

Application Number:	2023/0469/FUL
Site Address:	Land Comprising Judges Lodgings, Castle Hill and 2 Bailgate, Lincoln
Target Date:	30th June 2024
Agent Name:	Knights
Applicant Name:	TSP Development (Lincoln) Ltd
Proposal:	Demolition of rear extension and erection of three storey rear extension to provide apart-hotel style bedrooms (Use Class C1) on the upper floors with undercroft car parking at ground floor to be used in association with the Judges Lodgings; internal and external works to Judges Lodgings and provision of café and restaurant space (Use Class E) with associated kitchen and toilet facilities on ground floor; conversion of and external alterations to existing outbuilding within curtilage of the Judges Lodgings to provide retail/cafe kiosk (Use Class E); erection of 1 ½ and 2 ½ storey building with retail/commercial floorspace (Use Class E) and undercroft car parking at ground floor, long-stay serviced accommodation at first and second floor; erection of timber glazed shopfronts to create retail kiosks (Use Class E) under arch and towards east of site; reinstatement of shopfront to no. 2 Bailgate including reconfiguration of entrance door to 2A Bailgate; erection of buildings/structures to provide plant and infrastructure including new substation; and hard and soft landscaping works to include publicly accessible open space and external seating areas. (Revised description and revised plans received).

Background - Site Location and Description

The application relates to the Judges Lodgings as well as adjacent land to the north, east and west and also 2 Bailgate. The application proposes to demolish an existing extension to the rear of the Judges Lodgings and replace it with a three storey extension to provide apart-hotel style bedrooms on the upper floors with undercroft car parking and services at ground floor. Internal and external works to Judges Lodgings are also proposed to facilitate the conversion and to provide a café and restaurant space on the ground floor. An outbuilding to the west of the Judges Lodgings will be altered to provide a retail/cafe kiosk. To the north of the site, it is proposed to erect a 1 ½ and 2 ½ storey building with retail/commercial floorspace and undercroft parking on the ground floor with long-stay serviced accommodation to the upper floors. This is referred to as Block C within the report. The application also proposes the erection of timber glazed shopfronts to create retail kiosks under the arch from Bailgate and to the west. These works will also include the reinstatement of the shopfront to 2 Bailgate and the reconfiguration of the entrance door to 2A Bailgate. Associated works include the erection of buildings/structures to provide plant and infrastructure and hard and soft landscaping works to create a publicly accessible open space with external seating areas.

The Design and Access Statement (D&A Statement) advises that the aspiration is to redevelop the area to create a vibrant mixed use development incorporating food and beverage establishments, boutique retail and apart-hotel style accommodation to complement the accommodation currently available at the White Hart Hotel, which is also within the applicant's ownership. The development proposes to enhance the public realm and reinstate public routes through the site to St Pauls Lane and create new public routes

from St Pauls Lane to Bailgate, and St Pauls Lane and Castle Hill.

The Judges Lodgings, a grade II* building, sits to the north of Castle Hill and to the east of Lincoln Castle, a Scheduled Monument and grade I listed. The land to the north, east and west of the building is also the subject of this application. The land to the north and to the east was formerly used as a car park, with various roof structures enclosing the land, which was accessed via an arch within 2 Bailgate, a grade II listed building. The roof and associated supporting structures have recently been removed and works are still ongoing in relation to this.

To the north of the site is a private car park and properties on Bedford Court, accessed from St Pauls Lane. The north boundary also abuts an extension to the rear of 6-7 Bailgate. To the east of the site is 3, 4 and 5 Bailgate, with no. 3 also having a flat on the upper floor. 2a Bailgate is a flat which sits above 2 Bailgate and is accessed from a door adjacent to the arch on Bailgate, which is proposed to be reconfigured. To the east and south of the site is 6 and 7 Castle Hill and 8-9 Castle Hill, the Tourist Information Office. A number of these properties and those in the immediate area are either grade II* or II listed. The site is also within the Cathedral and City Centre Conservation Area.

In addition to this full application, which deals with proposals across the whole site, two accompanying applications for listed building consent have also been submitted. One of the applications relates to the extension to the Judges Lodgings, internal alterations and the external proposals adjacent, including the kiosk (2023/0463/LBC). The other application deals with the retail arcade and associated works to 2 Bailgate (2023/0465/LBC). The listed building consent applications will consider the proposals in relation to the impact on the buildings as designated heritage assets, whereas this full application will consider the proposals in relation to, amongst other issues, the acceptability of the proposed uses, impact on visual amenity, residential amenity and highways.

Some objections and comments have been received in respect of the listed building consent applications, although the number does not meet the threshold for the applications to be referred to committee. The two listed building consent applications will therefore be considered and determined under delegated powers; however, no decision will be made until the committee has determined this current application. Many of the objections raised within the responses to the listed building consent applications cannot be considered as part of that type of application i.e. they relate to matters other than the impact on the heritage asset. These responses are therefore included within this report and the relevant material planning considerations raised will be taken into account as part of the consideration of this application. A request for additional information from the Lincolnshire County Council (LCC) was also made against the listed building consent application, which will also be dealt with as part of this full report.

This application and the accompanying listed building consent applications have been revised during the process. The revisions generally relate to minor design changes that have come about following discussions and meetings between officers, the City Council's Principal Conservation Officer, Historic England (HE) and the applicant team. Internal and external alterations to the flat of 2A Bailgate have been removed from the applications. While officers raised no objection to the internal works originally proposed at this property, which were the subject of application 2023/0465/LBC, issue was raised regarding the proposals to create an external roof terrace and the alteration of the first floor window to a door to provide access. It was considered that the loss of the historic sash window and the introduction of a large area of flat roof would have caused harm to the listed building. In addition, it was also

considered that that the introduction of an unsympathetic roof form and material would have a harmful effect on the character and appearance of the conservation area and the setting of the adjacent listed buildings. Therefore, other than alterations to the door within the shopfront to Bailgate which provides access to this property, no works to 2A Bailgate are proposed as part of this or the corresponding listed building consent applications.

Re-consultation with statutory consultees, objectors, and neighbours as necessary has been undertaken. All comments received to the original and revised proposals are included in full within the application and will be considered within the relevant sections of the report.

