

Public Document Pack



Please note that the following documents were published separately from the main agenda for this meeting of the Planning Committee to be held on Wednesday, 20th April 2022 at 5.30 pm in Committee Rooms 1 and 2, City Hall, Beaumont Fee, Lincoln, LN1 1DD.

- (a) Update Sheet

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108 Newland street West

Hi Lana,

I understand the application to convert the West End Tap pub to residential accommodation will be considered by the Planning Committee on 20 April 2022. I submit this statement for consideration.

I am one of three directors of Lincoln Tap Properties, the company that owns the West End Tap. Nigel de-la-Hey & Lewis de-la-Hey and I jointly own 3 companies including Lincoln Tap Properties. They operate the companies. I am an investor working full time in Cambridge and am not actively involved in the day to day running of the businesses. They want the change of use in order to increase the value of the property prior to selling it to a property developer. I am strongly opposed to this and want the building to remain as a pub. Indeed, my original investment was made to prevent the Vine, as it was then known, from falling into the hands of developers. I have made repeated offers to buy out the de-la-Hey's share in the company at a valuation in excess of the pub's value. All such offers have been rejected.

My business partners have stated that the pub is not viable. That is untrue. The pub closed last year when the tenant terminated the lease. He terminated the lease for personal rather than financial reasons. He kept the pub running throughout the pandemic lockdowns by operating a takeaway beer and food service. He was paying £2000 per month rent throughout. That's a 10% on an estimated value of £240,000. The fact that he could do this through the pandemic demonstrates that the pub is viable. When the tenant was able to re-open the pub it returned to being a popular and busy venue. It is sadly disappointing that he had to leave.

The de-la-Hey 's motivation in applying for planning permission is to sell the property to a developer. As a pub, with an estimated value of £240,000, their combined ownership amounts to 25% or £60,000. I am the majority investor at 40% (£100,000) and there is a bank loan for the remaining 35% (£80,000). By my estimation the maximum value as a development property is £300,000 which would increase their combined equity to £90,000. It is disappointing that people will destroy a community asset for such a modest gain. My motivation in opposing the planning application is that I want the property to remain as a pub. The trading history and the strength of the local campaign by the Keep The Tap Running group convinces me of its viability. I am in contact with the group and supported their ACV application.

If the planning application is rejected then the pub will be put up for sale and the community will have the opportunity to buy it, which is an outcome I strongly endorse. If they are unable to raise funds within the ACV deadline then I will repeat my offers to buy out the de-la-Heys. If I am successful then it is my intention to lease the pub and re-open it until such time as I can sell it into community ownership. I already have a tenant willing to do this. He is Paul Crossman and he owns and runs 2 independent community pubs in York and is the tenant of a third pub in York. All three are successful. Indeed The Slip Inn was recently recognised as Pub of the Year by York Camra. Paul is very experienced and successful in running community pubs and is also a founder of Campaign for Pubs, an organisation which promotes, supports and protects pubs. He considers the West End Tap

to be viable and agrees it should ultimately be sold into community ownership. He would put a manager in place until that happens. The manager would be empowered to recruit staff locally.

In my previous email I told you that the de-la-Heys have begun work on the property, contrary to its current planning status. This happened without my knowledge. They have adapted the upstairs accommodation as a separate rental unit and it is currently leased to tenants. I am told the lease runs from February 2022 for 6 months. The tenants are otherwise not connected to the business. I believe this to be contrary to the proper use of the property and am concerned that I have unwittingly been drawn into an illegal activity. Furthermore I am concerned my business partners may be trying to justify splitting the property into two parts, the pub on the ground floor and the flat above. The loss of the accommodation would make the pub untenable. The de-la-Heys also recently informed me of their intention to convert the ground floor of the building into accommodation and to run it as an Airbnb business. They said they were doing this regardless of my wishes and regardless of the outcome of the ACV and Planning Applications. Fortunately I have been able to stall that plan using the threat of legal action.

I hope you can see from this submission that I am passionate about keeping the West End Tap as a pub and that I am not opposing the Planning Application for personal gain. I have plans in place which are supported by KTTR and by Paul who is an expert in this field. If the Planning Application is rejected I will do everything in my power to restore the West End Tap as a community asset.

Please copy me on any communications with Lincoln Tap Properties, either by email or using the address below. It is unlikely that communications sent to the de-la-Heys or to Lincoln Tap Properties will be shared with me.

Regards,

Terry Mackown

6 Garner Close

Milton

CB24 6DY

Lana

In Response to the comments made by Terry Mackown on this application:

To put the record straight, Mr Mackown's claim of an offer to buy our shareholdings in the company which owns the West End Tap (Lincoln Tap Properties Ltd), amounts to no more than hot air and procrastinations. What constitutes an official offer is a bid in writing with proof of funds through a legal body, this has never materialised despite all his claims. With this in mind no such offer has ever materialised from the keep the tap running group.

The pub is not viable and the previous tenant who leased the property at a market value price, did the polar opposite of keeping the business running during lockdown, in fact the pub was due

to have its Premises licence revoked due to illegal activities largely due to drug use on the premises and covid-19 restriction breaches. For the sake of data protection we will not disclose names and details, however for any councillors or planning officers we will happily provide Lincolnshire polices reports from regular visits to the premises and the subsequent action taken by themselves and the city of Lincoln council. Following notification of the pending loss of licence and court proceedings Arch West Collective Ltd swiftly vacated the premises realising their inability to trade any further, in breach of their lease subsequently owing Lincoln Tap Properties Ltd a further £108,000 on the remainder of a 5 year lease. Arch West Collective Ltd then quickly liquidated to avoid police prosecution and without even producing a set of year end accounts. That does not strike me as a viable business.

