildings, as well as the conservation area, is included as follows:

### **Lincoln Cathedral**

#### **Significance**

Originating in 1072 and retaining a large section of its Norman west front, Lincoln Cathedral is one of the country’s finest medieval buildings and is of both national and international importance. John Ruskin who inspired the founding of the Society for the Protection of Ancient Buildings (1877) and the National Trust (1895) declared;

"I have always held and proposed against all comers to maintain that the Cathedral of Lincoln is out and out the most precious piece of architecture in the British Isles."

Its high level of archaeological, historic, architectural and artistic interest is recognised by its designation as a Grade I listed building, placing it in the top 2.5 % of all listed buildings in England.

The setting of Lincoln Cathedral is an essential aspect of its international importance. Its position within the townscape and topographically was deliberately chosen to emphasise its status and influence. This setting is still relevant today in terms of understanding and appreciating its heritage values and significance and is a key reason for its designation and protection.

This is important when considering impact on that setting. The setting of heritage assets is defined in Annex 2 of the National Planning Policy Framework as ‘The surroundings in which a heritage asset is experienced’. Historic England also identifies in ‘Good Practice Advice in Planning Note 3 – the Setting of Heritage Assets 2nd edition 2017’ that “consideration of the contribution of setting to significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views”. It is established therefore, that the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations.

#### **Impact**

Lincoln Castle walls and their walk offer perhaps the best uninterrupted view of the West Front of the Cathedral. This is the principal elevation and primary ceremonial

entry into the church and is therefore, intentionally monumental. Crowned by three towers and seen in context rising above the roofs of the historic townscape, the importance of this view in appreciating the significance of the Cathedral was recognised by the inclusion of enhanced and greater access to the wall walks as a key part of the Lincoln Castle Revealed project, which benefited from a £22 million investment of public money through the Heritage Lottery Fund, along with large contributions from local authorities and private donors.

This is relevant in consideration of this application because these historic views will now be interrupted by the proposed terrace which will populate the foreground of this important and treasured view with a modern alien element. The glass balustrade is a modern design feature which does not respect the highly sensitive historic built context. The use of the roof as a public terrace will make a fundamental change to the existing roofscape and will also introduce a new element of noise, activity and light pollution.

Furthermore, whereas the views are currently focused on the cathedral by the passive and largely coherent townscape in the foreground, the proposed roof terrace will introduce visual clutter and activity, impeding and diminishing the quality of those views. This will cause harm to the cathedral by introducing an unacceptable level of activity, noise and light pollution which will both distract from and diminish the current setting, and cause harm to its significance.

## **Lincoln Castle**

### Significance

Lincoln castle, in contrast to the Cathedral, is a symbol of state. It was built by William the Conqueror to subdue the native population and stamp royal authority on the surrounding area. As a Grade I listed building and Scheduled Monument it has high historic, architectural and archaeological significance. It occupies an equally conspicuous location to the cathedral and is deliberately situated in proximity to it, the cathedral and castle representing the church and state, the two most powerful political and social forces in the county for centuries. Their tangible relationship and intervisibility is an essential element of their significance, dominating as they do the townscape with key views available from and towards each other. The townscape setting is one of a rich historic built context which enhances the heritage values of the Castle, and the somewhat subservient and passive setting of the surrounding smaller scale townscape enhances the intended prominence of the Castle and the Cathedral, cementing their superior status in the fabric of the city.

### Impact

The new roof terrace and glass balustrading introduces an inappropriate and inconsistent element to the townscape which will be seen in views from the castle walls. It will introduce a modern architectural element at odds with the rich historic townscape and will introduce visual clutter. It will also disrupt the focussed line of sight between the Castle and Cathedral and introduce a competitive townscape element to their dominance by introducing an active roofscape with the associated noise, movement and light. These various levels of impact are considered to cause harm to the significance of Lincoln Castle by damaging its setting.

## **Judge's Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene and Exchequergate**

### Significance

Judge's Lodgings, a purpose designed judicial building dating from 1810 and listed Grade II\*, 6 and 7 Castle Hill, a pair of houses dating from the early 18<sup>th</sup> century and listed Grade II\*, St Mary Magdalene, a 17<sup>th</sup> century church listed Grade II, Leigh-Pemberton House, a 16<sup>th</sup> century Merchants half-timbered house listed Grade II\*, Exchequergate, the west gatehouse to the Close wall dating from the mid-14<sup>th</sup> century and listed Grade I are within the immediate vicinity of the proposal. Individually and collectively, they represent the extremely high quality and sensitive townscape of the application site and provide the setting for each other, reinforcing their historic and architectural significance. Furthermore, they are all demonstrably subservient to the Castle and Cathedral in both height and scale.

### Impact

Castle Hill is a historic area and forms the heart of the city's medieval character. Bounded by Lincoln Castle and Lincoln Cathedral, Castle Hill is a key public square and nodal point for pedestrian movement public space, and has played a central role in the city's history for over a thousand years. It is the place of arrival after ascending Steep Hill, and the point at which the many people pause to experience the vista of multiple heritage assets in a well-preserved high status historic townscape.

Views here towards the proposed balustrade and the new use of the roof of the White Hart as a bar roof terrace, are framed by Leigh-Pemberton House and St Mary Magdalene, and in the same view are flanked by the Judges Lodgings, 6 and 7 Castle Hill and Exchequergate. There is a cherished timelessness about this view which enhances the setting of all these listed buildings because, whilst the section of the White Hart on which the balustrade and terrace is proposed dates from the 1960s, it has been intentionally designed to assimilate with the historic fabric of the townscape. By introducing the modern balustrade and populating the roof top with leisure activities, with associated visual and noise impacts, rather than a passive and recessive roofscape, the quality of the setting of these listed buildings will be seriously undermined and compromised.

## **Conservation Area**

### Significance

Conservation Areas are designated areas of special architectural or historic interest, which deserve careful management to protect their character. They exist to protect the special architectural and historic interest of a place - in other words the features that make it unique and distinctive. They are designated heritage assets in their own right and as a council we are required to pay special attention to the desirability of preserving or enhancing their character or appearance.

The application site is within the Cathedral and City conservation area. It is evident from this report that this part of the conservation area has very high special and architectural interest. In this location the conservation area has a complex townscape character that has been strongly influenced by nearly 2000 years of historical development, notably during the Roman and High Medieval Eras. The character and appearance of Castle Hill is very strongly influenced by the nearby 'iconic' medieval buildings of the Cathedral and Castle, and the views along the historic streetscapes contribute greatly to the character and appearance of the area.

### Impact

The glass balustrade as a modern architectural addition to the townscape and the introduction of activity on the roofscape of the White Hart will be evident in views from Castle Hill, a significant open public space within the conservation area and from Bailgate. The resultant modern, intrusive and anomalous element in this historic view will diminish and detract from its existing protected character and appearance and cause harm.

The Conservation Officers concludes that:

“The proposal to install a glass balustrade around an area of flat roof, which will then be used as a bar terrace, will have a harmful impact on the setting of Lincoln Cathedral, Lincoln Castle, Judge’s Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, the Church of St Mary Magdalene, and Exchequergate, and by virtue of the impact of the modern glass balustrade will have in views towards and from the listed buildings, the introduction of an incongruous use and modern activity in an otherwise purely traditional landscape commensurate with the highly sensitive historic area and setting of the listed buildings and from resultant changes in noise, activity and appearance.

The National Planning Policy Framework (NPPF) requires in para 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation. In this case the assets in question are of the greatest importance, and therefore the weight should be equally great. This weight is irrespective of whether the harm is substantial or less than substantial. The harm caused to the significance of the designated heritage assets is considered to be less than substantial”.

The Conservation Officer advises that “the proposal is not in accordance with the duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) ‘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’”.

In their response HE has highlighted the traditional character of Bailgate and Eastgate, which form a key part of the conservation area. The prominent position of the White Hart at the junction contributes to an iconic view of the conservation area. The proposal would introduce an incongruous third element into this sensitive area. They state that “The proposed glass balustrade would readily catch the eye and represent a jarring element in the historic streetscape, when viewed from Steep Hill, Castle Hill, Bailgate and Eastgate at street level. The prominence of the proposed balustrade would cause harm to the White Hart Hotel, the context of the conservation area, and the setting of other listed buildings nearby”.

HE note that the proposal would be directly visible in the main view of the Cathedral from the castle walls, “a view which epitomises the historic character of this section of the city at the heart of the conservation area”. It is considered that “The view from the castle walls provides a sweeping aspect of the city which encompasses several heritage assets,

including Lincoln Cathedral. The proposed glass balustrade is in the direct sight line between the castle walls and the cathedral, when viewed from the former. The glass balustrade would interrupt views of the cathedral, or partially block them due to the area of acid etched glazing to the east, thus harming the setting of the Grade I listed cathedral". They go on to cite that "The roofscape is a fundamental part of the historic character of the conservation area, which is highlighted and appreciated when viewed from the height of the castle walls. The proposed roof terrace would be an incongruous addition to this traditional roofscape, disrupting the connectivity and progression through the roofscape, and harming the character of the conservation area in the highly designated central historic core of the city".

HE's concerns regarding the proposal are confirmed by outlining their position- "The proposed development would cause harm to the significance, character and appearance of the Cathedral and City Centre conservation area, the White Hart Hotel, and the setting of other listed building and heritage assets within its vicinity. Clear and convincing justification for the harm that would be caused by development in this highly sensitive setting has not been provided".

Officers concur with the Conservation Officer's assessment and the comments from HE. The proposed terrace would be an inappropriate addition to the building, introducing a glazed balustrade and a level of activity, noise and light pollution which would be an incongruous addition in this highly sensitive and important setting. It would be visible from street level on the approach from the south at the junction with Bailgate and Castle Hill causing harm to the character and appearance of the conservation area. It would also be visible from the castle walls, interrupting the historic roofscape and important views towards the Cathedral. This would also cause harm to the setting of a number of other listed buildings in the vicinity. Despite the suggestions within the D&A Statement and the Operating Statement which have previously been outlined, such as restricting the height of furniture and number of guests, these measures would not mitigate the harm caused by the balustrade and use.

Officers therefore consider that the incongruous and uncharacteristic addition of the glazed balustrade and the activity associated with the use 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. The proposal would have a negative impact on the roofscape and important views towards the Cathedral, harming the setting of this Grade I listed building. 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.

### Assessment of Public Benefit

Officers would also concur with the Conservation Officer's assessment that the harm caused to the significance of the designated heritage assets is at a less than substantial harm level. Accordingly, NPPF paragraph 215 and CLLP Policy S57 are relevant- the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Permission will only be granted where the harm is outweighed.

Planning Practice Guidance on the Historic Environment (PPG) 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 D&A Statement suggest the following as benefits of the proposals:

- The removal of two unsightly external features of the hotel; the existing steel balcony and balustrade to the Brownlow Suite and the water tower, which dominates views eastwards from the Castle wall towards the Cathedral. Both will make significant visual improvements.
- Contribute towards the revival of the White Hart as Lincoln's premier hotel destination.
- The investment will enable continued employment opportunities to be maintained. The external terrace and access from the fourth-floor accommodation will create a unique feature to the hotel which will secure it as the destination of choice. The construction works will further enhance the local economy through the employment of local contractors and subcontractors.

Officers and the Conservation Officer do not consider that any of these benefits would meet the tests of the PPG. The Conservation Officer highlights that "The proposal seeks to take advantage of views towards the Castle and Cathedral but by doing so compromises those very views from the public realm, and is therefore to the detriment of the public's, in the widest sense, benefit". Officers do not consider that it can be argued that re-purposing the modern flat roof as a terrace is necessary to reduce or remove a risk to the building. The fourth floor bar/lounge would still be able to operate without this external space. A range of works and investment into the listed building have already been undertaken following the granting of a number of applications, securing its long term use. Whilst the removal of the balcony and water tower are welcomed, this benefit cannot be off-set against the harm that officers consider the proposed terrace would cause. Officers would therefore conclude that the level of less than substantial harm is not outweighed by a public benefit of the proposals, and the application does not comply with NPPF paragraph 215 or CLLP Policy S57.

### Residential Amenity

The Operating Statement outlines how the terrace would operate and suggests a number of conditions which could be imposed to restrict the use. These include a restriction on the number of persons to 60 on a private/pre-arranged basis only, hours of operation between 8am and 11.30pm each day of the week and no live music or the sale of alcohol on the terrace. The application is also accompanied by a 'Noise Assessment'.

Properties on Minster Yard, Exchequer Gate, Bailgate and Eastgate have been consulted on the proposals. No objections have been received from any of these properties. The

Cathedral Estates Department, as owner of a number of adjoining properties, and the church were also consulted.

The Cathedral Estates Department, as noted previously, are generally in support of the proposals for the terrace subject to conditions which will preserve the environment of the Cathedral visitors and residents of Close properties. The conditions are similar to those outlined in the Operating Statement but they also suggest that the height of the obscure glazing to the east balustrade is raised from 1.5m to 1.75m to reduce visibility and the hours of operation are 8.00am – 11.00pm, rather than 11.30pm.

The church has submitted a letter which outlines how the church is used as a place of worship- with the usual services along with weddings, baptisms and funerals- but also as a community centre and a venue for choir practice and concerts. It notes that the church is open throughout the week with daily services and is well used, with the average footfall of 3,000 people a month. They consider it would be inappropriate if there were noise on the terrace which would compromise the quiet atmosphere of the building, especially during services. They highlighted that the Noise Assessment makes no reference to the church and raise concerns that the proposed use of the terrace could impact and be detrimental to the church's activities. They also note that the terrace would also overlook the entrance to the church, which they consider to be inappropriate.