Site History

Reference:	Description	Status	Decision Date:
2009/0797/F	Erection of three storey buildings to St Pauls Lane and rear of 2 Bailgate for hotel accommodation, provision of car parking taking access from St Pauls Lane; installation of a new shopfront to No.2 Bailgate. (RESUBMISSION)	Granted Conditionally	5 th November 2010
2022/0906/FUL	Demolition of single storey former garage and removal of existing roof cladding, structural steel frame and masonry walls and installation of buttresses. (Partly retrospective).	Granted Conditionally	8 th February 2023
2023/0463/LBC	Demolition of rear extension and erection of three storey rear extension; internal and external works to Judges Lodgings to provide café/restaurant space with associated kitchen and toilet facilities on ground floor including 2no. internal openings at ground floor and glazing to be replaced on existing ground floor bay window (western elevation) to allow for installation of double doors; blocking up of internal openings at first floor; first floor window to be removed and replaced with sliding sash window (western elevation); repairs and restoration of the internal and external fabric to include plaster repairs (wall and ceilings), window repairs, stonework repairs to stone cills and cornices; replacement of perished stone window cills and cornices; brickwork repairs including repointing in lime-based mortar; repair and repointing of metal	Pending Consideration	

	balustrades; roof repair to include replacement of missing or dislodged slate and replacement of defective lead flashing; repair of rainwater goods; external and internal alterations to single storey outbuilding to facilitate use as retail/cafe kiosk; erection of two/three storey building and building/structures to provide plant and infrastructure in curtilage. (Listed Building Consent). (REVISED PLANS RECEIVED).		
2023/0465/LB C	Erection of timber glazed shopfronts in the form of retail kiosks incorporating low timber stallrisers and profiled mullions with signage panels over; reinstatement of shopfront to no. 2 Bailgate including relocation of entrance door to no. 2A Bailgate. (Listed Building Consent). (REVISED DESCRIPTION AND REVISED PLANS RECEIVED).	Pending Consideration	

Case Officer Site Visit

Undertaken on 15th September 2023 and 25th February 2024.

Policies Referred to

- Policy S1 The Spatial Strategy and Settlement Hierarchy
- Policy S6 Design Principles for Efficient Buildings
- Policy S8 Reducing Energy Consumption – Non-Residential Development
- Policy S13 Reducing Energy Consumption in Existing Buildings
- Policy NS18 Electric Vehicle Charging
- Policy S21 Flood Risk and Water Resources
- Policy S35 Network and Hierarchy of Centres
- Policy S36 Lincoln's City Centre and Primary Shopping Area
- Policy S42 Sustainable Urban Tourism
- Policy S53 Design and Amenity
- Policy S56 Development on Land Affected by Contamination
- Policy S57 The Historic Environment
- Policy S60 Protecting Biodiversity and Geodiversity
- Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66 Trees, Woodland and Hedgerows
- National Planning Policy Framework

Issues

- Policy context and principle of uses

- Visual amenity, character and appearance of the conservation area and the setting of listed buildings
- Residential amenity
- Access, parking and highways
- Energy efficiency
- Landscaping, trees, biodiversity and Biodiversity Net Gain
- Archaeology
- Flood risk and drainage
- Contaminated land
- Design and crime

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Anglian Water	Comments Received
Environment Agency	Comments Received
Highways & Planning	Comments Received
City Archaeologist	Comments Received
Lincolnshire Police	Comments Received
Historic England	Comments Received

Additional consultation responses submitted in respect of application reference 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application.

Consultee	Comment
The Twentieth Century Society	Comments Received
The Georgian Group	Comments Received

Public Consultation Responses

Name	Address
Mr Paul Watson	Castle Hill Club 4 Castle Hill
Victoria Small	5 Gordon Road Lincoln Lincolnshire LN1 3AJ
Dr Shirley Brook	St Mary Magdalene Church Bailgate Lincoln LN1 3AR
Mrs Caroline Eversfield	6 Gordon Road Lincoln Lincolnshire LN1 3AJ
Mr Stuart Welch	16 Drury Lane Lincoln Lincolnshire LN1 3BN
Barry Hepton & Others	Grayz Tearooms No. 5 Ladieswear Boutique Bailgate Deli Object and Line Bailgate Hair and Beauty
Dr Samantha Stein	Exchequergate Lodge Lincoln LN2 1PZ

Additional public consultation responses submitted in respect of application reference 2023/0463/LBC (Judges Lodgings and adjacent land) and 2024/0465/LBC (2 Bailgate) relevant to the consideration of this application.

Name	Address
Mr Richard Standley	3 Bailgate Lincoln LN1 3AE
Mr Joseph Callaghan	2 Bailgate Lincoln LN1 3AE
Mrs Sarah Callaghan	2 Bailgate Lincoln LN1 3AE

Consideration

Policy Context and Principle of Uses

Within the extended Judges Lodgings building will be a café and restaurant with apart-hotel style bedrooms on the upper floors. The outbuilding will provide a retail/cafe kiosk with the new Block C to the north of the site providing a retail/commercial unit on the ground floor with long-stay serviced accommodation at first and second floor. Finally, an arcade of retail kiosks will be created under the arch, extending to the west of the site. The retail, commercial and food offer uses all fall within Use Class E (Commercial, Business and Services), with the accommodation falling within Use Class C1 (Hotels). The occupant of Exchequergate Lodge does not consider that the range of entertainment uses within the site are appropriate to the local character.

Central Lincolnshire Local Plan (CLLP) Policy S1 advises that the Lincoln urban area, defined as the current built up area of Lincoln, which includes the City of Lincoln, will be the principal focus for development in Central Lincolnshire, including housing, retail, leisure, cultural, office and other employment development. CLLP Policy S35 identifies Lincoln City Centre as Tier 1 within the Network and Hierarchy of Centres across the Central Lincolnshire policy area, which should be the focus for retail and other town centre uses. These overarching policies would support the principle of the proposed uses.

The site is located within the City Centre Area as identified on the CLLP Proposals Map. CLLP.

Policy S36 advises that, within the city centre, a range of uses will be supported in principle, including shops and restaurants (Use Class E) as well as hotels (Use Class C1). This support is subject to a number of requirements, those relevant to this application include:

- q) the development not detracting from the vitality and viability of the City Centre as defined on the Policies Map;
- r) the development complementing the City Centre character and the character of the vicinity of the proposal;
- s) the development not harming the local environment or 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;
- t) the development not resulting in levels of traffic;

- u) the development being acceptable in terms of the uses proposed and any risk of flooding on the site; and
- v) dwelling houses or other homes not being lost to non-residential uses unless: i. The level of amenity available in any particular instance is already so poor that continued residential use is not desirable and there is no realistic prospect of the problem(s) being remedied; or ii. The overall development will maintain or produce a net numerical gain in the number of dwellings on the site.

It is not considered that the proposal would detract from the vitality and viability of the city centre and would indeed complement the mix of uses and character of the area. The impact of the proposed use on nearby properties, levels of traffic and flood risk will be considered later within the report. There will be no loss of homes as a result of the proposal. Officers are therefore satisfied that the principle of the proposed uses in this location is wholly acceptable.

CLLP Policy S42 advises that within the urban area of Lincoln, development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and visitor accommodation will be supported. The policy goes on to state that within Lincoln the focus of tourism developments should be on the Cathedral and Cultural Quarters and the High Street and Brayford Waterfront areas, in order to complement and support existing attractions. The site's location is therefore appropriate for the provision of the proposed apart-hotel and long-stay serviced apartment accommodation. Officers also consider that the proposed development would contribute to the local economy, benefit visitors and the local community and would be appropriate for the character of the local environment in scale and nature, further requirements of Policy S42.

