25 September 2015

Lincoln City Council
Planning Department
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Our Ref BWYS-PLAN-2015-18314-1
Your Ref 2014/0808/F

Dear Alex Leatherland,

The Town & Country Planning Act 1990 (as amended)
Planning & Compulsory Purchase Act 2004
Application No: 2014/0808/F
Proposal: Erection of a 2 storey building for the purpose of A3 (Food & Drink) and
refurbishment works to viewing platform. Reconsultation on revised siting and external
appearance and viewing platform (revised description).
Location: The Viewing Platform, Brayford Wharf, North Lincoln, LN1 1XY
Waterway: Fossdyke Canal

Thank you for your consultation dated 18 August 2015 in respect of the above.

The Canal & River Trust is a statutory consultee under the Town and Country Planning

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

• To hold in trust or own and to operate and manage inland waterways for public benefit, use
and enjoyment;
• To protect and conserve objects and buildings of heritage interest;
• To further the conservation, protection and improvement of the natural environment of
inland waterways; and
• To promote sustainable development in the vicinity of any inland waterways for the benefit
of the public.

After due consideration of the amended application details, the Canal & River Trust has the following comments to add to our response of 18th February:
Impact on Navigation through Brayford Pool

The Canal & River Trust (CRT) has objected to this proposal as a result of concerns over the impact on navigation through Brayford Pool.

CRT has a duty under the Transport Act 1968 to ensure continuous navigation for cruising craft of a specified dimension on the Fossdyke Navigation from the River Trent to Lincoln and on to the River Witham from Lincoln to Boston. The Fossdyke Navigation includes Brayford Pool before joining the River Witham to the east at High Bridge in Lincoln.

Although the ultimate landowner of the Fossdyke (including Brayford Pool) is the City of Lincoln Council, CRT operates the Fossdyke Navigation under a complex series of historic long leases and statutory transfer of functions.

British Waterways (as CRT was formerly known) granted a 300 year sub-lease back to the City of Lincoln for Brayford Pool in 1976. This lease expressly reserved to British Waterways "the navigable channel through the said pool thirty feet wide thirty feet from the North Bank of the Pool and five feet six inches deep", together with any vested powers of British Waterways and the Environment Agency in any part of the Property.

The City of Lincoln subsequently granted a further 125 year sub-lease to the Brayford Trust in 2010, again reserving "the navigable channel through the Property being 9.144 metres wide and 9.144 metres from the north bank of the Property and 1.676 metres deep", together with any vested powers of British Waterways and the Environment Agency in any part of the Property.

The proposed development requires a structure extending out from the flood wall on the north bank of Brayford Pool. The structure appears to extend up to 12m (39 feet) into the Pool, and thus encroaches on the navigable channel as defined in the above-mentioned leases. Without a legally binding amendment to the above-mentioned leases, we considered that we had no option but to object to the original proposal, as not to do so risked prejudicing our ability to maintain a navigable channel through the Pool, as we are required to do under the Transport Act 1968.

As noted in our objection letter of 18th February, in practice, the navigable channel as currently used is located further into Brayford Pool, and is an 8-10m wide channel located approximately 26-32m south of the north bank of the Pool. This channel is at least 14m away from the proposed development, and would not be affected by it.

We suggested that the Applicant contact us to explore the possibility of formalising the use of the current channel in place of the channel defined in the leases. We can confirm that we have now commenced discussion with the Brayford Trust and Lincoln City Council with a view to agreeing a formal amendment to the relevant leases and this process is ongoing. Satisfactory completion of legally binding amendments to the leases would remove our objection to the application.

Revised Scheme

We note that the design of the proposed structure has been revised, and that it has been moved further west to accommodate the retention and refurbishment of the viewing platform. Leaving aside the matters of principle discussed above relating to encroachment on the navigable channel, we would comment as follows on the revised design and siting, and the proposed retention of the viewing platform.

We note that no details have been provided regarding the extent of works/repairs required to facilitate re-use of the viewing platform, and would suggest that should planning permission be granted, a Construction Methodology be secured by condition so that the works can be assessed in order to minimise the risk of any adverse impacts on the structural integrity of the existing flood wall. It is important to ensure that all construction and repair works associated with both the new
structure and refurbishment of the viewing platform are undertaken carefully in order to minimise the risk of damage to the flood wall and of materiel entering the pool and causing a hazard to navigation.

The means of installing the piles on which the structure will be supported will need to be agreed with CRT in order to ensure the works are appropriate and are carried out in a safe manner which minimises the risk of damage to existing infrastructure or to boats using the Navigation through the pool. We would therefore request that should planning permission be granted these matters are secured by planning conditions, as was the case with the planning permission for the similar redevelopment of the nearby Harbormaster’s Office in 2012. We would ask that we are consulted on any proposed discharge of such conditions in due course.

