Update Sheet

2022/0796/FUL: 5 Drury Lane

Additional consultation responses

Castle Cottage
16 Drury Lane
Lincoln
LN1 3BN

Head of Planning - FAO Marie Smyth
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DD

CITY OF
18 NOV 2022
LINCOLN COUNCIL

BY HAND

17 November 2022

Dear Sir/Madam,

5 Drury Lane, Lincoln LN1 3BN
Planning Application reference 2022/0796/FUL

As residents of Drury Lane, we wish to support the above application for change of use from gallery to dental surgery.

Whilst we regret that the gallery has apparently not proved to be viable, the locality certainly does not need more licensed premises.

However, the Lincoln area is clearly in great need of more dental services and the application premises would be an ideal location. The proposed use will not disturb the neighbourhood and we do not expect that the relatively low number of staff and patients within the practice at any one time will have any adverse effect on traffic or parking.

A dental surgery would be a useful amenity and complimentary to the local environment.

Yours faithfully,

[redacted]

Mr NS & Mrs JML Welch

WEST PARADE
Dental Care

FAO Marie Smyth
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DD

CITY OF
18 NOV 2022
LINCOLN COUNCIL

17th November 2022

Dear Sir/Madam

Re: 5 Drury Lane Lincoln. LN1 3BN. Planning application 2022/0796/FUL

There is an acute shortage of dentists in Lincolnshire. In fact, we are in the bottom four in the country in terms of ration of dentists to population. There is a lack of all dental services, but particularly in specialist care, with only one other such practice in the City of Lincoln and to my knowledge only one other in the County.

The applicant is committed, highly skilled and qualified professional and this practice will help many patients at a time when specialist dental care is particularly difficult to access,

I wish to support the application for change of use to a Dental Surgery.

Yours faithfully [redacted]

Kenneth F B Hume

West Parade Dental Care
33 West Parade
Lincoln
LN1 1PE

T: 01522 523821
F: 01522 560530
E: reception@westparadedentalcare.co.uk

Customer Details
Name: Mrs Angela Birchall
Address: 8 The Grove 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 designed to be the perfect space to exhibit art and is a vital part of Lincoln's culture. It's a terrible shame to lose the gallery and to change the layout of such a great space, which is ideally located for both local residents and tourists to visit the exhibitions. A dentist is a vital business but one that could have easily been located elsewhere. I believe if it had been more widely advertised that the gallery was for sale it could have been saved, either by an individual or a group.

Historic Engla

Ms Marie Smyth
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Direct Dial: 0121 625 6870

Our ref: P01551961

29 November 2022

Dear Ms Smyth,

T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

5 DRURY LANE, LINCOLN, LINCOLNSHIRE, LN1 3BN
Application No. 2022/0796/FUL

Thank you for your letter of 10 November 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance

5, Drury Lane is within the setting of Lincoln Castle (a scheduled monument) and lies within the Cathedral and City Centre conservation area. Views to and from the castle make an important contribution to the significance of the castle, and the significance of the conservation area, as attractive views of the castle within the tight historic townscape. This includes views over the eastern elevation of 5 Drury Lane of the castle walls and Observation Tower from Wordsworth Street. The equipment on the roof of 5 Drury Lane does not appear above the parapet of the eastern elevation and therefore does not intrude into these views.

Impact of the proposed scheme

The proposed scheme is to install solar panels on the roof of 5 Drury Lane. We advise that where these panels are visible in views of the castle from Wordsworth Street they would harm the setting and significance of the castle and the significance, character and appearance of the conservation area.

Legislation, policy and guidance

As you are aware, 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 in determining this application.

Historic Engl

Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and *The Setting of Heritage Assets*.

The importance attached to setting is recognised by the NPPF and in guidance and advice. The NPPF defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' (Annex 2). Detailed advice on assessing the impact of development on the setting of a heritage asset is set out within *The Setting of Heritage Assets*. The guidance and advice on setting outlines factors which may influence the contribution of the setting to the significance of a heritage asset (p9-11). The setting advice also highlights aspects of a development which may influence its impact on the setting and significance of a heritage asset (p12-13).