Officers therefore have no objection in principle to the proposed uses at the site in accordance with CLLP Policies S1, S35, S36 and S42.

Visual Amenity, Character and Appearance of the Conservation Area and the Setting of Listed Buildings

- Judges Lodgings Extension

The new three storey extension to the Judges Lodgings occupies a similar footprint to the existing two storey 1950s extension, which is to be demolished. The D&A Statement advises that "it is important that there is a clear visual hierarchy between the existing Listed building and any new extension, however it is also important that the extension which is inevitably a large building is distinctive and has sufficient presence when viewed from the north approaching the site from St Paul's Lane". The height of the extension sits slightly lower than the existing two storey Judges Lodgings, however, the substantial floor to ceiling heights within the Judges Lodgings allow the extension to accommodate three floors. The D&A Statement advises that "the overall width of the new extension is greater than the width of the existing Judges Lodgings building to achieve the accommodation requirements, however by creating a lower linking section, treated as a flat roofed valley and glazed entirely from ground to roof level, the impression is that the mass of the new extension is reduced to reflect that of the host building".

The existing Judges Lodgings is constructed in Lincolnshire yellow Langworth facing brick, although these are no longer available, so a yellow brick with similar characteristics has been chosen. The extension will have a shallow slate roof, to match the existing building. The new extension is a contemporary addition and will use minimal framed windows.

The occupant of Exchequergate Lodge considers that the development would obscure adjacent buildings and structures from view. The extension should relate more to the history of the building and the 'boxes' that protrude from the rear do not fit with the character of the surrounding area. The Georgian Group has raised concerns about elements of the proposed design of the replacement building at the Judges Lodgings and its potential impact on Hayward's original building. They consider that the design should be less assertive to safeguard the setting of building. Concern is also raised regarding lighting within the large oriel windows and also the stairwell. The occupant of the Castle Hill Club has also raised concerns regarding the impact of the proposals on the historic setting.

In their consultation response HE highlighted the significance of the grade II* listed Judges Lodgings and that it is within the setting of a number of highly graded listed buildings including Lincoln Castle. They noted that the Judges Lodgings lies within an area of the historic environment which is of extremely high importance nationally and is accordingly very sensitive to change. The immediate area between the castle and cathedral has seen remarkably little modern intervention. Given the sensitivity of the site and its location, they requested a site visit to enable them to fully understand the impact of the proposals.

Following the undertaking of the visit, which also viewed the site from the castle walls, HE has submitted their response. HE welcomes the initiative to find a new use for the listed building and they have no objection to the demolition of the existing rear block. They also support the setting back of the west elevation of the glazed link to reduce its prominence, although, advised that the position of the west elevation should be considered as should the addition of fenestration here. Overall, they raised no objection to the application on heritage grounds and suggested that the advice of the conservation officer be sought.

The Conservation Officer has advised that, whilst the 1950s element of the Judges Lodgings is a product of its time it has little architectural sympathy with the main building. When viewed from the castle walls the elevation is evidently overly horizontal and squat in comparison with the vertical emphasis of the 1810 range, this is exacerbated by the lower height and flat roof. The rear elevation is somewhat utilitarian and it is not considered that it enhances the architectural significance of the designated heritage asset and its loss would not cause harm.

There were extension pre-application discussions regarding the extension, where it was advised that the traditional vertical emphasis of the parent building and hipped roof should be respected but with a contemporary approach to the fenestration. The Conservation Officers notes that the new north elevation has been treated as a key but subsidiary façade, unlike the existing building, and as such will offer a better quality built context in views towards the site. High quality materials and finishes are essential to deliver the aspirations of the proposal. With regard to the west elevation, comments from HE are noted regarding the addition of glazing. However, it is considered that the high quality brickwork is in itself appealing visually and accordingly the simple approach to the treatment of this elevation is supported by officers. HE and the Georgian Group have both made comments about the footprint of the extension, however, reducing this is not achievable given the room layouts. Officers have no objection to this or to the overall form and mass of the extension.

The extension will include undercroft parking, which can be very challenging to deliver to ensure this does not become overly functional in appearance and not complementary to the architecture above. Then Conservation Officer notes that this issue has been overcome by providing visual interest using a 'plinth' approach achieved by the brick bond. Rustication, whereby two out of three bricks are recessed, lends the ground floor a robust appearance,

supporting the upper floors and is reminiscent of a classic architectural piano noble arrangement.

The Conservation Officer has requested a number of conditions to require samples of bricks, stone, mortar, and slates and also details including joinery details for windows, rainwater goods and cills/lintels. In addition, there are a number of conditions which relate to the internal works, which are to be considered as part of the corresponding listed building consent application (2023/0463/LBC). To avoid conditions being unnecessarily duplicated across both applications all the aforementioned conditions will therefore be applied to the listed building consent only.

Officers are therefore satisfied that the scale, form and design of the extension is acceptable and would complement the original architectural style of the building. It would respect the wider context and views towards the building will not be unduly impacted.

- 2 Bailgate and Retail Arcade

The D&A Statement advises that four of the ten proposed retail kiosks are located within the existing undercroft of 2 Bailgate. Two of these kiosks will have shopfronts which also face onto Bailgate, within the area formally used to access the White Hart Garages. These two kiosks provide a formal shopfront to Bailgate, which will repair the damage to the street frontage caused by the 1935 alterations when the garage buildings were constructed. An existing angled entrance door here to 2a Bailgate will also be reconfigured to form part of the shopfront. Curved glass will be incorporated to emphasise the entrance into the arcade. The remaining six kiosks are constructed within the external courtyard area to the west of 2 Bailgate and consist of a range of single storey flat roofed units formed around an external "street" which extends the internal arcade below 2 Bailgate. The two western-most kiosks form the entrance into the retail area and will feature curved glass to emphasise the entrance to the arcade.

The Twentieth Century Society objects to the proposal to demolish the interwar garage entrance, which has important historical significance. They consider that the proposed shopfront is inappropriate. The loss of this historic record of activity will cause harm to the listed building and to the conservation area and should be resisted.

The Conservation Officer has advised that, dating from the mid-18th century, 2 Bailgate is listed grade II and is three storeys in a classical style of brick with stone dressings. An earlier shopfront was removed in 1935 and it then became a garage with maisonette. Part of the alteration included the door to the maisonette being set at an angle within the reveal of the large new opening. As the 20th century society rightly point out in their consultation comments, this is a notable part of the history of the building and the social economic history of this period of the development of not just the hotel trade but also Lincoln and nationally with the rise of the motorcar replacing previously stabling requirement. However, as a relatively modern modification it is not considered to be a key element of the significance of the designated asset which is primary architectural and historic relating to the architectural design of the 18th century house with a shop at ground floor from at least 1833.

Officers and the Conservation Officer therefore have no objection to the loss of the garage entrance and welcome its replacement with an appropriately designed shopfront. Returning the ground floor to commercial echoes the historic use of this area and of the building.

