

5 Drury Lane consultation responses

Customer Details

Name: Mr Colin Hopkirk

Address: 34 Hawthorn Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The loss of a significant cultural asset. With deep roots in the community of the city, and enabling the promotion and profiling of local artists of national merit, is scandalous. There is cultural history here, identity and meaning. To lose this important gallery space would be short sighted and put capital before community.

Customer Details

Name: Christine Brookman

Address: 93 Richmond Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lincoln should be proud of Sam Scorer's legacy and the gallery is a very well-supported and vital part of the arts and cultural scene in Lincoln. It attracts a wide range of exhibitors and is a community asset. What an immense shame to see a collaborative/communal space turned into another business.

Customer Details

Name: Mr Biff Vernon

Address: Tithe Farm, Church End North Somercotes Louth, Lincolnshire

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The loss of this building as an Art Gallery would be a diminishment of the cultural life of Lincoln.

Customer Details

Name: Mrs Fiona Carruthers

Address: 3 The Heights Carline Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Change of use diminishes the quality and nature of this area of conservation.

Customer Details

Name: LUCINDA PHILLIPS

Address: Denton's Cottage Burton Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The change of usage does not serve the community in the same way.

The gallery has been providing an arts service to the public for over 20 years. This change of usage represents a loss both to the community and a loss in opportunities for the Arts to flourish in Lincoln. This is particularly poignant at a time when the future of the council owned public art gallery - The Usher - has an uncertain future. I strongly object to this change of usage.

Customer Details

Name: glen Scantlebury

Address: 1 Hillside Cottages Burton by Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Sam Scorer Gallery has been an institution for over 20 years at its current location. It is part of the cultural fabric of upper Lincoln.

Upper Lincoln is an area that supports the cultural and tourist events of the city. There is no reason to establish a dentist office at that location. There is no parking. The area has reduced traffic into the square for over 30 years. There is no reason to allow a new destination that will mostly be arrived at by car. Dury Lane is a narrow street that also is not made for new traffic in the form of cars looking for parking spaces. The focus of the planning department should be to enhance the cultural/tourist aspect of development in the oldest part of the city rather than allowing it to be degraded by commercial interest better suited for locations outside the Old Roman Walls.

Customer Details

Name: Mrs Hilary Bower

Address: 58 Mount Street Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the possibility of losing one of the few remaining galleries/art spaces in Lincoln.

The gallery was purpose built by the local architect Sam Scorer to encourage local artists to show and sell their work and has been very successfully run for over 20 years. It is one of few buildings in Lincoln that has architectural merit and should remain as designed.

Surely a dental practice can be housed in any number of alternative venues.

Customer Details

Name: Mr Colin Dudman

Address: 59 Danesgate Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The recent loss of The Sam Scorer is a further reflection of the increasing marginalisation of the Arts in Lincoln. There is no other self-run gallery in Lincoln that enables local artists to exhibit their work. We need their reflections on our troubled world more profoundly than ever, and that this specially curated space should be replaced by a Dental Practice, of which there are over 20 in this town, beggars belief. Strength of local community feeling for retention of the gallery was reflected in an ACV nomination being submitted, which unfortunately couldn't be developed due to completion of the current sale.

Customer Details

Name: Dr Kevin Byron

Address: 195 Yarborough Road LINCOLN

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Sam Scorer Gallery in the cathedral quarter just by Castle Square was ideally located for tourists to visit, and to replace it with a dental surgery is a travesty. This building was designed purely to celebrate art and the hundreds of exhibitions on show have played a vital promotional and educational role for the arts in the local and wider community of Lincoln for the last 20 years or so. That this beautiful building should be used as a business is an absurdity, especially at a time when support to the arts is under threat. We need the arts, we don't need another dental surgery especially in a beauty spot in Lincoln!

FAO: Marie Smyth
Your REF: 2022/0796/FUL

Dear Mrs Smyth

I am writing to rise objections to the proposed planning application made by the owners of 5 Drury Lane, Lincoln LN1 3BN.

I am the owner of no 11 Drury Lane, Lincoln LN1 3BN.

There are several points that I would like to address and object to:

1. Rear Yard- please note that 5 Drury Lane has no right of way or access to the rear of the building (referred to as "shared rear yard" by them on the application. Please note that this is a shared garden area for residential properties ONLY (no 11 Drury Lane, no 10 Drury Lane and no 8 Drury Lane).

2. I object to the installation of the rear window - no 5 has no right to have a window overlooking the residential garden of residential properties. It is a small garden, there was never a window there and I do not want any windows there facing the garden that is used by residential properties. It would greatly impact the privacy of the residents even if it is obscured. If the dental practice wants more light they should consider roof lights.