The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities (paragraph 197, NPPF).

The NPPF goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation (paragraph 199, NPPF). Any harm or loss to significance *'should require clear and convincing justification'* (paragraph 200, NPPF).

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 207 of the NPPF states that '*loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area ….. as a whole'*.

Position
We advise that the four proposed solar panels on the eastern section of the roof are removed from the proposed scheme. It would appear that the proposed panels on the western section would not appear in views from Wordsworth Street and we advise that your authority should be seek to understand whether this is the case.

Recommendation
Historic England has concerns about the proposed scheme on heritage grounds. Your

authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

David Walsh

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

2022/0797/HOU: 45B Mildmay Street

Additional Consultation Responses:

Mr M Lloyd - 43 Mildmay Street

The plans clearly show an L-shaped area of curtilage to remain, shaded red, and the dimensions of the extension to be 3.83m (end gable) x 3.30m (extension) with projected floor area of 11 sq m. However measuring along the public footpath the existing curtilage is approx 3.6m to the wall alongside the shared passageway, so an extension of 3.30m would take up virtually all the available curtilage to the passageway wall. An extension built according to the layout on the plans would likely be only 3.83 x (?) 2.9m with floor area only about 8 sq m and I am concerned that (along with objectors) the developer would be unhappy with the result. So, which is the correct layout?

The plans show dusk to dawn lights but does not specify if these would be lights permanently left on (which would be more of a nuisance) or motion sensitive security lights. Which is it?

The report states extension would be approx 0.9m from the boundary with my property (no 43) however the existing extension / offshoot is approx 1.3m away. This means extension will be closer.

Report admits the proposal will clearly have impact on my property in terms of loss of light and outlook. The report goes on with platitudinous statements to dismiss these valid objections. One basically states that pitched roofs slope and roof apexes are higher than eaves. Another states there would be no loss of direct sunlight. My photos ML4 and ML5 illustrating anticipated loss of light: This was based upon the application drawings and measurements combined with observations and photo ML1 to locate the likely position of the apex line and transfer it to ML4. The roof apex is the highest part of a building viewed from a distance. Therefore solid building beneath apex will block light. Loss of direct sunlight: The kitchen window faces a direction between north and northwest. The outlook across the site is a direction between west and northwest. In summer there is direct sunlight on that window mid evening for a couple of hours and this would be blocked by the extension. Had it been known this application would be made, supporting photos could have been taken. However this is not necessary, because it is possible to establish the direction and elevation of the Sun on a given day / time, which would prove my assertion to be true, and the statement that there would be no loss of direct sunlight to be false.

Report states proposed extension would be largely within the shadow of the existing house. A rather meaningless statement. By which method of illumination is this based?

Report goes on about concerns the extension being closer to the shared passageway increasing likelihood of crime. But how close will building extend? Report states, with another platitudinous dismissal, householders have the option to erect 2m high boundaries. It is unreasonable for affected residents to bear the onus and cost. In any case this is outmoded reasoning by planning officials,

Publications suggest that modern town planning and police thinking is openness and visibility are the keys to reducing crime, not properties obscured from view, oppressive narrow passages and high fences. Report states there would be no harm to amenity of residents of Olive Street however they have use of said passage so are affected.

Report states it is an area where extensions are considered acceptable and there are similar developments in this type of location. While extensions on larger plots may be commonplace,I know of no such similar developments in the area (I had a tour round before objecting).

Loss of light and crime prevention are material planning considerations.

While objections are valid and stand, the report recommends granting permission. Local authorities can apply special conditions. Therefore I respectfully request the following special conditions be applied if permission granted:

A. If the extension will be built right up to the passageway wall (as I believe it will need to to give the room area desired) a lockable metal 2m gate with anti climb features be fitted between the extension and 1 Olive Street. Only affected neighbours would have access and all would need to agree. Cost to be borne by developer.

B. The render on the extension and existing wall be painted white or a bright off white paint. The reflected light would compensate to a certain extent loss of light and direct sunlight to my kitchen and garden.