In the year following Arch West Collective Limited's departure there has been no interest until the planning application was submitted from anyone, company or group to either lease or purchase the West End Tap. To date this is still the case.

We looked into re-opening the site post Covid but having traded the site for 7 years previously before it was leased to Arch West Collective Ltd, we realised the capital outlay required in order to do so would never see any return of investment and the business would sadly inevitably fail after a short period of trading.

The only reason the rent was able to be met during the lockdown caused by the pandemic was due to a government grant schemes.

Our motivations are to protect the companies only capital asset and help our business survive. Mr Mackown's estimations on valuation and ownership claims as a majority investor are completely false and would not hold up in any legal scenario.

For someone who has no involvement in the running of the business or ever has had any involvement in the licenced trade, Terry Mackown's individual view of knowing that the pub is viable and what is best for it, is farcical.

Mr Mackown's claims of work being undertaken contrary to the premises current planning status are further delusional ramblings with no basis of truth and we would welcome producing any evidence to prove the contrary.

Mr Mackown's claims of being passionate for keeping the pub running and no interest of personal gains are very questionable, when he is a active director in Property Renovations (Ely) Limited a company separate to our joint ventures of which we (The Delahey's) have no involvement in.

The previous ACV bid by the Keep The Tap Running Group was successfully appealed on the grounds of abuse of the AVC regime, currently the Keep The Tap Running Group have submitted a second bid which is open to appeal by the end of May, an option to appeal is in consideration with our legal representatives.

Nigel & Lewis DelaHey

Customer Details

Name: Mr Lewis DelaHey

Address: 12 Mitchell Drive Lincoln

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Reasons for comment:

Comments: In Response to the KTTR document submitted on the 19th April, addressing specifically the pure speculation pasted in below:

support for the West End Tap pub is immense and we simply ask for the opportunity to work with the majority-owner to safeguard the West End

Nigel Delahey who, along with his son, owns a combined total of only 25% of the West End Tap pub. 40% of the pub is owned by Terry Mackown, with the remainder funded by a business loan. Terry is the majority-owner of the pub and he does NOT support the planning application.

We Respond:

Terry Mackown is not the majority owner. Just look at the share allocation on companies house for Lincoln Tap Properties Ltd.

This document should not be taken into any form of consideration regards the planning committee decision, as it is not factually correct or accurate; we advise you to do your research before posting hearsay on public forums as gospel, from information collected from one source.

It is pretty easy to do a companies house search.

The West End Tap

Community Group information for inclusion in the Planning Committee pack relating to the West End Tap Pub, 108 Newland Street West

Keep the Tap Running (KTTR), the community group around the West End Tap pub, has prepared the following information for consideration by the Planning Committee on 20th April 2022. We believe the Planning Officer recommendation is based upon a number of significant errors and omissions which need to be addressed before the Committee decides upon the future of our pub.

KTTR wishes to be clear that we understand not all pubs can, or indeed should, be saved. However, the community, investors and expert industry support for the West End Tap pub is immense and we simply ask for the opportunity to work with the majority-owner to safeguard the West End Tap's future as a vibrant, popular and successful community pub.

1. OWNERSHIP

- i. The planning application to convert the pub into flats has been submitted by Nigel Delahey who, along with his son, owns a combined total of only 25% of the West End Tap pub. 40% of the pub is owned by Terry Mackown, with the remainder funded by a business loan. Terry is the majority-owner of the pub and he does NOT support the planning application.

2. VIABILITY

- i. The Planning Officer report does not make any reference to, or consideration of, the views of the majority-owner of the property. Terry has informed the council in writing that the pub IS viable and has provided evidence of this. The applicant's claim that the pub is not viable is not correct.
- ii. The ACV regime required the nominating body (KTTR) to provide evidence it is realistic that in the next five years the West End Tap's use as a public house might resume. KTTR was able to provide this evidence.
- iii. The most recent landlord has also stated his opinion that the pub is viable.
- iv. The Tap did not close because it was an unprofitable or unsustainable business.
- v. According to CAMRA, before many Councils will consider change of use they require applicants to submit detailed financial accounts as evidence of a claim of lack of viability (see Appendix 1). There is no indication that the applicants have submitted this information and/or that it has been scrutinised by a suitably qualified individual.

3. INTEREST IN THE PUB AS A GOING CONCERN

- i. Terry Mackown wishes The Tap to remain as a pub and has repeatedly offered to buy out the operational owners at a price in excess of the pub's value. All offers have so far been refused. Once bought, Terry will reopen the pub and look to

The West End Tap

transfer it into community ownership in the future. Terry has an experienced, award-winning tenant ready and able to take over the management of the pub.

- ii. The lease and freehold have also been unsuccessfully sought by other potential new landlords following the pub's closure.
- iii. The community is in the process of setting up a Community Benefit Society in order to launch a community share offer when the pub is put up for sale. Many offers of investment have already been received. The community will work with Terry to safeguard the long-term future of the pub as a key community hub.

