

<b>Application Number:</b>	2024/0617/FUL
<b>Site Address:</b>	White Hart Hotel , Bailgate, Lincoln
<b>Target Date:</b>	31st January 2025
<b>Agent Name:</b>	Paul Ponwaye
<b>Applicant Name:</b>	Mr Andrew Long
<b>Proposal:</b>	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower.

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

The application property is the White Hart Hotel, a grade II listed building located within the Cathedral and City Centre Conservation Area. It sits on the corner of Bailgate and Eastgate with St. Mary Magdelene's Parish Church (the church) adjoining to the south. The site is abutted to the rear, east and south, by residential properties; 19-23 Minster Yard, Exchequergate Lodge and 24 Eastgate.

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 arranged over three bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in a classical style, expansions to the south along Bailgate saw two further phases of different dates, one in the 19th century and later during the 1960s. Both of these elements utilise a stucco and red brick built form with regular and symmetrical fenestration including first and second floors with French windows and balconies, albeit that the 1960s version has much simpler detailing. 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. 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.

The hotel recently re-opened following extensive renovation works. Works are still ongoing to parts of the hotel and there have been a number of applications, including most recently for the creation of a new leisure pool and spa, which was approved by Members of the Planning Committee in July 2024.

This application is for full planning permission for the construction of a new external roof terrace on the flat roof of the 1960s extension which fronts Bailgate. The terrace would include a frameless glass balustrade, glazed screen, and access doors. Access would be taken from the existing fourth floor private lounge accommodation. The application also proposes the removal of the existing steel balcony to the south/east elevation and removal of the roof mounted water tower.

A roof terrace was previously proposed on the flat roof area to the rear, east of the building as part of the original applications for internal and external refurbishment works (2023/0057/FUL and 2023/0058/LBC). The terrace was later omitted from the applications following advice from officers that this was not an appropriate addition- officers had concerns that this would cause harm to the setting of the listed building and adjacent listed buildings as well as views towards the Cathedral, the character and appearance of the conservation

area and residential amenity. There have been subsequent discussions between officers and the agent regarding a possible roof terrace, although officers have remained of the opinion that this would not be acceptable. Despite this advice, the agent has submitted this current application for a terrace on an alternative location, to the side of the building, adjacent to Bailgate.

Following this, there has been further discussions between officers and the agent regarding a possible roof terrace, although officers have remained of the opinion that this would not be acceptable. Despite this advice, the applicant has decided to re-submit an application for a terrace, although instead of being to the rear as previously, this is now proposed to the side, adjacent to Bailgate.

In addition to this full application, an accompanying listed building consent application has been submitted (2024/0618/LBC). Listed building consent applications only consider proposals in relation to the impact on the application property as a designated heritage asset, whereas this full application will consider this impact along with other matters; such as visual amenity, the character and appearance of the conservation area, the setting of adjacent listed buildings and residential amenity. Both applications are being presented to Members of the Planning Committee for determination at the request of Councillor Murray.

### **Site History**

Reference:	Description	Status	Decision Date:
2024/0618/LBC	Construction of a new external roof terrace and frameless glass balustrade, formation of a new glazed screen and access doors to the roof terrace from the existing fourth floor private lounge accommodation. New internal steps and balustrade from the existing lounge to accommodate the change in levels. Removal of existing steel balcony to south/east elevation and removal of roof mounted water tower. (Listed Building Consent).	Pending Decision	
2024/0087/FUL	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	Granted Conditionally	11th July 2024

	facilities and gym together with associated drainage and services.		
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).	Granted Conditionally	11th July 2024
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). (Revised description, plans and supporting documents).	Granted Conditionally	25th May 2023
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,	Granted Conditionally	25th May 2023

	plans and supporting documents).		
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### **Case Officer Site Visit**

Undertaken on 15th November 2024.

