Application Number:	2017/1181/FUL	
Site Address:	27-29 Clasketgate, Lincoln	
Target Date:	10th February 2018	
Agent Name:	LK2 Architects Ltd	
Applicant Name:	Mr M Hayes-Cowley	
Proposal:	Erection of a 63no. bedroom Hotel (Use Class C1) and	
	Restaurant (Use Class A3) following demolition of existing	
	building (Revised Description)	

Background - Site Location and Description

The application site is situated on the north west corner of the Clasketgate/Flaxengate junction, and currently comprises a three storey white rendered building, formerly the office of Pygott and Crone estate agency, and associated car parking to the rear. It measures approximately 498.5 sqm and is located within Conservation Area No. 1 'Cathedral and City Centre'

The site slopes upwards heading north along Flaxengate with a level difference of approximately 1.64m. The northern site boundary is defined by a low level retaining wall and line of trees, which are rooted within the adjoining Grantham Street NCP car park. The western site boundary is defined by the commercial building known as Akrill House and associated car parking to the rear. The south east corner is defined by a red brick boundary wall and railings, while the eastern site boundary includes a red brick boundary wall which steps upwards with the site, and barrier controlled vehicle access to the rear parking area.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 20th November 2017.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP7 A Sustainable Visitor Economy
- Policy LP12 Infrastructure to Support Growth
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land affected by Contamination
- Policy LP18 Climate Change and Low Carbon Living
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP31 Lincoln's Economy
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- National Planning Policy Framework

<u>Issues</u>

- National and local planning policy
- Impact on designated and non-designated heritage assets
- Impact on visual amenity
- Impact on residential amenity
- · Highway safety, access and parking
- Foul and surface water drainage
- Potential land contamination and other environmental impacts

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Historic England	Comments Received

Public Consultation Responses

Name	Address
Moka And Shack Night Club	11 Silver Street
	Lincoln
	Lincolnshire
	LN2 1DY
Mr Jeremy Wright	73 Nettleham Road
	Lincoln
	LN2 1RT
Miss Rachel Meager	12 Swan Street
	Lincoln
	LN2 1LF

Consideration

The application proposes the erection of a six storey building comprising a Hotel (Use Class C1) with accommodation to the first, second, third and fourth floors and a ground

floor lobby area with access from Clasketgate; and a Restaurant (Use Class A3) to the fifth floor, with ground floor access from Flaxengate incorporating a small bar. The proposed top floor restaurant and Flaxengate bar/access would be operated under a separate domain to the proposed hotel.

National and Local Planning Policy

The application site is not allocated for development within the Central Lincolnshire Local Plan (2017), but is considered an appropriate location for visitor accommodation within the Lincoln urban area, in accordance with the terms of Policy LP2 'The Spatial Strategy and Settlement Hierarchy'. Furthermore, the proposed development would contribute positively towards the sustainable growth of Lincoln's visitor economy, and support and enhance the City's role as a key destination for tourism and leisure; in accordance with Policy LP7 'A Sustainable Visitor Economy' and Policy LP31 'Lincoln's Economy'.

Notwithstanding the above, development proposals in Lincoln are required to contribute to the realisation of key principles outlined in Policy LP29 'Protecting Lincoln's Setting and Character', including;

- a. Protect the dominance and approach views of Lincoln Cathedral, Lincoln Castle and uphill Lincoln on the skyline;
- c. Proposals within, adjoining or affecting the setting of the 11 Conservation Areas and 3 historic parks and gardens within the built up area of Lincoln, should preserve and enhance their special character, setting, appearance and respecting their special historic and architectural context;
- d. Protect, conserve and, where appropriate, enhance heritage assets, key landmarks and their setting and their contribution to local distinctiveness and sense of place, including through sensitive development and environmental improvements;
- f. Support the development of art, cultural and leisure assets and facilities, such as the Collection, Usher Gallery, the Theatre Royal, Lincoln Drill Hall, the Engine Shed, Arboretum and Whisby Nature Park, and improvement of access to such assets and facilities.

The majority of these matters are considered in subsequent sections of this report, however, it is noted that the application site is located approximately 50m east of the main entrance to the Theatre Royal and within 100m of the main entrance to the Drill Hall. In addition, the supporting Design and Access Statement highlights an opportunity for existing and future operators to collaborate and offer theatre and hospitality packages.

Other relevant local planning policies, contained within the Central Lincolnshire Local Plan (2017), are referred to in subsequent sections of this report.