Also the fact that they have no access to the shared area means how would they ensure that the window is cleaned on a regular basis.

Furthermore, the character of the rear yard would be impacted also by this and would simply make our back yard look unsightly.

It is a definite no and should not be allowed.

I also would like to point out, that no 5 has no right of way through the back yard and should not have the keys to the same. The Gallery never used that back door as they were aware that they had no right of way. (I spoke to the gallery representative about it).

2. Concerns about airconditioning units- please note that there is not enough details as to where these new air conditioning units will be installed and whether or not they would make a noise during the day or night. It is a residential area right in the heart of historic Lincoln where occupiers enjoy peace and quiet and I would not like this peace and quiet being disturbed by the noise from air conditioning units. At the moment there is no noise there at all.

I therefore object to the airconditioning units installation.

3. Parking

Drury Lane has limited parking facilities and most residents who do not have off street parking use parking permits to park in the "permit holders only" bays.

On the planning application it is stated that the number of employees would be 6- which is a huge jump from the 1 person that was usually working in the gallery.

6 employees means they will have to park 6 cars either on Drury Lane or nearby Carline Road which is already overstretched with great difficulty finding a parking spot.

This does not even include the customers that will be coming for treatment- (with 6 treatment rooms, one can only expect to have at least 6 customers at any one time wanting to park (so parking space for 12 vehicles at any one time)- parking problem will definitely intensify.

I tried to call you to discuss the above but you were not available, I left my contact number [REDACTED]

Please kindly advise if you have any questions.

Yours sincerely

M Galoch
Owner of 11 Drury Lane.

Customer Details

Name: Ms Jaq McCaughern

Address: 30 Victoria Street West Parade Lincoln

Comment Details

Commenter Type: Amenity Group

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This address was purchased by a renowned Lincoln architect Sam Scorer and his wife, who set up an Arts trust and not for profit organisation, charity, for the benefit of providing a venue for local artists and groups to exhibit across a wide range of arts. The building, an old garage, was designed and made into a purpose built gallery, and a board of trustees appointed to run it. The gallery, known locally as Sams, became a wonderful part of the Lincoln uphill community, Sams supported schools, colleges, local groups, and universities to put on exhibitions, thus contributing to a wider group interacting and learning skills such as, curation, invigilating, setting up exhibitions, publicising etc. Beloved by all.

Customer Details

Name: Ms Lydia Bauman

Address: 24a St Mark's Rise Dalston

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of London and a one time resident of Lincoln where I lived for 11 years and exhibited in the Sam Scorer Gallery more than once, I'd like to point out that what attracts tourism to our towns and cities, (increasingly standardised by developers and chain-shop filled high streets) are pockets of originality, authenticity and beauty. It was not so long ago that the adjacent Steep Hill was awarded the best street award in the UK and it did not achieve this distinction thanks to the beauty and originality of its dental clinics. Drury Lane is absolutely an integral part of Lincoln's unique uphill character and the gallery is part of its heritage and an essential cohesive force for its artists and art lovers. To replace it with a dental practice of all things is a cultural blunder of immense proportions and an act of suicide for Lincoln's hard won tourism industry.

Please reconsider this foolish and counterproductive step at this planning stage.

Customer Details

Name: Ms Ruth Bell

Address: 7 Cowling Close Horncastle

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: A really popular alternative for Art. Lincoln should be proud enough of its artistic heritage to stand up for these places.

Application no. 2022/0796/FUL

5 Drury Lane, Lincoln

Change of use from art gallery (Class F1) to orthodontic dental practice (Class E).
Alterations to existing shopfront; installation of high level fixed and obscure glazed window to rear west elevation; solar panels to roof and replacement of existing air-conditioning units and extraction system (Full application).

STATEMENT ON BEHALF OF APPLICANTS IN RESPONSE TO PUBLIC OBJECTIONS

1.0 Introduction

- 1.1 This additional statement is submitted after the Applicants and their advisers have considered the issues raised by the 13 objectors in their representations on this application as they appear on the Council's website on 14 November 2022.
- 1.2 Appropriate references are also made to the 3 statutory consultation responses from Highways and Planning, Environmental Health and NHS – ICB at the same date; as well as relevant policies in the adopted Central Lincolnshire Local Plan (April 2017) and its Proposed Submission Draft Review (March 2022).
- 1.3 For convenience, the main issues raised by the objectors are identified and considered under the headings set out below.
- 1.4 **Please note:** The Applicants reserve the right to submit further representations if any other issues or objections are raised before the application is considered by the Council's Planning Committee.