4. MARKETING OF THE PUB

- i. According to CAMRA, before many Councils will consider change of use they require applicants to submit evidence that the pub has been marketed at a fair price for a minimum period (see Appendix 1). Applicants usually need to submit proof of a valuation and marketing schedule, along with evidence that the pub failed to attract a buyer. The West End Tap has NOT been put up for sale as a pub on the open market.
- ii. KTTR has previously been told by the applicant that he might consider selling the pub to the community for £350,000. Valuations¹ for the pub are in the region of £200-250,000. The inflated figure, presumably based on the hope value of change of use planning permission, quoted by the applicant is both unrealistic and unsustainable; for example, the community would struggle to access support (grants, loans etc) at a price so excessively above the market rate. The applicant has subsequently declined requests to open a dialogue about the pub's future with the community.

5. SUPPORT FOR THE PUB

- i. The Council recently listed the pub as an Asset of Community Value on the basis of its popularity and place in the heart of the community. KTTR's initial ACV listing was overturned as the legitimacy of the signed pledge that any future funds raised by the group would not be used to benefit individual members was challenged. With the help of CAMRA and the Plunkett Foundation the group adopted a formal constitution which addressed this technicality and reapplied for ACV status. Within a week the constitution was agreed and underwritten by 121 locals and the second ACV nomination was successful. (See Appendix 2).
- ii. Over 60 formal objections of residents were submitted to the Planning application.
- iii. 99 residents have responded to a survey to determine the future use of the Tap.
- iv. No-one has been a bigger support to KTTR than the landlords of both the Queen in the West and the Joiner's Arms. The group has attracted support and engagement from numerous and diverse corners of our community, the nationwide network of community pubs and numerous pub organisations.

¹ Valuations from the majority-owner, industry experts and local publicans

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6. THE PLANNING APPLICATION

The application to convert to flats has been examined by a prominent local architect and we would like to raise the following points:-

- i. The central Lincolnshire local plan states that “the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.” The proposed design seriously compromises the privacy enjoyed in the neighbouring gardens along Newland Street West.
- ii. The officer’s report INCORRECTLY describes the east elevation as a ‘blank 2 storey elevation’. It references two windows to the first floor that serve a bathroom and a utility room. Stating that as these are not habitable rooms and the bathroom would have opaque glass therefore overlooking would be limited and subsequently there would be no loss of privacy. It FAILS to reference the two ground floor windows serving the kitchen and lounge area (both habitable rooms) along with the second-floor low level rooflight serving a bedroom. Overall, there are four new windows and one low level rooflight being added into this three-storey elevation. Positioned on a boundary wall, directly looking into the neighbour’s garden destroying the privacy of this amenity space and creating a potential fire hazard with the introduction of these large unprotected areas.
- iii. Development should provide the level of amenity space to meet the recreational and domestic needs of the occupants. The proposed design has minimal amenity space. The three small terraces shown at first floor level, are inadequate in relation to the proposed three bed 5 person and three bed 6 person properties. These terraces will also overlook neighbouring first floor windows on Nelson Street and two of the three terraces are accessed through bedrooms restricting their use by all the occupants of the properties.

SUMMARY

KTTR has shown that the West End Tap is a viable and popular pub. There is no legitimate reason for it not to reopen and be enjoyed by the residents and visitors to the city. It has an owner who is willing and able to purchase and reopen the pub under new expert management, with a view to securing its long-term future as a community hub. In many cases this application for change of use would not be accepted by a Council, let alone be recommended for approval.

To the Planning Committee, you are not being asked to make best use of an unwanted, failing commercial premises - you are being asked to deprive Lincoln’s West End community of one of its most historic, popular and socially and culturally significant amenities. You have been advised to disregard our nomination of the pub as an Asset of Community Value. Please listen to our community and support our endeavour.

Keep the Tap Running

The West End Tap

APPENDIX 1: Examples of Council policies relating to the loss of public houses

Mendip District Council

4. Evidence Required

4.1 Business Viability

Where a business is operating from a site, and an application is made for change of use on the basis of lack of viability, the Council will require evidence of this. This must include accounts for the previous 3 years, including VAT returns where applicable. The accounts shall detail any debt (e.g. mortgage) being serviced by the business. Where a business has closed in the previous year, the last 3 years accounts will be required. Similar information will be required in instances where there is a need to demonstrate the long term viability of an enterprise, for instance where a business wishes to develop a site where policy would indicate a different use, but the potential for a scheme to support business development and growth needs to be explored. Applicants should be aware that any such information submitted with an application will be in the public domain and cannot be treated confidentially. In very exceptional circumstances, the Council will consider any request for confidentiality, but a clear and exceptional need must be demonstrated.

4.2 Viable alternative uses

In addition, where a change of use is proposed on the grounds that the site has no viable future as a commercial or employment site, the Council will require evidence to demonstrate that the land or property has been fully exposed to the market at an appropriate valuation and that a range of similar uses have been considered. This ensures that the Council can adequately assess an application for change of use on the basis of insufficient market demand. The Council may engage specialist advice as necessary to assess the valuation and marketing strategy on a case by case basis.

4.3 Marketing Information

Sufficient marketing should be carried out to demonstrate whether the site could be viable in its current or similar use. This will include instances where a site has become vacant, but was last used as a community facility or for employment uses. The minimum actions required are set out below. Evidence of these activities having been carried out will be required (see Marketing Report section below). The marketing should be up to date and reflect current market conditions, usually carried out within 2 years of the date of submission of the planning application. The type and extent of marketing required will be influenced by the nature of the site. A large industrial or commercial site might be expected to carry out marketing at a national and regional level, as well as locally. A local shop or pub might only attract local or regional interest.