Condition

No development shall take place until a scheme of proposed construction works (including all works and repairs required to facilitate re-use of the viewing platform) has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include a bed level survey of the site (including a minimum 10m offset from the footprint of the proposed structure and details of the existing water levels, soft bed levels and hard bed levels around those areas where supporting piles are proposed) and details of all piling works, including details of piling spacings, proposed depth to be sunk into bed level, corresponding depth of piles to be exposed above hard bed level and details of how the piles are to be installed.

Reason

To ensure that the development is carried out in a safe and appropriate manner in order to minimise the risk of damage to the adjacent flood defence wall and to minimise adverse impacts upon users of the navigation through Brayford Pool during construction work.

Other Navigational Safety Matters

As noted in our previous response, we consider that it is important that any development minimises the risk of boats colliding with the structure. Protective fendering should be incorporated into the scheme to reduce the risk of collision damage occurring to either the new structure or to any boats using the Navigation. Similarly, it is important that appropriate external warning lights are installed to ensure that the new structure is readily seen by boaters using the Navigation in poor visibility. We note that the revised drawings do now indicate that fendering will be provided.

We would advise that the final detailed design of the balustrading to the ground and first floor terrace areas and to the viewing platform should also be agreed before installation in order to ensure that it is sufficiently robust in terms of safety and that the risk of items or objects falling/being thrown into Brayford Pool is minimised, again in the interests of the safety of boaters using the Navigation.

We would suggest that should planning permission be granted, these matters could be addressed via the imposition of planning conditions, although we would ask that we are consulted on any proposed discharge of such conditions.

Condition

No development shall take place until a scheme for the provision of protective fendering for the proposed development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the design, construction, location and means of installation of all protective fendering. The development shall thereafter only be carried out in accordance with the approved details.

Reason
To minimise the risk of damage to the proposed development or to any boats using the Navigation through Brayford Pool in the event of a collision, in the interests of navigational safety.

Condition
No development shall take place until an external lighting scheme for the proposed development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the design, location and luminance of warning lights on the perimeter of the proposed development. The development shall thereafter only be carried out in accordance with the approved details.

Reason
To ensure that the proposed development is clearly visible to boaters using the Navigation through Brayford Pool in order to minimise the risk of collision and in the interests of navigational safety.

Condition
No development shall take place until full details of the design and construction of all balustrading to the balcony areas adjacent to the water’s edge has first been submitted to and approved in writing by the Local Planning Authority. The balustrading shall be installed as agreed and shall thereafter be so retained at all times.

Reason
To ensure that the risk of any items or objects being dropped or thrown into the navigation is minimised through the provision of appropriately designed balustrading to all external seating/balcony areas adjacent to Brayford Pool in the interests of navigational safety.

Drainage
We note that surface water is proposed to discharge directly into Brayford Pool. We would recommend that the applicant contact our Utilities team at the Hatton office on 01926 626100 to discuss this matter and to ascertain whether or not any formal consent is required from CRT. Please note that where our formal consent is required, it will usually be subject to completion of a commercial agreement.

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

The applicant/developer is advised to contact the Canal & River Trust Works Engineer at the Fazeley office on 01827 252000 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

The applicant/developer is advised to contact the Canal & River Trust Utilities Team at the Hatton office on 01926 626100 in order to ascertain whether consent will be required to discharge surface water from the development into Brayford Pool. Please be advised that should the Trust’s formal consent be required, this will normally be subject to a commercial agreement.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Should you have any queries please contact me at this office.

Yours sincerely
Ian Dickinson
Area Planner (East and West Midlands)
Telephone: 01636 875790
E-Mail: ian.dickinson@canalrivertrust.org.uk
Dear Kelly

Our Observations for the application outlined below are as follows:

The Viewing Platform, Brayford Wharf, North Lincoln, LN1 1XY – 0808/F – Erection of a two storey building for the purpose of A3 (Food & Drink) and refurbishment works to viewing platform. Re-consultation on revised siting and external appearance and viewing platform. (Revised Description)

This application has previously been considered by the Trust and although the re-submission is an improvement on the original, we are still fundamentally opposed to any development on the South (water) side of Brayford Wharf North. Whilst we appreciate the reasons for the application, we do not feel it justifies the project which will fundamentally change the vista of the Brayford area and could set a precedent for the future. Regretfully we must 'Object' to the application.