Impact on Designated and Non-Designated Heritage Assets

Policy LP25 'The Historic Environment' requires development proposals to protect, conserve and seek opportunities to enhance the historic environment. In instances where a proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant is required to undertake the following, in a manner proportionate to the asset's significance;

a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and

- b. identify the impact of the proposed works on the significance and special character of the asset; and
- c. provide clear justification for the works, especially if these would harm the significance of the asset or its setting, so that the harm can be weighed against public benefits.

Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting.

Designated Heritage Assets

The application site falls within the boundary of Conservation Area No. 1 'Cathedral and City Centre' and is close to several designated heritage assets, including the Theatre Royal- a Grade II Listed Building and Lincoln Roman Colonia- a Scheduled Monument. It is also within the setting of the wider historic hillside which includes high status designated assets including Lincoln Cathedral and Bishops Palace- both Grade I Listed and Lincoln Castle- Grade I Listed and a Scheduled Monument. The Revised Heritage Statement submitted with the application describes the significance of these heritage assets, including any contribution made by their setting, and provides an assessment of the potential impacts of the proposed development, in accordance with relevant local and national planning policies.

The two main aspects of the proposed development that require consideration in relation to designated heritage assets are the proposed demolition of the existing building, and the impact of the proposed new development on the character and appearance of the Conservation Area.

Loss of Existing Building

The existing building is described within Lincoln's Historic Environment Record as "a rendered brick building with slate roof with rear wing with pantiled roof. This early 18th century building was adjacent to (to the west of) the former Marquis of Gransby PH (MON2207) (if not part of it). The ground floor area of the eastern half, now part of the shop, was the carriageway arch to the rear. Second storey added in 1895, architect W Mortimer, for E F Arnold. Alterations in 1902. It later became (with major alterations) a shop and offices. The carriageway arch was infilled before 1985. It currently (2000) displays UPVC windows throughout, but pre c.1990 it had vertical sash timber windows".

The application proposes the complete demolition of the existing building to facilitate the proposed hotel and restaurant development. Demolition of a building within a Conservation Area requires planning permission. Historic England considers the proposed demolition of the existing building would be harmful to the character and appearance of the Conservation Area, however, it is for the Local Planning Authority to determine whether the loss of the existing building would be acceptable when considered in the wider context of the proposed development.

The City Council's Principal Conservation Officer has considered the application and observed that whilst the building is unlisted it "has some heritage values in terms of form and scale reflecting its period of construction, however, architectural interest has been seriously compromised by insensitive application of render and loss of traditional windows

and detailing. The quality of the contribution of this building to the character and appearance of the conservation area is low and therefore [the loss] is not considered to be a reason to refuse the application. It is, therefore, considered that the loss of the building would be acceptable and any impact on the character and appearance of the Conservation Area that may result would not outweigh the wider benefits of the proposed development as described in other sections of this report.

Notwithstanding this, it is considered appropriate to impose a planning condition on an approved application requiring an internal assessment of the building to take place prior to its demolition, to assist in fully understanding its age, phasing and significance. Furthermore, as the loss of the building is necessitated by the proposed development, it is considered appropriate to also impose a planning condition that would prevent its demolition until there is reasonable certainty that the proposed development will follow. Paragraph 136 of the NPPF (2012) states 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.' A suitably worded planning condition would, therefore, prevent the prospect of there being a long gap between works of demolition and redevelopment, or potentially, the site being cleared and no further development taking place, as well as the creation of an unsightly gap within the Conservation Area.

Proposed Hotel and Restaurant Development

The application site sits within the High Street Character Area as defined by the Lincoln Townscape Assessment (LTA). Much of the character of the area is diverse and varied reflecting its plot-by-plot development and redevelopment of buildings and spaces along its length. Modern buildings within the area are often larger in scale and occupy the full extent of their plots. Consequently, the area has one of the highest building densities in the city. The principle of a large scale development at this location is, therefore, considered appropriate.

There are a number of art deco influenced buildings within this part of the High Street Character Area and Cathedral and City Centre Conservation Area which are considered to make a positive and distinctive contribution to its sense of place. Consequently, the art deco influences in the design of the proposed hotel and restaurant building, including the curved corner feature and horizontal banding, are welcomed as they would preserve and enhance this established character and appearance. The strong geometry and movement across the plane of the building also provides visual interest. The proposed palette of buff bricks is sensitive to the immediate built context and contrasts well with the proposed dark zinc cladding. In terms of height, the building would relate well to much of its context and employ a stepped approach to visually mitigate its overall impact and would be successfully assimilated in views from the historic hillside. The established views towards the historic hillside would not be affected, as such, it is considered that the proposed development would not cause undue harm to the setting of the listed buildings on the hillside. The City Council's Principal Conservation Officer has also observed that the proposed development would not have an impact on the established setting of the Theatre Royal nor on the heritage values of the Theatre Royal building itself.