2.0 Former use as an art gallery and current ownership of the building

- 2.1 The Applicants acquired the freehold interest in the building from the Scorer family on 7th September 2022 following an open market sales campaign by Savills Estate Agents. The sale was widely publicised and a 'For Sale' board was displayed in a prominent position on the frontage of the building – see photos in Planning Statement. Savills' *Sales Particulars* stated that the terms of the sale included vacant possession of the premises being provided on completion of the sale.
- 2.2 Although the details are not known to the Applicants, it is reasonable to assume that (i) the Trustees of the art gallery were made aware of the Scorer family's decision to sell the building before it was offered for sale by Savills, and (ii) that the gallery would have to close when the building was sold.
- 2.3 Consequently, the Applicants wish to make it clear that they played no part whatsoever in the former owners' decision to close the art gallery and simply agreed to purchase of the building on the terms offered via Savills ie. the building was being sold with vacant possession being provided on completion of the sale. They also have no knowledge of the legal arrangement between the former Trustees of the gallery and the former

owners of the building, although they note that one of the objectors states it was a 'not for profit' Trust arrangement rather than a formal commercial agreement with formal lease etc.

- 2.4 Whilst all 13 objectors regret the loss of the art gallery, the Applicants' main motivation in purchasing this building was because they identified Drury Lane as an ideal location to establish a new orthodontic dental surgery in the heart of Lincoln to serve the local community and wider hinterland. They do not intend to re-establish a publicly accessible art gallery on the site, although they may be willing in the future to explore the possibility of displaying local artists' works in the surgery waiting room and reception area. However, no guarantee of this can be provided at this stage of the project.

3.0 Architectural merit of the building and impact on Castle Square and Upper Lincoln

- 3.1 One objector states that the building was formerly a garage before it was converted to an art gallery by the former owner, Sam Scorer, a well-known local architect. The building is single storey with mono-pitched sloping roof with large areas of roof lights and high parapet on the frontage, 'sandwiched' between residential properties (4 & 6 Drury Lane) and a restaurant on the north side. At the rear there is a private shared garden area for use by nos. 8, 10 and 11 Drury Lane.
- 3.2 Whilst clearly judged to be an appropriate 'infill' design over 20 years ago, it cannot reasonably be described as '*one of the few buildings in Lincoln that has architectural merit*', as suggested by the objector(s) from 58 Mount Street. The façade is simple and functional (see photos in the Planning Statement) and this articulation will be substantially retained by the replacement of timber window and door frames with mid-grey, double glazed aluminium units to meet modern thermal and energy reduction requirements.
- 3.3 Changes to the air conditioning units and the installation of solar panels on the roof will be hidden from street-view by the frontage parapet wall; and the existing arrangement of rooflights will remain.
- 3.4 In visual terms, it is therefore considered that these proposals will have no material effect on the architectural merit of the building itself, nor the architectural or historic interest of the Castle Square and Upper Lincoln areas.

4.0 Highways and Parking

- 4.1 The objectors allege that this change of use will result in highway and parking issues in this part of Lincoln. The Applicants believe that these objections are without merit for the following 2 reasons:
 - 1) The response from Highways and Planning confirms 'no objection' to the proposed development in the following terms:

'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.'

2) With regard to car parking, there will be between 2 and 8 members of staff at the practice during the working day, Monday – Friday each week. Some people, including the principal, will walk or cycle each day. Others will be using public transport or will need to travel to work by car. The Applicants will encourage all staff to use local rail, bus or park-and-ride services whenever possible. This encouragement will include:

- assistance with the purchase of monthly bus passes (such as the Lincoln Big Bus Deal) or
- where car use is essential, an annual car parking season tickets at one of the nearby City of Lincoln car parks. Currently, The Lawn car park has season ticket availability.

The nearest car park for the Drury Lane practice is in Castle Hill which has a limited number of spaces to serve mainly shoppers and people needing access to local services, including potentially visiting this new orthodontic practice.

The Drury Lane on-street parking zone applies and would allow the Practice at No 5 to apply for a maximum of two spaces, which the Applicants may do if the need arises.

Most patients will arrive at the Practice on foot or by other means of transport, often before, after or during their working or school day. Patients travelling by car often will treat the visit to the orthodontic practice as a linked-trip with other errands or visits in the City centre. There will be no on-site provision for patient parking requirements but plans to accommodate those with mobility needs will be devised carefully and considerately in advance of their appointment. It is particularly noted that the nearby Castle Hill car park has one disabled parking space.