Regards

Cate Waby
Manager/Secretary

LINCOLN CIVIC TRUST LTD
St Mary's Guildhall
385 High Street
LINCOLN LN5 7SF

Telephone: (01522) 546422
Fax: (01522) 546422

lincoln@civictrust@btconnect.com
www.lincoln.civictrust.co.uk

Please consider the environment before printing this e-mail.
Office Hours: Monday, Tuesday & Thursday 9.30am to 1.30pm

-----Original Message-----
From: Bray, Kelly (City of Lincoln Council) [mailto:Kelly.Bray@lincoln.gov.uk]
Sent: 18 August 2015 15:26
To: lincoln@civictrust@btconnect.com <lincoln@civictrust@btconnect.com>
Subject: Consultee letter for PlanningApplication Application: 2014/0808/F

Please find attached Consultee letter for PlanningApplication application 2014/0808/F

N338332

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18 February 2015

Lincoln City Council
Planning Department
City Hall
Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our Ref BWYS-PLAN-2015-16801-3
Your Ref 2014/0808/F

Dear Alex Leatherland

The Town & Country Planning Act 1990 (as amended)
Planning & Compulsory Purchase Act 2004
Application No: 2014/0808/F
Proposal: Erection of two storey building for the purpose of A3 (Food and Drink) and replacement of existing viewing platform.
Location: The Viewing Platform, Brayford Wharf North, Lincoln, LN1 1XY
Waterway: Fossdyke Canal

Thank you for your consultation dated 06 January 2015 in respect of the above.

The British Waterways Board (Transfer of Functions) Order 2012 has substituted references to British Waterways in the Town and Country Planning (Development Management Procedure) (England) Order 2010 to the Canal & River Trust. As such, local planning authorities are now required to consult the Canal & River Trust on applications for planning permission in the same way as British Waterways was previously consulted. In addition, under the British Waterways Board Transfer Scheme 2012 (also made under the Public Bodies Act 2011) all the property of British Waterways in England and Wales has now vested in the Trust.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.
After due consideration of the application details, the Canal & River Trust objects to the proposed development for the following reason(s): 

**Impact on Navigation through Brayford Pool**

The Canal & River Trust (CRT) has a duty under the Transport Act 1968 to ensure continuous navigation for cruising craft of a specified dimension on the Fossdyke Navigation from the River Trent to Lincoln and on to the River Witham from Lincoln to Boston. The Fossdyke Navigation includes Brayford Pool before joining the River Witham to the east at High Bridge in Lincoln.

Although the ultimate landowner of the Fossdyke (including Brayford Pool) is the City of Lincoln Council, CRT operates the Fossdyke Navigation under a complex series of historic long leases and statutory transfer of functions.

British Waterways (as CRT was formerly known) granted a 300 year sub-lease back to the City of Lincoln for Brayford Pool in 1976. This lease expressly reserved to British Waterways "the navigable channel through the said pool thirty feet wide thirty feet from the North Bank of the Pool and five feet six inches deep", together with any vested powers of British Waterways and the Environment Agency in any part of the Property.

The City of Lincoln subsequently granted a further 125 year sub-lease to the Brayford Trust in 2010, again reserving "the navigable channel through the Property being 9.144 metres wide and 9.144 metres from the north bank of the Property and 1.576 metres deep", together with any vested powers of British Waterways and the Environment Agency in any part of the Property.

The proposed development requires a structure extending out from the flood wall on the north bank of Brayford Pool. The structure appears to extend up to 12m (39 feet) into the Pool, and thus encroaches on the navigable channel as defined in the above-mentioned leases. Without a legally binding amendment to the above-mentioned leases, we therefore consider that we have no option but to object to the current proposal. Not to do so risks prejudicing our ability to maintain a navigable channel through the Pool, as we are required to do under the Transport Act 1968. We would point out that the recent similar redevelopment of the former Harbormaster's office did not appear to encroach on the defined navigable channel, and in any event replaced an existing structure which extended out a similar distance, thus having no additional impact on the channel. On that basis, we did not object to that proposal.

Under the terms of the 1976 lease from British Waterways to the City of Lincoln, the navigable channel (as defined) is still within the control of CRT. Therefore the Applicant/Developer will need the consent of CRT to site the development in part of the navigable channel, and neither the City of Lincoln nor the Brayford Trust can permit this under the terms of their respective leases.

However, we would also advise that in practice, the navigable channel as currently used is located further into Brayford Pool, and is an 8-10m wide channel located approximately 26-32m south of the north bank of the Pool. The Applicant's submitted Drawing 0010- 'Site Plan- Navigational Channel' is therefore substantially accurate in plotting the route actually used by boats navigating through Brayford Pool. This channel is at least 14m away from the proposed development.

We would wish to stress that we do not have any other concerns regarding the principle of this proposed development (subject to the imposition of planning conditions to address other matters dealt with below), and we would encourage discussions regarding the possibility of formalising the use of the current channel in place of the channel defined in the leases. We would therefore suggest that the planning application be held in abeyance pending the outcome of discussions between CRT, City of Lincoln Council and the Brayford Trust to establish whether the necessary
amendment of the leases to redefine the navigable channel through Brayford Pool can be agreed by all parties.

Notwithstanding our objection above, we would also raise the following matters, which we consider will have to be addressed should planning permission be granted.

