

White Hart Full Consultation Responses

Dear Sirs,

Reference: The White Hart Hotel, Bailgate, Lincoln LN1 3AR

Planning Application 2024/0617/FUL

Listed Building Consent 2024/0618/LBC

We are the Priest-in-Charge and lawfully elected Churchwardens holding legal responsibility, with the Parochial Church Council, for St Mary Magdalene's parish church which adjoins the White Hart Hotel on Bailgate.

We write regarding the above planning application and listed building consent application as detailed above.

We welcome the opportunity to comment on the latest stage of this impressive refurbishment which has enhanced the Bailgate area. However, we wish to make the following observations for your consideration.

St Mary Magdalene's Church is neither a commercial nor a residential building.

It is the Parish Church and, as such, is open and available to everyone in the area. It is a community building and, first and foremost, a Place of Worship. Our activities are not confined to Sundays - St Mary's is a seven-days a week church. Daily services are held in the church each weekday along with other worship activities at various times during the week and at special times of year. These aim to provide a 'quiet space' for residents and visitors. The church is also open for a time each weekday for people to drop in for a quiet moment. On occasions of national significance, such as the death of the late Queen, the church opens for a number of days of quiet prayer and reflection.

As the parish church we are the place people have a right to come for their baptisms, weddings and funerals. It would be especially inappropriate if there were to be the noise of a party going on above as people arrive for a funeral. We would not wish these activities to be optional for us, as we want to serve our community in these ways, but it is important to emphasise that we are required to continue to provide this ministry.

St Mary's hosts a programme of concerts running from April to July and again September to October each year. These attract high-level international musicians, and the quiet atmosphere of the building is vital to their performances. We are also the base for the Lincoln Mystery Plays rehearsals and, along with the Cathedral, for their performances. All performances in church are for everyone, free of charge.

The church has a strong music tradition of its own and there are choir practices each week and organ practice.

Our footfall averages 3,000 people a month, with a further 1,500 who attempt to come in when the church is locked. We are currently engaged in plans for a major £1million refurbishment of the church both inside and out to increase the number of people with whom we share our 'quiet space'. It is vital that the needs of the church are considered in the planning consultation for the White Hart roof terrace.



Whilst we appreciate that a noise assessment has been undertaken, there is no mention of the Church in the application, notwithstanding the existence of a party wall between the hotel and the Church for which a party wall agreement is in existence, nor the land in question being under certain covenants from the time it was sold to the hotel by the Church. The absence of any mention of these things raises concerns that the needs of the Church and its importance to the Bailgate community have not been taken into consideration. We have concerns that the proposed use of the terrace could impact and be detrimental to the church's activities in terms of noise disturbance as the proposed terrace will be immediately adjacent to the church. *Figures 1 and 2*



Figure 1 View showing proposed White Hart roof terrace adjacent to St Mary Magdalene's tower



Figure 2 View showing proximity of White Hart proposed terrace to St Mary Magdalene's tower



Figure 3 View showing proposed roof terrace at White Hart hotel overlooking the front and approach to St Mary Magdalene's church

The proposed terrace would also overlook the approach to the church, which we feel is not be appropriate for worshippers or bereaved family at funerals. *Figure3*

The church will continue to require access to the roof and tower for inspection and maintenance on a regular basis and we are concerned that the current proposal may make access more difficult, with a fixed glass balustrade adjacent to the tower/roof of the church.

Both these points are made in line with the covenants noted in the HM Land Registry Title number LL 141872 dated 1st April 1960, when the land on which the restaurant now stands was sold to the hotel by the church. The covenants require that activities on this site do not cause a disturbance to church services and that the church is to have access from the hotel for inspection and maintenance of its fabric. There is also a party wall agreement between St Mary's and the White Hart Hotel, dated 12th December 2006 which was drawn up when the previous Grille restaurant was extended.

We ask that these concerns are noted when the planning application is considered.

