

<b>Application Number:</b>	2024/0087/FUL
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	John Roberts Architects Ltd
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

### **Background - Site Location and Description**

The application property is the White Hart Hotel, a grade II listed building. It is located on the corner with Bailgate and Eastgate, within the Cathedral and City Centre Conservation Area. The City Council's Principal Conservation Officer advises that the White Hart is a complicated site comprising four distinct building phases along the streetscene. The oldest element dates from the early 18th century, and was re-fronted in 1844. Today it presents an impressive three storeys on the corner of Eastgate and Bailgate. She has noted that on the Eastgate elevation the 1840s refronting continues to meet a 1930s extension in a Neo-Georgian style in brick with a central basket arched carriage opening within the 5 bays. She advises that this designated heritage asset has historical significance derived from its development as a key site for hostelry in Lincoln and architectural significance derived from the classical design and method of construction. Expansion to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. In addition to the various external alterations, much of the hotel interior has been subjected to re-fittings over the years and in particular during the early and mid-20th century.

The hotel has recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of approved applications as well as a number of ongoing current applications, including this one.

This application is for full planning permission for internal alterations to create a new leisure pool and spa, including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services.

The proposals would be located towards the rear of the building, adjacent to Eastgate. A pool was previously proposed in this location as part of original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC), although was omitted to allow for the necessary archaeological work and investigations associated with the pool to take place. The vents for the pool will be incorporated within the overall roof mounted planted that was approved as part of the previous applications. The previous applications also approved alterations to some of the windows on the Eastgate elevation, adjacent to the location of the pool. There are no external alterations proposed as part of this application.

In addition to this full application an accompanying listed building consent application has been submitted (2024/0088/LBC). Listed building consent applications consider proposals in relation to the impact on buildings as designated heritage assets, whereas this full application will consider the proposals in relation to other matters; such as archaeology and residential amenity. This application will not consider the internal works, such as the new internal partitions. The listed building consent application is also being presented to

Members of the Planning Committee for determination.

A number of objections have been received in relation to both applications, although many of the objections raised within the responses to the listed building consent application 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.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0088/LBC	Internal alterations to create a new leisure pool and spa including the excavation and construction of the pool and construction of internal partitions to form a sauna, changing facilities and gym together with associated drainage and services (Listed Building Consent). (ADDITIONAL SUPPORTING DOCUMENTS RECEIVED).	Pending Decision	
2023/0058/LBC	Internal alterations to re-configure layout and create fitness suite including removal of stud partitions, doors, windows and stairs; enlargement and blocking up of window openings; creation of new door openings; installation of new stud partitions, raised floor, stairs, lifts and doors. External alterations including new shopfront to restaurant, alterations to Eastgate elevation, glazed lantern and new stair pod to roof. (Listed Building Consent).	Granted Conditionally	25/05/2023

	(Revised description, plans and supporting documents).		
2023/0057/FUL	Refurbishment & alterations to existing hotel including construction of new stair pod at fourth floor level, alterations to Eastgate elevation, installation of new shopfront to existing restaurant fronting Bailgate, glazed lantern and alterations to window openings. (Revised description, plans and supporting documents).	Granted Conditionally	25/05/2023

### **Case Officer Site Visit**

Undertaken on 10th April 2024

### **Policies Referred to**

- Policy S42 Sustainable Urban Tourism
- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- National Planning Policy Framework
- Planning Practice Guidance

### **Issues**

- Archaeology and policy context
- Assessment of public benefit
- Residential amenity

### **Consultations**

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

### **Statutory Consultation Responses**

Consultee	Comment
City Archaeologist	Comments Received
Historic England	Comments Received
Council For British Archaeology	Comments Received
Highways & Planning	Comments Received

### **Public Consultation Responses**

Name	Address
Mr Giles Walter	Walk House Blackthorn Lane Cammeringham Lincoln LN1 2SH
Mr Simon Shaul	31 Chatterton Avenue Lincoln Lincolnshire LN1 3SZ
Mr D Krapp	1 Orchard Walk Lincoln
Thomas Fegan	50a Empingham Road Stamford PE9 2RJ
Mr Mark Raimondo	9 High Street, Coningsby Lincoln LN44RB
Miss Tracey Smith	23 Vale road Battle Tn330he
Dr Samantha Tipper	128 station road Lincoln LN6 9AI
Mrs Fiona Orr	11 Longdales Road Lincoln LN2 2JR
Dr Emily Forster	Flat 6 589 Crookesmoor Road Sheffield S10 1BJ
Mr Peter Taylor	Lochnagar Welton Le Wold Louth LN11 0QT
Miss Bianca Vecchio	19/217 Northbourne Avenue Canberra 2612
Mrs Annabel Johnson	The Old Vicarage 84 Little Bargate Street Lincoln LN5 8JL
Dr Samantha Stein	Exchequergate Lodge Lincoln LN2 1PZ