### **Policies Referred to**

- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- Policy S58 Protecting Lincoln, Gainsborough and Sleaford's Setting and Character
- National Planning Policy Framework
- Planning Practice Guidance- Historic Environment

### **Issues**

- Policy Context
- Visual Amenity and Impact on the White Hart
- Impact on Adjacent Listed Buildings, Important Views and the Conservation Area
- 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
Principal Conservation Officer	Comments Received
Highways & Planning	Comments Received
Historic England	Comments Received

### **Public Consultation Responses**

Name	Address
Church Of St Mary Magdalene	Bailgate Lincoln Lincolnshire LN1 3AR
Mr Mark Wheeler	The Cathedral Estate Department Lincoln Cathedral Minster Yard

Name	Address
Church Of St Mary Magdalene	Bailgate Lincoln Lincolnshire LN1 3AR

## **Consideration**

### **Policy Context**

Central Lincolnshire Local Plan (CLLP) Policy S53 requires that uses should not result in adverse noise, taking into account surrounding uses. They should be compatible with neighbouring land uses and not result in likely conflict with existing uses unless it can be satisfactorily demonstrated that the ongoing use of the neighbouring site will not be compromised. The development should also not result in harm to people's amenity through overlooking, overshadowing or loss of light.

CLLP Policy S53 also requires that developments should relate well to the site, its local and wider context and existing characteristics to ensure that the development can be satisfactorily assimilated into the surrounding area; protect any important local views into, out of or through the site; and reflect or improve on the original architectural style of the local surroundings.

CLLP Policy S58 reiterates the importance of protecting Lincoln's setting and character. It states that all proposals should protect Lincoln's distinct built heritage and townscape character. Developments within conservation areas, should preserve and enhance their special character, setting, appearance and respect their special historic and architectural context.

CLLP Policy S57 states that "Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire". The White Hart is a listed building and within a conservation area, both of which are defined as designated heritage assets. The policy also requires that, in instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), they should "protect the significance of heritage assets (including where relevant their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset".

With regard to listed buildings CLLP Policy S57 states that permission to alter a listed building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the listed building or its setting. In respect of conservation areas, it is advised that "Significant weight will be given to the protection and enhancement of Conservation Areas. Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance and setting, including as identified in any adopted Conservation Area appraisal". Proposals should retain architectural details that contribute to the character and appearance of the area; where relevant and practical, remove features which have a negative impact on

the character and appearance of the Conservation Area; and assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape and skyline.

Paragraph 207 of the National Planning Policy Framework (NPPF) requires that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”. CLLP Policy S57 also sets out a similar requirement for development proposals that could affect the significance of a heritage asset, including any contribution made by its setting.

The application is accompanied by an ‘Assessment of Significance & Heritage Impact Assessment’ (HIA). This details the key phases of the development of the hotel and provides a proportionate assessment of the historic interest and significance of the building. It also provides an assessment of the study area and details the listed buildings and scheduled ancient monuments in the vicinity. It also includes an assessment of the potential impacts of the proposal, as required by NPPF paragraph 207 and CLLP Policy S57.

NPPF paragraph 212 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Paragraph 213 goes on to advise that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...grade II listed buildings, or grade II registered parks or gardens, should be exceptional”.

Paragraph 215 advises “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.” This is echoed in CLLP Policy S57 “Where a development proposal would result in less than substantial harm to a designated heritage asset, permission will only be granted where the public benefits, including, where appropriate, securing its optimum viable use, outweigh the harm”.

### Visual Amenity and Impact on the White Hart

An existing window opening in the south elevation is proposed to be altered to provide Crittall glazed double doors, which would provide access to the proposed roof terrace from the fourth floor bar/lounge. There is no objection in principle to the visual impact of this alteration as it is within the modern 1960s extension to the building, which has already seen similar alterations approved as part of the previous applications.

With regard to the external terrace itself, this would be installed on the existing flat roof comprising paving with a gravel perimeter. A frameless, non-reflective glass balustrade measuring 1.8m high would be installed around the perimeter. The balustrade would be inset approximately 600mm from an existing parapet wall, projecting approximately 1.5m above. To the rear, east the balustrade would be acid etched up to a height of 1.55m, in the interests of protecting residential amenity.