**Impact on the Structural Integrity of Brayford Pool**
The proposal will involve the removal of the existing viewing platform and construction of a new structure extending out into Brayford Pool from the existing flood wall on the northern edge of the pool. It is important to ensure that both demolition and construction works are undertaken carefully in order to minimise the risk of damage to the flood wall and of materiel entering the pool and causing a hazard to navigation. The means of installing the piles on which the structure will be supported will need to be agreed with CRT in order to ensure the works are appropriate and are carried out in a safe manner which minimises the risk of damage to existing infrastructure or to boats using the Navigation through the pool. We would therefore request that these matters are secured by planning conditions, as was the case with the planning permission for the similar redevelopment of the nearby Harbourmaster's Office in 2012. We would ask that we are consulted on any proposed discharge of such conditions in due course.

**Condition**
No demolition works to remove the existing viewing platform shall be carried out until a detailed scheme of demolition works, including means of demolition and details plant and machinery to be used, has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

**Reason**
To ensure the safe and satisfactory demolition of the existing structure in the interests of the safety of users of the navigation through Brayford Pool.

**Condition**
No development shall take place until a scheme of proposed construction works has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include a bed level survey of the site (including a minimum 10m offset from the footprint of the proposed structure and details of the existing water levels, soft bed levels and hard bed levels around those areas where supporting piles are proposed) and details of all piling works, including details of piling spacings, proposed depth to be sunk into bed level, corresponding depth of piles to be exposed above hard bed level and details of how the piles are to be installed.

**Reason**
To ensure that the development is carried out in a safe and appropriate manner in order to minimise the risk of damage to the adjacent flood defence wall and to minimise adverse impacts upon users of the navigation through Brayford Pool during construction work.

**Other Navigational Safety Matters**
We consider that it is important that any development minimises the risk of boats colliding with the structure. Protective fendering should be incorporated into the scheme to reduce the risk of collision damage occurring to either the new structure or to any boats using the Navigation. Similarly, it is important that appropriate external warning lights are installed to ensure that the new structure is readily seen by boaters using the Navigation in poor visibility.

We would advise that the final detailed design of the balustrading to the ground and first floor balcony areas should also be agreed before installation in order to ensure that it is sufficiently robust in terms of safety and that the risk of items or objects falling/being thrown into Brayford Pool is minimised, again in the interests of the safety of boaters using the Navigation.
We would suggest that these matters could be addressed via the imposition of planning conditions, although we would ask that we are consulted on any proposed discharge of such conditions in due course.

Condition
No development shall take place until a scheme for the provision of protective fendering for the proposed development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the design, construction and location of all protective fendering. The development shall thereafter only be carried out in accordance with the approved details.

Reason
To minimise the risk of damage to the proposed development or to any boats using the Navigation through Brayford Pool in the event of a collision, in the interests of navigational safety.

Condition
No development shall take place until an external lighting scheme for the proposed development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the design, location and luminance of warning lights on the perimeter of the proposed development. The development shall thereafter only be carried out in accordance with the approved details.

Reason
To ensure that the proposed development is clearly visible to boaters using the Navigation through Brayford Pool in order to minimise the risk of collision and in the interests of navigational safety.

Condition
No development shall take place until full details of the design and construction of all balustrading to the balcony areas adjacent to the water's edge has first been submitted to and approved in writing by the Local Planning Authority. The balustrading shall be installed as agreed and shall thereafter be so retained at all times.

Reason
To ensure that the risk of any items or objects being dropped or thrown into the navigation is minimised through the provision of appropriately designed balustrading to all external seating/balcony areas adjacent to Brayford Pool in the interests of navigational safety.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Should you have any queries please contact me at this office

Yours sincerely

Ian Dickinson
Area Planner (East and West Midlands)
Telephone: 01636 675790
E-Mail: ian.dickinson@canalrivertrust.org.uk
City of Lincoln Council  
Development Control  
City Hall Beaumont Fee  
Lincoln  
LN1 1DF

Our ref: AN/2014/120787/02-L01  
Your ref: 2014/0808/F  
Date: 26 August 2015

Dear Sir/Madam

Erection of two storey building for the purpose of A3 (food and drink) and replacement of existing viewing platform. Reconsultation on revised siting and external appearance and viewing platform. (revised description)
The viewing platform, Brayford Wharf North, Lincoln, LN1 1XY

Thank you for consulting us on this revised application.

The amendments do not affect our advice as set out in our letter of 23 December 2014. This included a request for the following condition:

**Condition**
The development permitted by this planning permission shall be carried out in accordance with the approved Design and Access Statement, including and the following flood risk mitigation measures:

- The ground floor to be raised 300mm above the existing ground level of the viewing platform
- The proposed building to be a minimum of 2 storeys
- Flood resilient and resistant construction to be used

The mitigation measures shall be fully implemented prior to occupation.