The City Council's Pollution Control (PC) Officer considered these comments as part of his assessment of the application and Noise Assessment. He noted that the report only considers the impacts on nearby residential properties with no consideration of the impact on the adjacent church, which should be seen as a sensitive receptor. The applicant was therefore requested to provide a revised assessment which considers the impact on the church as well as the general impact of music noise breakout escaping from the function room.

A revised Noise Assessment was submitted, which was shared with the PC Officer and also the church. Additional comments were invited from the church, although no response has been received to date.

The PC Officer has considered the revised report. The report concludes that the noise from the use of the proposed terrace, inclusive of noise generated from within the 4<sup>th</sup> floor lounge, is unlikely to have an unreasonable impact at neighbouring sensitive uses, including nearby dwellings and the adjacent church, provided that certain control measures are put in place. Several mitigation measures are proposed within the Noise Assessment, such as limiting the level and hours of any music played, restricting the number of people and the hours of use. The PC Officer has raised no objection to the conclusions of the report or to the proposal. He has recommended that any grant of permission should be restricted by the following conditions:

- Loud speakers shall not be installed or used on the roof terrace.
- No live music shall be played on the roof terrace.
- No more than 60 people shall be allowed within the fourth floor lounge and the roof terrace at any one time.
- Music levels emanating from the roof terrace access door shall not exceed the sound levels detailed within Table 6 of the applicant's noise assessment report (ref. 13735.01.v6, NoiseAssess Ltd, dated December 2024) between the hours of 8am and 11.00pm on any day. No music generated from within the 4<sup>th</sup> floor lounge shall be audible on the roof terrace between the hours of 11.00pm and 8.00am.



- The roof terrace shall only be accessible to hotel clients between the hours of 8.00am and 11.30pm.

While officers are of the opinion that the terrace would introduce a level of activity that would not usually be expected, in accordance with the recommendations of the PC Officer and the suggested conditions, it is not considered that it would have an unduly harmful impact as a result of noise and disturbance on neighbouring residential properties or visitors to the church.

With regard to the opportunity to overlook from the terrace, the application includes details of the separation distances between the terrace and neighbouring properties. The terrace would be located over 23m and 25m from the rear facing windows within 19 and 21 Minster Yard respectively and 13m from the blank facing gable of Exchequergate Lodge. The 1.8m high glazed balustrade to the east, facing these properties, would be acid etched up to a height of 1.55m above the level of the terrace to restrict the view. A section plan has been submitted which demonstrates the permissible viewing zone from the terrace; across and upwards towards the Cathedral, and the restricted viewing zone below this as a result of the obscure glazing; towards the windows within the adjacent residential properties. Officers are accordingly satisfied that the proposal would not provide the opportunity to overlook or result in loss of privacy to the occupants of properties on Exchequer Gate and Minster Yard.

Officers are also satisfied that the opportunity to overlook residential occupants on the upper floors of properties opposite on Bailgate would not be harmful, given the elevated position of the terrace above the windows and the oblique angle. It is also not considered that the opportunity to overlook the entrance to the church would be unacceptable given that this is already open to public view.

The proposals would not result in any impact from overshadowing or loss of light.

The proposals would therefore not result in harm to people's amenity, either within neighbouring residential properties or users of the church, from overlooking or as a result of adverse noise. It has accordingly been demonstrated that the proposal can be compatible with the neighbouring use of the church. The application is therefore in accordance with CLLP Policy S53 in these respects and, had officers not already raised objection to the application for the aforementioned reasons, these relationships could be appropriately controlled with the imposition of the conditions suggested by the PC Officer.

### Other Matters

The church has raised several comments in relation to rights of access, covenants and the Party Wall Act. These are all private matters which are outside the remit of the planning process and therefore cannot be considered as part of this assessment.

### Conclusion

Officers would therefore 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 has neither been appropriately justified nor is it outweighed by a public benefit. The application would therefore be contrary to CLLP Policies S53, S57 and S58 and the NPPF.

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

Yes.

### **Recommendation**

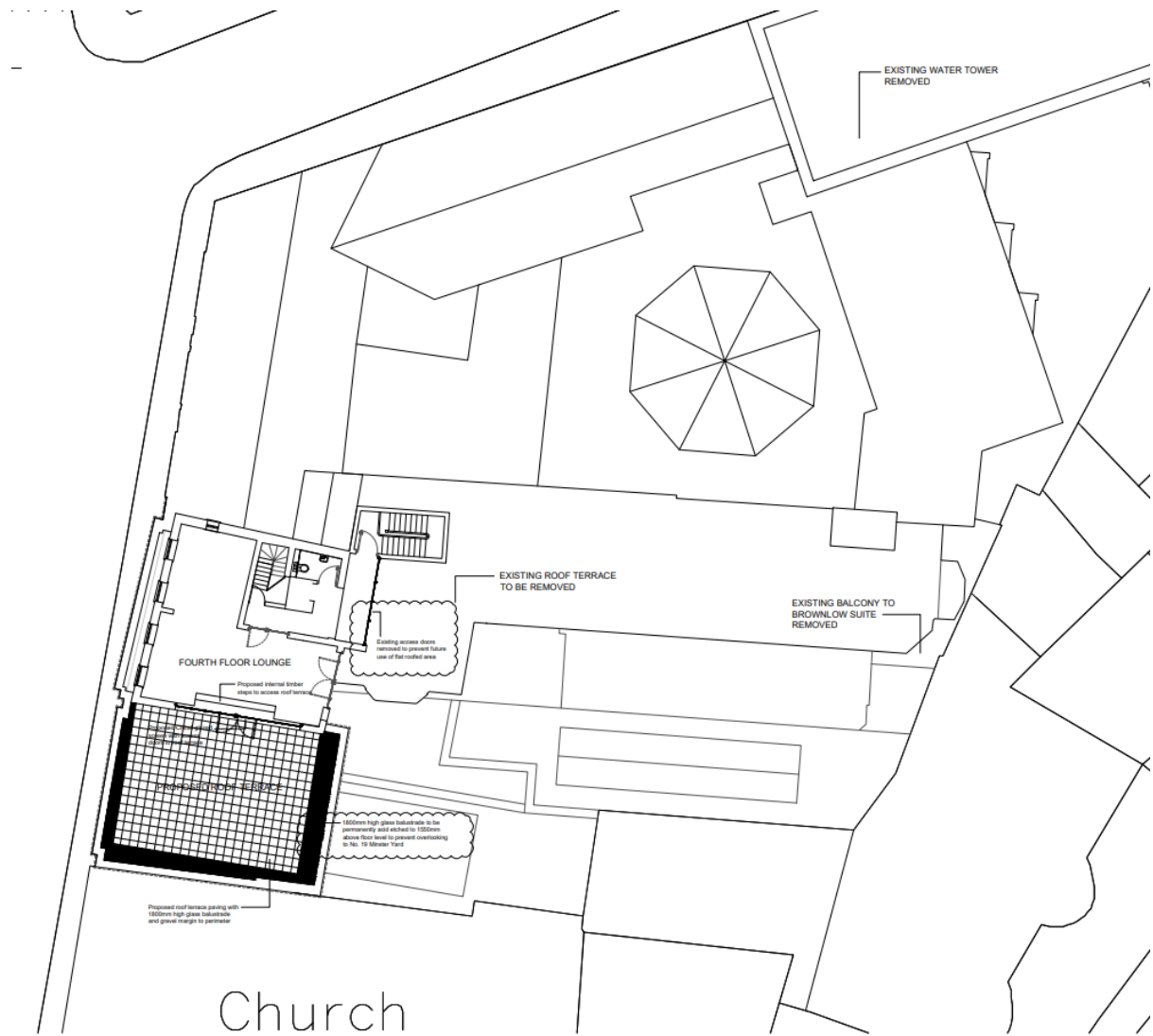
That the application is Refused on the grounds of:

- 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 has not been justified in terms of the tests set out within paragraph 215 of the NPPF and is 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 compromises these same views from the public realm; and
- the proposal fails 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 possesses and is therefore contrary to the duty contained within sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act).

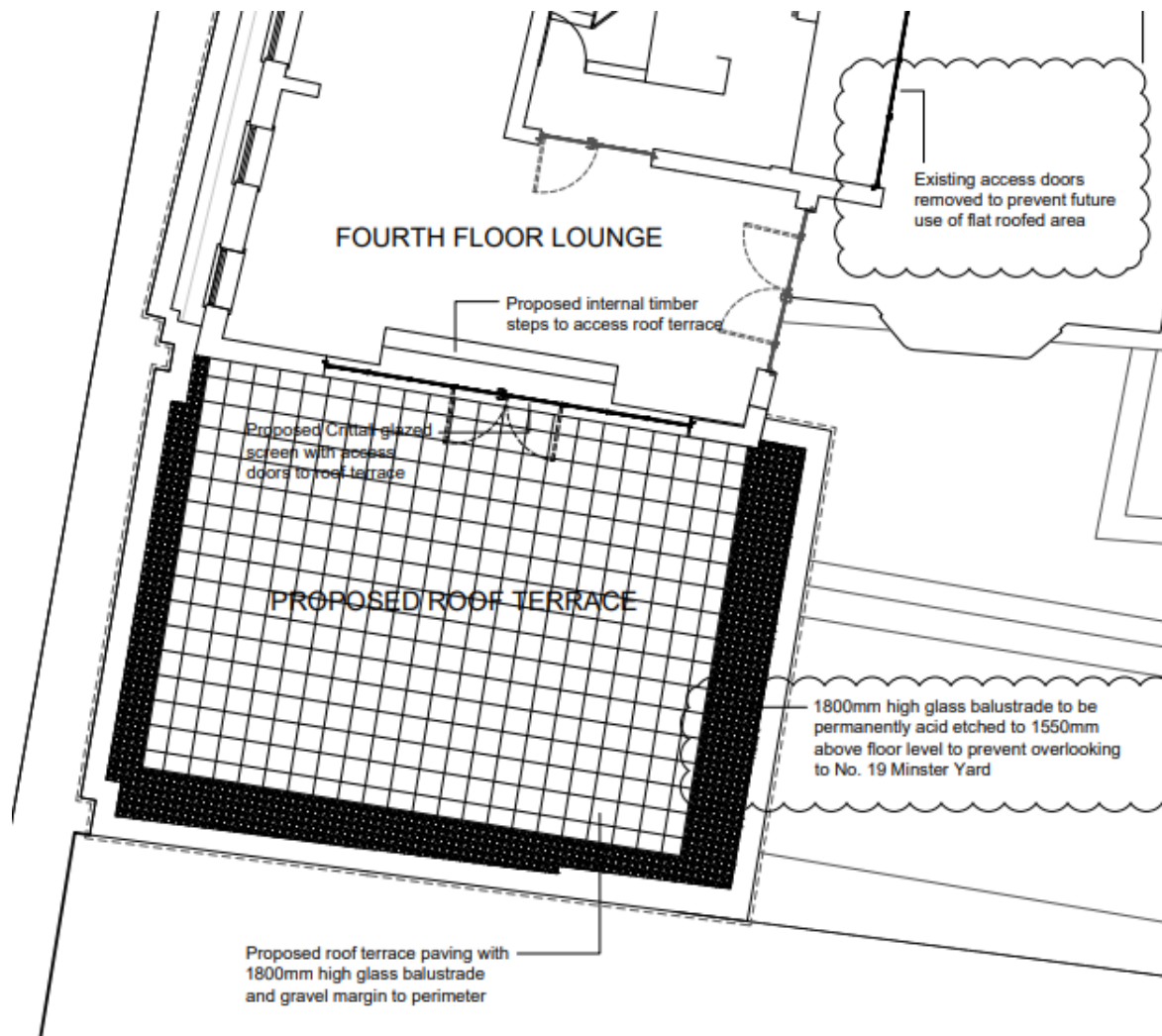
## Plans and photographs for White Hart Full application