A marketing strategy should be drawn up and take into account the factors set out below. The marketing budget should also reflect the characteristics and value of the site. • Location of the property • Age and type of property • Current use • Size of property • Accessibility of property • Potential type of interest • Tenure • Sale/rental price

Marketing should last for at least 10 – 12 months and the marketing strategy should include the following activities as a minimum; • Appointment of a suitably qualified and experienced agent • Erection of a prominent signboard on the site • Production of agents particulars/brochure • Targeted marketing to agents contacts list • Website entry

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appropriate to the use / business • Registration with www.intosomerset.co.uk property listings The marketing strategy should be agreed through formal pre-application advice.

4.4 Valuation

A valuation report with evidence of how the sale price has been determined will be required, as part of the marketing report (see below). The valuation report should be produced by a chartered surveyor (RICS member) and should make reference to values of comparable properties in the locality. The sale price should reflect the use/ uses for which it is being marketed and should support any initial market appraisal which was used to establish the price at commencement of marketing.

4.5 Marketing report

The appointed agents should produce a marketing report, to include a summary of the marketing strategy that has been employed, initial market appraisal and a valuation. The valuation should support the market appraisal but may be prepared at the date of the application for change of use. Evidence of the agents carrying out the actions set out in the marketing strategy will be required as follows; • Evidence of any updates to marketing strategy, including price revisions or changes of approach • Photos of signboard, dated • Copy of brochure and evidence of dating • Details of targeted marketing, including address list and dates sent • Copies of adverts with dates and rationale for choice of publication • Copy of webpage and dates • Details of any enquiries and viewings • Details of any reasons given for not proceeding by potential purchasers • Details of any offers and reasons turned down if applicable

5. Assets of Community Value

Where the property is listed as an Asset of Community Value under the Localism Act 2011 the Council will expect to see evidence of discussion with the local community regarding options for its continued use. This might include an exploration with the local community of the potential for a community enterprise.

https://www.mendip.gov.uk/media/15728/Marketing-and-Business-Evidence-SPD/pdf/2017_Marketing_and_Business_Evidence_SPD.pdf?m=637698160082900000

The London Plan

7.7.7 To demonstrate authoritative marketing evidence that there is no realistic prospect of a building being used as a pub in the foreseeable future, boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators.

The pub should have been marketed as a pub for at least 24 months at an agreed price following an independent valuation, and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents.

https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

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Nottingham City Council

4.164 Clear evidence will be required to demonstrate that the facility is no longer viable, such as trading accounts for the last three years in which the premises was in operation as a full time business and submission of a full viability assessment which should have regard to the Campaign for Real Ale's public house viability test (March 2014 - www.camra.org.uk). The reasonable costs of any further independent viability assessment will be expected to be met by the applicant. Evidence that the site has been appropriately marketed will also be required including evidence to show that the premises has been marketed both locally and regionally for use as a public house or other community use, at a reasonable price and for an appropriate period.

<https://www.nottinghamcity.gov.uk/media/3332773/land-and-planning-policies-document-lapp-2020.pdf>

Mansfield District Local Plan

Local shops, community and cultural facilities

Protection of existing local facilities

1. Development proposals which involve the loss of local facilities will only be supported where it is satisfactorily demonstrated that:

- appropriate replacement facilities will be provided in a suitable alternative location*;
- the facility is no longer viable, and this can be justified through adequate marketing of the premises for its current or former use for at least six months **;
- the facility will be reinstated and enhanced as part of any redevelopment of the building or site.

https://mansfield.objective.co.uk/events/33235/4917324_accessible.pdf

Rushmoor Local Plan

10.62 Proposals seeking the loss or re-use of a public house for alternative purposes will be required to show that the facility has been marketed effectively. The marketing should be realistic, appropriate and genuine. A record of all marketing should be submitted with the application proposal, including the following:

- Confirmation by a commercial property agent that the premises were marketed extensively for A4 use at a reasonable price in relation to use, condition, quality and location of floorspace and for a minimum period of 12 months prior to the submission of the application;
- Evidence that contact information was posted in a prominent location on site, in the form of an advertising board (subject to advertising consent, if required) and that property details/ particulars were made available to inquirers on request;
- An enquiry log showing the number of enquiries, their nature, how they were followed up and why they were unsuccessful; and
- A copy of all advertisements in the local press and relevant trade journals (spread at appropriate time intervals throughout the marketing period).

<https://www.rushmoor.gov.uk/CHttpHandler.ashx?id=19935&p=0>

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APPENDIX 2: Asset of Community Value nomination form extract