**Reason**
To reduce the risk of flooding to the proposed development and future occupants

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

Yours faithfully

Nicola Farr  
Sustainable Places - Planning Adviser

Direct dial 01522 785865  
Direct e-mail nicola.farr@environment-agency.gov.uk

Waterside House, Waterside North, Lincoln, LN2 5HA  
Customer services line: 03708 506 506  
Email: planninglincoln@environment-agency.gov.uk  
www.gov.uk/environment-agency

End  
Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.
Your Ref: 2015/0808/F

Our Ref: 20th August 2015

Principal Planning Officer
City of Lincoln Council
City Hall, Beaumont Fee,
Lincoln, LN1 1DF

Dear Mr Manning

Re – The Viewing Platform, Brayford Wharf, Lincoln, LN1 1XY

Lincolnshire Police do not have any objections to this development.

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

Please see the Secured by Design New Homes 2014 which can be accessed via www.securedbydesign.com.

Yours sincerely

John Manuel MA BA(Hons) PGCE Dip Bus.
Force Crime Prevention Design Advisor
john.manuel@lincs.pnn.police.uk
Ms Kelly Bray  
Lincoln City Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF

Direct Dial: 01604 735460
Our ref: P00443628
25 August 2015

Dear Ms Bray

THE VIEWING PLATFORM, BRAYFORD WHARF, NORTH LINCOLN, LN1 1XY

Ref 2014/0808/F

Thank you for your email of 18 August 2015 consulting us on amended plans for the above site.

Our specialist staff have considered the amendments and have no further comments to make. Please refer to our previous response of 22 January 2015.

Yours sincerely

David Walsh  
Inspector of Historic Buildings and Areas  
E-mail: david.walsh@HistoricEngland.org.uk
Spinks, Tania (City of Lincoln Council)

From: Debbie Robinson <Debbie.Robinson@lincoln.fire-uk.org>
Sent: 03 September 2015 14:28
To: Technical Team (City of Lincoln Council)
Subject: The Viewing Platform Brayford Wharf North Lincoln

FAO Mr P Lewis

With regard to your letter dated 18th August in regard to the above mentioned property, I would advise you that Lincolnshire Fire and Rescue have no objections.

Regards

Debbie

Debbie Robinson
Fire Safety Officer
Lincolnshire Fire and Rescue
Service Headquarters
South Park Avenue
Lincoln
LN5 8EL

Telephone Number: 01476 565441

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Spinks, Tania (City of Lincoln Council)

From: Leatherland, Alex (City of Lincoln Council)
Sent: 04 September 2015 11:42
To: Technical Team (City of Lincoln Council)
Subject: FW: Brayford Viewing Platform - Revised Planning Application Ref 2014/0808F

Hi
See below

Can you add this as another objection from WERA on the Brayford application please

thanks

Alex Leatherland
Principal Planning Officer

T 01522 873776

CITY OF LINCOLN COUNCIL

City of Lincoln Council
City Hall, Beaumont Fee, Lincoln. LN1 1DF

Please note: the fees for planning applications have increased by 15% with effect from 22nd November 2012. The updated fee sheet is available on our website www.lincoln.gov.uk/planning

We request that all applications be submitted through the planning portal wherever possible www.planningportal.gov.uk

From: Manning, Kieron (City of Lincoln Council)
Sent: 03 September 2015 09:22
To: 'robin.lewis1@homecall.co.uk' <robin.lewis1@homecall.co.uk>; Leatherland, Alex (City of Lincoln Council) <Alex.Armfield@lincoln.gov.uk>
Subject: RE: Brayford Viewing Platform - Revised Planning Application Ref 2014/0808F

Hello Sandra,

I will make sure the case officer gets this and registers it as part of the application process.

Regards

Kieron Manning
Planning Manager
T 01522 873551

CITY OF LINCOLN COUNCIL.
From: robin.lewis1@homecall.co.uk [mailto:robin.lewis1@homecall.co.uk]
Sent: 02 September 2015 22:02
To: Manning, Kieron (City of Lincoln Council) <Kieron.Manning@lincoln.gov.uk>
Subject: Brayford Viewing Platform - Revised Planning Application Ref 2014/0808F

Hello Kieron

It was reported at tonight’s WERA committee meeting that a revised planning application has been submitted to the Council in respect of a restaurant development on the site of the Brayford Viewing Platform. I have been asked by the Committee to refer you to the letter of objection from WERA dated 6th Jan 2015 to the original application for development of this site and to confirm that the WERA Committee wishes those objections to stand in respect of the revised application.

Regards

Sandra Lewis
WERA
5th March 2015

Dear [Name]

Investors in Lincoln - Proposed restaurant development at Brayford Wharf North

Lincoln Civic Trust is taking a close interest in your scheme to further develop the waterfront at Brayford Wharf North and in principle the Trust takes great delight in supporting proposals to benefit the City.

However, in this case, our considered opinion is that to grant consent is to ‘let the genie out of the bottle’!