Mr Andre2 Falconer	6 Doddington Avenue Lincoln Lincolnshire LN6 7EX
Mrs Chris Smith	61 Hebden Moor Way North Hykeham Lincoln LN6 9QW
Mr Sam Elkington	Boothby Property Consultancy Ltd 73 London Road Sleaford NG34 7LL
Miss Lynda Ohalloran	39 Aberporth Drive Lincoln Lincolnshire LN6 0YS
Mrs Alison Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Rob Steer	45 Glennifer Drive Glasgow G78 1JA
Mr Clive Wilkinson	38 Roselea Avenue Welton Lincoln LN2 3RT
Mr James Parman	13 Barnes Green Scotter Gainsborough DN21 3RW
Richard Costall	
Mrs Fiona Berry	Sycamore House Chapel Street Market Rasen LN8 3AG
Miss Melanie Jones	7 Park Road West Sutton On Sea Lincolnshire LN12 2NQ
Mrs Sandra Crosby	5 Kirmington Close Lincoln Lincolnshire LN6 0SG
Dr Carolyn La Rocco	Baxter Park Terrace Dundee Dd4 6nl

Mr Steve Hilton	44 Cole Avenue Waddington LN5 9TF
Mr Philip Brammer	2 Highfield Close Osbournby Sleaford NG34 0EW
Miss Alice Pace	Lucas House Carr Road North Kelsey Market Rasen LN7 6LG
Mr Tim McCall	Almond Avenue Lincoln LN6 0HB
Miss Jessica Latham	2 Williams Terrace Leabourne Road Carlisle CA2 4FD
Miss Isabelle Sherriff	68 Wath Road Barnsley S74 8HR
Victoria Small	5 Gordon Road Lincoln Lincolnshire LN1 3AJ
Mrs Sophie Green	63 Hunts Cross Avenue Liverpool L25 5NU
Mr Jack Dean	26 Barley Road Birmingham B16 0QU
Dr Elisa Vecchi	3 Rusland Close
Miss A M Sheffield	127 Manthorpe Grantham NG31 8DQ
Miss Chandani Holliday	18 Belle Vue Road Lincoln LN1 1HH
Ms Sarah Gray	33 Norreys Avenue Oxford OX1 4ST
Mr Jonathan Jones	6 Doddington Avenue Lincoln Lincolnshire LN6 7EX

Mr Paul Smith	21 Northfields Bourne PE10 9DB
Mrs Sue Kent	Forrington Place Saxilby Lincoln LN1 2WJ
Dr Carina O'Reilly	35 Mildmay Street Lincoln Lincolnshire LN1 3HR
Mrs Caroline Worswick	9 Chepstow Close Macclesfield SK10 2WE
Mrs Catherine Sweeney	4 Tinkle Street Grimoldby Louth LN11 8SW
Mr Martin Smith	84 Moor Lane North Hykeham Lincoln LN69AB
Mrs Philippa Redding	Mulberry House 6 Chequer Lane Ash Canterbury Kent CT3 2ET
Mr Martin Smith	84 Moor Lane North Hykeham Lincoln LN6 9AB
Mrs Patricia Jones	37 Silver Street Lincoln Lincolnshire LN2 1EH
Mr Richard Ward	Appletree House Nocton Road, Potterhanworth Lincoln LN4 2DN
Mrs Heather Rippon	17 Earlsmeadow Duns TD11 3AQ
Ms Penelope Toone	4 Midia Close Lincoln LN1 1AR



Avril Golding	96 Stonecliff Park Prebend Lane Welton LN2 3JT
Mr Christopher Padley	54 Hewson Road Lincoln Lincolnshire LN1 1RX
M Marshall-Brown	10 Paddock Lane Blyton Gainsborough DN21 3NF
Ms Susan Hayden	Crew Yard, Low Street, North Wheatley, Retford. DN22 9DR
Mrs Ward Rachael	31 Chesney Road Lincoln Lincolnshire LN2 4RX
Mr Stuart Welch	16 Drury Lane Lincoln Lincolnshire LN1 3BN
Ms Milica Rajic	Exchequergate Lincoln LN21PZ