Site location plan



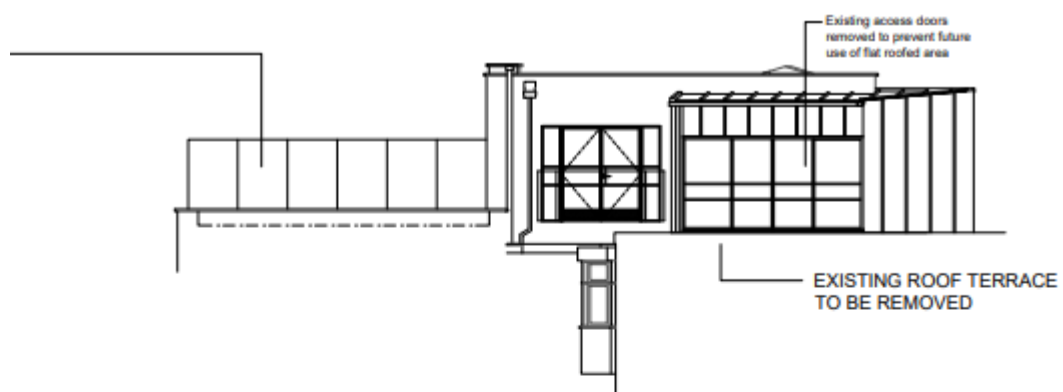
Proposed roof plan



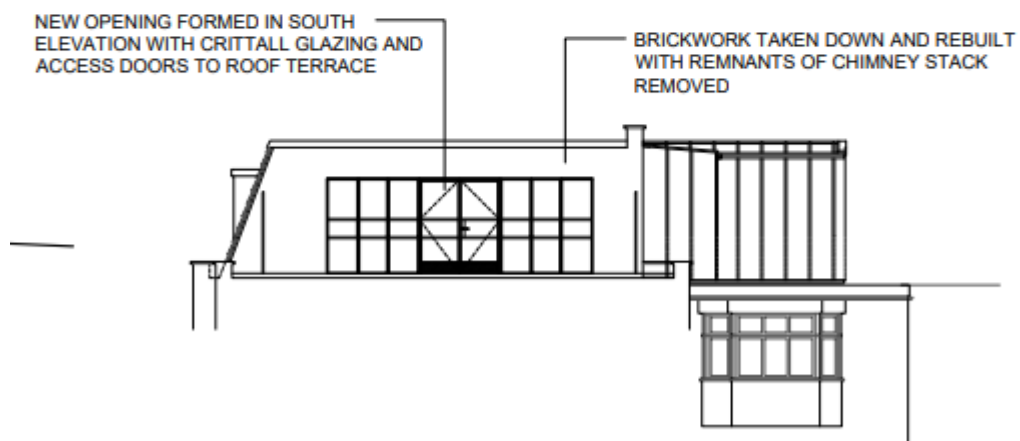
Proposed roof terrace plan



Proposed west elevation to Bailgate

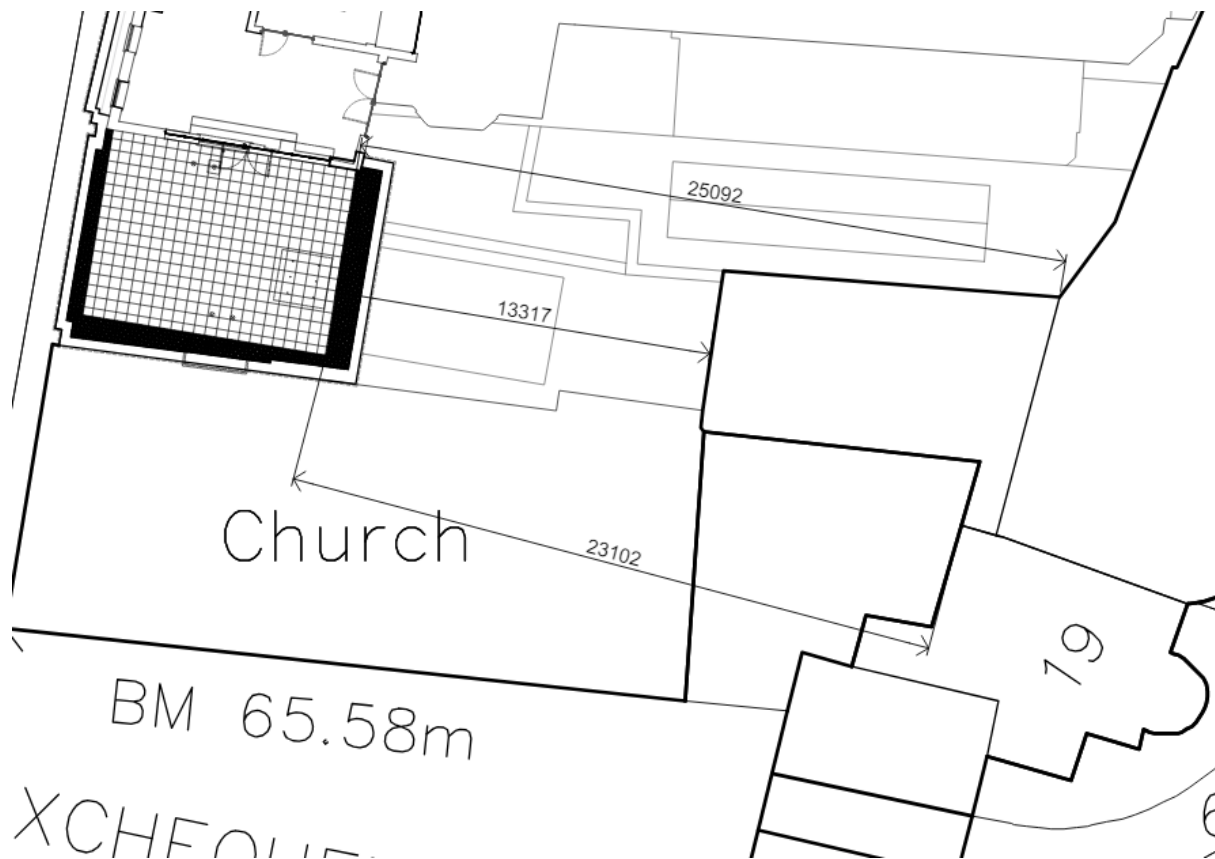


**EAST ELEVATION TOWARDS  
MINSTER YARD**

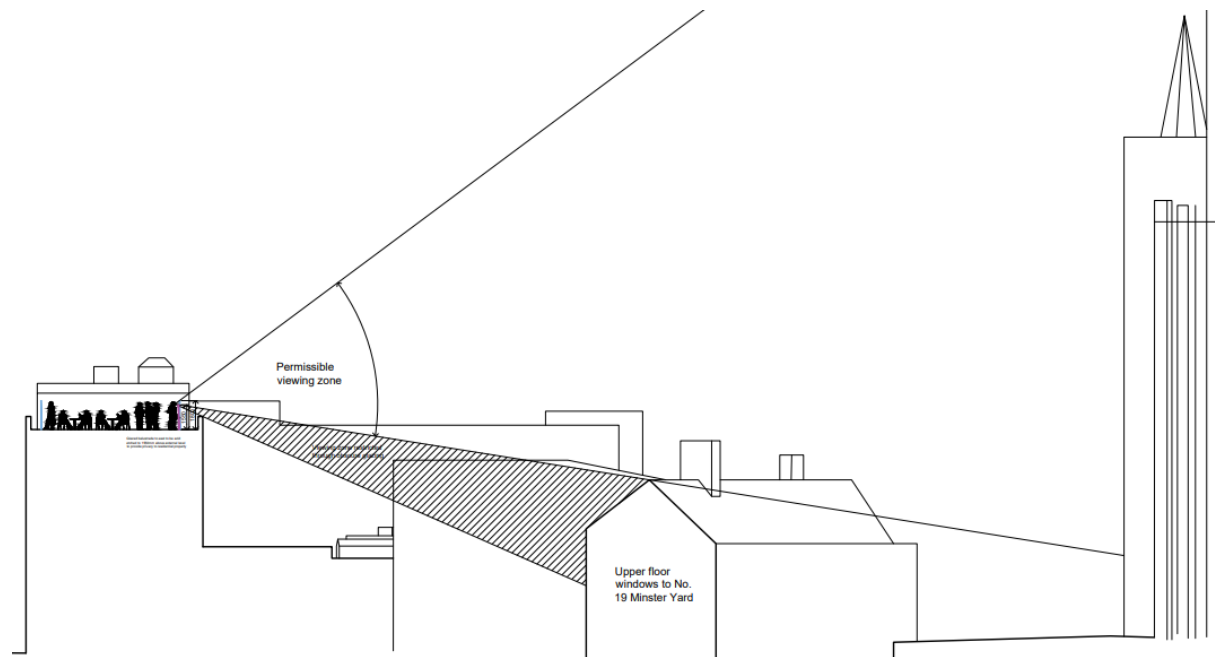


**SOUTH ELEVATION TOWARDS MARY  
MAGDALENE CHURCH**

Proposed east elevation and section through west elevation



Separation distances to neighbouring properties



Section illustrating line of sight

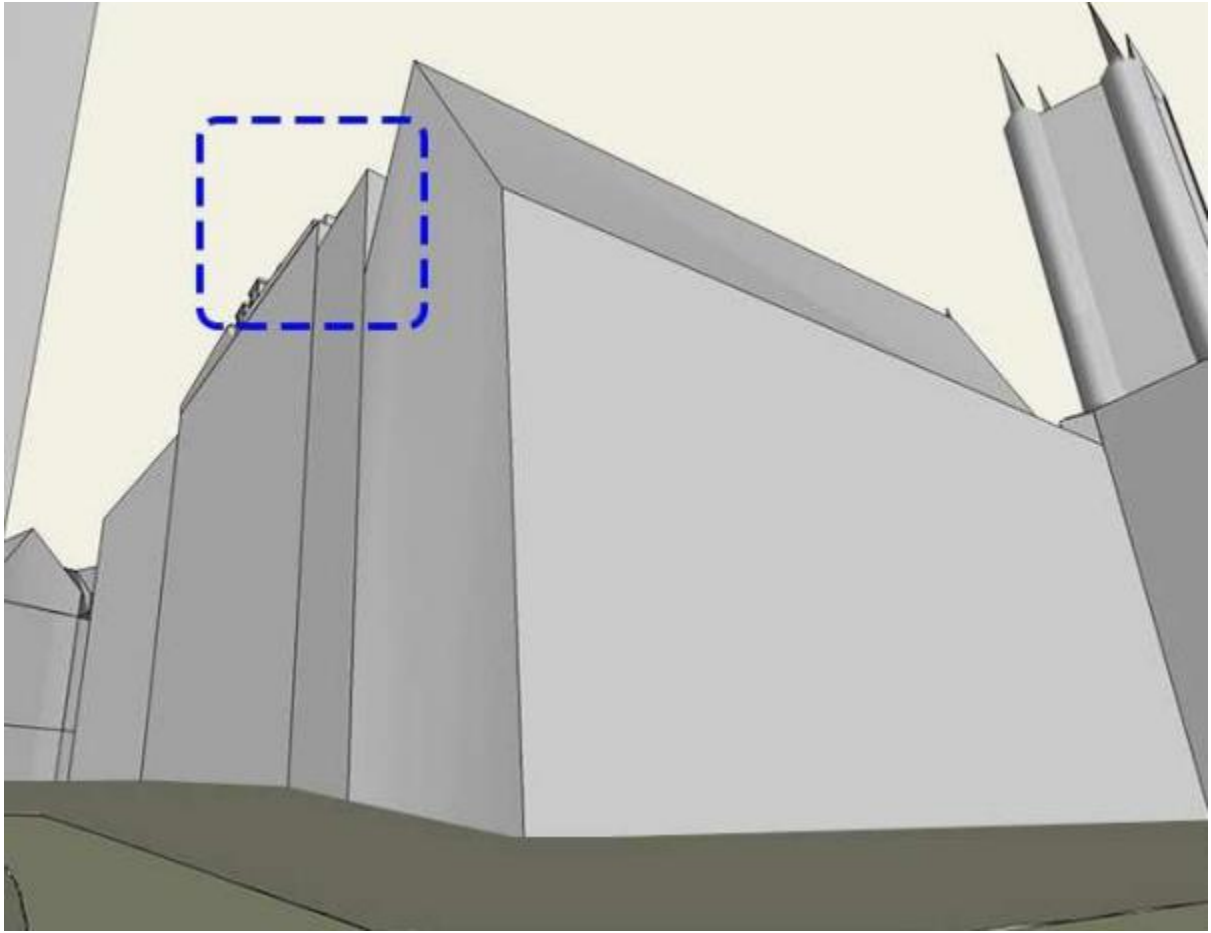


Image looking north from Castle Hill



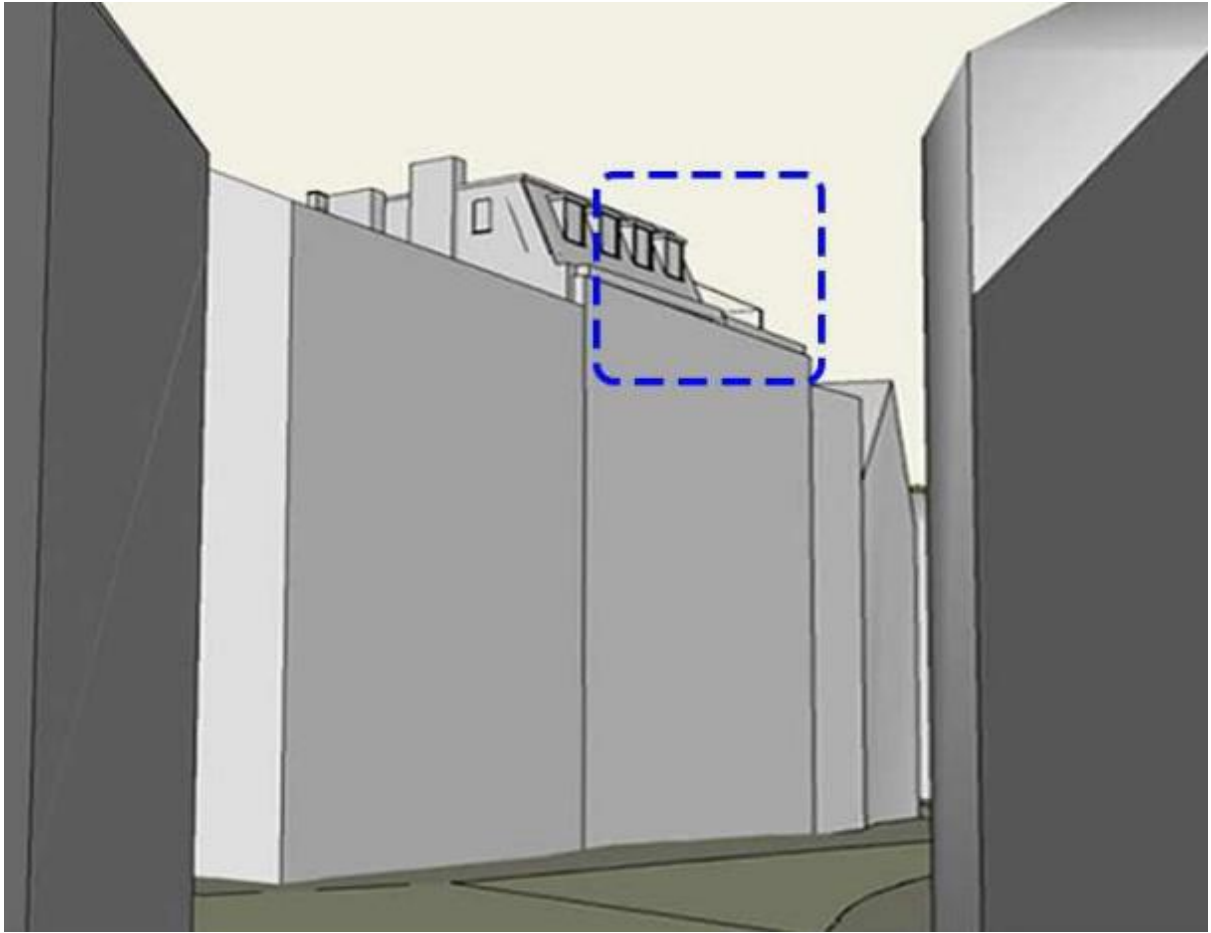


Image looking south along Bailgate

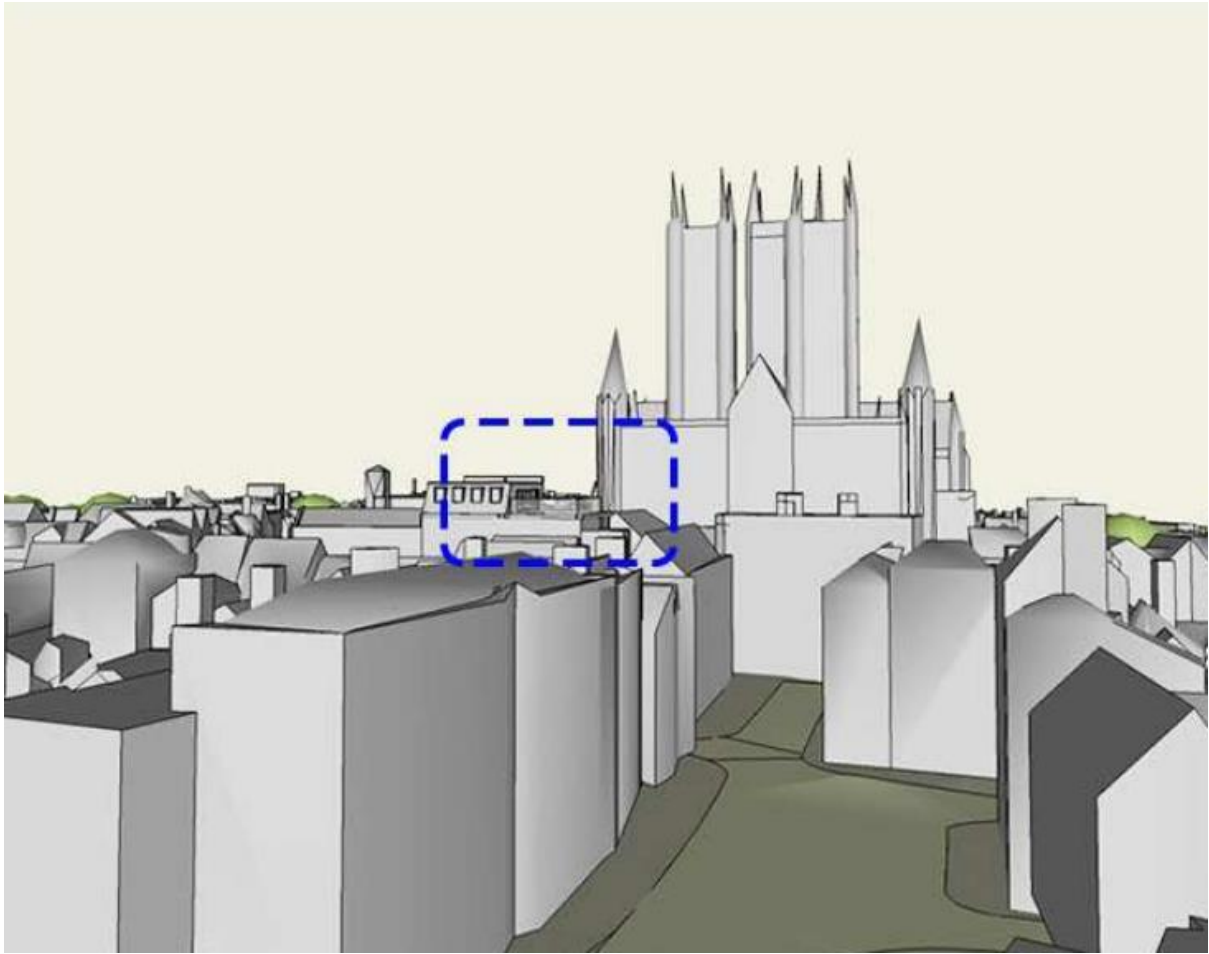


Image from castle walls



View across roof towards castle



View south across roof





View across roof towards cathedral



Window to be altered to form door





View from Castle Square



View from castle walls





Alternative view from castle walls



Photos of Water Tower to be removed



Photo of balcony to be removed

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## White Hart Full Consultation Responses

Dear Sirs,

Reference: The White Hart Hotel, Bailgate, Lincoln LN1 3AR

Planning Application 2024/0617/FUL

Listed Building Consent 2024/0618/LBC

We are the Priest-in-Charge and lawfully elected Churchwardens holding legal responsibility, with the Parochial Church Council, for St Mary Magdalene's parish church which adjoins the White Hart Hotel on Bailgate.

We write regarding the above planning application and listed building consent application as detailed above.

We welcome the opportunity to comment on the latest stage of this impressive refurbishment which has enhanced the Bailgate area. However, we wish to make the following observations for your consideration.

St Mary Magdalene's Church is neither a commercial nor a residential building.

It is the Parish Church and, as such, is open and available to everyone in the area. It is a community building and, first and foremost, a Place of Worship. Our activities are not confined to Sundays - St Mary's is a seven-days a week church. Daily services are held in the church each weekday along with other worship activities at various times during the week and at special times of year. These aim to provide a 'quiet space' for residents and visitors. The church is also open for a time each weekday for people to drop in for a quiet moment. On occasions of national significance, such as the death of the late Queen, the church opens for a number of days of quiet prayer and reflection.

As the parish church we are the place people have a right to come for their baptisms, weddings and funerals. It would be especially inappropriate if there were to be the noise of a party going on above as people arrive for a funeral. We would not wish these activities to be optional for us, as we want to serve our community in these ways, but it is important to emphasise that we are required to continue to provide this ministry.

St Mary's hosts a programme of concerts running from April to July and again September to October each year. These attract high-level international musicians, and the quiet atmosphere of the building is vital to their performances. We are also the base for the Lincoln Mystery Plays rehearsals and, along with the Cathedral, for their performances. All performances in church are for everyone, free of charge.

The church has a strong music tradition of its own and there are choir practices each week and organ practice.

Our footfall averages 3,000 people a month, with a further 1,500 who attempt to come in when the church is locked. We are currently engaged in plans for a major £1million refurbishment of the church both inside and out to increase the number of people with whom we share our 'quiet space'. It is vital that the needs of the church are considered in the planning consultation for the White Hart roof terrace.



Whilst we appreciate that a noise assessment has been undertaken, there is no mention of the Church in the application, notwithstanding the existence of a party wall between the hotel and the Church for which a party wall agreement is in existence, nor the land in question being under certain covenants from the time it was sold to the hotel by the Church. The absence of any mention of these things raises concerns that the needs of the Church and its importance to the Bailgate community have not been taken into consideration. We have concerns that the proposed use of the terrace could impact and be detrimental to the church's activities in terms of noise disturbance as the proposed terrace will be immediately adjacent to the church. *Figures 1 and 2*



*Figure 1 View showing proposed White Hart roof terrace adjacent to St Mary Magdalene's tower*





Figure 2 View showing proximity of White Hart proposed terrace to St Mary Magdalene's tower



Figure 3 View showing proposed roof terrace at White Hart hotel overlooking the front and approach to St Mary Magdalene's church

The proposed terrace would also overlook the approach to the church, which we feel is not be appropriate for worshippers or bereaved family at funerals. *Figure3*

The church will continue to require access to the roof and tower for inspection and maintenance on a regular basis and we are concerned that the current proposal may make access more difficult, with a fixed glass balustrade adjacent to the tower/roof of the church.