The Reverend Canon Dr Hugh Jones Priest-in Charge

Janet Killen Churchwarden Helen Jones Churchwarden

Parish Church of St Mary Magdalene,

St Mary Magdalene with St Paul in the Bail and St Michael on the Mount

Bailgate Lincoln LN1 3AR

Dear Sirs, in response to the above planning application we can respond as follows:-

The Cathedral is generally in support of the proposals subject to the controls outlined below and on the basis that they are binding on future purchasers and enforceable through a planning condition and by way of a unilateral undertaking or 106 agreement. This is important to preserve the environment of the Cathedral and Close properties for visitors and tenants into the future.

- 1) Lincoln Cathedral support the removal of the water tower and old viewing platform .
- 2) (Overlooking /Noise)19 Minster Yard is occupied by a residential tenant .There is potential viewing from the new platform to upper floor windows as shown on drawing 8502W-06 . See photo below :-



As indicated on plan 8502W-06 to reduce visibility obscure glazing should be used at an appropriate distance from the edge of the east parapet to minimise visibility to 19

Minster yard as shown on the drawing . Potentially the 1.5m height could be increased 1.75 to reduce visibility further in this location.

- 3) (Disturbance) Hours of operation : Cathedral would prefer 8AM -11pm rather than 11.30pm .
- 4) (Noise and disturbance) No alcohol shall be sold on the terrace and no music shall be played on the terrace .
- 5) (Noise and disturbance) Use of the terrace should be for private members only booking the facility and not for general public using the hotel.
- 6) (Appearance) No structures or furniture above 1.5m should be placed on the terrace .

Subject to the above controls being enforceable through legal agreements and binding on future owners the Cathedral are in support of the application.

I would be grateful if you could acknowledge receipt

Thanks

Mark

 <p>LINCOLN CATHEDRAL</p>	<p>Mark Wheeler <small>MRICS</small> Director of Estates and Facilities mark.wheater@lincolncathedral.com 07962 685788 www.lincolncathedral.com 28 Eastgate Lincoln LN2 4AA</p>	<p><small>LINCOLN CATHEDRAL 2024</small></p> <p>Our world: God's creation</p> <p><small>A celebration of life on earth, our communities and sustainability.</small></p> <p><small>FIND OUT MORE AT www.lincolncathedral.com/our-world</small></p>
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Conservation Comments

Application Reference Number	2024/0617/FUL
Planning Officer	Marie Smyth

Address	White Hart Hotel
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Description of Proposed Work
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.

Comments
<p>Summary</p> <p>The proposal to create a bar terrace on the roof of the White Hart Hotel will have a harmful impact on multiple heritage assets. The hotel itself is a grade II listed building, and 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.</p> <p>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 significance of the White Hart Hotel and 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.</p> <p>The White Hart Hotel</p> <p><i>Significance</i></p> <p>The White Hart Hotel is a grade II listed building and is a complicated site</p>

comprising 4 distinct building phases along the streetscene. The oldest element dates from the early 18th century and re-fronted in 1844. Today it presents an impressive 3 storeys arranged over 3 bays in brick and stucco façade on the corner of Eastgate and Bailgate. Designed in the 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 but both utilising 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. It is on the flat roof of the 1960s building that the balustraded roof terrace of proposed. 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.

Impact

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.

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 18th century and listed Grade II*, St Mary Magdalene, a 17th century church listed Grade II, Leigh-Pemberton House, a 16th century Merchants half timbered house listed Grade II*, Exchequergate, the west gatehouse to the Close wall dating from the mid 14th 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.

Overall Conclusion

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 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 framework goes on to require that where less than substantial harm would be caused by a development this should be weighed against 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 and or securing the optimum viable use of a heritage asset in support of its long-term conservation. However, none of these tests are met by the application and therefore the level of harm is not justified. 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.

Summary

Therefore, 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'.