Additional public consultation responses submitted in respect of application reference 2023/0087/LBC, relevant to the consideration of this application:

Name	Address
Mr Paul Griffiths	36 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Andrew Blow	9 The Green Nettleham Lincoln LN2 2NR
Mr Paul Rowland	2 South Farm Avenue Sheffield S26 7WY
Mrs Rosemarie Dacosta	253 Burton Road Lincoln Lincolnshire LN1 3UH
Mrs Tracy Harris	Bramble Cottage 46 Sleaford Road Lincoln LN4 1LL
Mrs Louise Austin	62 Backmoor Crescent Sheffield S8 8LA
Mr Andrew Ottewell	Sycamore lodge Holmes lane Dunholme near Lincoln Lincoln LN2 3QT
Brian Porter	4 Chalgrove Way Lincoln Lincolnshire LN6 0QH
Ms Justine Whittern	Oude Heijningsedijk 1 Heijningen, The Netherlands 4794 RA NG31 8RW
Mr John Abbett	67 Newbold Back Lane Chesterfield S40 4HH
Miss Jo Teeuwisse	Bourtange 9545tv

### **Consideration**

During the process of the application revised and additional information has been received. Adjoining neighbours and those that had made comments were reconsulted on 27<sup>th</sup> March. Additional supporting information was submitted and a further re-consultation exercise was undertaken on 27<sup>th</sup> April. In addition to comments received from neighbours adjoining the hotel and within the immediate area further responses have been received from residents of the city, surrounding areas and outside of the county. All of the comments in relation to

this application, along with those submitted against the corresponding listed building consent application, are included in full within this report for members to consider. Officers would also offer the following summary of the comments received.

The letters of objection highlight the important location of the hotel in the most historic part of the city. Some consider that the site is of equivalent value to neighbouring scheduled monuments. They note that there have been significant archaeological findings in and around the area, some of national archaeological and historic importance. The objectors consider that archaeology should be preserved. Concerns are raised regarding the depth of the excavation, which is considered will destroy layers of archaeology from different eras. It is argued that the pool is not necessary and there is no benefit to the city or wider public benefit. It is suggested that the benefit is private, not public. If a pool is considered necessary, then it is suggested that this be above ground. Some of the objections consider that granting permission would be contrary to the National Planning Policy Framework (NPPF) and local plan policy. They consider that the works have not been sufficiently justified and that the submitted documents are lacking in information and are not accurate. Some of the objections also raise concern in respect of the introduction of oxygen and changes to water systems, that will further decay deposits.

In addition to the objections, comments in support of the application from members of the public have also been received. These note that the proposal is an important element in the applicant's wider scheme to transform the hotel into a premier destination, which will have direct and indirect benefits for the local economy. It is also considered that the public record has benefitted from the results of the investigations already undertaken. It is also suggested that archaeological concerns can be overcome with an appropriate management and mitigation plan.

While the Council for British Archaeology (CBA) were not initially consulted on the application, given that it does not meet the tests for doing so (demolition or partial demolition of a listed building), they nevertheless submitted an objection to the application. Following the receipt of additional information officers re-consulted the CBA given their previous objection and they submitted a further response. They have confirmed that this does not remove their previous objection, but advised this should be considered as "comments".

Historic England (HE) has submitted two responses- the first advising that that they are not offering advice and that officers should seek the views of the city council's own specialist conservation and archaeological advisers. Their second letter, following the submission of additional information, confirmed that they did not wish to offer any comments and that officers should again seek the views of the conservation officer and archaeologist.

### Archaeology

The City Council's City Archaeologist has provided a comprehensive response in relation to the application. The response is included in full within the report, although his consideration is also included as follows:

#### **Proposal**

The installation of the pool will require the total excavation of an area of 13m by 5m to a depth of 2.025m. One corner of this volume will need to be excavated to a depth of 2.525m to accommodate a sump with an area of around 1.5m by 1.5m. All archaeological material in this volume would need to be removed.

The proximity of the pool to the external wall fronting on to Eastgate means that underpinning will be needed to ensure the structural stability of the building. This will require a trench to be excavated along the inner face of the wall to a depth of 2.275m below the existing ground level.