With regard to the retail arcade, the Conservation Officer considers that the Georgian inspired shopfront features are commensurate with the parent property which have strongly

influenced the arcade design. The design successfully features a fascia that extend the full width of the shop with pilasters and capitals below and introduces two curved windows on the main façade, which will create a very pleasing and distinctive façade at ground floor. It is considered that by returning the ground floor to its earlier use as a commercial space and closing up the incongruous gap in the townscape, the overall significance of this listed building will be better revealed.

For this element of the proposal to be successfully executed materials and detailing with be key. The Conservation Officer has accordingly requested conditions to this effect, but again, these will be included on the corresponding listed building consent (2023/0465/LBC) to avoid unnecessary duplication.

- **Block C**

The D& A Statement advises that this block is "intended to "knit" into an area characterised by small ancillary buildings with an assortment of pitched roofs in assorted materials but predominantly red brick walling and clay or slate tiled roofs. The proposals form is a low two-storey range with undercroft parking at ground floor level in the fashion of traditional coaching stables with long-stay hotel accommodation extending at first floor above. The north-western corner of Block C is extended to two and half storeys to emphasis the corner aspect and align the roof with gables facing north and south to reflect those existing buildings fronting St Paul's Lane". A bin store with a decorative gate will sit adjacent.

The Conservation Officer considers that the design choice is relatively modern in terms of fenestration but within a traditional form, echoing the design language of the main extension to the Judges Lodgings. It will be constructed with red brick and clay pantiles. Block C is a modest building which in urban design terms make a positive contribution to the newly created courtyard. The officer notes that, given the previous covered carpark in this location and the current poor hard landscaped open space, this carefully considered new development delivers considerable improvement to the setting and therefore significance of the Judges Lodging and 2 Bailgate by improving the townscape.

Material samples and further details will be required by condition, however, as this building is not the subject of either of the corresponding listed building consent applications, these will be applied to any grant of this consent.

- **Kiosk and Ancillary Plant Structures**

The outbuilding adjacent to the Judges Lodgings will form a kiosk, which will involve the addition of a hipped roof to an existing flat roof section and the installation of new doors and windows. Replacement windows within the main structure will be traditional multi-pane with the doors and windows within the modern flat roof section being contemporary in design. The Conservation Officer welcomes the conversion as it will ensure its long-term survival of this modest but important structure. Conditions requesting materials and detailing will be applied to the corresponding listed building consent application (2023/0463/LBC). HE has no objection to this element of the proposal.

Officers have no objection to the plant structures, which will, for the most part be obscured from view being a wall. Two will be brick with green roofs and the other will have acoustic louvres with a series of small pitched green roofs.

Officers are therefore satisfied that the individual elements of the proposal, although varied, have been well considered and would reflect the site and wider context, in accordance with the requirements of CLLP Policy S53. Officers are accordingly also satisfied that the

proposals do not involve activities or alterations prejudicial to the special architectural or historic interest of the grade II and grade II* listed buildings or their setting. The proposals would also preserve the setting of adjacent listed buildings, including Lincoln Castle, a Scheduled Monument and grade I listed. The proposals will also enhance the character and appearance of the conservation area. The application would be in accordance with CLLP Policy S57 in these respects.

The proposals would also meet the requirements of the National Planning Policy Framework (NPPF), including paragraph 135 which requires that development should add to the overall quality of the area, be visually attractive and sympathetic to local character and history. The Conservation Officer is also satisfied that the proposals are 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) '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'.

Residential Amenity

The extension to the Judges Lodging will have a slightly larger footprint and increase the existing two storey height to three storey. Despite this, officers do not consider that this would significantly alter the relationship with neighbouring properties; the structure would not appear unduly overbearing and the increased degree of loss of sunlight would not be significantly harmful. Within the rear elevation of the extension, above the ground floor undercroft, there are windows, oriel windows and full height doors serving the first floor balcony. Given the separation and the position of Block C opposite, it is not considered that overlooking towards the north to properties on Bedford Court or 6-7 Bailgate would be unduly harmful. Given the oblique angle it is also not considered that the windows and doors would provide the opportunity to overlook towards properties on Bailgate that have a closer relationship to the east of the extension, namely 2a, 3, 4 and 5 Bailgate.

However, officers did raise concerns with the agent as it was considered that the first floor balcony could provide such an opportunity to overlook towards these properties. Overlooking from the balcony has also been raised as a concern by the occupant of 3a Bailgate. It is considered that overlooking from here could be addressed by a screen on the side, east end of the balcony. This matter will accordingly be conditioned on any grant of consent to ensure that the screen is sufficient in terms on protecting amenity, but that it is also an appropriate design so as not to compromise the appearance of the extension.

With regard to Block C, the 2 ½ storey element of this building will sit adjacent to the existing building on the corner of Bedford Street. The building to the east then drops down to 1 1/2 storey and it is at this point that it would sit adjacent to the neighbours' rear yard and partly abut the extension to the rear of 6-7 Bailgate. Given the 1 1/2 storey height, that the roof pitches away from the boundary and that there has previously been a substantial wall on this boundary, officers do not consider that the proposed structure would appear unduly overbearing or result in an unacceptable degree of loss of light. There are no windows within the facing elevation so there would be no issues of overlooking. Officers are satisfied that the 1 ½ storey element of Block C would also have an acceptable relationship with the rear of the properties to the east on Bailgate, and also the properties on Castle Hill to the south.

There would be no impact on neighbouring properties, in terms of overbearing, loss of light or overlooking, from the converted retail/café kiosk, the retail kiosks beneath and adjacent to 2 Bailgate or the ancillary plant structures.

Wider concerns regarding noise have been raised by some of the objectors. Castle Hill Club, 4 Castle Square has raised concerns regarding the impact from noise on the occupants of the flat at 4 Castle Square, which is opposite the application site. The owner of 3, 3a and 4 Bailgate and the occupant of Exchequergate Lodge have also raised general concern regarding the opening hours and the potential for noise for local residents. The matter of noise has been considered by the City Council's Pollution Control (PC) Officer. In his response he has not raised any objection in relation to noise associated with the general use of the buildings and wider site. There are existing commercial and night time uses in the vicinity and officers are satisfied that the nature of the proposed uses would therefore not be out of place here. However, the PC Officer has noted that the proposed development includes a significant amount of external plant, such as Air Source Heat Pumps (ASHPs), which could have an impact on off-site receptors. He considers that existing noise levels could also potentially have an impact on future users of the development.

The application includes a Noise Impact Assessment Report (Noise Report). This report has also been updated during the process of the application to take account of revisions to the scheme and the comments by the PC Officer. The officer advises that the Noise Report recommends a number of mitigation measures to ensure that new noise created as part of the development does not adversely affect nearby residents and to ensure that future occupants of the development are not unreasonably disturbed by the existing noise climate. The officer raises no objection to the report and recommends that a condition should be applied to any grant of consent to ensure that the mitigation measures are incorporated into the development.