<p>Reasons for nomination: why do you believe the asset is of community value</p>	<p>A large group of local residents has organised as 'Keep the Tap Running' with the specific and sole aim of not allowing a treasured local asset to close. The West End needs to protect its gathering places which are the heart of our community and the Tap (formerly the Vine) has been a pivotal part of Carholme's life for as long as can be remembered.</p> <p>The permanent loss of such a community hub as a result of the Covid-19 pandemic is unthinkable and we have no intention of letting that happen.</p> <p>Options being explored by the group include positive problem-solving conversations with the current ownership, public meetings to demonstrate the strength of feeling and exploring the notion of establishing the Tap as a Community Pub. We are considering all viable options to simply keep the pub running.</p> <p>What is the current or recent non-ancillary use of the land and building?</p> <p>The West End Tap ceased trading as a public house in January 2021 following the enforced closures due to the Covid-19 pandemic. The most recent tenant landlord decided to focus his efforts on a new food business that started at the pub and developed and thrived during lockdown.</p> <p>Why do we want to list the West End Tap as an Asset of Community Value?</p> <p>In the DCLG plain English Guide to the Localism Act it is stated that <i>"Every town, village or neighbourhood is home to buildings or amenities that play a vital role in local life... Local life would not be the same without them, and if they are closed or sold into private use, it can be a real loss to the community... To seek to counter such loss when an asset is listed The Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the market. This will help keep much-loved sites in public use and part of local life. The intended effect is to make it easier for local people to take over the amenities they love and keep them part of local life."</i> (2011; p.8-12).</p>
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	<p>The City of Lincoln Council has seen fit to register five other city pubs at various times and so recognises their inherent value as treasured amenities within our communities.</p> <p>The call to arms and subsequent nomination of our pub as an Asset of Community Value came about following the owners' submission of a planning application to convert the property into three two-storey three-bedroom flats (Ref: 2021/0621/FUL). Crucially, it was at this point in time that the community realised that the owners were not simply waiting for the Covid crisis to pass, and that they had no intention of re-opening the pub or making the lease available to a new tenant landlord. This point was reinforced by their reluctance to enter into negotiations with potential new landlords.</p> <p>The group wishes to make it absolutely clear that the purpose of its ACV nomination is to trigger the right to bid and six month moratorium period that would allow us time to put in place an action plan to save the pub. It would be naive and unrealistic to claim that the group does not also, and simultaneously, object to the impending planning application. However, this is a separate matter that has already been addressed through correspondence to the planning department. The group has no desire to frustrate or interfere in the planning sphere and recognises that it is for the planning committee alone to decide whether or not an ACV listing is a material matter when it comes to considering granting a planning application.</p> <p>Why do we believe the West End Tap is of community value?</p> <p>The West End Tap pub has added significant value to the life and community of the West End of Lincoln for many decades. There is strong support for the reopening and long-term future of the pub. Amongst the many points raised in relation to its recent closure and nomination as a community asset include:</p> <ul style="list-style-type: none">• The West End Tap is a place where local residents and students come together and this is of particular value in this high density population area. The pub's popularity with the many students of the West End was seen through regular student events, for example student DJ nights. Although many are not registered to vote at their university
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The West End Tap

	<p>addresses (and therefore cannot be counted within the 21+ qualifying group members in terms of the ACV regime), students represent a significant proportion of the West End community. When assessing the value of the pub to the local community the group believes it is essential to include the views of all stakeholders. University of Lincoln student and DJ Ollie Remington sums up the opinion of many of the West End students, <i>"It was an absolute cultural hub. There's really no other way to put it. The Tap closing down was one of the biggest venue losses this city encountered last year and it took away a really unique place for students to hang out. A lot of the West End is dominated by this city's student population and the Tap gave that group a place to experience local music and become more involved in the city's scene."</i> By creating a space that was used and beloved by long-term residents and students alike the West End Tap played a crucial role in boosting social cohesion and promoting wellbeing.</p> <ul style="list-style-type: none">• It is important to retain a choice of local amenities for socialising, particularly due to the rapid and ongoing increase in housing provision within the West End. The West End Tap was a key local establishment in an area where community assets are in short supply and one of only two truly 'local' pubs. The nearby Horse and Groom pub, located in the Brayford Pool area of Lincoln, has the atmosphere and business strategy of a restaurant/food-led establishment; for example, it is not possible to simply sit at the bar and mingle. Therefore the Horse and Groom is not significantly patronised by the West End community in the same way that the West End Tap was and The Queen in the West <i>is</i>, and it does not compensate for the loss of the Tap. Permanent loss of the Tap would remove choice. The West End Tap and the Queen in the West had different atmospheres and appeal and they complemented rather than competed with each other. This view is supported by the owners of the Queen in the West, who are fully behind the re-opening of the Tap as they recognise its importance to the economic, cultural and social life of the area.• Pubs are a place for community to be formed. In the aftermath of Covid it is even more apparent that people need social interaction to ensure good mental health. Large numbers of the local population feel that the
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	<p>permanent loss of their pub would have a detrimental impact on their mental health and wellbeing. This outcome is backed up by research from the University of Oxford which shows that people who have a <i>"local pub that they visit regularly tend to feel more socially engaged and contented, and are more likely to trust other members of their community"</i>. They are happier, more satisfied with their life and have a wider network of friends. (2017 'Your health! The Benefits of Social Drinking').</p> <ul style="list-style-type: none">• Small community pubs provide a safe environment to meet old and new friends and an enriching environment in which to meet a greater diversity of people from all walks of life. The West End Tap has good access for disabled people, both inside and outside. This creates an inclusive, safe and enjoyable space for meeting other people and thus furthers individual wellbeing.• The pub promoted local democracy by providing a meeting room for regular local political party meetings. <i>"As the former Chair of Carholme Labour Branch, community committees met regularly in the back space of the Tap. The relaxed and semi-secluded nature of this little space was perfect for a quiet discussion about issues and solutions in the ward. The Tap's location in the heart of the community made it perfect for short hop meetings like this without having to trail to town. As the father of young children I can say that this placed less pressure on family and partners as parents would leave the other alone for less time – you could nip and be near. It would be a great loss to the community were it not to re-open."</i> Jamie Bennett.• The Tap was also often used by local Councillors for meetings with constituents.• It has been a place where the community has celebrated births and marriages and mourned deaths. It has hosted many events for community groups and private parties.• The pub has provided a regular meeting place for sports clubs and teams and so has promoted a healthy environment. Before its recent closure the pub was in sponsorship discussions with Lincoln's Rugby club.
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The West End Tap