### **Pre-Application Advice**

The applicant requested pre-application advice, as recommended by the National Planning Policy Framework (NPPF) and by Historic England in their advice note Managing Significance in Decision-Taking in the Historic Environment (GPA 2). I advised that a proposal of this kind in this location would certainly have archaeological constraints, and that these might be such that development would either be refused or might prove to be prohibitively expensive to deliver. Nonetheless they wished to proceed with the application, and I therefore advised them to produce an appropriate desk-based assessment and to undertake an archaeological evaluation excavation within the footprint of the proposed pool.

I further advised that the proposal would only be acceptable if it were capable of mitigation by excavation, and that if it should prove impossible to do so safely, I would recommend that the application should be refused. To address this issue, I asked them to produce a construction plan and a draft Written Scheme of Investigation to demonstrate the deliverability of archaeological mitigation alongside the installation works required.

The evaluation excavation demonstrated that archaeological remains are present on the site at a depth of around 250mm beneath the existing floor level. These remains include several phases of medieval and post medieval buildings and features to a depth of at least 1.2m, with the earliest features possibly dating from the 12<sup>th</sup>/13<sup>th</sup> centuries.

### **Submission**

#### *Desk-Based Assessment*

The applicant's initial desk-based assessment provided insufficient detail to inform the decision-making process and I therefore requested them to resubmit the document with several amendments and improvements including;

- A more nuanced assessment of archaeological significance to establish what deposits could be of equivalent significance to a designated heritage asset.
- More information about the known depths at which Roman archaeology has been encountered in previous excavations undertaken in the upper city along with a visual representation.
- An assessment of the potential for preservation of archaeological remains in situ including details of whether the pool might be delivered at a higher level, and what residual impacts might be expected upon deposits around and beneath the finished product.

Following its resubmission the Desk Based assessment is now acceptable for the purposes of fulfilling the relevant sections of both local and national planning policy.

#### *Written Scheme of Investigation*

The applicant has also submitted a draft Written Scheme of Investigation (WSI), as requested, which demonstrates that the proposals are capable of mitigation by excavation in accordance with NPPF paragraph 211. Looking at the proposed WSI in

more detail, three parts of the process would have to be undertaken as a monitoring exercise rather than full excavation, and this is based on the requirement to ensure the safety of the team.

The first of these is the introduction of shoring around three sides of the area to enable excavation at depth to be accomplished, after which the first 1m-1.2m of material will be fully excavated by the archaeology team using single-context recording down to the base of the foundations of the north wall of the White Hart. The resulting surface is to be covered with geotextile and boarded to protect it while the first phase of underpinning of the external wall takes place. This is the second part that would be monitored rather than excavated, as it is a potentially hazardous engineering operation. Once that has been completed, the team will continue the excavation to the base of the first phase of underpinning, after which the second phase of underpinning will take place using the same methodology. Following this the archaeological contractor will complete the excavation to formation level, including the sump.

The WSI also contains draft documents showing the applicant's intention to commission an appropriate archaeological contractor for all phases of work associated with the mitigations strategy and a draft commitment to publication of the results of the project. These provide a measure of certainty that the project will be appropriately funded and reported in accordance with NPPF paragraph 211.

Some elements of the WSI will need to be revised if permission is granted and I do not consider the submitted document to be final or binding. I am keen to see additional information included about the provision for remains around and below the proposed pool to be effectively preserved in situ, and for a contingency to be allocated allowing unforeseen circumstances to be managed. This should allow us to take an iterative approach to preservation throughout the project. I would also like to see an expanded commitment to undertaking public outreach during site works. For this reason, and as set out below, I would recommend that you apply a pre-commencement condition to any forthcoming permission to require a revised WSI to be submitted for approval.

### **Significance and Impacts**

It is highly likely that Roman archaeology is present on the site as there is no evidence that it has been removed or truncated by subsequent development. It has consistently been accepted by the Local Planning Authority that such remains would be of equivalent significance to a designated heritage asset and should therefore be considered according to the relevant paragraphs of NPPF (205-208) as required by footnote 72 of NPPF. However, it is unlikely that such remains are present within the depth to which the proposed pool will be excavated, except in the sump which may encounter the uppermost Roman levels. As the full depth of Roman material is likely to exceed the formation level of the pool by at least 1m and possibly up to 3m, I would therefore advise you that the level of harm to these remains is likely to be less than substantial and should therefore be assessed against the public benefits of the proposal, as required by NPPF paragraph 208.