Both these points are made in line with the covenants noted in the HM Land Registry Title number LL 141872 dated 1<sup>st</sup> April 1960, when the land on which the restaurant now stands was sold to the hotel by the church. The covenants require that activities on this site do not cause a disturbance to church services and that the church is to have access from the hotel for inspection and maintenance of its fabric. There is also a party wall agreement between St Mary's and the White Hart Hotel, dated 12<sup>th</sup> December 2006 which was drawn up when the previous Grille restaurant was extended.

We ask that these concerns are noted when the planning application is considered.

The Reverend Canon Dr Hugh Jones Priest-in Charge

Janet Killen Churchwarden Helen Jones Churchwarden

Parish Church of St Mary Magdalene,

St Mary Magdalene with St Paul in the Bail and St Michael on the Mount

Bailgate Lincoln LN1 3AR

Dear Sirs, in response to the above planning application we can respond as follows:-

The Cathedral is generally in support of the proposals subject to the controls outlined below and on the basis that they are binding on future purchasers and enforceable through a planning condition and by way of a unilateral undertaking or 106 agreement. This is important to preserve the environment of the Cathedral and Close properties for visitors and tenants into the future.

- 1) Lincoln Cathedral support the removal of the water tower and old viewing platform .
- 2) (Overlooking /Noise)19 Minster Yard is occupied by a residential tenant .There is potential viewing from the new platform to upper floor windows as shown on drawing 8502W-06 . See photo below :-



As indicated on plan 8502W-06 to reduce visibility obscure glazing should be used at an appropriate distance from the edge of the east parapet to minimise visibility to 19



Minster yard as shown on the drawing . Potentially the 1.5m height could be increased 1.75 to reduce visibility further in this location.

- 3) (Disturbance) Hours of operation : Cathedral would prefer 8AM -11pm rather than 11.30pm .
- 4) (Noise and disturbance ) No alcohol shall be sold on the terrace and no music shall be played on the terrace .
- 5) (Noise and disturbance) Use of the terrace should be for private members only booking the facility and not for general public using the hotel.
- 6) (Appearance) No structures or furniture above 1.5m should be placed on the terrace .

Subject to the above controls being enforceable through legal agreements and binding on future owners the Cathedral are in support of the application.

I would be grateful if you could acknowledge receipt

Thanks

Mark

 <p><b>LINCOLN CATHEDRAL</b></p>	<p><b>Mark Wheeler</b> MRICS Director of Estates and Facilities <a href="mailto:mark.wheater@lincolncathedral.com">mark.wheater@lincolncathedral.com</a> 07962 685788 <a href="http://www.lincolncathedral.com">www.lincolncathedral.com</a> 28 Eastgate   Lincoln   LN2 4AA</p>	<p><small>LINCOLN CATHEDRAL 2024</small></p> <p><b>Our world: God's creation</b></p> <p><small>A celebration of life on earth, our communities and sustainability.</small></p> <p><small>FIND OUT MORE AT <a href="http://www.lincolncathedral.com/our-world">www.lincolncathedral.com/our-world</a></small></p>
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## Conservation Comments

Application Reference Number	2024/0617/FUL
Planning Officer	Marie Smyth

Address	White Hart Hotel
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Description of Proposed Work
Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower.

Comments
<p><b>Summary</b></p> <p>The proposal to create a bar terrace on the roof of the White Hart Hotel will have a harmful impact on multiple heritage assets. The hotel itself is a grade II listed building, and in addition to being a designated heritage asset in its own right is situated in the Bail area of Lincoln, a particularly sensitive historic area.</p> <p>The proposal to install a glass balustrade around an area of flat roof which will then be used as a bar terrace will have a harmful impact on the significance of the White Hart Hotel and the setting of multiple designated heritage assets which are Lincoln Cathedral, Lincoln Castle, Judge's Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene church and Exchequergate by virtue of the impact of its design and use in views towards and from the assets and from resultant changes in noise, activity and appearance.</p> <p><b>The White Hart Hotel</b></p> <p><i>Significance</i></p> <p>The White Hart Hotel is a grade II listed building and is a complicated site</p>

comprising 4 distinct building phases along the streetscene. The oldest element dates from the early 18th century and re-fronted in 1844. Today it presents an impressive 3 storeys arranged over 3 bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in the classical style expansions to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s but both utilising a stucco and red brick built form with regular and symmetrical fenestration including first and second floors with French windows and balconies albeit that the 1960s version has much simpler detailing. It is on the flat roof of the 1960s building that the balustraded roof terrace of proposed. Whilst this element of the site is modern, the deliberate intention to sympathetically marry its design with the 19th century facade is an important and relevant point.