Consequently, it is considered the proposed development is in accordance with the duty contained within Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be,

the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and Section 72 (1) of The Act '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'. It is also considered to comply with the guidance set out in paragraph 131 of the NPPF which requires that Local Planning Authorities in determining applications should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Non- Designated Heritage Assets

Prior to an application for planning permission being submitted for the proposed development, very little was known about the archaeological potential of the site. During pre-application discussions, officers highlighted the potential for significant archaeological remains to be found, based on previous site investigations to the north of the application site. Consequently, the applicant was advised to undertake site specific investigations, to satisfy relevant local and national planning policy requirements. Despite this initial advice, an application was submitted without any supporting information regarding the archaeological potential of the site, and further discussions had to take place during the application process, before any site investigations were undertaken.

During the process of application, officers negotiated the undertaking of a ground penetrating radar survey and subsequent archaeological evaluation comprising of a programme of trial trenching; to inform officer's understanding of the archaeological potential of the site, and enable an informed assessment to be made of the impact upon, and mitigation options for, buried archaeological remains. Several reports and an updated Archaeological Desk Based Assessment (DBA) have been submitted detailing the works undertaken and the applicant's interpretation of the results.

In summary, the evaluation excavations have demonstrated the presence of medieval remains including deep garden soils, the remains of stone buildings, and cut features such as ditches and pits. At present, there is little to no evidence that indicates the character or significance of Roman archaeology, although it seems clear from the evaluation that Roman material is likely to survive across the site at around 14.05m AOD.

The City Council's Archaeologist has considered the application and supporting material and observed that "While it is unfortunate that more of these remains could not be exposed, it is considered that the applicant has undertaken as much evaluation as it is reasonable to ask at this stage. Elsewhere in the City, including on the adjacent Grantham Street site, medieval buried soils have proved to overlie Roman material. There is no indication of widespread truncation of medieval/earlier archaeology, therefore, every reason to suspect that Roman remains survive in good condition on this site.

The evaluation has confirmed the presence of archaeological remains within the stated depth of impact of the construction processes of the proposed development. In particular, it is clear from the information submitted in the Revised Archaeological Desk-Based Assessment that a site-wide strip to facilitate the installation of a piling mat would extend into medieval horizons across the entire site. Deeper foundation excavations for lift pits, ground beams and pile caps would locally intrude into Roman deposits. The installation of piles would go through all archaeological remains within their footprint through the entire depth of the sequence".

Crucially, the aforementioned evaluation excavations were intended to address the following elements of national planning policy;

- Potential indirect impacts of the development on the setting and context of the nearby Scheduled Monument, and what level of harm may result (paragraphs 132-134 of the NPPF); and
- 2) Whether the Roman remains thought to be present on the site are demonstrably of equivalent significance to the nearby Scheduled remains, and therefore themselves subject to the relevant NPPF policies protecting designated heritage assets in accordance with NPPF paragraph 139.

The City Council's Archaeologist has observed that "Notwithstanding the findings of the Revised Archaeological Desk-Based Assessment, it is considered that, with respect to the first point, there is still insufficient information from the evaluation excavation to enable an assessment to be made. The sum total of Roman archaeology identified in the evaluation was an area approximately 1m by 0.5m at the very base of one of the evaluation trenches. The other two trenches did not penetrate sufficiently deeply to encounter Roman remains, although the presence of well-preserved medieval deposits suggests very strongly that Roman deposits will be preserved at lower levels.

This is not a sufficient sample to draw any conclusions about the contribution of the Roman archaeology present on the site beyond the mere fact of its likely existence. Without further information it is not possible to understand how it relates to and impacts upon the designated Scheduled Remains. While it is accepted that further work to illuminate this matter cannot be undertaken at this point, the question remains and must be answered if the development is to be delivered in accordance with the requirements of paragraphs 132-134 of the NPPF.

With respect to the second point, and notwithstanding the assertion in the revised DBA that "no nationally important archaeology" has been identified within the evaluation trenching, there is also insufficient information to make an informed assessment at this time.

The top of Roman archaeology was encountered at 14.05m AOD, which was also the deepest level of excavation. This material was not examined and there is no evidence available to say how thick the Roman deposits are, and therefore what their nature and character might be. As already observed, the Roman material was only encountered in a very limited area of the site, and it is therefore entirely possible that nationally important remains may be present either at greater depths or in areas of the site that have not yet been thoroughly evaluated.