Early medieval archaeology in this part of the city is likely to comprise so-called "dark earth" deposits, as encountered during excavations at the castle, cathedral, and bishop's palace. This material is formed from multiple processes that took place after the abandonment of Roman Lincoln, starting with the natural accumulation of organic detritus over several centuries. At the castle, this material was supplemented in the

9<sup>th</sup>/10<sup>th</sup> century by the deliberate importation of material to create a level surface for later occupation and exploitation. If material of this kind is present on the site it has the potential to add to our understanding of how post Roman Lincoln was exploited by Anglo-Saxon and Danish settlers, and therefore could be of great value to local and regional research agendas. The impact upon material of this period within the footprint and depth of the pool is likely to be extensive and may require the removal of all such material. Balanced against this archaeological potential and the apparently extensive impact is the widespread occurrence of this material across both the upper and lower walled Roman city and the poor preservation in uphill Lincoln of the predominantly organic deposits of which it is comprised. It is also important to remember that material of this kind is not scheduled in its own right anywhere else in the city, or indeed in cities such as York where the preservation of organic material is very much greater due to the frequent occurrence of anaerobic conditions. I would therefore advise you that this material if present should be considered a non-designated heritage asset and should be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Medieval remains have been demonstrated to be present on the site and appear to comprise the remnants of buildings and associated occupation features such as floor surfaces and dumps of material. Medieval remains of this kind are common within the city and occur in most locations where there has been no deliberate attempt to remove them. In this location it is possible that they will provide information about the nature of medieval development along Eastgate, whether residential or commercial, the date by which Eastgate itself was established as a street leading from the Castle to the east gate of the upper city, and the way in which the street and its related structures related to the establishment of the cathedral close. It is likely that all remains of this date within the footprint of the pool will be removed as a consequence of this proposal. However, the presence of multiple phases of buildings indicates that there has been a degree of truncation or even outright loss of earlier structures and the significance of these remains and the weight they ought to carry in the planning balance is therefore diminished accordingly. No evidence has so far been recovered or presented that would suggest that these remains are of more than local or regional significance in themselves or that they have any relevant relationship with nearby designated heritage assets such as either the castle or the cathedral. They should also be assessed according to the requirements of NPPF paragraph 209 but without reference to footnote 72.

Post-medieval remains on the site may include some of those of the medieval period described above, which may have continued in use into later centuries. The evaluation also identified deposits that are possibly associated with 18<sup>th</sup> and 19<sup>th</sup> century development of the White Hart site. These remains are of no more than local significance. There is also evidence for some post medieval disturbance of the earlier archaeology of the pool area, in the form of a 19<sup>th</sup>/20<sup>th</sup> century cellar in its northwest corner, and a pipe conduit dating from the 1938 extension of the White Hart. The loss of these remains should be assessed against NPPF paragraph 209 without reference to footnote 72.

The possibility of human remains dating from any of the periods above remains, but I do not believe it is likely. Roman custom was to bury the dead outside the city walls, so it is unlikely that human remains from this period will be present. There is no record of specific medieval cemeteries or graveyards occupying this site, and while there is a medieval church next door its burial ground is recorded as having been within the

Cathedral Close immediately to the south of the nave. Added to this is the complete absence of even fragmentary human remains from either the evaluation excavation or the monitoring works that have been undertaken on the site, which given the long history of use, reuse and disturbance of the site indicates that such remains are not present.

Impacts to the Listed Building have been considered by the city's conservation officer and I have nothing to add to her assessment.

### **Objections and Comments**

Many of the objections submitted are based on an over-interpretation of the significance of the archaeology of the site, enabled in part by the original desk-based assessment. This has since been superseded by a more detailed document, and as such many of these objections have been addressed. They also proceed from the inaccurate position that it is wholly unacceptable to disturb or excavate remains that are "demonstrably of equivalent significance to scheduled monuments", when in fact this judgment is based upon the level of harm that will result to them from the proposed development and can in many cases be justified by a counter-balancing level of public benefit.

A number of objections are based on the assumption that medieval remains on the site are of equivalent significance to a scheduled monument. However, planning policy does not support the position that all archaeology is of this level of significance until proven otherwise. There must be some indication that remains have special significance before the relevant policies can be brought into play. So far, no evidence has been found or presented that this is the case, either from the evaluation excavation or from the monitoring works undertaken during previously consented renovations. While this assessment may change during the course of any future excavation, that possibility can be managed through the WSI that would be required by the condition suggested below.