The PC Officer has also noted that the development will include a commercial kitchen. He considers that extract systems associated with commercial kitchens can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore, a condition should be applied to any grant of consent to require a scheme for extraction, to control noise and odour. The condition will also stipulate that the sounds levels should not exceed the target levels detailed within the Noise Report.

The PC Officer has also recommended conditions to control the permitted hours for construction, deliveries associated with the construction and waste collections, to limit the impact on the amenities of neighbouring occupants during noise sensitive hours. Given that the proposals represent a significant development with the construction of an extension and new buildings with the potential to impact on a number of residential properties, officers consider that an hours of construction condition would be appropriate to apply in this case.

The proposed conditions from the PC Officer will be duly applied to any grant of consent.

Officers have therefore carefully considered the relationship of the proposals with neighbouring properties, taking account of the objections received. Officers are satisfied that the development would not result in undue harm to neighbour's amenity through overlooking, overshadowing, loss of light or noise and disturbance, in accordance with the requirements of Policies S36 and S53. Officers are also satisfied that the level of amenity for visitors staying within the hotel and serviced accommodation will be acceptable, in accordance with Policy S53.

Access, Parking and Highways

CLLP Policy S36 requires that developments should not result in levels of traffic or on-street parking which would cause either road safety or amenity problems. Policy S53 advises that developments should maximise pedestrian and cycle permeability and avoid barriers to movement through careful consideration of street layouts and access routes.

The D&A Statement advises that the historical vehicular access to the former garage site is via the open frontage to No. 2 Bailgate. There is another existing vehicular access point from St Pauls Lane. Prior to demolition of the garage buildings access was restricted from St Pauls Lane by a set of timber doors which had remained closed for some period of time. These were removed as part of the demolition of the garages and has enabled this previous vehicular access to be re-opened. There is no vehicular access to the Judges Lodgings other than to the front of the building on Castle Hill. Pedestrians can currently access the garages site through the open frontage to No. 2 Bailgate but this is limited only to access and egress the private car parking areas for the White Hart Hotel. There is currently no permitted pedestrian permeability through the former garages site. The application proposes to reinstate public routes through the site to St Pauls Lane and create new public routes from St Pauls Lane to Bailgate and St Pauls Lane and Castle Hill.

The D&A Statement advises that the garages site currently provides the car parking facility for the White Hart Hotel, there are approximately 30-35 unmarked parking spaces available on the site. There is no car parking associated with the Judges Lodgings building. Areas around the site on Castle Hill, Bailgate and St Pauls Lane operate parking restrictions on the adopted highway. The proposals will see a reduction in the numbers of car parking spaces available to the White Hart Hotel.

The application includes a Transport Statement which advises:

The overall development could be expected to generate 305 two-way vehicle movements during the day. However, it is important to consider the generations of the previous use of the site in comparison. In terms of the previous use of the Judges Lodgings building, as a function and wedding venue it also had nine bedrooms associated with it plus caretakers accommodation, although most recently, these may not have been used for the purpose. The proposed development is predicted to generate a similar level of trips from the 10 aparthotel bedrooms and one two-bed aparthotel suite, compared to the previous Judges Lodgings building use. Despite the Judges Lodgings building being unused it has the potential to be refurbished or renovated to provide a similar number of bedrooms which could generate a similar level of trips to the proposals. The vehicular movements associated with the Restaurant and Retail 'Kiosk' may be considered linked journeys with vehicular movements which already exist on the highway network for visitors to Lincoln, and therefore they are not considered as totally new trips on the network. In conclusion, when considering the development in the context of the National Planning Policy Framework, the residual cumulative impacts of the development is not considered severe and therefore should not be prevented on transport grounds.

The respective occupants of 5 and 6 Gordon Road, off St Pauls Lane, have raised concern regarding highway safety and two letters of objection have also been received on behalf of businesses on Gordon Road; Bailgate Hair and Beauty, Grayz Tearooms, No. 5 Ladieswear Boutique, Bailgate Deli, Object & Line. They consider that St Pauls Lane is ill designed for

its present use; it is cobbled, narrow, one way and has no turning head. The proposal to give access down St Pauls Lane will cause major issues. There is a regular flow of traffic, and drivers also use Gordon Road as a cut through, which is dangerous. The planning application will result in more cars and encourage more pedestrians through the new route, increasing the risk and danger. There is also concern regarding the movement of construction vehicles and the safety of pedestrians at this time.

The application along with the concerns raised by local residents has been considered by the LCC in their capacity as Local Highway Authority. In their response they advise that:

Vehicular access to the White Hart garages is presently served via Bailgate, and these proposals will seek to stop up that use and instead turn this link from Bailgate into a pedestrian arcade, which is welcomed. Vehicular access to the site will instead be served via St Pauls Lane. St Pauls Lane already provides access to a public car park, businesses, properties and garages. Due to the nature of the street, vehicle speeds are very low and motorists drive with caution. The proposals will introduce more pedestrian footfall along St Pauls Lane to the south (Bedford Court) in addition to the existing movements along the northern end of St Pauls Lane and Gordon Road, which will reinforce cautious driving and slow speeds. As Highway Authority, we are satisfied that the minimal increase in vehicle movements along St Pauls Lane associated with this proposal will not have a severe impact upon highway safety, and that the increased pedestrian movements will reinforce pedestrian priority on St Pauls Lane. Beyond the car park entrance, the historic cobbles of St Pauls Lane (Bedford Court) have been overlaid with asphalt. To reinforce the slow vehicle speeds, we request that this section of St Pauls Lane is returned to cobbles to the site boundary.

The applicant was made aware of the LCC's request for highway improvement works, to return a section of the road adjacent to the site to cobbles. In response the applicant's agent noted that, while the cobbles would offer townscape improvements, the works could not be considered necessary. They also did not consider that the requirement would be reasonable from a highway safety perspective, particularly as in the LCC's response it is stated that they are satisfied that there will be a minimal increase in vehicle movements, which will not have a severe impact upon highway safety, and that the increased pedestrian movements will reinforce pedestrian priority on St Pauls Lane.

While officers would welcome the works to improve the approach to the site from a townscape perspective, the applicant has made a valid argument that this requirement would not meet the 'necessary' or 'reasonable' test for conditions as set out in NPPF paragraph 56. Officers accordingly advised the LCC of this position and they have not changed their response of no objection. Officers will therefore not be recommending that this matter be conditioned on any grant of consent.

The other condition requested by the LCC, requiring a Construction Management Plan due to the sensitive nature of the site, will be applied to any grant of consent. This should hopefully allay some of the concerns raised in this respect from the business owners on Gordon Road. A response on behalf of the St. Mary Magdalene Church wanted it noting that any developments in the area should do not lead to the closure of vehicular access to the church. While works beyond the site boundary and within the public highway cannot be controlled as part of this planning application, the requirement for a Construction Management Plan should ensure that the access is not unduly impacted during construction.