To address the assertion in the DBA that it is "possible to surmise that should substantial Roman walls exist on the site, they would have been identified during the GPR (Ground Penetrating Radar) survey and/or trial trenching", I do not agree that this is the case. The effective depth of the GPR survey was to 3m, a mere 10cm deeper than the evaluation excavation reached, and masonry remains of Roman date may well be present at greater depths.

As a result it is still not possible to address the two key issues with the information at hand. However, it is considered that these matters can be addressed by conditions to govern;

- 1. The provision of a detailed WSI for mitigation of the impacts of shallow foundations through excavation as appropriate
- 2. Once the site has been reduced to formation level, further intrusive evaluation to establish the nature and significance of Roman remains
- 3. The provision of a final mitigation strategy that is appropriate to the impacts of the piled foundations upon Roman remains, through preservation in situ, excavation, or a mix of the two.
- 4. The provision of an appropriate site report to the LPA and the deposition of the site archive with an appropriate museum.

This would enable a staged approach to delivering the development, which would allow for either appropriate excavation to be undertaken in response to specific construction impacts, or for foundation plans to be redesigned when more information about the significance of the archaeology is available.

It is, therefore, considered that the proposed development could be made acceptable provided the conditions described above are imposed on an approved application.

Impact on Visual Amenity

Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (2017) is permissive of new buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. Officers are satisfied that the proposed development relates well to the site and surroundings, and duly reflects the art deco influences that are present within the existing townscape of the local area, as outlined in previous sections of this report.

Impact on Residential Amenity

Hotel (Use Class C1) and Restaurant (Use Class A3) uses are supported in principle within Lincoln's Central Mixed Use Area, subject to the development not harming the local environment nor the amenities which occupiers of nearby properties may reasonably expect to enjoy, such as causing unacceptable levels of disturbance, noise, smell, fumes, dust, grit or other pollution, or reducing daylight, outlook or privacy to an unacceptable degree (Policy LP33 'Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area').

The nearest residential properties are located on the eastern side of Flaxengate at Clasket House (private accommodation to upper floors) and Danesgate House (student accommodation); and on Swan Street (private apartments) circa. 25m from the rear elevation of the proposed building. A resident of Swan Street has objected to the proposed development, citing concerns about parking and noise, although their comments largely relate to existing late night noise emanating from and associated with the nearby 'Moka and Shack' night club on Silver Street. Comments have also been received from the owners and operators of 'Moka and Shack', who have expressed concerns about late night noise from their premises and general activity from their customers resulting in complaints from guests of the proposed hotel, leading to restrictions being imposed on their premises licence. A review of city council records indicates there is no history of complaints from existing residents relating to the 'Moka and Shack' night club. The applicant has confirmed

that the windows to the hotel rooms would not need to open as each room would be mechanically heated and cooled. Notwithstanding this, and further to discussions with the city council's Pollution Control Officer, it is considered appropriate to impose planning conditions on an approved application requiring details of the window specification and measures to reduce the passage of sound into the hotel rooms to be submitted to the Local Planning Authority for approval prior to their installation within an approved scheme.

Highway Safety, Access and Parking

The application site is sustainably located within Lincoln's Central Mixed Use Area, which is well served by public transport, and includes several surface and multi-storey car parks. Lincoln's Transport Hub offers several transport options, and future guests could benefit from concessionary parking at the multi-storey car park, subject to an agreement with the Local Authority.

The proposed development initially included 5no. car parking spaces within the undercroft area that would be accessible from Flaxengate. However, highways and planning officers advised the applicant that on-site parking was not necessary given the sustainable location of the site; and the space would be better used as a service/delivery area. The undercroft area was subsequently redesigned to include a turning head for small delivery vehicles; to allow them to enter and exit the area in a forward gear; and dedicated areas for cycle and bin storage. In addition, the undercroft area would house an above ground rainwater attenuation and harvesting tank (see 'Foul and surface water drainage' for further details). Lincolnshire County Council (as Highway Authority) has requested further details of delivery vehicles and the times they would be expected on site, however, this is dependent on the operators of the hotel and restaurant and their respective delivery companies being known, which they are not at present. Consequently, it is considered appropriate to impose planning conditions on an approved application requiring details of delivery vehicles and times to be submitted to the Local Planning Authority for approval, prior to the completion of an approved scheme.

Although the proposed development would result in the loss of approximately 15no. car parking spaces, these are only used by employees of Pygott and Crone estate agency (the current owners of the site), and are not available to the wider public. The loss of these private car parking spaces is not considered detrimental, given the provision of alternative parking and public transport within the Central Mixed Use Area.