#### *Impact*

The proposed glass balustrade would be a modern and alien addition with no meaningful relationship with the prevailing architectural language of the White Hart Hotel. As such it will not successfully assimilate with the rest of the listed building and instead will diminish and harm the architectural significance of this designated heritage asset. The incongruous and distracting appearance exacerbated by the introduction of activity in this location will detract from the more architecturally significant historic façade and again cause harm to architectural significance.

### **Lincoln Cathedral**

#### *Significance*

Originating in 1072 and retaining a large section of its Norman west front, Lincoln Cathedral is one of the country's finest medieval buildings and is of both national and international importance. John Ruskin who inspired the founding of the Society for the Protection of Ancient Buildings (1877) and the National Trust (1895) declared;

*"I have always held and proposed against all comers to maintain that the*



*Cathedral of Lincoln is out and out the most precious piece of architecture in the British Isles."*

Its high level of archaeological, historic, architectural and artistic interest is recognised by its designation as a Grade I listed building, placing it in the top 2.5 % of all listed buildings in England.

The setting of Lincoln cathedral is an essential aspect of its international importance. Its position within the townscape and topographically was deliberately chosen to emphasise its status and influence. This setting is still relevant today in terms of understanding and appreciating its heritage values and significance and is a key reason for its designation and protection.

This is important when considering impact on that setting. The setting of heritage assets is defined in Annex 2 of the National Planning Policy Framework as 'The surroundings in which a heritage asset is experienced'. Historic England also identifies in 'Good Practice Advice in Planning Note 3 – the Setting of Heritage Assets 2nd edition 2017' that "consideration of the contribution of setting to significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views". It is established therefore, that the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations.

#### *Impact*

Lincoln Castle walls and their walk offer perhaps the best uninterrupted view of the West Front of the cathedral. This is the principal elevation and primary ceremonial entry into the church and is therefore, intentionally monumental. Crowned by three towers and seen in context rising above the roofs of the historic townscape, the importance of this view in appreciating the significance of the Cathedral was recognised by the inclusion of enhanced and greater access to the wall walks as a key part of the Lincoln Castle Revealed project, which benefited from a £22 million investment of public money through the

Heritage Lottery Fund, along with large contributions from local authorities and private donors.

This is relevant in consideration of this application because these historic views will now be interrupted by the proposed terrace which will populate the foreground of this important and treasured view with a modern alien element. The glass balustrade is a modern design feature which does not respect the highly sensitive historic built context. The use of the roof as a public terrace will make a fundamental change to the existing roofscape and will also introduce a new element of noise, activity and light pollution.

Furthermore, whereas the views are currently focused on the cathedral by the passive and largely coherent townscape in the foreground, the proposed roof terrace will introduce visual clutter and activity, impeding and diminishing the quality of those views. This will cause harm to the cathedral by introducing an unacceptable level of activity, noise and light pollution which will both distract from and diminish the current setting, and cause harm to its significance.

### **Lincoln Castle**

#### *Significance*

Lincoln castle, in contrast to the Cathedral, is a symbol of state. It was built by William the Conqueror to subdue the native population and stamp royal authority on the surrounding area. As a Grade I listed building and Scheduled Monument it has high historic, architectural and archaeological significance. It occupies an equally conspicuous location to the cathedral and is deliberately situated in proximity to it, the cathedral and castle representing the church and state, the two most powerful political and social forces in the county for centuries. Their tangible relationship and intervisibility is an essential element of their significance, dominating as they do the townscape with key views available from and towards each other. The townscape setting is one of a rich historic built context which enhances the heritage values of the Castle, and the somewhat subservient and passive setting of the surrounding smaller scale townscape enhances the intended prominence of the Castle and the

Cathedral, cementing their superior status in the fabric of the city.

#### *Impact*

The new roof terrace and glass balustrading introduces an inappropriate and inconsistent element to the townscape which will be seen in views from the castle walls. It will introduce a modern architectural element at odds with the rich historic townscape and will introduce visual clutter. It will also disrupt the focussed line of sight between the Castle and Cathedral and introduce a competitive townscape element to their dominance by introducing an active roofscape with the associated noise, movement and light. These various levels of impact are considered to cause harm to the significance of Lincoln castle by damaging its setting.

#### **Judge's Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene and Exchequergate**

#### *Significance*

Judge's Lodgings, a purpose designed judicial building dating from 1810 and listed Grade II\*, 6 and 7 Castle Hill, a pair of houses dating from the early 18<sup>th</sup> century and listed Grade II\*, St Mary Magdalene, a 17<sup>th</sup> century church listed Grade II, Leigh-Pemberton House, a 16<sup>th</sup> century Merchants half timbered house listed Grade II\*, Exchequergate, the west gatehouse to the Close wall dating from the mid 14<sup>th</sup> century and listed Grade I are within the immediate vicinity of the proposal. Individually and collectively, they represent the extremely high quality and sensitive townscape of the application site and provide the setting for each other, reinforcing their historic and architectural significance. Furthermore, they are all demonstrably subservient to the Castle and Cathedral in both height and scale.

#### *Impact*

Castle Hill is a historic area and forms the heart of the city's medieval character. Bounded by Lincoln Castle and Lincoln Cathedral, Castle Hill is a key public square and nodal point for pedestrian movement public space, and

has played a central role in the city's history for over a thousand years. It is the place of arrival after ascending Steep Hill, and the point at which the many people pause to experience the vista of multiple heritage assets in a well-preserved high status historic townscape.

Views here towards the proposed balustrade and the new use of the roof of the White Hart as a bar roof terrace, are framed by Leigh-Pemberton House and St Mary Magdalene, and in the same view are flanked by the Judges Lodgings, 6 and 7 Castle Hill and Exchequergate. There is a cherished timelessness about this view which enhances the setting of all these listed buildings because, whilst the section of the White Hart on which the balustrade and terrace is proposed dates from the 1960s, it has been intentionally designed to assimilate with the historic fabric of the townscape. By introducing the modern balustrade and populating the roof top with leisure activities, with associated visual and noise impacts, rather than a passive and recessive roofscape, the quality of the setting of these listed buildings will be seriously undermined and compromised.

### **Conservation Area**

#### *Significance*

Conservation Areas are designated areas of special architectural or historic interest, which deserve careful management to protect their character. They exist to protect the special architectural and historic interest of a place - in other words the features that make it unique and distinctive. They are designated heritage assets in their own right and as a council we are required to pay special attention to the desirability of preserving or enhancing their character or appearance.

The application site is within the Cathedral and City conservation area. It is evident from this report that this part of the conservation area has very high special and architectural interest. In this location the conservation area has a complex townscape character that has been strongly influenced by nearly 2000 years of historical development, notably during the Roman and High



Medieval Eras. The character and appearance of Castle Hill is very strongly influenced by the nearby 'iconic' medieval buildings of the Cathedral and Castle, and the views along the historic streetscapes contribute greatly to the character and appearance of the area.

#### *Impact*

The glass balustrade as a modern architectural addition to the townscape and the introduction of activity on the roofscape of the White Hart will be evident in views from Castle Hill, a significant open public space within the conservation area and from Bailgate. The resultant modern, intrusive and anomalous element in this historic view will diminish and detract from its existing protected character and appearance and cause harm.

#### **Overall Conclusion**

The proposal to install a glass balustrade around an area of flat roof, which will then be used as a bar terrace, will have a harmful impact on the setting of Lincoln Cathedral, Lincoln Castle, Judge's Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, the Church of St Mary Magdalene, and Exchequergate. and by virtue of the impact the modern glass balustrade will have in views towards and from the listed buildings, the introduction of an incongruous use and modern activity in an otherwise purely traditional landscape commensurate with the highly sensitive historic area and setting of the listed buildings and from resultant changes in noise, activity and appearance.

The National Planning Policy Framework (NPPF) requires in para 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation. In this case the assets in question are of the greatest importance, and therefore the weight should be equally great. This weight is irrespective of whether the harm is substantial or less than substantial. The harm caused to the significance of the designated heritage assets is

considered to be less than substantial.

The framework goes on to require that where less than substantial harm would be caused by a development this should be weighed against 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 and or securing the optimum viable use of a heritage asset in support of its long-term conservation. However, none of these tests are met by the application and therefore the level of harm is not justified. The proposal seeks to take advantage of views towards the Castle and Cathedral but by doing so compromises those very views from the public realm, and is therefore to the detriment of the public's, in the widest sense, benefit.

#### **Summary**

Therefore, the proposal is not in accordance with the duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) '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'.

#### **Recommended Conditions**

- 

<b>Officer</b>	Sarah Harrison Principal Conservation Officer
<b>Date</b>	



Historic England

Sir/Madam - -  
Lincolnshire County Council  
County Offices  
Newland  
Lincoln  
LN1 1YL

Direct Dial: 07823608338

Our ref: L01583033

14 October 2024

Dear Sir/Madam -

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

**WHITE HART HOTEL, BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR  
Application Nos 2024/0618/LBC & 2024/0617/FUL**

Thank you for your letters of 27 September 2024 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.

**Summary**

Historic England has concerns regarding the harm that the proposal would cause to the significance, character and appearance of the Cathedral Church of the Blessed Virgin Mary and City Centre conservation area, the White Hart Hotel, and the setting of other listed buildings and heritage assets within its vicinity. The harm comes from the intrusion of balustrades, associated furniture and people into views across the White Hart Hotel, between the Castle wall walk and Cathedral. This intrusion would also be readily visible in views upward from the end of Bailgate in contrast with the Grade II listed Church of St Mary Magdalene and the Grade II listed White Hart Hotel. The roofscape in this location is largely viewed in juxtaposition with the Cathedral, and this proposal would to a degree introduce an incongruous third element.

**Historic England Advice**

**Significance**

The White Hart Hotel is listed Grade II as a building of special architectural and historic interest. Located at the junction of Bailgate and Eastgate, is it within an area of the historic environment, including Castle Hill, Minster Yard and Steep hill, which is of high significance nationally. It is in the Cathedral and City Centre conservation area and within the immediate setting of several highly graded listed buildings including Lincoln castle (Grade I and a scheduled monument), Lincoln cathedral (Grade I) and Exchequergate (Grade I). It is, therefore, very sensitive to change. This area between



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the castle and cathedral has seen little modern intervention to date.

Bailgate and Eastgate maintain their traditional character and form a key part of the conservation area, to which the White Hart Hotel contributes with its significance, character and appearance.

The White Hart Hotel is directly visible in the main view of the Cathedral from the castle walls, a view which epitomises the historic character of this section of the city at the heart of the conservation area.

### Impact

The proposal seeks to install a roof terrace to the southwestern corner of the building, fronting the building's façade to Bailgate, including a 1.8m high frameless glass balustrade. The visual impact of the proposed scheme would cause harm to the setting of listed buildings in its proximity and the significance, character and appearance of the conservation area by introducing an incongruous element into this sensitive area.

The view from the castle walls provides a sweeping aspect of the city which encompasses several heritage assets, including Lincoln Cathedral. The proposed glass balustrade is in the direct sight line between the castle walls and the cathedral, when viewed from the former. The glass balustrade would interrupt views of the cathedral, or partially block them due to the area of acid etched glazing to the east, thus harming the setting of the Grade I listed cathedral.

The roofscape is a fundamental part of the historic character of the conservation area, which is highlighted and appreciated when viewed from the height of the castle walls. The proposed roof terrace would be an incongruous addition to this traditional roofscape, disrupting the connectivity and progression through the roofscape, and harming the character of the conservation area in the highly designated central historic core of the city.

The prominent position of the White Hart Hotel at the junction of Bailgate and Eastgate means it contributes to an iconic view of the conservation area. The proposed glass balustrade would readily catch the eye and represent a jarring element in the historic streetscape, when viewed from Steep Hill, Castle Hill, Bailgate and Eastgate at street level. The prominence of the proposed balustrade would cause harm to the White Hart Hotel, the context of the conservation area, and the setting of other listed buildings nearby.

### Policy

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any



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features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cathedral and City Centre conservation area must also be taken into account.

Further to the general duty upon the authority in the 1990 Act S66(1) to have special regard, the National Planning Policy Framework sets out that all harm to designated heritage assets requires clear and convincing justification and in the case of less than substantial harm to be balanced against public benefits, '...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) [NPPF 205 / 206 / 208].

#### **Position**

The proposed development would cause harm to the significance, character and appearance of the Cathedral and City Centre conservation area, the White Hart Hotel, and the setting of other listed building and heritage assets within its vicinity. Clear and convincing justification for the harm that would be caused by development in this highly sensitive setting has not been provided.

#### **Recommendation**

Historic England has concerns regarding the applications on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206, and 208 of the NPPF.

Development within this setting should be highly sensitive. We recommend exploring the use of the existing roof terrace, located to the north east of the proposed terrace location, to achieve the aims of the proposal, which would potentially be less harmful to heritage significance.

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

I.Hartley

#### **Isobel Hartley**

Inspector of Historic Buildings and Areas

E-mail: [isobel.hartley@historicengland.org.uk](mailto:isobel.hartley@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:** 2024/0617/FUL

**Application Type:** full planning application

**Proposal:** Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower

**Location:** White Hart Hotel , Bailgate, Lincoln, Lincolnshire, LN1 3AR

**Response Date:** 14 October 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: 2024/0617/FUL**  
**Application Type: full planning application**  
**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:**

**Recommendation for No objection subject to:**

**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.**

**Comments:**

**The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.**

**Officer's Name: Kelly Austwick**  
**Officer's Title: Senior Development Management Officer**  
**Date: 14 October 2024**

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<b>Application Number:</b>	2024/0618/LBC
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln
<b>Target Date:</b>	31st January 2025
<b>Agent Name:</b>	Paul Ponwaye
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).