On the basis of the professional advice from the LCC, officers are satisfied that the proposals

would meet the requirements of Policy S36. The implementation of the new routes through the site are welcomed, which will maximise pedestrian permeability as required by Policy S53.

Energy Efficiency

CLLP Policy S6 relates to design principles for efficient buildings. It requires that, when formulating development proposals, the following design expectations should be considered and in the following order: orientation of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. The policy also states that Energy Statements, as required by Policy S8 for non-residential buildings, must accompany applications and set out the approach to meeting each of the above principles. Policy S8 is applicable in relation to Block C and the retail arcade. This policy requires that developments should generate at least the same amount of renewable electricity on-site as the electricity they demand over the course of a year.

The application is accompanied by an Energy Statement Report (Energy Statement). In relation to Block C it is advised that a fabric first approach to design with highly efficient building services and renewable energy heat sources has been adopted. The energy consumption of the building has been reduced as far as practically possible. However, in respect of Policy S8 the standard requirements have not been fully met because of the heritage status of the site invoking clause 1 of the exceptional basis clauses. Exceptional basis clause 1 states that, where the requirements cannot be met for technical (e.g. overshadowing), other policy reasons (e.g. heritage) or other technical reason linked to the unique purpose of the building (e.g. a building that is, by the nature of its operation, an abnormally high user of energy), then the Energy Statement must demonstrate both why they cannot be met and the degree to which they are not met. With reference to Block C the Energy Statement advises that, due to the location of the site and its conservation status photovoltaic panels or small-scale wind turbines would have a detrimental impact to the character of the building and its surroundings. These have therefore not been proposed and renewable electricity on-site is not feasible. It also states that, due the purpose of the building as a hotel, it has a high energy use such as hot water & heating demand, therefore it is not achievable to meet the specified targets.

In relation to the retail units, the Energy Statement advises that a fabric first approach to design with efficient lighting has again been adopted and that the energy consumption of the units has been reduced as far as practically possible. It notes that the retail units are simple single room sales kiosks with small footprints. The display glazing in the kiosk makes the percentage of glazing relative to the floor space is high. The space heating design is simple, flexible and practical for the purpose of these units with each unit having direct electric heating. Again, the standard requirements of Policy S8 have not been fully met because of the heritage status of the site, invoking clause 1 of the exceptional basis clauses. The Energy Statement outlines that these have not been met due to the location of the site, where PV would not be supported and therefore renewable electricity on-site is not feasible. It is also explained that the purpose of the units does not allow the requirements to be met- the units are single room sales kiosks with a high degree of glazing which increases heating demand, practical use of electric panel heating & no lighting occupancy/daylight controls.

It has clearly been demonstrated that these proposals have been designed in line with the fabric first approach required by Policy S6. However, the highly sensitive historic location of the site means that the typical approach to design and the inclusion of renewable technologies is not appropriate. When this is combined with the high energy demand of the

uses and, in relation to the retail units, their design, means that the development cannot generate the same renewable electricity on-site as the electricity it demands over the course of a year. While this is regrettable, officers have considered this within the wider planning balance. The development will result in a significant investment into the site- securing a viable use of a deteriorating grade II* building, improving the setting of a scheduled monument, enhancing the character and appearance of the conservation area and also contributing to the tourism offer in the wider area. On balance, officers are of the opinion that the development has satisfied as much of the policy requirements as is reasonably possible, and do not consider it would be reasonable in this case to require anything further which could compromise either the appearance or delivery of this development.

CLLP Policy S13 relates to the change of use, redevelopment or extension to an existing building. This policy would apply to the extension to the Judges Lodgings. The policy states that “the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)”. However, the policy does note that “for any heritage asset, improvements in energy efficiency of that asset should be consistent with the conservation of the asset’s significance (including its setting) and be in accordance with national and local policies for conserving and enhancing the historic environment”. Notwithstanding this, the Energy Statement advises that an Energy Performance Certificate (EPC) analysis has been undertaken. The results show that the energy performance of the building as extended is significantly improved from the proposed enhancements including fabric upgrade and improved building services incorporating a renewable heat source for both space heating and domestic hot water ASHPs, efficient lighting and ventilation systems. Officers welcome this improvement.

Landscaping, Trees, Biodiversity and Biodiversity Net Gain

The application is accompanied by a Landscaping Design and Access Statement, Arboricultural Survey, Ecological Assessment, Biodiversity Offsetting Assessment, Preliminary Bat Survey Report and Bat Roosting Survey Report.

A Landscape Masterplan provides an assessment of the site and locality, as well as identifying a key challenge that the site faces- the connection from Castle Hill to St Pauls Lane and Bailgate to St Pauls Lane is currently obstructed. The masterplan subdivides the site into three landscape character areas. The White Hart Arcade connects Bailgate to the site, known as Judges Court. The use natural stone is intended to guide pedestrian movement towards St Pauls Lanes. Barbican Court, between the Judges Lodgings and the castle is the most public facing space. The east gate barbican feature paving will be retained and the area will incorporate seating, street furniture and paving to reflect the heritage of the site. Tree planting in pots, which will be small species to preserve views to and from the castle, will help to create shade and soften the south facing aspect with wild flowers planted on the castle’s lower embankment. Consideration has also been given to how the adjacent plant area can be treated. Although these will be separated from the seating area by a brick wall, green roofs will be installed on the brick built sub station, electrical cupboard as well as the louvred plant enclosure. Officers welcome this comprehensive approach, which will ensure that the landscaped areas complement the development but also respect the character of the wider context. Officers accordingly consider that the landscaping is appropriate and would ensure that the development would satisfactorily assimilate into the surrounding area, as required by CLLP Policy S53.

The City Council’s Arboricultural Officer has also commented that the landscape proposals for this site appear to be well thought out and would result in the creation of an aesthetically

pleasing open space to accompany the proposed building development. He has noted that the submitted Arboricultural Report identifies the presence of only two trees within the property boundary of the proposed development, these being, T1(*Taxus baccata*) and T2(*Corylus avellana*). Both T1 and T2 are scheduled to be retained on site as part of the proposed development. He considers that they appear to be suitably distanced from the proposed development to require only barrier and ground protection to preclude them from any damage from vehicular impact or possible soil compaction. The officer has requested a condition that any level adjustments required to accommodate permanent hard surfacing within the root protection area (RPA) of T1 should not exceed 25% of any unsurfaced ground present within the RPA. He has also made recommendations in relation to the removal and replacement of the hardstanding within the RPA and that there is no plant or machinery to be stored under tree canopies. These will be conditioned on any grant of consent and the application would therefore comply with the requirements of CLLP Policy S66 in respect of the protection of the existing trees on site.