The HIA considers that the balustrade will only just be visible from street level at the junction

of Bailgate and Castle Square and it will also be visible in views between the Castle walls and Cathedral. It concludes that the frameless, non-reflective glass will maximise transparency and views through the terrace, and would be a minimal addition to an existing modern infill building.

The Conservation Officer advises that the grade II listed building, in addition to being a designated heritage asset in its own right, is situated in the Bail area of Lincoln, a particularly sensitive historic area. The complicated history of the development of the White Hart has been detailed within the introduction to this report. The Conservation Officer notes that the proposal relates to the 1960s building. However, whilst this element of the site is modern, the deliberate intention to sympathetically marry its design with the 19th century facade is an important and relevant point. She considers that: "The proposed glass balustrade would be a modern and alien addition with no meaningful relationship with the prevailing architectural language of the White Hart Hotel. As such it will not successfully assimilate with the rest of the listed building and instead will diminish and harm the architectural significance of this designated heritage asset. The incongruous and distracting appearance exacerbated by the introduction of activity in this location will detract from the more architecturally significant historic façade and again cause harm to architectural significance".

Historic England (HE) has raised concerns on heritage grounds regarding the proposed development. In their response they note that the White Hart is listed Grade II as a building of special architectural and historic interest, within an area of the historic environment which is of high significance nationally. They also highlight that the area has seen little modern intervention to date and is therefore very sensitive to change. They consider that the prominence of the proposed balustrade would cause harm to the White Hart Hotel.

Officers concur with the Conservation Officer's assessment and the comments from HE. The introduction of the terrace, albeit with an intentionally lightweight balustrade, would be an inappropriate addition. The submitted 'Design and Access Statement' (D&A Statement) and 'Draft Operating Statement and Associated Proposed Conditions for Planning & Listed Building Consents' (Operating Statement) refers to there being a restriction on furniture having a height no greater than 1.5m, with no parasols. It proposes there would be nine low level tables and 28 chairs with a maximum of 60 persons combined within the internal space and terrace, which is accessible to private members only. Notwithstanding these suggestions, the glazed balustrade along with the presence of guests on the terrace would be visible from street level and the Castle walls. The terrace would operate as an extension of the first floor private lounge/bar, with its use also extending into the evening. The introduction of lighting into the evening would therefore also have a visual impact.

Officers therefore consider that the incongruous and uncharacteristic addition of the glazed balustrade and the activity associated with the use as an external terrace would not relate well to the site and would fail to reflect or satisfactorily assimilate into the surrounding area, as required by CLLP Policy S53. The proposal would also be contrary to CLLP Policy S57 and NPPF paragraph 212, as it would diminish and harm the architectural significance of this designated heritage asset.

#### Impact on Adjacent Listed Buildings, Important Views and the Conservation Area

The HIA provides an assessment of the potential impact on listed buildings in the area. It concludes that none would be adversely affected by the proposals, indeed there would be benefits by the removal of the visually intrusive water tower and balcony.

The D&A Statement considers the impact on wider views, it states that “Whilst it is acknowledged that the creation of a roof terrace will have some impact on views from both the Cathedral (roof tours) and the Castle (wall walk) through the ability for a small number of people to gather on the new roof terrace, this is a “measured” impact and should be considered within the context of the ability for people to gather on both the adjacent scheduled ancient monuments themselves. We would argue that the impact on the setting of the scheduled ancient monuments is no greater than the impact created by the ability for members of the public to access both the Cathedral Roof and Castle Walls currently”.

The Conservation Officer considers that the proposal would have a harmful impact on the setting of multiple designated heritage assets which are Lincoln Cathedral, Lincoln Castle, Judge’s Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene Church and Exchequergate by virtue of the impact of its design and use, in views towards and from the assets and from resultant changes in noise, activity and appearance. The officer’s response is included in full within the report, although the consideration of the impact on each of the aforementioned buildings, as well as the conservation area, is included as follows:

### **Lincoln Cathedral**

#### **Significance**

Originating in 1072 and retaining a large section of its Norman west front, Lincoln Cathedral is one of the country’s finest medieval buildings and is of both national and international importance. John Ruskin who inspired the founding of the Society for the Protection of Ancient Buildings (1877) and the National Trust (1895) declared;

"I have always held and proposed against all comers to maintain that the Cathedral of Lincoln is out and out the most precious piece of architecture in the British Isles."