C. The developer erect temporary screening to reduce dust on my garden plants.

Gary A Milner – No address provided

Thankyou for the notification received earlier today. I don't know if anyone has pointed it out, but the proposed doorway onto Olive Street is partially covered by a cabinet for telecommunications for the area. I am assuming that the builders will have to organise the relocation of this cabinet.

Mrs Jeta Tayler - 13 Olive Street, Lincoln, LN1 3HT

Dear Sir/Madam

45B Mildmay Street, Lincoln, Lincolnshire LN1 3HR

Application Reference - 2022/0797/HOU

Thank you for your email and attached letter regarding this proposed planning application.

I was extremely surprised to read that your recommendation to the Committee is that the application be Granted Conditionally.

I had hoped to be at the meeting on Wednesday 30 November, but due to my full time work commitment the meeting start time is not easily met.

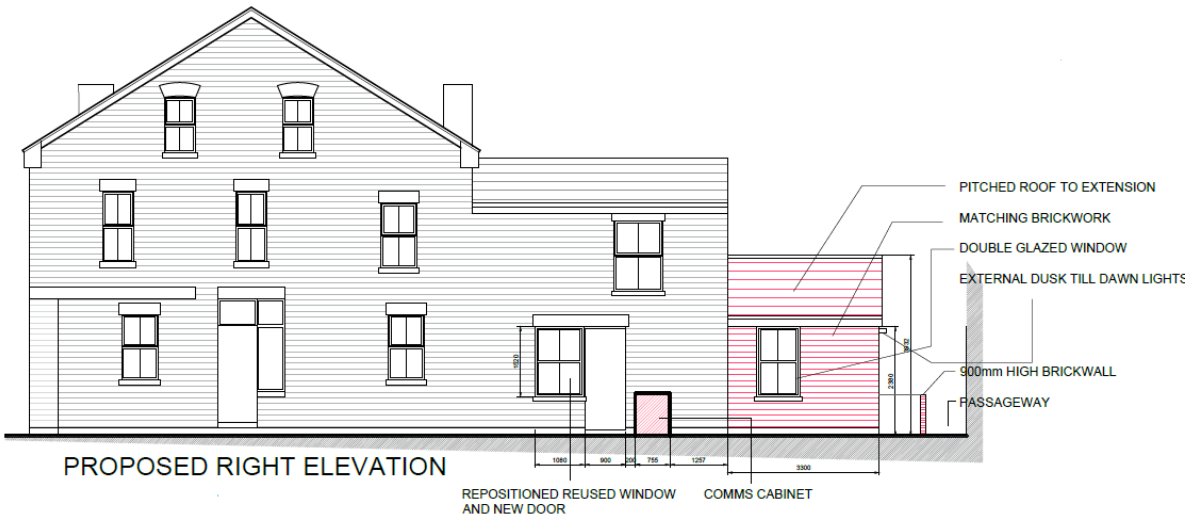
After submitting my objection on line, I have re looked at the site and cannot dismiss that:

- It could cause a serious fire risk to the properties in the vicinity especially No 43 Mildmay Street and 1 Olive Street.
- There is a very narrow passage-way between 1 Olive Street and the end properties on Mildmay Street.
- Access to the rear of these properties is already seriously limited.
- Building an extension to 45B Mildmay Street will in my mind make access worse than it already is.
- The person who has recommended the application be Granted Conditionally should take a further look at the site and reconsider this aspect.

As I am not able to be at the meeting I would like this added to my objection and considered at the meeting please.

<u>Revised Right Elevation</u>

In response to concerns regarding the telecommunications cabinet the applicant has submitted a revised proposed elevation which reflects the position of the cabinet which is 755mm wide by 924mm high.



The applicant has advised that *'the existing window is being reused,' 'The new lintel above the door and window will be sourced locally from the Metheringham stone quarry'.*

<u>Additional Planning Condition</u>

Officers recommend that should Committee be minded to approve the application, a further planning condition is added to the permission which requires the applicant to carry out the re-rendering works to the rear elevation of the existing property (as shown on the proposed plans) prior to the occupation of the proposed extension.