The Ecological Assessment details how a desk study of was undertaken to identify conservation sites, habitats, and species within the area. A field survey has also been undertaken, which did not identify any protected species. The assessment makes recommendations in respect of protecting nesting birds and European Hedgehogs from the development. A condition requiring that these recommendations are complied with will be applied to any grant of consent. In addition, the report recommends ecological enhancements to the site, such as bird and bat boxes and hedgehog houses. A scheme for the provision of such enhancements will also be required by condition. In addition to the Ecological Assessment a Bat Roosting Survey Report has been submitted which concludes that no bats are currently roosting within the proposed development area, and that no further surveys are required. Officers are therefore satisfied that the development would protect on site biodiversity, in accordance with the requirements of CLLP Policy S60.

In terms of Biodiversity Net Gain (BNG), the requirement for all qualifying sites to deliver 10% BNG became mandatory on major applications submitted after 12th February 2024 and on small sites from 2nd April 2024 through the Environment Act 2021. The application was submitted in advance of these dates and therefore, as an interim, CLLP Policy S61 requires that development proposals should deliver at least a 10% BNG and the net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

The Biodiversity Offsetting Assessment provides the results of a BNG assessment via the completion of a Biodiversity Metric (DEFRA Metric 4.0). The assessment seeks to quantify the anticipated gains/losses in biodiversity through development. It states that the calculation is informed by the landscape proposals and the vegetation survey. On this basis the report calculates that proposals will deliver a 12.73% net gain in habitats, equivalent to 0.07 units, and no change in hedgerow units or rivers and streams units. Officers welcome the gain in excess of the 10% requirement, as required by CLLP Policy S61. The implementation and retention of the landscaping scheme will be required by a condition on any grant of consent.

Archaeology

HE have advised that the plot in which the Judges Lodgings stands is extremely sensitive archaeologically. They have recommended that officers seek the advice of the council's expert archaeological advisor regarding the impact on archaeological remains outside the scheduled area.

The applicant has engaged with the City Council's City Archaeologist at the pre-application stage and, as requested, the application is accompanied by an Archaeological Desk Based Assessment (DBA), the results of an evaluation excavation and borehole survey, and details of the specific proposals for below-ground interventions that will be required to deliver the proposals if permission were to be granted.

The City Archaeologist advises that the DBA details the significance of known and anticipated archaeological remains on the site and the impact of the different parts of the development upon them. Archaeological field evaluation of the site has already been undertaken which has informed the proposed foundation designs. These are provided within the DBA and the City Archaeologist considers that this demonstrates an appropriate level of sensitivity to the archaeological remains likely to be present on the site. He notes that, as requested, the designers have avoided tight clusters of piles. Subsequent to the submission of the DBA he has had further conversations with the developers and their structural engineers, and a further revised foundation design has been submitted which decreases the impact from piling still further. Where before the combined piling for blocks A and C included 65 piles, the revised design has reduced this to 52. Given that the piling contractor is yet to be engaged, the applicant does not want to commit to a final foundation design and methodology at this stage. The City Archaeologist is satisfied that this can be conditioned on any grant of consent.

Within the City Archaeologist's response, the significance and potential impacts of the development on Roman, Medieval and Post Medieval Archaeology have been detailed.

It is advised that, although Roman remains are likely to be found at greater depths than will be impacted by shallow foundation elements, the installation of piled foundations will cause them harm. He has therefore advised that the level of harm to any Roman remains that may be present will be less than substantial. The relevant policy test is that contained within NPPF paragraph 208, which requires the harm to be "weighed against the public benefits of the proposal". Officers consider that the development would better reveal the listed buildings within the site and also improve the setting of adjacent listed buildings. The proposals would secure much needed investment into the fabric of the Judges Lodgings. It is also considered that the development would benefit tourism in the city, including businesses within the immediate area that are within listed buildings, in turn contributing towards their long term use and investment. It is considered by officers that the public benefit of the proposals outweighs the potential less than substantial harm to Roman Archaeology, in accordance with the requirements of NPPF paragraph 208.

The City Archaeologist has noted that remains of the medieval castle ditch were seen in evaluation trenches and have been demonstrated to be present at depths that will be impacted by shallow foundation elements and by the installation of the flood attenuation tank. It is considered that these impacts can be mitigated through excavation and monitoring. It is advised that the ditch constitutes a non-designated heritage asset and the provisions of paragraph 209 of the NPPF therefore apply- the appropriate test for decision taking in regard to these assets is "a balanced judgment ... having regard to the scale of any harm or loss and the significance of the heritage asset." Officers consider that the public benefits outlined above are sufficient to outweigh the level and scale of harm caused by these proposals, in accordance with the requirements of NPPF paragraph 209.

It is advised that The Post Medieval Archaeology remains on the site also constitute non-designated heritage assets, and although their significance is comparatively low, the scale of loss will be total. It is therefore possible to accept their loss as long as an appropriate level

of mitigation is required of the developer. A programme of archaeological excavation to formation level will enable these remains to be recorded, along with any earlier deposits that may lie underneath them. There are a number of cellars associated with the present Judges Lodgings building that may need to be infilled or removed to enable the proposed development to proceed. If consent is to be granted, the City Archaeologist recommends a condition requiring an appropriate level of measured recording of these features.

The conditions suggested by the City Archaeologist will be duly attached to any grant of consent, and officers consider that this will be sufficient to address the requirements of CLLP Policy S57 and Section 16 of the NPPF.

Flood Risk and Drainage

The application is accompanied by a Drainage Impact Assessment (DIA), which has been reviewed by Anglian Water. They have advised that the foul drainage and sewerage network have available capacity for the development. With regard to surface water disposal, they have advised that the preferred method would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. CLLP Policy S21 also requires that development proposals should incorporate SuDS. Anglian Water has confirmed that the DIA and associated drainage layout drawings are acceptable, which propose an agreed surface water rate at a maximum of 2l/s discharging to the public sewerage network. Anglian Water has not requested any conditions although their response includes a number of informatives and advice, which sit outside of the planning process. This response has been sent to the agent for their information.

The LCC as Lead Local Flood Authority has also made comments in relation to surface water drainage. They note that this will be improved as a result of the proposals, which will seek to restrict the discharge rate to 2l/s from the existing 86l/s, into the sewer on Bailgate. Attenuation capacity for a 1 in 100 year storm event, plus a 40% uplift for climate change, will be provided on site in the form of a below ground attenuation tank. Accordingly, they raise no objections to the application in this respect.

The Environment Agency (EA) has provided a response to the application, but has not made any comment in relation to flood risk.

On the basis of the advice from Anglian Water and the LCC, officers are satisfied that the application would meet the requirements of Policies S21 and S36.