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

The application property is the White Hart Hotel, a grade II listed building located within the Cathedral and City Centre Conservation Area. It sits on the corner of Bailgate and Eastgate with St. Mary Magdalene's Parish Church (the church) adjoining to the south. The site is abutted to the rear, east and south, by residential properties; 19-23 Minster Yard, Exchequergate Lodge and 24 Eastgate.

The City Council's Principal Conservation Officer (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 arranged over three bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in a classical style, expansions to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. Both of these elements utilise a stucco and red brick built form with regular and symmetrical fenestration including first and second floors with French windows and balconies, albeit that the 1960s version has much simpler detailing. 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. 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.

The hotel recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of applications, including most recently for the creation of a new leisure pool and spa, which was approved by Members of the Planning Committee in July 2024.

This application is for listed building consent for the construction of a new external roof terrace on the flat roof of the 1960s extension which fronts Bailgate. The terrace will include a frameless glass balustrade, glazed screen, and access doors. Access will be taken from the existing fourth floor private lounge accommodation where it is proposed to install new internal steps and balustrade from the existing lounge to accommodate the change in levels. The application also proposes the removal of the existing steel balcony to the south/east elevation and removal of the roof mounted water tower.

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). 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. There have been subsequent discussions between officers and the agent regarding a possible roof terrace, although officers have remained of the opinion that this would not be acceptable. Despite this advice, the agent has submitted this current application for a terrace on an alternative location, to the side of the building, adjacent to Bailgate.

In addition to this listed building consent application, an accompanying application for full planning permission has been submitted (2024/0617/FUL). Applications for full planning permission consider proposals in relation to the impact on the application property as a designated heritage asset, visual amenity, the character and appearance of the conservation area, the setting of adjacent listed buildings and residential amenity. This listed building consent application will only consider the proposals, including any internal alterations, in relation to the impact on the application property as a designated heritage asset. Both applications are being presented to Members of the Planning Committee for determination at the request of Councillor Murray.

Responses have 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 relate to visual amenity, residential amenity and noise and disturbance, they cannot be considered as part of this application i.e. they relate to matters other than the impact on the application property as a designated heritage asset. Their responses are therefore copied and considered as part of the assessment of the full planning permission report.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0617/FUL	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower.	Pending Decision	
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	Granted Conditionally	11th July 2024

	form a sauna, changing facilities and gym together with associated drainage and services (Listed Building Consent).		
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.	Granted Conditionally	11th July 2024
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	25th May 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 new shopfront to existing restaurant fronting Bailgate, glazed lantern and alterations to window openings.	Granted Conditionally	25th May 2023

	(Revised description, plans and supporting documents).		
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### **Case Officer Site Visit**

Undertaken on 15th November 2024.

### **Policies Referred to**

- Policy S57: The Historic Environment
- National Planning Policy Framework
- Planning Practice Guidance- Historic Environment

### **Issues**

- Policy Context
- Impact on the Building as a Designated Heritage Asset
- Assessment of Public Benefit

### **Consultations**

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

### **Statutory Consultation Responses**

Consultee	Comment
Principal Conservation Officer	Comments Received
Highways & Planning	Comments Received
Lincoln Civic Trust	Comments Received
Historic England	Comments Received

### **Consideration**

#### **Policy Context**

Central Lincolnshire Local Plan (CLLP) Policy S57 states 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. The White Hart is a listed building and within a conservation area, both of which are defined as designated heritage assets. Policy S57 notes that development proposals will be



supported where they protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character.

Paragraph 207 of the National Planning Policy Framework (NPPF) requires that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”. CLLP Policy S57 also sets out a similar requirement for development proposals that could affect the significance of a heritage asset.

NPPF paragraph 212 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”. Paragraph 213 goes on to advise 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...grade II listed buildings, or grade II registered parks or gardens, should be exceptional”.

Paragraph 215 advises “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.” This is echoed in CLLP Policy S57 “Where a development proposal would result in less than substantial harm to a designated heritage asset, permission will only be granted where the public benefits, including, where appropriate, securing its optimum viable use, outweigh the harm”.

#### Impact on the Building as a Designated Heritage Asset

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 provides a proportionate assessment of the historic interest and significance of the building as well as the potential impact of the proposal, as required by NPPF paragraph 207 and CLLP Policy S57.

The existing internal layout of the fourth floor bar/lounge would remain mainly unchanged from the previous consented proposals, with the exception of the provision of internal timber steps to access the roof terrace to deal with the level changes between the internal floor and external terrace. The HIA considers that these would “only have an impact on modern fabric and therefore have no expected adverse impact on any historic fabric in this area”. Officers would raise no objection to this element of the works.

An existing window opening to the west elevation is proposed to be altered to provide Crittall glazed double doors to access the terrace. Again, there is no objection in principle to this alteration as it is within the modern 1960s extension to the building, which has already seen similar alterations approved as part of the previous applications.

With regard to the external terrace itself, this would be installed on the existing flat roof comprising paving with a gravel perimeter. A frameless, non-reflective glass balustrade measuring 1.8m high would be installed around the perimeter. The balustrade would be

inset approximately 600mm from an existing parapet wall, projecting approximately 1.5m above. To the rear, east the balustrade would be acid etched up to a height of 1.55m, in the interests of protecting residential amenity.

The HIA considers that there will be some physical impact from the terrace, with some re-building of brickwork in the location of a remnant chimney. It considers that the balustrade will only just be visible from street level at the junction of Bailgate and Castle Square and it will also be visible in views between the Castle walls and Cathedral. It concludes that the frameless, non-reflective glass will maximise transparency and views through the terrace, and would be a minimal addition to an existing modern infill building.

Comments from the Conservation Officer note that the proposal relates to the 1960s building. However, whilst this element of the site is modern, the deliberate intention to sympathetically marry its design with the 19th century facade is an important and relevant point. She considers that: "The proposed glass balustrade would be a modern and alien addition with no meaningful relationship with the prevailing architectural language of the White Hart Hotel. As such it will not successfully assimilate with the rest of the listed building and instead will diminish and harm the architectural significance of this designated heritage asset. The incongruous and distracting appearance exacerbated by the introduction of activity in this location will detract from the more architecturally significant historic façade and again cause harm to architectural significance". The officer also considers that "the harm caused to the significance of the White Hart is at a less than substantial harm level. The national planning policy framework requires in para 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation, and in this case as assets of the greatest importance that weight should be particularly great. This weight is irrespective of whether the harm is substantial or less than substantial".

The Conservation Officer concludes that "the proposal is not in accordance with the duty contained within section 16 (2) of the Planning (Listed Buildings and Conservation Areas Act) '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'".

Historic England (HE) has raised concerns on heritage grounds regarding the proposed development. In their response they note that the White Hart is listed Grade II as a building of special architectural and historic interest, within an area of the historic environment which is of high significance nationally. They also highlight that the area has seen little modern intervention to date and is therefore very sensitive to change. They consider that the prominence of the proposed balustrade would cause harm to the White Hart Hotel.

Officers concur with the Conservation Officer's assessment and the comments from HE. The introduction of the terrace, albeit with an intentionally lightweight balustrade, would be an inappropriate addition. The submitted 'Design and Access Statement' (D&A Statement) and 'Draft Operating Statement and Associated Proposed Conditions for Planning & Listed Building Consents' (Operating Statement) refers to there being a restriction on furniture having a height no greater than 1.5m, with no parasols. It proposes there will be nine low level tables and 28 chairs with a maximum of 60 persons combined within the internal space and terrace, which is accessible to private members only. Notwithstanding these suggestions, the glazed balustrade along with the presence of guests on the terrace would be visible from street level and the Castle walls. The terrace would operate as an extension

of the first floor private lounge/bar, with its use also extending into the evening. The introduction of lighting into the evening would therefore also have a visual impact. Officers therefore consider that the incongruous and uncharacteristic addition of the glazed balustrade and the activity associated with the use as an external terrace would be prejudicial to the special architectural and historic interest of the listed building and its setting, contrary to CLLP Policy S57. The proposals would also therefore result in a harmful impact on the significance of a designated heritage asset, contrary to paragraph 212 of the NPPF.

Therefore, the proposal is not in accordance with the duty contained within section 16 (2) of the Planning (Listed Buildings and Conservation Areas Act) which requires that; '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'.

### Assessment of Public Benefit

Officers would also concur with the Conservation Officer's assessment that the harm caused to the significance of the White Hart is at a less than substantial harm level. Accordingly, NPPF paragraph 215 and CLLP Policy S57 are relevant- the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Permission will only be granted where the harm is outweighed.

Planning Practice Guidance on the Historic Environment (PPG) 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 D&A Statement suggest the following as benefits of the proposals:

- The removal of two unsightly external features of the hotel; the existing steel balcony and balustrade to the Brownlow Suite and the water tower, which dominates views eastwards from the Castle wall towards the Cathedral. Both will make significant visual improvements.
- Contribute towards the revival of the White Hart as Lincoln's premier hotel destination.

- The investment will enable continued employment opportunities to be maintained. The external terrace and access from the fourth-floor accommodation will create a unique feature to the hotel which will secure it as the destination of choice. The construction works will further enhance the local economy through the employment of local contractors and subcontractors.

Officers and the Conservation Officer do not consider that any of these benefits would meet the tests of the PPG. It cannot be argued that re-purposing the modern flat roof as a terrace is necessary to reduce or remove a risk to the building. The fourth floor bar/lounge would still be able to operate without this external space. A range of works and investment into the listed building have already been undertaken following the granting of a number of applications, securing its long term use. Whilst the removal of the balcony and water tower are welcomed, this benefit cannot be off-set against the harm that officers consider the proposed terrace would cause. Officers would therefore conclude that the level of less than substantial harm is not outweighed by a public benefit of the proposals, and the application does not comply with NPPF paragraph 215 or CLLP Policy S57.

### **Conclusion**

Officers would therefore 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 the architectural and historic interest of the building and to its setting and significance. The level of less than substantial harm has neither been appropriately justified nor is it outweighed by a public benefit. The application would therefore be contrary to CLLP Policy S57 and the NPPF.

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

Yes

### **Recommendation**

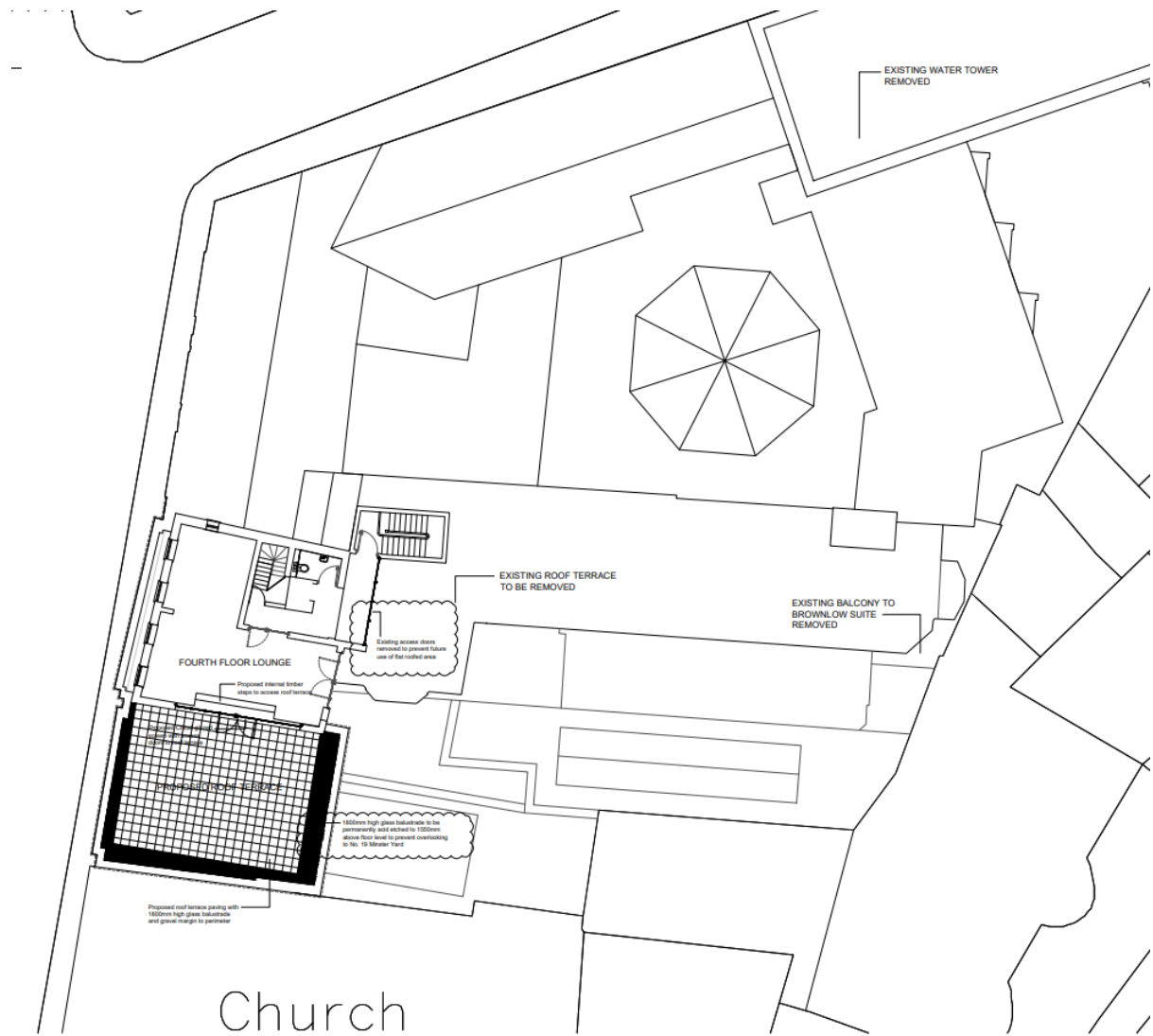
That the application is Refused on the grounds of:

- 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 has not been justified in terms of the tests set out within paragraph 215 of the NPPF and is not outweighed by a public benefit, providing an external terrace for use by private members of the hotel; and
- the proposal fails 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 possesses and is therefore contrary to the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas Act).