Some objectors, including the Council for British Archaeology, have questioned the sufficiency of the evaluation excavations undertaken by the applicant team. While it would have been preferable to have seen the entire archaeological sequence, I accept that this was not possible given the restrictions inherent to undertaking such works inside a standing building and adjacent to a potentially unstable load-bearing wall. I am satisfied that, when taken together with the deposit model included in the resubmitted desk-based assessment, the information provided by the evaluation is sufficient to inform an appropriate and robust decision by the local planning authority. I would also observe that as one of the purposes of evaluation was to enable the applicant to decide whether or not to proceed with the application it would have been directly against the requirements of NPPF paragraph 210 for me to permit the loss of the medieval heritage assets identified in the evaluation to that point.

Objections have been raised to the validity of the "deposit model" provided in the updated DBA. While it would certainly be desirable for more data points to have been included we are unfortunately constrained by a lack of available information in uphill Lincoln as a consequence of the lack of modern interventions and of the omission of reliable height data in most antiquarian reports. I am therefore satisfied that the DBA includes sufficient information to demonstrate the depths at which Roman archaeology could be expected to occur on the site and that on the strength of the

information available the level of harm to such remains from the proposed development will be less than substantial.

A specific concern raised by one of the objectors is the impact of the development on remains that will be left in situ when it is completed. In particular the possibility of damage due to “the introduction of oxygen and changes to perched and natural water systems in the buried environment” was mentioned. I can state with some confidence that there are unlikely to be anaerobically preserved remains or perched water systems in uphill Lincoln, as no evidence of such conditions has ever been identified. I have also discussed the matter with Historic England’s regional science adviser who agrees that this possibility is remote. With respect to other impacts to remains left in situ, the applicant has provided technical information demonstrating that there will be no compression effects resulting from the construction of the pool, that precautions against concrete migration will be taken, and that the water circulation of the pool will be monitored to ensure any leakage can be rapidly identified and corrected.

Although it was not necessary for you to consult the Council for British Archaeology on this application, I note that their listed building casework officer has chosen to submit comments on the archaeological implications of this development. Their first letter of objection responded primarily to the original DBA and many of the concerns it raised have been addressed by the resubmission. Their second letter deals with those issues that they feel remain to be addressed, in particular the difference between the level reached by the evaluation excavation and the formation level of the pool (a point I have addressed above), and the necessity for a robust mitigation strategy to be in place to enable any excavation to address relevant research questions. With regard to the second issue, I am confident that the draft WSI demonstrates that appropriate mitigation of this development is possible, and the final WSI, to be required by planning condition, will ensure the developers adherence to appropriate levels of mitigation and recording of the archaeological resource.

The entirely valid objection to the use of the excavation and its results as a public benefit and therefore as a justification of the development was also raised, and the applicant has removed claims of this nature from the application documents.

## **Policy Appraisal**

### *Central Lincolnshire Local Plan*

#### *Policy S57*

With regard to the Archaeology provisions of S57, the submission meets all tests to enable a decision to be made. Specifically;

- The application is accompanied by a desk-based assessment.
- An appropriate field evaluation was undertaken, and the report submitted in advance of a decision.
- As preservation in situ is not possible or appropriate to the specific requirements of the proposal, the developer has produced a draft written scheme of investigation to enable the preservation of remains by record which has been agreed with the City Archaeologist.



## *National Planning Policy Framework*

### *Paragraph 200*

The submission meets the relevant tests, in that an appropriate desk-based assessment has been submitted, that includes the results of a search of the Historic Environment Record, along with the report of an evaluation undertaken at the request of the Local Planning Authority.

### *Paragraph 201*

The comments contained in this document represent an appropriate assessment of the significance of heritage assets likely to be affected by the proposed development.

### *Paragraphs 205-208*

The proposals have the potential to impact upon two relevant heritage assets, namely the White Hart itself as a Grade II listed building, and the potential Roman Archaeology that may be present on the site, under the provision of paragraph 206 and footnote 72. For the former, please refer to the specific advice of the principal conservation officer *[to be considered as part of the corresponding listed building consent application]*. For the latter, please refer to the statement of significance and assessment of impact provided above. To restate this advice briefly, the level of harm to Roman archaeology (which is considered to be of demonstrably equivalent significance to a scheduled monument, and which may or may not be encountered during the development process) is considered to be less than substantial and should be measured against the public benefits of the proposal.