Contaminated Land

CLLP Policy S56 advises that development proposals must take into account the potential environmental impacts from any former use of the site. There has been ongoing discussions during the process of the application between the applicant team and the City Council's Scientific Officer-Contaminated Land Officer (Scientific Officer). Additional information and reports have been submitted following these discussions and the application now includes a Preliminary (Geo-Environmental) Risk Assessment, Geo-Environmental Investigation, Remediation Scheme and a Stage 1 Verification Report. The Scientific Officer has noted that the Stage 1 Verification Report details the removal of the underground fuel tanks and subsequent testing. He has advised that these reports meet the relevant requirements and that the standard pre-commencement conditions relating to site characterisation and submission of a remediation scheme can be omitted from any consent granted for the development. He has therefore recommended that he has no objection subject to conditions

to require the implementation of the approved remediation scheme and that any unexpected contamination encountered during groundworks is reported. These will be duly applied to any grant of consent.

The EA has also reviewed the submitted Geo-Environmental Investigation report. Based on the available information, they consider the site to pose a low risk to controlled waters. They have also noted that underground fuel storage tanks (UST) are present at the site. The EA recommends that any redundant tank that is not proposed for future use is appropriately decommissioned, excavated and removed from site. The report recommends that specialist advice is sought to determine the feasibility of removing the USTs, which the EA agree with. They recommend that the USTs be removed as part of the development, appropriate validation sampling should be undertaken in accordance with best practice guidance. They have also recommended a condition in relation to reporting unexpected contamination, which will be applied to any grant of consent, and their comments will be applied as an informative for the applicant.

Based on this specialist advice, officers are satisfied that, with these conditions in place, the application would meet the requirements of Policy S56.

Design and Crime

Lincolnshire Police have considered the application. In their consultation response they have advised that they do not have any objections to the development although have raised a number of general recommendations in relation to the safety and security. They also specifically requested confirmation that the pedestrian and retail arcade will be secured outside of business or opening hours. They note that the ground plan appears to indicate 'New Bi-folding Security Gate'. They note that not securing this area may result in crime and anti-social behaviour. The occupant of Exchequergate Lodge has also raised a similar concern, that after hours of opening there will be a dark narrow corridor that will attract anti-social behaviour here and also adjacent to the Judges Lodgings.

In response the agent has advised that, whilst the proposed management arrangements have yet to be finalised and it is anticipated that these will evolve prior to first occupation, the following, emerging management strategy has been suggested:

- There will be lockable ornate period style security gates on the Bailgate frontage and also at the western end within the car park which are to be 'branded' White Hart Yard ("Gates").
- The Gates will have an easy to operate Key Code or Key System and Key/Code Holders will be the White Hart Hotel Management Team and Reception personnel, as well as the occupiers of the residential apartment within the upper floors of 2 Bailgate.
- The Gates will typically be closed and locked at 11 pm and reopened at 6 am each day of the week and working in conjunction with the operation of the White Hart Hotel.
- Where pedestrian access is required between the Hotel and White Hart Yard Car Park during the hours of 11 pm to 6 am, there are relatively straightforward alternative routes via Castle Hill Square or Gordon Road and St Pauls Lane.
- White Hart Hotel maintenance/security personnel will regularly inspect the Retail Kiosk Arcade on a periodic basis throughout the opening hours of 6 am to 11 pm each day of the week.

Officers are satisfied that such a strategy would address the aforementioned concerns and would suggest that a condition requires a full management strategy be submitted prior to the retail units first coming into use.

Other Matters

Air Quality and Sustainable Transport

It is proposed that electric vehicle charging points will be incorporated within the development, which is welcomed and would be in accordance with the requirements of CLLP Policy NS18. This matter would be controlled as part of the Building Regulations process and as such, is not necessary to condition as a requirement of the planning application.

Private Rights of Access and Terms of Lease

The occupants of 2 Bailgate, also referred to within this report as 2a, has made comments that the development would be against the terms of their lease, would affect rights of access, and also access if the gates are locked either end of the arcade. While these are not a material planning matters and therefore cannot be considered as part of the application, officers have highlighted this concern with the applicant. Again, while this not a material consideration, the applicant has advised officers that the terms of the lease does provide certain rights of access for both vehicles and 'on foot'. It is advised that, there are specific provisions within the lease that enable the freeholder to permanently vary such rights on the serving of a formal notice, which will be dealt with separately from the planning process should permission be granted.

Fire Safety

Comments from 3, 3a and 4 Bailgate have raised concerns in relation to fire safety. They note that the courtyard area to the rear of their property can currently be used as a rescue point and the height of the kiosks may restrict the emergency escape. 2a Bailgate has also made reference to fire trucks not being able to access the rear of their property and the removal of the roof, which provided a fire escape. While this is not a material planning matter the concerns of the neighbours have again been highlighted to the applicant. The applicant has advised that the owners/occupants of 3, 3a and 4 Bailgate have no rights of access from the rear of their properties through the White Hart garages. With regard to 2 Bailgate, the applicant notes that their rear courtyard had always been fully enclosed, previously surrounded on two sides by the former garage structures comprising high walls and roof structure. There has been no rights of fire escape for over 20 years. The applicant considers that, in terms of logistical access for fire tenders and emergency vehicles, access to the rear of the upper floor levels of the property will be significantly improved by the wider redevelopment proposals. There was previously no access for such vehicles to the rear of property due to the then existence of the recently demolished former White Hart Garage buildings.

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

Yes, see above.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of the uses are considered to be appropriate to the site and within the wider context. The extension to the Judges Lodgings, the retail kiosks and Block C have been designed to appropriately reflect or complement the existing buildings and site context in terms of their scale, mass, design and detailing. The well considered outdoor seating areas, plant and bin store design and enhancement to outdoor spaces are of further benefit to the site and wider area. The setting of the grade II* Judges Lodgings and grade II 2 Bailgate will be preserved, as will the setting of other adjacent listed buildings, including the scheduled and grade I listed Lincoln Castle. The character and appearance of the conservation area will be enhanced.

The proposals would not result in harm to neighbour's amenity as a result of the built development or associated noise from external plant. The development would also provide an acceptable level of amenity for future guests.

Matters relating to access, parking and highways; energy efficiency; landscaping, trees biodiversity and BNG; archaeology; flood risk and drainage; contamination and design and crime have been appropriately considered by officers against local and national policies and by the relevant statutory consultees, and can be dealt with as required by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies S1, S6, S8, S13, NS18, S21, S35, S36, S42, S53, S56, S57, S60, S61 and S66 as well as guidance within the NPPF.

Application Determined within Target Date

Yes

Recommendation

That the application is Granted Conditionally subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Material sample and details for Block C
- Implementation and retention of landscaping scheme
- Protection measures for tree RPAs
- Details of screen to balcony
- Implementation of noise mitigation measures
- Scheme for kitchen extraction
- Hours of construction/delivery
- Hours for waste collection
- Construction Management Plan
- Implementation of measures within Ecological Assessment

- Submission of a scheme of bird boxes, bat boxes and hedgehog houses
- Archaeological Written Scheme of Investigation including photographic record
- Foundation design
- Submission of full archive and report following completion of works
- Implementation of contaminated land remediation scheme
- Reporting unexpected contamination
- Management Strategy for retail kiosks