The logical, long term issues of planning precedent will enable subsequent owners or interested parties to further develop the waterfront despite the inferred undertakings of Investors in Lincoln that no further developments are envisaged.

It has become evident from public responses from both young and old, that the open vistas over the Brayford and the views from the existing restaurants are highly valued. It is the envy of many authorities who would give much to have such as expanse of open water in the city centre as a valuable feature.

Whilst finding no grounds on planning terms to oppose the Wagamama restaurant, this development, albeit well received as a facility, casts shadows, obstructs open views from existing premises and generates mechanical noise from air conditioning units, damaging the ambiance of the wharf and would not have received unqualified support and has clearly changed the atmosphere of the Brayford.

It has been referred to us by boat owners that the absence of short-term moorings to use to enjoy the restaurants, cinema and city centre retail experience, is limiting use of the wharf which would extend the tourist offer. Could the cost of essential dredging be aided by facilitating such works by issue of mooring tickets?

Whilst the Trust fully understands the short term need of Investors in Lincoln to raise capital assets, I trust that you will understand the valid aspects which have been raised in this note.

Please understand that our duty, as officers of the Trust, is to represent the views of our membership and the public to oppose this project by taking the long term view and to safeguard the established and successful Brayford which we currently enjoy.

Yours sincerely

Kenneth Brown
Chairman, Lincoln Civic Trust Planning Committee
Bray, Kelly (City of Lincoln Council)

From: Debbie Robinson [Debbie.Robinson@lincoln.fire-uk.org]
Sent: 06 March 2015 09:45
To: Technical Team (City of Lincoln Council)
Subject: Planning application - The Viewing Platform Brayford Wharf North Lincoln
Your ref: 2014/08/F Letter ID 273719  FAO: Mr K Manning

Good morning,

With regard to the above application and your letter of 16th February requesting the observations of Lincolnshire Fire and Rescue, I can confirm that the Fire Service have no objections to this application.

Debbie

Debbie Robinson
Fire Safety Officer
Lincolnshire Fire and Rescue
Service Headquarters
South Park Avenue
Lincoln
LN5 8EL

Telephone Number: 01522 582228
Mobile: 07788 523385

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Alex

This is what I received
Full Lien Notice
or Project Work Notice Referred Plan

best wishes,
Dorothy Neal
Brayford Wharf North – Proposed Restaurant Development
Planning Application No: 2014/0808F

Lincoln Civic Trust, having been consulted on this application, recommend REFUSAL on the following grounds:

The proposal:

1. Detracts from the established and valued open nature of the Waterside
2. Obstructs the view from the existing premises
3. Places the walkway in shadow
4. Encroaches on the pedestrian area
5. Will generate additional service traffic onto the pedestrian area
6. Will establish a precedent for further development and encroachment

The vacant restaurant units in the area indicate that the demand for restaurant premises is fully satisfied and further units are not required.
DIRECTORATE OF COMMUNITIES
Highways – North | Highways & Transportation
4th Floor | City Hall | Lincoln | LN1 1DN

To: LINCOLN CITY (Carholme Ward). Application Ref: 2014/0808/F

With reference to this application dated NOVEMBER 2014, relating to the following proposed development

THE VIEWING PLATFORM,
BRAYFORD WHARF,
NORTH LINCOLN.
LN1 1 XY.

Classification/Number of road to which the site gains access.

Date application referred by LPA 11 DECEMBER 2014. Type of application: Outline/Full/RM/ FULL

Description of development

ERECTION OF TWO STOREY BUILDING FOR THE PURPOSE OF A3 (FOOD AND DRINK) AND REPLACEMENT OF EXISTING VIEWING PLATFORM.

Notice is hereby given under the provisions of article 15 of the Town and Country Planning (General Development Procedure) Order 1995, that the County Council as local highway authority:-

☒ Does not wish to restrict the grant of permission.
☐ Requests that any permission given by the local planning authority shall include the conditions below.
☐ Requests that local planning authority refuses the application for the reasons set out below.
☐ Requests that the local planning authority request the applicants to provide additional information as set out below.

CONDITIONS (INCLUDING REASONS) /ADDITIONAL INFORMATION REQUIRED / REASONS FOR REFUSAL

The access arrangements are not proposed to alter. The highways authority has no objection to the proposal and does not consider it to be of detriment to highway safety or traffic capacity.

Date: 26 January 2015.