### *Paragraph 209*

Most if not all of the archaeology likely to be affected by the proposed development should be considered non-designated heritage assets. 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.”

### *Paragraph 210*

The imposition of appropriate conditions as suggested below will address the stated requirement.

### *Paragraph 211*

The draft WSI submitted by the developer is sufficient to address the requirement for developers to “record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. Given that the proposal will result in the total removal of archaeological remains within its area and depth, no less mitigation than total excavation of those remains is proportionate to the impact, subject in all cases to the safety of site workers. This will enable the preservation by record of the archaeological remains affected by the proposal.

## **Proposed Conditions**

If, following your assessment of this development, you are minded to recommend approval of the application, my advice to you is that the following conditions would be appropriate to ensure that impacts to archaeological remains are mitigated proportionally, and that the relevant policy tests can be met.

- Prior to commencement of works a revised version of the WSI should be submitted and approved by the LPA, taking account of any comments and suggestions from the LPA. The WSI should contain;
  - a methodology for full archaeological excavation of the pool area using single context recording as far as this is compatible with the safety of the excavation team, and monitoring of those elements that cannot be safely excavated.
  - Evidence that a contract has been entered into with an appropriately qualified archaeological contractor for all phases of work including post excavation reporting and archiving.
  - Provision for an appropriate contingency of time and resources in the event of unforeseen circumstances.
  - Provision for the assessment of unexcavated remains around and beneath the development and sufficient time and resource to enable their preservation in situ according to a methodology to be agreed with the Local Planning Authority.
- The development should be undertaken solely in accordance with the approved WSI, and any changes to require the written approval of the Local Planning Authority
- Prior to occupation or use of the pool complex the developer should submit a post-excavation timetable to the Local Planning Authority for approval.
- A full archive and report should be submitted within 12 months of the completion of groundworks.

### Officer Conclusion

On the basis of this professional advice from the City Archaeologist, which has taken account of representations from the members of the public and the CBA as well as technical advice from HE's regional science adviser, officers are satisfied that the potential impact on archaeological remains has been appropriately considered. Officers are therefore satisfied that the application meets the requirements of NPPF paragraphs 200, 201 and 205-208.

### Assessment of Public Benefit

The only outstanding matters for officers to consider in the planning balance is the assessment of public benefit against the potential for the development to impact on Roman archaeology of potentially equivalent significance to a scheduled monument that may be present on the site, in accordance with NPPF paragraph 208, and the impact on other archaeological remains as non-designated heritage assets, as required by NPPF paragraph 209.

In respect of NPPF paragraph 208, the City Archaeologist has advised that "the level of harm to Roman archaeology (which is considered to be of demonstrably equivalent significance to a scheduled monument, and which may or may not be encountered during the development process) is considered to be less than substantial and should be measured against the public benefits of the proposal". For the avoidance of doubt, this assessment relates to the potential impact of the 1.5m x 1.5m sump only, as this is the part of the excavation which has the greatest potential to encounter the uppermost Roman levels.

NPPF paragraph 208 requires 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 including, where appropriate, securing its optimum viable use.

Planning Practice Guidance on the Historic Environment advises that:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

The applicant's revised Statement of Public Benefit concludes:

The proposed swimming pool and leisure facilities will add to and diversify the offer at the White Hart Hotel and it can be demonstrated that the Proposed Development would lead to economic benefits through direct and indirect tourism spend.

A key element of the Proposed Development is to improve the year round offer and guest facilities at the White Hart which would smooth the seasonal peaks and troughs in occupancy levels – addressing seasonally low occupancy levels during the winter months. As a result, the Proposed Development will generate additional income required to support the optimum viable use – a key factor which is acknowledged to help safeguard the long-term conservation of a designated heritage asset in accordance with NPPF Paragraph 203(a).

The Proposed Development would result in further investment in the fabric of the listed building. Specifically, it will repurpose part of the designated heritage asset which has been underutilised and, as such, seen very little investment over a period of time leading to its general degradation of its fabric through a lack of routine maintenance under previous ownership. It is important to note that if the existing back-of-house areas were left undeveloped – and without a viable use – they would not attract the level of investment in the upgrade, repair and continued maintenance of this part of the listed building. Only through the re-purposing of these areas can continued investment be expected since underutilised back-of-house areas are not revenue-generating. The Proposed Development will secure a viable use for this part of the Hotel and, in turn, demonstrably assisting in the maintenance and enhancement of the designated heritage asset.