Its high level of archaeological, historic, architectural and artistic interest is recognised by its designation as a Grade I listed building, placing it in the top 2.5 % of all listed buildings in England.

The setting of Lincoln Cathedral is an essential aspect of its international importance. Its position within the townscape and topographically was deliberately chosen to emphasise its status and influence. This setting is still relevant today in terms of understanding and appreciating its heritage values and significance and is a key reason for its designation and protection.

This is important when considering impact on that setting. The setting of heritage assets is defined in Annex 2 of the National Planning Policy Framework as ‘The surroundings in which a heritage asset is experienced’. Historic England also identifies in ‘Good Practice Advice in Planning Note 3 – the Setting of Heritage Assets 2nd edition 2017’ that “consideration of the contribution of setting to significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views”. It is established therefore, that the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations.

#### **Impact**

Lincoln Castle walls and their walk offer perhaps the best uninterrupted view of the West Front of the Cathedral. This is the principal elevation and primary ceremonial



entry into the church and is therefore, intentionally monumental. Crowned by three towers and seen in context rising above the roofs of the historic townscape, the importance of this view in appreciating the significance of the Cathedral was recognised by the inclusion of enhanced and greater access to the wall walks as a key part of the Lincoln Castle Revealed project, which benefited from a £22 million investment of public money through the Heritage Lottery Fund, along with large contributions from local authorities and private donors.

This is relevant in consideration of this application because these historic views will now be interrupted by the proposed terrace which will populate the foreground of this important and treasured view with a modern alien element. The glass balustrade is a modern design feature which does not respect the highly sensitive historic built context. The use of the roof as a public terrace will make a fundamental change to the existing roofscape and will also introduce a new element of noise, activity and light pollution.

Furthermore, whereas the views are currently focused on the cathedral by the passive and largely coherent townscape in the foreground, the proposed roof terrace will introduce visual clutter and activity, impeding and diminishing the quality of those views. This will cause harm to the cathedral by introducing an unacceptable level of activity, noise and light pollution which will both distract from and diminish the current setting, and cause harm to its significance.

## **Lincoln Castle**

### Significance

Lincoln castle, in contrast to the Cathedral, is a symbol of state. It was built by William the Conqueror to subdue the native population and stamp royal authority on the surrounding area. As a Grade I listed building and Scheduled Monument it has high historic, architectural and archaeological significance. It occupies an equally conspicuous location to the cathedral and is deliberately situated in proximity to it, the cathedral and castle representing the church and state, the two most powerful political and social forces in the county for centuries. Their tangible relationship and intervisibility is an essential element of their significance, dominating as they do the townscape with key views available from and towards each other. The townscape setting is one of a rich historic built context which enhances the heritage values of the Castle, and the somewhat subservient and passive setting of the surrounding smaller scale townscape enhances the intended prominence of the Castle and the Cathedral, cementing their superior status in the fabric of the city.

### Impact

The new roof terrace and glass balustrading introduces an inappropriate and inconsistent element to the townscape which will be seen in views from the castle walls. It will introduce a modern architectural element at odds with the rich historic townscape and will introduce visual clutter. It will also disrupt the focussed line of sight between the Castle and Cathedral and introduce a competitive townscape element to their dominance by introducing an active roofscape with the associated noise, movement and light. These various levels of impact are considered to cause harm to the significance of Lincoln Castle by damaging its setting.