	<ul style="list-style-type: none">• By taking part in events such as co-promotions and festivals the Tap encouraged the community to come together in support of local businesses. As a host for a wide range of activities the Tap was an important venue for local businesses such as Barefoot Vinyl, Back to Mono and Kinetics.• The Tap hosted regular comedy nights, vinyl nights, open mic nights and quizzes. These brought together people from many different backgrounds and provided a recreational benefit for the community by encouraging participation. The community were also encouraged to engage actively in music through regular guitar, folk and Irish music jam sessions.• In particular, the pub had a special reputation for live music and for nurturing and providing a platform for new musicians. It acted as a warm-up venue for local music festivals, such as 'JoeFest' which is now the nationally successful 'Beyond The Woods' festival. Singer-songwriter Holly Humberstone started her career performing in the pub and has recently gone on to win the 2022 Brits Rising Star Award. It is not an exaggeration to say that the West End Tap is of cultural significance in Lincoln, as Christian Coleshaw from Badlands Festival explains, <i>"Badlands Festival Lincoln are a community-based live event promotion group. We have hosted regular live music events including club shows and an annual festival in Lincoln. Our aims are to create a platform for up and coming guitar-based bands in Lincoln, attract national and international talent to the city, and support community action. The West End tap was a natural venue for us to gravitate towards with its strong links to the local community. We had heard positive things about the venue from other promoters, DJs and artists and hosted several events there during the last tenure. This included our annual 'Stickin' In Their Eyes' event where bands raised money for local rough sleeping charity Let Them Eat Cake, and also the Joe Strummer Foundation. Lincoln has a vibrant music scene that is unfortunately hampered by a lack of suitable venues. Larger venues in the city either have costly overheads or are limited in availability for smaller acts, while pubs that are suitable tend to prefer tribute acts over original groups. Pubs that are willing to take a chance on original music like the West End Tap, in my eyes, offer a vital lifeline to musicians, can</i>
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The West End Tap

	<p><i>inspire a new generation of players and can ultimately play a part in raising the profile of the city nationally."</i></p> <ul style="list-style-type: none">• The West End Tap forged links with local breweries and other businesses. By holding beer festivals, such as the West End Tap Big Weekend, the pub provided family-friendly enjoyable entertainment showcasing local real ales and food along with live music.• Charities were regularly supported through activities, events and sponsorship. Among the charities to benefit include; Macmillan Cancer Support, Let Them Eat Cake, Mind, and the Joe Strummer Foundation.• In 2019 the Tap promoted LGBGTQ+ inclusion by supporting and judging Lincoln's first ever drag race event, "Her Majesty", during which six people competed for the title of Lincoln's ultimate drag queen. <p>To summarise, the West End Tap pub is a necessary, popular and vibrant public meeting place. It is a place of recreation, participation and companionship thus providing a vital role in the promotion of social interests and wellbeing. The West End is a community which values both of its fantastic public houses – they have a historic place in our memories and they will be irreplaceable if lost.</p> <p>(See Appendix B for evidence in support of our claim that the West End Tap furthered social interests and wellbeing; images from social media and a short letter which is representative of many received from residents.)</p> <p>Is it realistic that in the next five years the West End Tap's use as a public house might resume?</p> <p>The pub closed following the exceptional pressures, disruption and costs of the Covid-19 pandemic. This is no basis on which to decide that it has no sustainable future as a pub. Notwithstanding errors of judgement made during the pandemic, the most recent landlord has stated publicly that he believes the pub would be wholly viable post-lockdown.</p> <p>Keep the Tap Running is in the process of setting up a community pub steering group. This group will undertake the preparatory work involved in launching a community buy-out</p>
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The West End Tap

	<p>and will investigate funding and grant opportunities, for example through the £150million Community Ownership Fund that has been set up to help communities take ownership of assets and amenities at risk of closure. As part of our research we are in discussion with successful Lincolnshire community pubs, including the Duke of Wellington in Leasingham and the Thorold Arms in Marston, and many other community pubs from around the UK. We have access to expert legal and business advice from the Community Pubs Network, the Community Shares Company, Campaign for Pubs, CAMRA, More than a Pub and the Plunkett Foundation as well as experienced local publicans.</p> <p>The community is willing to work in partnership with other not-for-profit organisations or third parties wishing to re-open the pub and/or to launch a community share offer in order to put in a bid to buy the freehold of the property. This will be achieved by using a suitable social enterprise business model such as a Community Benefit Society or a Community Interest Company. These ownership models will allow the pub to be run on a not-for-private-profit basis, with the majority of profit being used for community benefit rather than shareholder profits and will include a statutory asset lock. Although we are not yet in a position to launch the share offer we have already received pledges from prospective investors. Most excitingly, the benefit and viability of the West End Tap have been recognised by a social investor who has offered to match-fund the community's fundraising efforts if the pub is made available at an appropriate market value (see Councillor Murray for verification).</p> <p>In addition to this the group has for many months been in discussion with a new social enterprise pub company, the People's Pub Partnership (PPP). PPP would like to work with the community and social investor to purchase and manage the pub. PPP's involvement in the Tap would bring expert pub management, supply chain and back office support and would take pressure off the community group who are not yet expert in those matters.</p> <p>The Act does not require the group to provide a detailed business case and it is enough that there is a realistic chance of the Tap returning to use as a pub furthering the social interests or wellbeing of the community (2014 Judge N J Warren).</p>
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The West End Tap