## Plans and photographs for White Hart LBC application

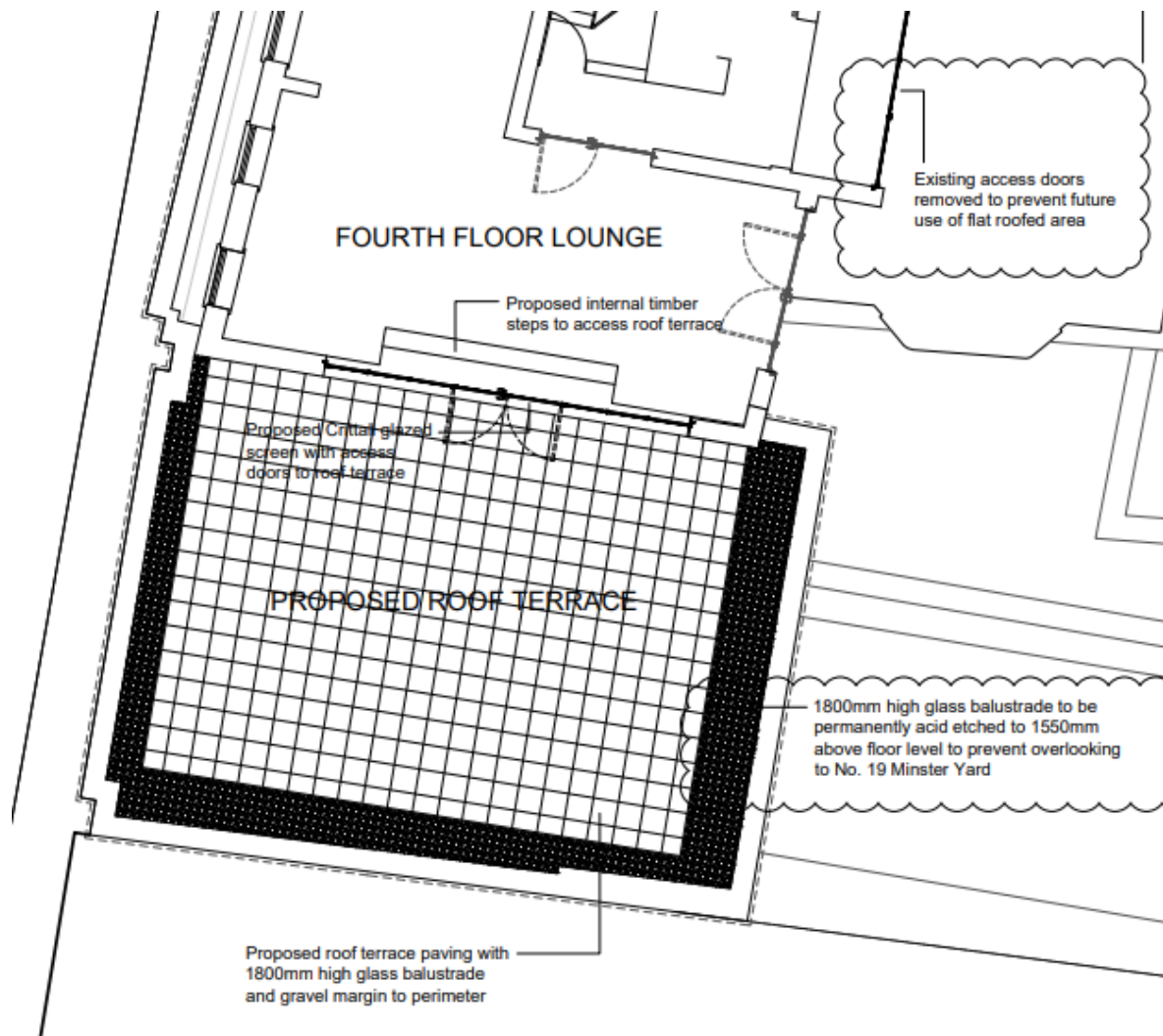


Site location plan



Proposed roof plan

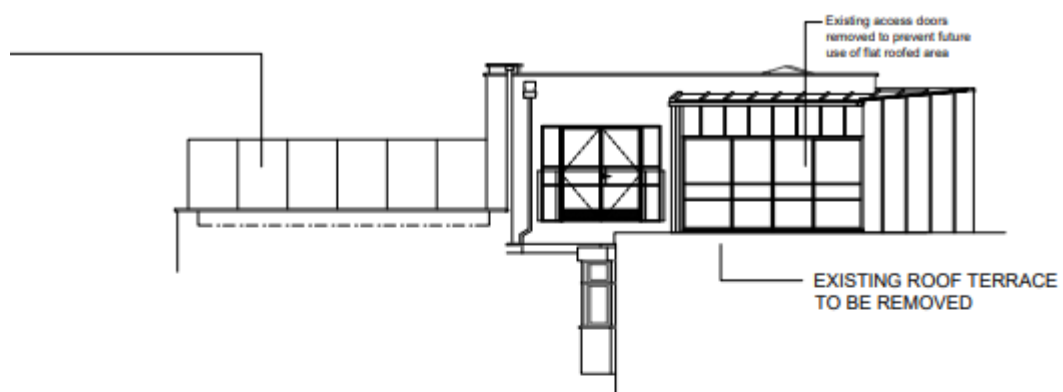




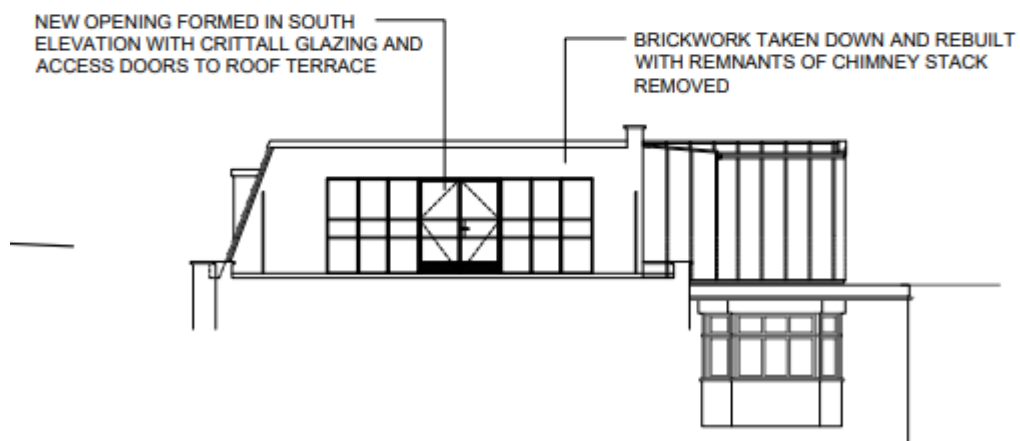
Proposed roof terrace plan



Proposed west elevation to Bailgate



**EAST ELEVATION TOWARDS  
MINSTER YARD**



**SOUTH ELEVATION TOWARDS MARY  
MAGDALENE CHURCH**

Proposed east elevation and section through west elevation

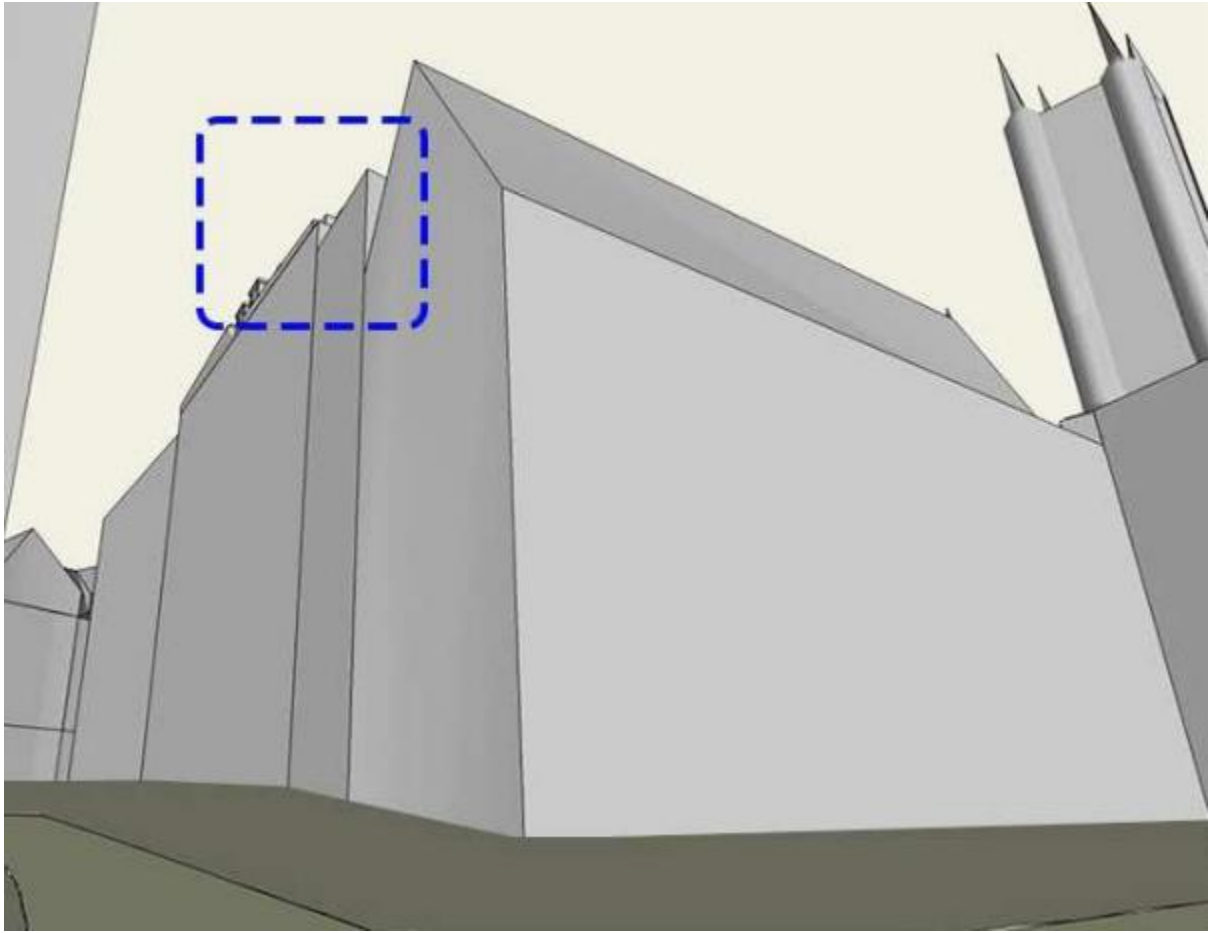


Image looking north from Castle Hill

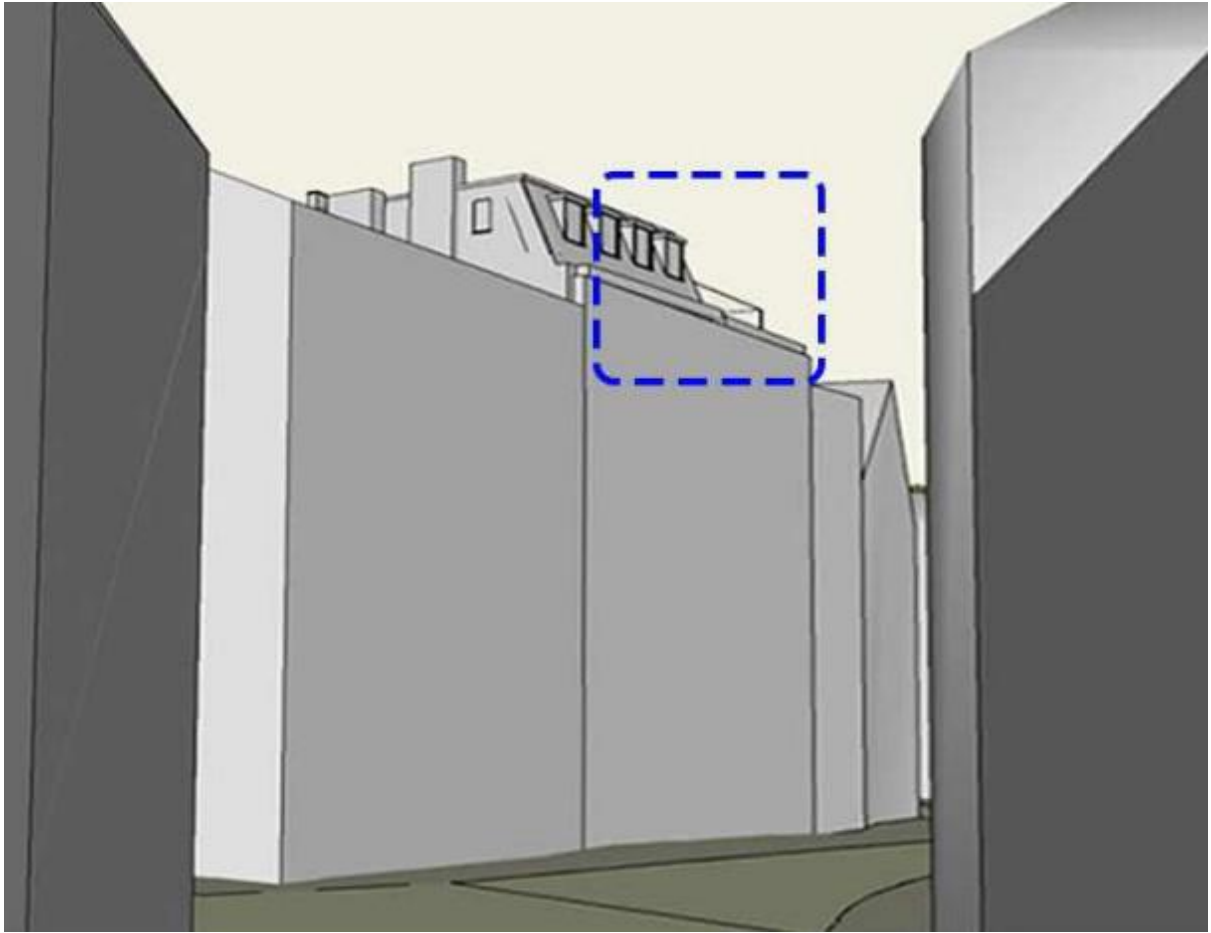


Image looking south along Bailgate

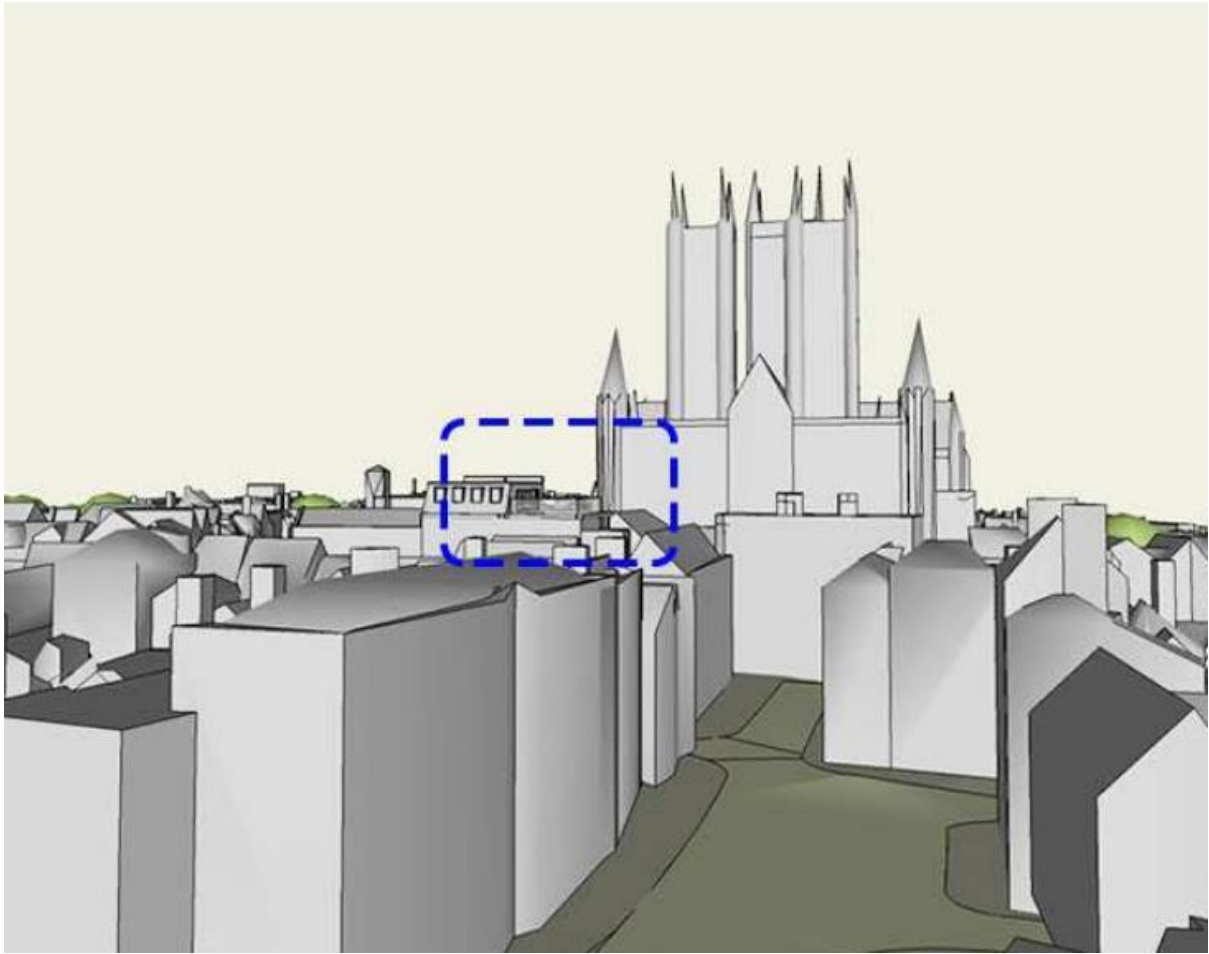


Image from castle walls



View across roof towards castle



View south across roof





View across roof towards cathedral



Window to be altered to form door with internal steps adjacent





View from Castle Square



View from castle walls





Alternative view from castle walls



Photos of Water Tower to be removed



Photo of balcony to be removed

## White Hart LBC consultation responses

### Conservation Comments

Application Reference Number	2024/0618/LBC
Planning Officer	Marie Smyth

Address	White Hart Hotel
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Description of Proposed Work
Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).

Comments
<p>The White Hart Hotel is a grade II listed building and is a complicated site comprising 4 distinct building phases along the streetscene. The oldest element dates from the early 18th century and re-fronted in 1844. Today it presents an impressive 3 storeys arranged over 3 bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in the classical style expansions to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s but both utilising a stucco and red brick built form with regular and symmetrical fenestration including first and second floors with French windows and balconies albeit that the 1960s version has much simpler detailing. It is on the flat roof of the 1960s building that the balustraded roof terrace of proposed. Whilst this element of the site is modern, the deliberate intention to sympathetically marry its design with the 19<sup>th</sup> century facade is an important and relevant point.</p> <p>The proposed glass balustrade would be a modern and alien addition with no meaningful relationship with the prevailing architectural language of the White Hart Hotel. As such it will not successfully assimilate with the rest of the listed building and instead will diminish and harm the architectural significance of</p>



this designated heritage asset. The incongruous and distracting appearance exacerbated by the introduction of activity in this location will detract from the more architecturally significant historic façade and again cause harm to architectural significance.

The harm caused to the significance of the White Hart is at a less than substantial harm level. The national planning policy framework requires in para 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation, and in this case as assets of the greatest importance that weight should be particularly great. This weight is irrespective of whether the harm is substantial or less than substantial.

The framework goes on to require that where less than substantial harm would be caused by a development this should be weighed against 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 and or securing the optimum viable use of a heritage asset in support of its long-term conservation. However, none of these tests are met by the application and therefore the level of harm is not justified.

#### **Summary**

Therefore, the proposal is not in accordance with the duty contained within section 16 (2) of the Planning (Listed Buildings and Conservation Areas Act) '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'

#### **Recommended Conditions**

- 

<b>Officer</b>	Sarah Harrison Principal Conservation Officer
<b>Date</b>	



Historic England

Sir/Madam - -  
Lincolnshire County Council  
County Offices  
Newland  
Lincoln  
LN1 1YL

Direct Dial: 07823608338

Our ref: L01583033

14 October 2024

Dear Sir/Madam -

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

**WHITE HART HOTEL, BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR  
Application Nos 2024/0618/LBC & 2024/0617/FUL**

Thank you for your letters of 27 September 2024 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.

**Summary**

Historic England has concerns regarding the harm that the proposal would cause to the significance, character and appearance of the Cathedral Church of the Blessed Virgin Mary and City Centre conservation area, the White Hart Hotel, and the setting of other listed buildings and heritage assets within its vicinity. The harm comes from the intrusion of balustrades, associated furniture and people into views across the White Hart Hotel, between the Castle wall walk and Cathedral. This intrusion would also be readily visible in views upward from the end of Bailgate in contrast with the Grade II listed Church of St Mary Magdalene and the Grade II listed White Hart Hotel. The roofscape in this location is largely viewed in juxtaposition with the Cathedral, and this proposal would to a degree introduce an incongruous third element.

**Historic England Advice**

**Significance**

The White Hart Hotel is listed Grade II as a building of special architectural and historic interest. Located at the junction of Bailgate and Eastgate, is it within an area of the historic environment, including Castle Hill, Minster Yard and Steep hill, which is of high significance nationally. It is in the Cathedral and City Centre conservation area and within the immediate setting of several highly graded listed buildings including Lincoln castle (Grade I and a scheduled monument), Lincoln cathedral (Grade I) and Exchequergate (Grade I). It is, therefore, very sensitive to change. This area between