As far as planning policy is concerned, it is noted that **Policy S49** in the *Local Plan Proposed Submission Draft (March 2022)* in relation to 'Parking Provision in Lincoln City Centre and Edge of Centre', states that for non-residential development,

'... proposals will be required to make use of existing public car parks before the provision of additional car parking spaces will be considered. The Council will only allow additional on-site or off-site spaces if the applicant has provided a full justification for such a need'

The Applicants therefore consider that, although Policy S49 is not yet formally adopted as part of the review of the Local Plan, it provides a clear indication of the 'direction of travel' and aspiration of car parking policy in Lincoln, presumably aimed at discouraging additional private parking for commercial developments in the City on sustainability, air pollution and carbon reduction grounds.

For the above reasons the Applicants consider this proposed change of use fully accords with all relevant highways and car parking policies in this part of Lincoln.

5.0 Objections from No. 11 Drury Lane

The Applicants comment on the issues raised by this Objector as follows:

1. **Rights of Access over rear yard** - the Applicants acknowledge that they have no rights of access over the rear yard area. The door in the rear of the building is believed to have been there for many years and is only intended for emergency use if the front door of building were ever to become unusable. That situation will not change with the new ownership. It is hoped that the applicants and owners of the rear yard can reach an agreement to undertake essential structural repairs to the rear wall.
2. **Proposed rear window** - in the rear elevation of the building is intended to provide some natural daylight in the proposed staff room. It will be high level (cill at 1.8m above floor level), obscure glazed, non-opening, and with self-cleaning glass on the outside of the double glazed unit. It is therefore considered that it will not have any material impact on the privacy or amenity of the shared garden area used by adjacent residents.
3. **Air conditioning units** – detailed information has been submitted in response to the comments from the Environmental Health Department to demonstrate that the proposed new ventilation system, which will replace the existing air conditioning units on the roof, will not alter noise levels to the adjacent residential properties.
4. **Car parking** – this issue is addressed in Section 4 above.

6.0 The need for another dental practice in Lincoln

- 6.1 The Objector from 59 Danesgate alleges that there are 'over 20' dental practices in Lincoln already and implies that another practice in this location is not required.
- 6.2 Whilst this total is unverified, the Applicants know that the specialist orthodontic service that will be provided at this new surgery is only currently provided at one other specialist orthodontic practice in Lincoln and at Lincoln County Hospital.
- 6.3 Orthodontics in Lincoln and its hinterland is provided as a specialist referral service from dental practices and may therefore be viewed as a complementary service to other dental surgeries in the area.
- 6.4 With this perspective in mind, it is noted that Policy LP9 in the adopted Local Plan (April 2017) relating to Health and Wellbeing and *Proposals for new health care facilities* states that:

“Proposals for new health care facilities should relate well to public transport services, walking and cycling routes and be easily accessible to all sectors of the community. Proposals which utilise opportunities for the multi-use and co-location of health facilities with other services and facilities, and thus co-ordinate local care and provide convenience for the community, will be particularly supported.”

- 6.5 The Applicants consider that a new orthodontic practice in central Lincoln will be able to coordinate very efficiently with other dental practices in the City and that this central and highly accessible location is ideally suited for this use.

In summary, for all the above reasons the Applicants consider that this proposed change of use of this vacant building at No. 5 Drury Lane fully accords with the proper planning of the City of Lincoln and that the objections raised by third parties do not constitute grounds for the Council refusing this application.

15 November 2022



Warren Peppard
Head of Development Management
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
Tel: 01522 782070
developmentmanagement@lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2022/0796/FUL

Proposal: **Change of use from art gallery (F1) to dental practice (E) and alterations to existing shopfront. Installation of solar panels to roof and replacement of existing airconditioning units and extraction system**

Location: **5 Drury Lane, Lincoln, Lincolnshire, LN1 3BN**

With reference to the above application received 10 October 2022

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

The proposal is for change of use and alterations to shop front and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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.

Case Officer:

Date: 21 October 2022

Laura Rowett

for Warren Peppard
Head of Development Management

From: Walsh, David
Sent: 17 November 2022 09:17
To: Smyth, Marie (City of Lincoln Council)
Subject: RE: 2022/0796/FUL: 5 Drury Lane

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

Hi Marie,

Yes, removing the 4 panels at the front/east would address our concerns. I will be in the office later if you are around. I will send a formal letter saying today or maybe tomorrow, but you can take this email as our written view that our concerns would be addressed without the four panels.

Best wishes
David

David Walsh | Principal Adviser - Development Advice
Historic England

|The Foundry / 82 Granville Street / Birmingham / B1 2LH
www.HistoricEngland.org.uk

NHS – ICB

Comment Date: Wed 12 Oct 2022

Good Afternoon

Many thanks for sharing this with us, however we would only be interested in consulting on residential applications rather than business.

Kind regards
Em