	<p>When it comes to owner appeals against ACV listings Christopher Cant reports in his 2017 ACV Guide that, <i>“there is a very marked acceptance that financial problems can be overcome if there is a strong sense of local community especially if it has engaged with the particular property and has available to it credible advisers with experience of community projects.”</i> (2017; p.45). The community’s engagement with its pub is beyond question and it has access to credible and experienced advisors.</p> <p>The pub was operating successfully until the Covid-19 pandemic and, whilst not disputing the challenge of current trading circumstances, the location of the pub in the heart of a thriving residential and commercial community gives it a much better chance of success under the right ownership and management. The key reason for the closure of the pub is because its continued operation is no longer a strategic priority for its current owners. That is their right as business owners to make such a determination, but it is not their right to deprive a local community of its amenities and close a pub with a vibrant and passionate clientele simply because their business interests have changed. Indeed, until such time as the City of Lincoln Council has given planning permission for an alternative usage, it is simply impossible to say that the pub could not be viable; up to and including the possibility of new owners, including a not-for-profit community ownership bid, such as the now over 150 successful similar pubs in the UK. To quote First-tier Tribunal Judges N J Warren and Simon Bird, when it comes to saving community assets <i>“it is important [...] not to confuse commercial viability with what altruism and community effort can achieve.”</i> (2014 Worthy Developments vs Forest of Dean DC), and <i>“it would be wrong to rule out community spirit and philanthropy as resources which might be drawn upon.”</i> (Astim vs Bury Council).</p> <p>Keep the Tap Running is lucky to have both abundant community spirit and philanthropy at its disposal.</p> <p>In our nomination of the West End Tap as an Asset of Community Value we believe we have provided sufficient evidence that the pub has, in the recent past, furthered the social wellbeing and social interests of the local community and also that it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building and land that would further (whether or not in the</p>
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The West End Tap

	same way as before) the social wellbeing or social interests of the West End community.
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Dear All,

I am writing to you as National Planning Policy Adviser for CAMRA, the Campaign for Real Ale. I have been contacted by the group of local people campaigning to prevent change of use of the West End Tap pub to housing.

I have seen the planning officer's report and recommendations concerning the planning application (2021/0621/FUL) and am greatly concerned about both the contents and conclusions of the report. I would be grateful if what follows could be included please in the Planning Committee information pack.

Firstly, there is no mention of the relevant planning policies within the National Planning Policy Framework, notably paragraph 92 which requires planning policies and decisions to 'guard against the unnecessary loss of valued facilities and services (*which the Framework makes clear elsewhere includes pubs*) particularly where this would reduce the community's ability to meet its day-to-day needs'. The value of the West End Tap to local people is attested by the number of objections to the application and by its registration, by your council, as an Asset of Community Value. The loss would be unnecessary for reasons I will come onto.

Secondly, the report highlights the relevant policies within the Central Lincolnshire Local Plan and policy LP15 in particular. This states, inter alia, that loss will only be permitted if 'the facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility'. The report goes on to reproduce the 'justification statement' from the applicants. In my view, this statement utterly fails to support any contention that the pub is 'demonstrably no longer fit for purpose'. It mentions, at length, criminal activity etc. within the premises. However, any such activity is in no way a planning issue - it will be purely a consequence of the ways in which the premises were (or were not) managed. I am told that when the pub was properly run in the past, no such problems arose. To suggest that such behaviour is somehow intrinsic to the premises is absurd.

The applicants go on to claim that despite investment, the business became unprofitable. Have the applicants provided any trading figures and accounts to support this claim? In any event, the fact that a business fails to turn a profit does not mean that the premises concerned are fundamentally unviable. More often than not, this is a consequence of a business being poorly run and failing to attract custom as a result. I can point to countless examples of 'unviable' pubs that are now thriving under good management committed to making the business a success. I am told that the pub has been financially successful in the recent past and can see no reason why, in the right hands, it should not be so in the future.

I see no evidence that the West End Tap has been marketed as a pub at a price reflecting its value as a pub, I am further told that, if it was, then there is at least one willing buyer in the wings. What represents a reasonable price can easily be ascertained by asking one of the several expert independent surveyors available to make a report. I should say that the majority of local planning authorities make it a requirement within their Local Plan that a pub is properly marketed at a reasonable price for at least twelve months before a change

of use application will be entertained. Most also require an independent valuation or commission one themselves.

Not being familiar with the area, I cannot comment on the availability of other facilities in the vicinity. What I would say, though, is that, in urban areas especially, localities can often support a variety of outlets and that choice is an important consideration. I have seen no evidence to suggest that the area is 'over-pubbed'.

In conclusion, I would strongly disagree that the application passes the policy tests in LP15, nor does it satisfy the requirements of the NPPF. I would strongly recommend that the application be refused.

Yours sincerely

Paul Ainsworth
CAMRA National Planning Policy Adviser



City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
LN1 1DF

Our ref: AN/2021/132120/01-L01
Your ref: 2021/0597/FUL
Date: 10 August 2021

Dear Sir/Madam

**Erection of 73 bedroom residential elderly care home including access from Cross Spencer Street, car park, and turning area, landscaping, refuse and cycle storage. To include demolition of former abacus motor group showroom and ancillary motor repair buildings
471 - 480 High Street, Lincoln**

Thank you for consulting us on the above application, on 28 July 2021.

Environment Agency position

We have no objection subject to the imposition of planning conditions on any permission granted.