## **Judge's Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, St Mary Magdalene and Exchequergate**

### Significance

Judge's Lodgings, a purpose designed judicial building dating from 1810 and listed Grade II\*, 6 and 7 Castle Hill, a pair of houses dating from the early 18<sup>th</sup> century and listed Grade II\*, St Mary Magdalene, a 17<sup>th</sup> century church listed Grade II, Leigh-Pemberton House, a 16<sup>th</sup> century Merchants half-timbered house listed Grade II\*, Exchequergate, the west gatehouse to the Close wall dating from the mid-14<sup>th</sup> century and listed Grade I are within the immediate vicinity of the proposal. Individually and collectively, they represent the extremely high quality and sensitive townscape of the application site and provide the setting for each other, reinforcing their historic and architectural significance. Furthermore, they are all demonstrably subservient to the Castle and Cathedral in both height and scale.

### Impact

Castle Hill is a historic area and forms the heart of the city's medieval character. Bounded by Lincoln Castle and Lincoln Cathedral, Castle Hill is a key public square and nodal point for pedestrian movement public space, and has played a central role in the city's history for over a thousand years. It is the place of arrival after ascending Steep Hill, and the point at which the many people pause to experience the vista of multiple heritage assets in a well-preserved high status historic townscape.

Views here towards the proposed balustrade and the new use of the roof of the White Hart as a bar roof terrace, are framed by Leigh-Pemberton House and St Mary Magdalene, and in the same view are flanked by the Judges Lodgings, 6 and 7 Castle Hill and Exchequergate. There is a cherished timelessness about this view which enhances the setting of all these listed buildings because, whilst the section of the White Hart on which the balustrade and terrace is proposed dates from the 1960s, it has been intentionally designed to assimilate with the historic fabric of the townscape. By introducing the modern balustrade and populating the roof top with leisure activities, with associated visual and noise impacts, rather than a passive and recessive roofscape, the quality of the setting of these listed buildings will be seriously undermined and compromised.

## **Conservation Area**

### Significance

Conservation Areas are designated areas of special architectural or historic interest, which deserve careful management to protect their character. They exist to protect the special architectural and historic interest of a place - in other words the features that make it unique and distinctive. They are designated heritage assets in their own right and as a council we are required to pay special attention to the desirability of preserving or enhancing their character or appearance.

The application site is within the Cathedral and City conservation area. It is evident from this report that this part of the conservation area has very high special and architectural interest. In this location the conservation area has a complex townscape character that has been strongly influenced by nearly 2000 years of historical development, notably during the Roman and High Medieval Eras. The character and appearance of Castle Hill is very strongly influenced by the nearby 'iconic' medieval buildings of the Cathedral and Castle, and the views along the historic streetscapes contribute greatly to the character and appearance of the area.

### Impact

The glass balustrade as a modern architectural addition to the townscape and the introduction of activity on the roofscape of the White Hart will be evident in views from Castle Hill, a significant open public space within the conservation area and from Bailgate. The resultant modern, intrusive and anomalous element in this historic view will diminish and detract from its existing protected character and appearance and cause harm.

The Conservation Officers concludes that:

“The proposal to install a glass balustrade around an area of flat roof, which will then be used as a bar terrace, will have a harmful impact on the setting of Lincoln Cathedral, Lincoln Castle, Judge’s Lodgings, 6 and 7 Castle Hill, Leigh-Pemberton House, the Church of St Mary Magdalene, and Exchequergate, and by virtue of the impact of the modern glass balustrade will have in views towards and from the listed buildings, the introduction of an incongruous use and modern activity in an otherwise purely traditional landscape commensurate with the highly sensitive historic area and setting of the listed buildings and from resultant changes in noise, activity and appearance.

The National Planning Policy Framework (NPPF) requires in para 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation. In this case the assets in question are of the greatest importance, and therefore the weight should be equally great. This weight is irrespective of whether the harm is substantial or less than substantial. The harm caused to the significance of the designated heritage assets is considered to be less than substantial”.

The Conservation Officer advises that “the proposal is not in accordance with the duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) ‘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’”.