Finally, Lincolnshire County Council (as Highway Authority) initially expressed concerns that the proposed angled canopies could present a hazard and obstruction for highway users, particularly those with visual impairments. However, following receipt of Drawing No. 08 020 A00 (dated April 2018), it is clear that any encroachment would be above head height (2.5m) and the proposed canopies would be viable for an oversailing licence.

Foul and Surface Water Drainage

Foul Drainage

The high-level Drainage Strategy submitted with the application states there are existing Anglian Water foul water sewers within proximity of the site with sufficient depth to allow a connection of the proposed development foul drainage via a gravity connection.

Surface Water Drainage

Anglian Water records show the nearest available public surface water sewer is located approximately 50m north-east of the application site. The levels of this surface water sewer would not permit a gravity connection from the proposed development and would therefore require pumping. The application initially proposed a below ground attenuation tank but has since proposed an alternative above ground solution (shown on an annotated copy of Drawing No. 08 009 Rev A01). This is considered acceptable in principle, although the permitted discharge rate would be subject to approval from Anglian Water and therefore the required storage may be subject to change as the design progresses. To ensure the proposed method of surface water disposal is acceptable, it is considered appropriate to impose a planning condition on an approved application requiring the applicant to prepare and submit a detailed surface water management strategy prior to development.

Potential Land Contamination and other Environmental Impacts

A Phase I Desk Study has identified the potential for several key contaminants to be present on site, which would require further assessment as part of a suitable Phase II investigation, subject to revisions following the completion of appropriate intrusive site investigation works. It is, therefore, considered appropriate to impose standard contaminated land planning conditions on an approved application, which would require the applicant to characterise the site; submit a remediation scheme; implement the approved remediation scheme; and report unexpected contamination.

Commercial kitchen extract systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. It is, therefore, considered appropriate to impose a planning condition on an approved application requiring a scheme for the extraction, filtration and abatement of cooking odours to be submitted for approval, prior to the use commencing. Similarly, it is considered appropriate to impose a planning condition on an approved application requiring a noise impact assessment report to be submitted for approval, prior to the installation of any stationary external plant or machinery.

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

Yes, at pre-application and during process of application, details in report.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The application site is sustainably located within Lincoln's Central Mixed Use Area, where Hotel (C1) and Restaurant (A3) uses are supported in principle, and is considered an appropriate location for visitor accommodation; in accordance with Policy LP2 'The Spatial Strategy and Settlement Hierarchy' and LP33 'Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area' of the Central Lincolnshire Local Plan (2017).

The proposed development would contribute positively towards the sustainable growth of Lincoln's visitor economy, and support and enhance the City's role as a key destination for tourism and leisure; in accordance with Policy LP7 'A Sustainable Visitor Economy' and Policy LP31 'Lincoln's Economy' of the Central Lincolnshire Local Plan (2017). It would deliver an attractive building that would reinforce local distinctiveness and make a positive contribution to the character and appearance of Conservation Area No. 1 'Cathedral and City Centre' and not cause undue harm to the setting of identified listed buildings; in accordance with the duties contained with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notwithstanding the above, further work is needed to address the following elements of national planning policy;

- Potential indirect impacts of the development on the setting and context of the nearby Scheduled Monument, and what level of harm may result (paragraphs 132-134 of the NPPF); and
- 2) Whether the Roman remains thought to be present on the site are demonstrably of equivalent significance to the nearby Scheduled remains, and therefore themselves subject to the relevant NPPF policies protecting designated heritage assets in accordance with NPPF paragraph 139.

However, it is considered these requirements can be adequately addressed through the application of appropriately worded conditions that would enable a staged approach to delivering the proposed development.

Application Determined within Target Date

Yes, several extensions of time agreed during the process of application.

Recommendation

That the application is granted conditionally.

Conditions

- 1) 3 year time limit
- 2) In accordance with approved plans and documents
- 3) No demolition of existing building until redevelopment contract in place
- 4) Internal assessment of existing building prior to demolition
- 5) Detailed Written Scheme of Investigation for mitigation of impacts of shallow foundations
- 6) Further intrusive evaluation to establish nature and significance of Roman remains
- 7) Final Mitigation Strategy to address the impacts of piled foundations upon Roman remains

- 8) Final Site Report and deposition of site archive
- 9) Samples of materials
- 10) Window specification and measures to reduce the passage of sound into hotel rooms
- 11) Details of delivery vehicles and times
- 12) Surface water management strategy
- 13) Standard contaminated land conditions
- 14) Scheme for the extraction, filtration and abatement of cooking odours
- 15) Noise impact assessment prior to the installation of any stationary external plant or machinery