Protection of the water environment

We have reviewed the following reports with regard to the risk posed to controlled waters:

- Phase 1: Desk Top Study Report (ref: 21-432) by Arc Environmental, dated 1 July 2021; and
- Preliminary Data Summary Sheet (ref: 21-432) by Arc Environmental

The previous uses of the proposed development site, including as a garage and vehicle repair workshop, present a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. The Sincil Dike is also located adjacent to the south of the site and any shallow groundwater in the River Terrace deposits below the site may be in hydraulic connectivity with the surface watercourse.

The application's Phase 1 Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Ceres House, Searby Road, Lincoln, LN2 4DW
Customer services line: 03708 506 506
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.

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In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission and implementation of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework (NPPF).

Without the following conditions we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of pollution.

Condition 1

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF.

Informative advice

In so far as it relates to the risk posed to controlled waters, we consider that the Phase 1 Desk Study is sufficient to satisfy Part 1 of this condition. It is understood from the Preliminary Data Summary Sheet that an intrusive site investigation has been undertaken involving the drilling of 9 no. boreholes and the excavation of 9 no. trial pits, with a final interpretative report to follow. It is noted that both the Desk Study report and intrusive investigation incorporate both the subject site and the associated proposed development site immediately adjacent to the east (under a separate planning application).

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We consider that an interpretative site investigation report specific to the subject site of this application will need to be submitted to satisfy Part 2 of this condition. It is noted from the Preliminary Data Summary Sheet and exploratory hole location plan that only one borehole (BH03) has been installed as a groundwater monitoring well within the boundary of this proposed development. This will provide only limited coverage of groundwater quality below the site. Based on the findings of the initial phase of intrusive investigation, further work (including additional monitoring wells) may be required to fully assess the potential risks to controlled waters. We consider that all controlled waters risk assessments should be supported by a minimum of two rounds of groundwater monitoring, with all samples tested for all potential contaminants of concern (with hydrocarbon analysis speciated - TPH CWG). Given the proximity of the Sincil Dike, which is a sensitive receptor, consideration should also be given to the collection of upstream and downstream surface water samples to provide further confidence in the controlled waters risk assessment.

We recommend that developers should:

- Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Condition 2

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

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Flood risk

The development lies within Flood Zone 1 of our Flood Map for Planning so we have no comments on the layout or finished floor levels proposed.

The surface water drainage strategy should be assessed by the lead local flood authority to ensure it is appropriate to the size and nature of the development.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact our local Partnership and Strategic Overview team at PSOLINCS@environment-agency.gov.uk with regard to any aspect falling within this distance. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

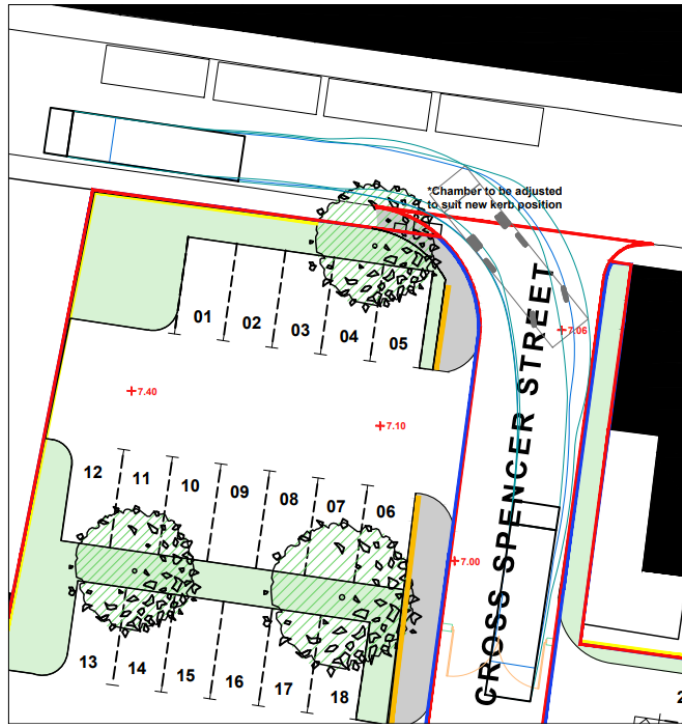
Yours faithfully

Nicola Farr
Sustainable Places - Planning Specialist

Direct dial 02030 255023
Direct e-mail nicola.farr@environment-agency.gov.uk

End

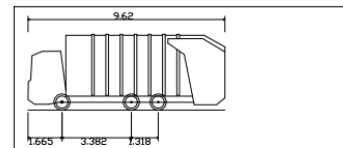
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ENTRY SWEEP PATH ANALYSIS



EXIT SWEEP PATH ANALYSIS



PHOENIX 2-15N (WITH ELITE 2 6X2 ML CHASSIS)	9.620m
OVERALL LENGTH	9.620m
OVERALL WIDTH	2.250m
OVERALL BODY HEIGHT	3.707m
MIN BODY GROUND CLEARANCE	0.260m
TRACK WIDTH	2.250m
LOCK TO LOCK TIME	0.00s
KERB TO KERB TURNING RADIUS	8.950m



VIASOLUTIONS
 THE OLD COACH HOUSE
 1 CAMPBELL STREET
 PUDSEY
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 tel: 0113 3453957
 email: highwaymen@viasolutions.co.uk

PROPOSED MIXED-USE DEVELOPMENT

SPENCER STREET, LINCOLN

SWEEP PATH ANALYSIS

NOTES

THIS DRAWING SHOWS THE PRELIMINARY LAYOUT ONLY (NOT TO BE USED FOR CONSTRUCTION) AND IS SUBJECT TO DETAILED DESIGN. FULL CDM COMPLIANCE

Sweep Path Analysis