In their response HE has highlighted the traditional character of Bailgate and Eastgate, which form a key part of the conservation area. The prominent position of the White Hart at the junction contributes to an iconic view of the conservation area. The proposal would introduce an incongruous third element into this sensitive area. They state that “The proposed glass balustrade would readily catch the eye and represent a jarring element in the historic streetscape, when viewed from Steep Hill, Castle Hill, Bailgate and Eastgate at street level. The prominence of the proposed balustrade would cause harm to the White Hart Hotel, the context of the conservation area, and the setting of other listed buildings nearby”.

HE note that the proposal would be directly visible in the main view of the Cathedral from the castle walls, “a view which epitomises the historic character of this section of the city at the heart of the conservation area”. It is considered that “The view from the castle walls provides a sweeping aspect of the city which encompasses several heritage assets,

including Lincoln Cathedral. The proposed glass balustrade is in the direct sight line between the castle walls and the cathedral, when viewed from the former. The glass balustrade would interrupt views of the cathedral, or partially block them due to the area of acid etched glazing to the east, thus harming the setting of the Grade I listed cathedral". They go on to cite that "The roofscape is a fundamental part of the historic character of the conservation area, which is highlighted and appreciated when viewed from the height of the castle walls. The proposed roof terrace would be an incongruous addition to this traditional roofscape, disrupting the connectivity and progression through the roofscape, and harming the character of the conservation area in the highly designated central historic core of the city".

HE's concerns regarding the proposal are confirmed by outlining their position- "The proposed development would cause harm to the significance, character and appearance of the Cathedral and City Centre conservation area, the White Hart Hotel, and the setting of other listed building and heritage assets within its vicinity. Clear and convincing justification for the harm that would be caused by development in this highly sensitive setting has not been provided".

Officers concur with the Conservation Officer's assessment and the comments from HE. The proposed terrace would be an inappropriate addition to the building, introducing a glazed balustrade and a level of activity, noise and light pollution which would be an incongruous addition in this highly sensitive and important setting. It would be visible from street level on the approach from the south at the junction with Bailgate and Castle Hill causing harm to the character and appearance of the conservation area. It would also be visible from the castle walls, interrupting the historic roofscape and important views towards the Cathedral. This would also cause harm to the setting of a number of other listed buildings in the vicinity. Despite the suggestions within the D&A Statement and the Operating Statement which have previously been outlined, such as restricting the height of furniture and number of guests, these measures would not mitigate the harm caused by the balustrade and use.

Officers therefore consider that the incongruous and uncharacteristic addition of the glazed balustrade and the activity associated with the use as an external terrace would cause harm to the character and appearance of the conservation area and would fail to respect the special historic context. The proposal would have a negative impact on the roofscape and important views towards the Cathedral, harming the setting of this Grade I listed building. The proposal would also cause harm to the setting of a number of other listed buildings in the vicinity. The application would therefore be contrary to CLLP Policies S53, S57 and S58 and paragraphs 212 and 213 of the NPPF.

### Assessment of Public Benefit

Officers would also concur with the Conservation Officer's assessment that the harm caused to the significance of the designated heritage assets is at a less than substantial harm level. Accordingly, NPPF paragraph 215 and CLLP Policy S57 are relevant- the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Permission will only be granted where the harm is outweighed.

Planning Practice Guidance on the Historic Environment (PPG) 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 D&A Statement suggest the following as benefits of the proposals:

- The removal of two unsightly external features of the hotel; the existing steel balcony and balustrade to the Brownlow Suite and the water tower, which dominates views eastwards from the Castle wall towards the Cathedral. Both will make significant visual improvements.
- Contribute towards the revival of the White Hart as Lincoln's premier hotel destination.
- The investment will enable continued employment opportunities to be maintained. The external terrace and access from the fourth-floor accommodation will create a unique feature to the hotel which will secure it as the destination of choice. The construction works will further enhance the local economy through the employment of local contractors and subcontractors.