It is considered appropriate for the decision-maker to give weight to the heritage benefits associated with enhanced public access to the interior of the Hotel as a Grade II listed building. The increased number of staying guests and day visitors would allow more members of the public the opportunity to appreciate and experience the interior of this designated heritage asset, better revealing its significance.

The increase in guest numbers and improved occupancy levels during the quieter winter months will result in demonstrable economic benefits. Applying the recent Visit Britain visitor average spend figure of £96 per night and the projected 2,113 additional guest nights, the proposal would result in excess of an additional £200,000 being spent annually in the City's visitor economy.

As a result of the Proposed Development and associated investment, it is projected that an additional need for 60 staffing hours will arise – an equivalent of 1.5 full-time equivalent jobs.

The Proposed Development will enable and support healthy lifestyles by providing opportunities for the local population to use the facilities non-residential day guests. The Hotel would look to make available a number of packages to local residents which would include annual membership and various day packages which would include the use of the leisure and spa facilities.

Officers therefore consider that the proposed pool and associated facilities- which are not private given that they are available for use by members of the public both staying at the hotel and for non-residential guests- would secure a viable use for this part of the designated heritage asset. The initial benefits of this are that the proposals will better reveal this part of the building to the public and will result in investment to the fabric. The proposals will increase the offer at the hotel and in turn its appeal to visitors, increasing the occupancy. Officers would acknowledge that the hotel has already benefited from investment and works to secure its future, however, the proposals would further contribute towards this.

Officers consider that the increase in occupancy of the hotel would benefit tourism in the area. Central Lincolnshire Local Plan (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, within which the hotel is located, in order to complement and support existing attractions. The applicant's statement has demonstrated how the additional guests would benefit Lincoln's visitor economy. The commercial properties within the immediate area are also likely to see this benefit, many of which are within listed buildings. Officers would therefore also argue that the economic benefit to these business would also contribute towards securing the long term use and investment into the buildings as designated heritage assets, which constitutes a further public benefit of the proposals.

It is considered by officers that the public benefit of the proposals outweigh the potential less than substantial harm to Roman Archaeology from the pool sump. The proposals would therefore meet the requirements of NPPF paragraph 208.

With regard to the remaining archaeological deposits, which are considered to be non-designated heritage assets within the meaning of NPPF paragraph 209 and therefore of

lesser significance than the potential Roman archaeology, officers consider that the public benefits outlined above are sufficient to outweigh the level and scale of harm caused by these proposals.

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 NPPF paragraphs 210 and 211.

### Residential Amenity

Given that the proposals relate to internal works only, there would be no direct impact on neighbouring occupants. However, during the application process the City Council's Pollution Control (PC) Officer requested that the applicant provide details of any proposed ventilation/air handling system that is to be incorporated, including details of where any extracted air will be vented to and what level of noise the plant is likely to produce. This would enable him to consider the likely impact of any noise from fixed mechanical plant (fans etc.) and any chemical odours that can often be linked with swimming pools and their associated dosing systems.

Details of the measures to control the level and use of chlorine have been provided by the applicant's consultant, such as a UV filtration system, which will reduce the reliance on the Air Handling Unit (AHU). It has been advised that the opening hours for the pool will be between 7am and 9:30pm, and when the pool is closed the AHU will run at a reduced capacity. The consultant considers that, with the minimal lengths of ducting from the unit to the grilles, the noise will be very little and the existing background noise in Lincoln is expected to be far greater.

Having considered this the PC Officer is satisfied that, given that the pool's AHU will be operating on a reduced capacity outside of the specified pool opening hours, he does not believe that external noise levels from the swimming pool's plant will be an issue.

Officers are therefore satisfied that the proposals would not cause harm to neighbouring properties, in accordance with CLLP Policy S53.

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

Yes, see above.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

## **Conclusion**

Matters in relation to archaeology have been appropriately considered by the City Archaeologist and officers have duly assessed the development's impact against the public benefits. Conditions will ensure that the excavations for the development are appropriately managed and recorded. The residential amenities of neighbouring properties will not be adversely affected by the proposals. The application would therefore be in accordance with the requirements of CLLP Policies S42, S53 and S57, 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
- Development in accordance with WSI
- Submission of post-evacuation timetable prior to first use of pool
- Submission of full archive and report following completion of works