Continuation …Yes/No

Signed: Liz Burnley IEng FIHE | Principal Highways Officer
Tel: 01522 782070 | E: LCHighwaysNorth@lincolnshire.gov.uk
on behalf of Executive Director for Communities

Form No HPD/1
Ms Kelly Bray  
Lincoln City Council  
City Hall  
Beaumont Fee  
Lincoln  /LN1 1DF

Direct Dial: 01604 735400  
Direct Fax: 01604 735401  
Our ref: P00443628  

22 January 2015

Dear Ms Bray

THE VIEWING PLATFORM, BRAYFORD WHARF, NORTH LINCOLN, LN1 1XY  
Application No 2014/0808/F

Thank you for your letter of 6 January 2015 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice  
The proposed two storey building would lie within the area of the Brayford Pool, an important historic asset which forms a central part of the character and appearance of the West Parade and Brayford conservation area. The Brayford Pool has existed since pre-historic times and, together with the Witham Gap, is the reason Lincoln is where it is. The largely open waterfronts, the former wharfs, to the north and east make evident the later 18th and 19th century industrial and transport developments when the Brayford Pool was a busy trading area at the heart of Lincoln, and they make an important contribution to the significance, character and appearance of the conservation area. Development within the ‘Pool’ itself along Brayford Wharf North which obscured large sections of the former wharf and appreciably eroded its character as an open waterfront would have a significant negative impact on the significance of the conservation area. We consider that the impact of the specific proposal taken in conjunction with the existing Wagama restaurant is more limited as the development is restricted to two buildings of the scale proposed.

As the proposed scheme is within a conservation area, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when making any decision on this planning application.

Recommendation

English Heritage is subject to the Freedom of Information Act. 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.
We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Yours sincerely

David Walsh
Inspector of Historic Buildings and Areas
E-mail: david.walsh@english-heritage.org.uk

cc Sarah Harrison, City of Lincoln Council
Bray, Kelly (City of Lincoln Council)

From: Planning Liaison, Anglian/Northem (planninglincoln@environment-agency.gov.uk)
Sent: 15 January 2015 14:27
To: Bray, Kelly (City of Lincoln Council)
Subject: RE: 2014/0088/F - The Viewing Platform, Brayford Wharf

Thank you, no further comments on these plans.

Regards

Nicola

From: Bray, Kelly (City of Lincoln Council) (mailto:Kelly.Bray@lincoln.gov.uk)
Sent: 15 January 2015 11:37
To: Planning Liaison, Anglian/Northem
Subject: 2014/0088/F - The Viewing Platform, Brayford Wharf

Good Morning,

We recently consulted with yourselves in respect of the above application and received the attached comments back.

We have since received 2 additional plans which I have attached for your information, incase these result in you wishing to make any additional comments.

If this is the case I would appreciate any further comments to be received by 27th January 2015.

Should you have any queries, please don’t hesitate to contact me.

Many thanks,

Kelly Bray
Assistant Planning Officer
T 01522 83484

City of Lincoln Council
City Hall, Beaumont Fee, Lincoln, LN1 1GQ

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15/01/2015
Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION ON APPLICATION FOR PLANNING PERMISSION

I am writing to advise you that an application for Planning Permission has been received for the proposals listed below. Your observations are requested and should be entered in the space provided below and returned to the Development Team as soon as possible and in any case not later than 01 January 2015. After that date the Local Planning Authority will proceed to make their decision on the application. If you wish to discuss the application please contact the Development Team on the above.

TYPE OF APPLICATION: Full Planning

APPLICANT: Mr David Rossington

DESCRIPTION OF PROPOSAL: Erection of two storey building for the purpose of A3 (Food and Drink) and replacement of existing viewing platform.

LOCATION: The Viewing Platform, Brayford Wharf, North Lincoln, LN1 1XY

Yours faithfully

MR K MANNING
PLANNING MANAGER

YOUR OBSERVATIONS: Recommended REFUSE on principle. This proposal detracts from the open nature of the waterfront, obstructs views from existing premises, causes additional service traffic from this environment. The vacant restaurant units in the area indicates that demand for restaurant premises is fully satisfied. The existing viewing platform should be repaired.
City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our ref: AN/2014/120787/01-L01
Your ref: 2014/0808/F
Date: 23 December 2014

Dear Sir/Madam

Erection of two storey building for the purpose of A3 (food and drink) and replacement of existing viewing platform
The viewing platform, Brayford Wharf North, Lincoln, LN1 1XY

Thank you for consulting us on the above application, on 11 December 2014.

Environment Agency position
The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the submitted Design and Access Statement are implemented and secured by way of a planning condition.

Condition
The development permitted by this planning permission shall be carried out in accordance with the approved Design and Access Statement, including and the following flood risk mitigation measures:

- The ground floor to be raised 300mm above the existing ground level of the viewing platform
- The proposed building to be a minimum of 2 storeys
- Flood resilient and resistant construction to be used

The mitigation measures shall be fully implemented prior to occupation.

Reason
To reduce the risk of flooding to the proposed development and future occupants

Informative advice to the local planning authority
The NPPF and Planning Practice Guidance place responsibilities on local authorities to consult their emergency planners and the emergency services with regard to specific emergency planning issues relating to new development.