Recommended Conditions

-

Officer	Sarah Harrison Principal Conservation Officer
Date	



Historic England

Sir/Madam - -
Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YL

Direct Dial: 07823608338

Our ref: L01583033

14 October 2024

Dear Sir/Madam -

**Arrangements for Handling Heritage Applications Direction 2021
& T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**WHITE HART HOTEL, BAILGATE, LINCOLN, LINCOLNSHIRE, LN1 3AR
Application Nos 2024/0618/LBC & 2024/0617/FUL**

Thank you for your letters of 27 September 2024 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

Historic England has concerns regarding the harm that the proposal would cause to the significance, character and appearance of the Cathedral Church of the Blessed Virgin Mary and City Centre conservation area, the White Hart Hotel, and the setting of other listed buildings and heritage assets within its vicinity. The harm comes from the intrusion of balustrades, associated furniture and people into views across the White Hart Hotel, between the Castle wall walk and Cathedral. This intrusion would also be readily visible in views upward from the end of Bailgate in contrast with the Grade II listed Church of St Mary Magdalene and the Grade II listed White Hart Hotel. The roofscape in this location is largely viewed in juxtaposition with the Cathedral, and this proposal would to a degree introduce an incongruous third element.

Historic England Advice

Significance

The White Hart Hotel is listed Grade II as a building of special architectural and historic interest. Located at the junction of Bailgate and Eastgate, is it within an area of the historic environment, including Castle Hill, Minster Yard and Steep hill, which is of high significance nationally. It is in the Cathedral and City Centre conservation area and within the immediate setting of several highly graded listed buildings including Lincoln castle (Grade I and a scheduled monument), Lincoln cathedral (Grade I) and Exchequergate (Grade I). It is, therefore, very sensitive to change. This area between



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Historic England

the castle and cathedral has seen little modern intervention to date.

Bailgate and Eastgate maintain their traditional character and form a key part of the conservation area, to which the White Hart Hotel contributes with its significance, character and appearance.

The White Hart Hotel is 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.

Impact

The proposal seeks to install a roof terrace to the southwestern corner of the building, fronting the building's façade to Bailgate, including a 1.8m high frameless glass balustrade. The visual impact of the proposed scheme would cause harm to the setting of listed buildings in its proximity and the significance, character and appearance of the conservation area by introducing an incongruous element into this sensitive area.

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.

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.

The prominent position of the White Hart Hotel at the junction of Bailgate and Eastgate means it contributes to an iconic view of the conservation area. 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.

Policy

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any



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features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cathedral and City Centre conservation area must also be taken into account.

Further to the general duty upon the authority in the 1990 Act S66(1) to have special regard, the National Planning Policy Framework sets out that all harm to designated heritage assets requires clear and convincing justification and in the case of less than substantial harm to be balanced against public benefits, '...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) [NPPF 205 / 206 / 208].

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.

Recommendation

Historic England has concerns regarding the applications on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206, and 208 of the NPPF.

Development within this setting should be highly sensitive. We recommend exploring the use of the existing roof terrace, located to the north east of the proposed terrace location, to achieve the aims of the proposal, which would potentially be less harmful to heritage significance.

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

Yours sincerely

I.Hartley

Isobel Hartley

Inspector of Historic Buildings and Areas

E-mail: isobel.hartley@historicengland.org.uk



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LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Lincoln City Council

Application number: 2024/0617/FUL

Application Type: full planning application

Proposal: 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

Location: White Hart Hotel , Bailgate, Lincoln, Lincolnshire, LN1 3AR

Response Date: 14 October 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

General Information and Advice

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

Application number: 2024/0617/FUL

Application Type: full planning application

Location: White Hart Hotel , Bailgate, Lincoln, Lincolnshire, LN1 3AR

Highway and Lead Local Flood Authority Report

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Recommendation:

Recommendation for No objection subject to:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

Officer's Name: Kelly Austwick

Officer's Title: Senior Development Management Officer

Date: 14 October 2024