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the castle and cathedral has seen little modern intervention to date.

Bailgate and Eastgate maintain their traditional character and form a key part of the conservation area, to which the White Hart Hotel contributes with its significance, character and appearance.

The White Hart Hotel is directly visible in the main view of the Cathedral from the castle walls, a view which epitomises the historic character of this section of the city at the heart of the conservation area.

### **Impact**

The proposal seeks to install a roof terrace to the southwestern corner of the building, fronting the building's façade to Bailgate, including a 1.8m high frameless glass balustrade. The visual impact of the proposed scheme would cause harm to the setting of listed buildings in its proximity and the significance, character and appearance of the conservation area by introducing an incongruous element into this sensitive area.

The view from the castle walls provides a sweeping aspect of the city which encompasses several heritage assets, including Lincoln Cathedral. The proposed glass balustrade is in the direct sight line between the castle walls and the cathedral, when viewed from the former. The glass balustrade would interrupt views of the cathedral, or partially block them due to the area of acid etched glazing to the east, thus harming the setting of the Grade I listed cathedral.

The roofscape is a fundamental part of the historic character of the conservation area, which is highlighted and appreciated when viewed from the height of the castle walls. The proposed roof terrace would be an incongruous addition to this traditional roofscape, disrupting the connectivity and progression through the roofscape, and harming the character of the conservation area in the highly designated central historic core of the city.

The prominent position of the White Hart Hotel at the junction of Bailgate and Eastgate means it contributes to an iconic view of the conservation area. The proposed glass balustrade would readily catch the eye and represent a jarring element in the historic streetscape, when viewed from Steep Hill, Castle Hill, Bailgate and Eastgate at street level. The prominence of the proposed balustrade would cause harm to the White Hart Hotel, the context of the conservation area, and the setting of other listed buildings nearby.

### **Policy**

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any



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features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cathedral and City Centre conservation area must also be taken into account.

Further to the general duty upon the authority in the 1990 Act S66(1) to have special regard, the National Planning Policy Framework sets out that all harm to designated heritage assets requires clear and convincing justification and in the case of less than substantial harm to be balanced against public benefits, '...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) [NPPF 205 / 206 / 208].

#### **Position**

The proposed development would cause harm to the significance, character and appearance of the Cathedral and City Centre conservation area, the White Hart Hotel, and the setting of other listed building and heritage assets within its vicinity. Clear and convincing justification for the harm that would be caused by development in this highly sensitive setting has not been provided.

#### **Recommendation**

Historic England has concerns regarding the applications on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206, and 208 of the NPPF.

Development within this setting should be highly sensitive. We recommend exploring the use of the existing roof terrace, located to the north east of the proposed terrace location, to achieve the aims of the proposal, which would potentially be less harmful to heritage significance.

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

I.Hartley

#### **Isobel Hartley**

Inspector of Historic Buildings and Areas

E-mail: [isobel.hartley@historicengland.org.uk](mailto:isobel.hartley@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:** 2024/0618/LBC

**Application Type:** listed building consent

**Proposal:** Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).

**Location:** White Hart Hotel, Bailgate, Lincoln, Lincolnshire, LN1 3AR

**Response Date:** 14 October 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:** 2024/0618/LBC  
**Application Type:** listed building consent  
**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:**

**Recommendation for No objection subject to:**

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.

**Comments:**

The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

**Officer's Name:** Kelly Austwick  
**Officer's Title:** Senior Development Management Officer  
**Date:** 14 October 2024

## **Consultee Comments for Planning Application 2024/0618/LBC**

### **Application Summary**

Application Number: 2024/0618/LBC

Address: White Hart Hotel Bailgate Lincoln Lincolnshire LN1 3AR

Proposal: Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).

Case Officer: Marie Smyth

### **Consultee Details**

Name: Mr Tony Maltby

Address: St Marys Guidhall,, 385 High Street, LINCOLN LN5 7SF

Email: Not Available

On Behalf Of: Lincoln Civic Trust

### **Comments**

NO Objection