Officers and the Conservation Officer do not consider that any of these benefits would meet the tests of the PPG. The Conservation Officer highlights that "The proposal seeks to take advantage of views towards the Castle and Cathedral but by doing so compromises those very views from the public realm, and is therefore to the detriment of the public's, in the widest sense, benefit". Officers do not consider that it can be argued that re-purposing the modern flat roof as a terrace is necessary to reduce or remove a risk to the building. The fourth floor bar/lounge would still be able to operate without this external space. A range of works and investment into the listed building have already been undertaken following the granting of a number of applications, securing its long term use. Whilst the removal of the balcony and water tower are welcomed, this benefit cannot be off-set against the harm that officers consider the proposed terrace would cause. Officers would therefore conclude that the level of less than substantial harm is not outweighed by a public benefit of the proposals, and the application does not comply with NPPF paragraph 215 or CLLP Policy S57.

### Residential Amenity

The Operating Statement outlines how the terrace would operate and suggests a number of conditions which could be imposed to restrict the use. These include a restriction on the number of persons to 60 on a private/pre-arranged basis only, hours of operation between 8am and 11.30pm each day of the week and no live music or the sale of alcohol on the terrace. The application is also accompanied by a 'Noise Assessment'.

Properties on Minster Yard, Exchequer Gate, Bailgate and Eastgate have been consulted on the proposals. No objections have been received from any of these properties. The

Cathedral Estates Department, as owner of a number of adjoining properties, and the church were also consulted.

The Cathedral Estates Department, as noted previously, are generally in support of the proposals for the terrace subject to conditions which will preserve the environment of the Cathedral visitors and residents of Close properties. The conditions are similar to those outlined in the Operating Statement but they also suggest that the height of the obscure glazing to the east balustrade is raised from 1.5m to 1.75m to reduce visibility and the hours of operation are 8.00am – 11.00pm, rather than 11.30pm.

The church has submitted a letter which outlines how the church is used as a place of worship- with the usual services along with weddings, baptisms and funerals- but also as a community centre and a venue for choir practice and concerts. It notes that the church is open throughout the week with daily services and is well used, with the average footfall of 3,000 people a month. They consider it would be inappropriate if there were noise on the terrace which would compromise the quiet atmosphere of the building, especially during services. They highlighted that the Noise Assessment makes no reference to the church and raise concerns that the proposed use of the terrace could impact and be detrimental to the church's activities. They also note that the terrace would also overlook the entrance to the church, which they consider to be inappropriate.

The City Council's Pollution Control (PC) Officer considered these comments as part of his assessment of the application and Noise Assessment. He noted that the report only considers the impacts on nearby residential properties with no consideration of the impact on the adjacent church, which should be seen as a sensitive receptor. The applicant was therefore requested to provide a revised assessment which considers the impact on the church as well as the general impact of music noise breakout escaping from the function room.

A revised Noise Assessment was submitted, which was shared with the PC Officer and also the church. Additional comments were invited from the church, although no response has been received to date.

The PC Officer has considered the revised report. The report concludes that the noise from the use of the proposed terrace, inclusive of noise generated from within the 4<sup>th</sup> floor lounge, is unlikely to have an unreasonable impact at neighbouring sensitive uses, including nearby dwellings and the adjacent church, provided that certain control measures are put in place. Several mitigation measures are proposed within the Noise Assessment, such as limiting the level and hours of any music played, restricting the number of people and the hours of use. The PC Officer has raised no objection to the conclusions of the report or to the proposal. He has recommended that any grant of permission should be restricted by the following conditions:

- Loud speakers shall not be installed or used on the roof terrace.
- No live music shall be played on the roof terrace.
- No more than 60 people shall be allowed within the fourth floor lounge and the roof terrace at any one time.
- Music levels emanating from the roof terrace access door shall not exceed the sound levels detailed within Table 6 of the applicant's noise assessment report (ref. 13735.01.v6, NoiseAssess Ltd, dated December 2024) between the hours of 8am and 11.00pm on any day. No music generated from within the 4<sup>th</sup> floor lounge shall be audible on the roof terrace between the hours of 11.00pm and 8.00am.

- The roof terrace shall only be accessible to hotel clients between the hours of 8.00am and 11.30pm.