Waterside House, Waterside North, Lincoln, LN2 5HA
Customer services line: 03708 508 508
Email: planninglincoln@environment-agency.gov.uk
www.gov.uk/environment-agency
Cont/d..
It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

In accordance with the Planning Practice Guidance (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

**Informative advice to the applicant**

Under the terms of the Water Resources Act 1991, and the Anglian Region Land Drainage and Sea Defence Byelaws, our prior written consent is required for any proposed works or structures, in, under or over main rivers or within 9 metres of the landward toe of the raised flood defences. This will apply to this development. Please contact us via psolincs@environment-agency.gov.uk for further advice.

We recommend that the occupants sign up to our Floodline Warnings Direct Service.

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

Yours faithfully

**Nicola Farr**  
*Sustainable Places - Planning Adviser*  
Direct dial 01522 785865  
Direct fax 01522 785040  
Direct e-mail nicola.farr@environment-agency.gov.uk
Dear Alex,

Further to my letter dated 25th September 2015 regarding the above planning application, I can advise that the discussions and negotiations we had commenced with the City Council and the Brayford Trust regarding formal amendments to the existing leases to secure the establishment of a revised navigational channel through Brayford Pool have been successfully completed.

I can therefore confirm that our objection to this application, as set out in my letter of 25th September 2015 (and my original letter of 18th February 2015) can now be withdrawn.

I would confirm that we still request the inclusion of the planning conditions set out in my letter of 25th September on any planning permission as may be granted.

I trust this email is sufficient to confirm the withdrawal of our objection, but please feel free to contact me direct if you require anything further.

Regards,

Ian

Ian Dickinson
Area Planner (East and West Midlands)

T: 01636 675790
M: 07825 608321
E-Mail: ian.dickinson@canalrivertrust.org.uk

Canal & River Trust, The Kiln, Mather Road, Newark, Notts NG24 1FB

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Hi
Can you book this in as the final formal response from Lincs Wildlife Trust to the consultations on the Brayford application please.2014/0808/F

Thanks

Alex Leatherland
Principal Planning Officer

T 01522 873776

City of Lincoln Council
City Hall, Beaumont Fee, Lincoln, LN1 1DF

Please note: the fees for planning applications have increased by 15% with effect from 22nd November 2012. The updated fee sheet is available on our website www.lincoln.gov.uk/planning

We request that all applications be submitted through the planning portal wherever possible www.planningportal.gov.uk

From: Clare Sterling [mailto:CSterling@lincstrust.co.uk]
Sent: 18 November 2015 17:03
To: Leatherland, Alex (City of Lincoln Council) <Alex.Armfield@lincoln.gov.uk>
Cc: charlotte.sanderson@deltasimons.com
Subject: RE: Brayford Pool North Phase 1 Habitat Report.

Dear Alex,

Thank you for sending us a copy of the report. I’ve had a look and yes this is the type of report we were looking for. I am satisfied that there shouldn’t be any significant impacts on the Local Wildlife Site and would support the recommendations made by the consultants.

I do have an additional suggestion for enhancement which I hope could also be considered concerning the water environment. It has been suggested to me that the developer will have to do a Water Framework Directive assessment when they apply for Land Drainage Consent through the Environment Agency’s Flood risk team. In this they need to show that they will not cause WFD deterioration and they must also look for opportunities to help deliver improvements which would come in the shape of soft engineering and fish refuges. We would therefore recommend that fish refuges are installed underneath the building to provide refuges from predators and possible spawning sites for smaller fish. These are low cost options to enhance the underwater habitats within the Brayford Pool and could help towards the waterbody achieving Good Ecological Potential under the WFD. I have attached some example plans for fish refuge designs which could be attached underneath the structure of the
building. Identified measures for this waterbody also include those under the category of ‘removal or softening of hard bank’. Planted coir vegetated margins would provide habitat and soft landscaping against the hard banks of the Brayford Pool; some of these have already been installed just upstream on the Fossdyke Canal banks and the attached sheet shows some that have been installed on the River Nene running through Peterborough. Any opportunities for soft landscaping of the structure within the water environment would be beneficial and should be encouraged.

If you have any queries about the detail of fish refuges or coir rolls I would recommend contacting David Hutchinson, Catchment Coordinator, Environment Programme Team, Environment Agency on 01522 785984 or david.hutchinson@environment-agency.gov.uk.

I hope this helps you in your determination of the application.

Kind regards
Clare

Clare Sterling  MCIEEM
Conservation Assistant
Lincolnshire Wildlife Trust

01507 526667

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From: Leatherland, Alex (City of Lincoln Council) [mailto:Alex.Armfield@lincoln.gov.uk]
Sent: 13 November 2015 22:29
To: Clare Sterling
Subject: FW: Brayford Pool North Phase 1 Habitat Report.

Dear Clare,

Further to your comments on the Brayford application, please find attached a copy of the Phase 1 habitat survey for the site undertaken by Delta Simons.

I would be grateful if you could have a look at the survey and advise as to whether it meets the requirements as outlined in your consultation response or if any further work is required.