While officers are of the opinion that the terrace would introduce a level of activity that would not usually be expected, in accordance with the recommendations of the PC Officer and the suggested conditions, it is not considered that it would have an unduly harmful impact as a result of noise and disturbance on neighbouring residential properties or visitors to the church.

With regard to the opportunity to overlook from the terrace, the application includes details of the separation distances between the terrace and neighbouring properties. The terrace would be located over 23m and 25m from the rear facing windows within 19 and 21 Minster Yard respectively and 13m from the blank facing gable of Exchequergate Lodge. The 1.8m high glazed balustrade to the east, facing these properties, would be acid etched up to a height of 1.55m above the level of the terrace to restrict the view. A section plan has been submitted which demonstrates the permissible viewing zone from the terrace; across and upwards towards the Cathedral, and the restricted viewing zone below this as a result of the obscure glazing; towards the windows within the adjacent residential properties. Officers are accordingly satisfied that the proposal would not provide the opportunity to overlook or result in loss of privacy to the occupants of properties on Exchequer Gate and Minster Yard.

Officers are also satisfied that the opportunity to overlook residential occupants on the upper floors of properties opposite on Bailgate would not be harmful, given the elevated position of the terrace above the windows and the oblique angle. It is also not considered that the opportunity to overlook the entrance to the church would be unacceptable given that this is already open to public view.

The proposals would not result in any impact from overshadowing or loss of light.

The proposals would therefore not result in harm to people's amenity, either within neighbouring residential properties or users of the church, from overlooking or as a result of adverse noise. It has accordingly been demonstrated that the proposal can be compatible with the neighbouring use of the church. The application is therefore in accordance with CLLP Policy S53 in these respects and, had officers not already raised objection to the application for the aforementioned reasons, these relationships could be appropriately controlled with the imposition of the conditions suggested by the PC Officer.

### Other Matters

The church has raised several comments in relation to rights of access, covenants and the Party Wall Act. These are all private matters which are outside the remit of the planning process and therefore cannot be considered as part of this assessment.

### Conclusion

Officers would therefore recommend that the application be refused on the grounds that the proposed glass balustrade and the use of the existing flat roof as an external terrace would cause unacceptable harm to visual amenity, the significance and setting of the listed building, the setting and significance of listed buildings in the vicinity and the character and appearance of the conservation area. The level of less than substantial harm has neither been appropriately justified nor is it outweighed by a public benefit. The application would therefore be contrary to CLLP Policies S53, S57 and S58 and the NPPF.

## **Application Determined within Target Date**

Yes.

## **Recommendation**

That the application is Refused on the grounds of:

- the proposed glass balustrade would have no meaningful relationship with the prevailing architectural language of the grade II listed White Hart Hotel, causing harm to the significance of the historic façade;
- the proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace, would be a modern and incongruous addition. It would not relate well to the site and would fail to reflect or satisfactorily assimilate into the surrounding area, contrary to CLLP Policy S53. It would diminish and harm the architectural significance of this designated heritage asset, contrary to CLLP Policy S57 and NPPF paragraph 212.
- the proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace would cause harm to the character and appearance of the conservation area and would fail to respect the special historic context, contrary to CLLP Policies S57 and S58 and paragraphs 212 and 213 of the NPPF.
- the proposed glass balustrade, along with the activity, noise and lighting associated with the use of the roof as an external terrace would have a negative impact on the roofscape within important views towards the Cathedral, harming the setting of this Grade I listed building. For the same reason the proposal would also cause harm to the setting of a number of other listed buildings in the vicinity. The application would therefore be contrary to CLLP Policies S53, S57 and S58 and paragraphs 212 and 213 of the NPPF.
- the less than substantial harm which would be caused to the significance of the heritage assets has not been justified in terms of the tests set out within paragraph 215 of the NPPF and is not outweighed by a public benefit, providing an external terrace allowing private members of the hotel to take advantage of views, but in doing so compromises these same views from the public realm; and
- the proposal fails to 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 is therefore contrary to the duty contained within sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act).