

Application Number:	2021/0621/FUL
Site Address:	108 Newland Street West, Lincoln, Lincolnshire
Target Date:	25th February 2022
Agent Name:	Lincs Design Consultancy Ltd
Applicant Name:	Mr Nigel Delahey
Proposal:	Change of use of ground floor from public house (Use Class Sui Generis) and existing upper floor flat to form two maisonettes (Use Class C3). Demolition of rear outbuildings to facilitate a two storey extension and the erection of one new dwelling.

Background - Site Location and Description

The site is located on a corner plot with Newland Street West to the north and Nelson Street to the west.

Permission is sought to change the use of the ground floor from a public house (Use Class Sui Generis) and existing upper floor flat to form two maisonettes (Use Class C3). Demolition of the rear outbuildings to facilitate a two storey extension and the erection of one new dwelling. 3 Residential units would be created.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on various dates.

Policies Referred to

- Central Lincolnshire Local Plan
- Policy LP15 – Community Facilities
- Policy LP26 – Design and Visual Amenity

Issues

- Principle of development
- Asset of Community Value
- Loss of the public House
- Residential Amenity
- Visual Amenity
- No students S106
- Contaminated Land
- Air Quality
- Highways

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

Statutory Consultation Responses

Consultee	Comment
West End Residents Association	No Response Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mr Karl Hanson	26 Richmond Road Lincoln Lincolnshire LN1 1LQ
Mrs Andrea Redgwell	51 Long Leys Road Lincoln Lincolnshire LN1 1DR
Miss Rebecca Shipp	6 Winterbourne Court Corby NN18 0BJ
Susan Cottingham	4 Drury Lane Lincoln Lincolnshire LN1 3BN
Mrs Rebecca Brumfield	10 Manor Leas Close Lincoln Lincolnshire LN6 8DE
Mr Jeremy Forward	35 Newland Street West Lincoln Lincolnshire LN1 1QQ
Emma Haigh	35 Newland Street West Lincoln Lincolnshire LN1 1QQ
Mr Richard Fender	3 Richmond Grove Lincoln Lincolnshire LN1 1LJ
Mr Kevin Smith	9 Rosebery Avenue Lincoln Lincolnshire LN1 1ND

Sarah Guwst	25 Albion Crescent Lincoln Lincolnshire LN1 1EB
Clara Finley	7 Queens Crescent Lincoln Lincolnshire LN1 1LR
Lyn Taylor	36 Rudgard Lane Lincoln LN1 1QH
Mrs Brenda Zaaraoui	13 Arthur Taylor Street Lincoln Lincolnshire LN1 1TL
Miss Nicola Neville	6 Nelson Street Lincoln Lincolnshire LN1 1PJ
Mike Shields	
Mrs Rani Grantham	60 Richmond Road Lincoln Lincolnshire LN1 1LH
Miss Emma Wheatley	Apartment 9 Roman Path Place 36 Blenheim Road Lincoln Lincolnshire LN1 1BL
Mrs Kaya Bennett	16 Hewson Road Lincoln Lincolnshire LN1 1RX
Mrs Ginny Jarish	26 Hewson Road Lincoln Lincolnshire LN1 1RX
Mrs Megan Cox	21 Oakleigh Terrace Lincoln Lincolnshire LN1 1DY
Claire Penman	36 Richmond Road Lincoln Lincolnshire LN1 1LQ

Ms Oonagh Monaghan	32 Hewson Road Lincoln Lincolnshire LN1 1RX
Mr Oliver Priestley	25 Lindholme Road Lincoln Lincolnshire LN6 3RQ
Andy Penny	6 Nelson Street Lincoln Lincolnshire LN1 1PJ
Mr Scott Soulsby	33 Oberon Close Lincoln Lincolnshire LN1 1WE
Kathryn Holbrook	41 Victoria Street Lincoln Lincolnshire LN1 1HY
Mrs Debra Gregory Jones	38 Moor Street Lincoln Lincolnshire LN1 1PR
Mrs Catherine Jordan	17 Severn Street Lincoln Lincolnshire LN1 1SJ
Mr Paul Redgwell	51 Long Leys Road Lincoln Lincolnshire LN1 1DR
Lynn Yap	148 St Catherines Grove Lincoln Lincolnshire LN5 8ND
Mr Geoff Strongman	01 Lincoln LN2 5BT
Mr Keith Fletcher	24 Broadway Lincoln Lincolnshire LN2 1SH
Ian Waites	13 Upper Long Leys Road Lincoln Lincolnshire LN1 3NH
P Clarke	26 Angelica Road Lincoln Lincolnshire LN1 1AY

Mr William Phipps	2 Holly Close Lincoln Lincolnshire LN5 8RU
Mr Daniel Gawthorpe	23 Albert Crescent Lincoln Lincolnshire LN1 1LX
Mark Doughty	10 Manor Leas Close Lincoln Lincolnshire LN6 8DE
Mrs Nicola Johnson	16 Nelson Street Lincoln Lincolnshire LN1 1PJ
Ms Sharon Clark	15 Albert Crescent Lincoln Lincolnshire LN1 1LX
Chris Hyslop	
Mr James Bennett	16 Hewson Road Lincoln Lincolnshire LN1 1RX
Kayleigh Cooper	34 Victoria Terrace Lincoln Lincolnshire LN1 1HZ
Elliot Daley	16 St Faiths Street Lincoln Lincolnshire LN1 1QJ
Keep The Tap Running Community Group	
Mr Jonathan Haw	53 Richmond Road Lincoln Lincolnshire LN1 1LH
Mr Jez Ashberry	20 Cambridge Avenue Lincoln Lincolnshire LN1 1LS
Mr Stephen Renshaw	4 Squires Place Nettleham Lincoln LN2 2WH
Mrs Jane Smith	284 West Parade Lincoln Lincolnshire LN1 1NB

Mr Lewis Hladun	76 Newland Street West Lincoln Lincolnshire LN1 1PH
Mr Jack Drake	88 Constance Avenue Lincoln Lincolnshire LN6 8SS
Mr Bradley Green	34 Victoria Terrace Lincoln Lincolnshire LN1 1HZ
Simon Machin	3 Albion Crescent Lincoln Lincolnshire LN1 1EB
Mr Joel Barlow	7 Cromwell Street Lincoln Lincolnshire LN2 5LP
Sarah Cliffe	7 Home Court Wellingore Lincoln Lincolnshire LN5 0DB
Mr Andrew Johnson	16 Nelson Street Lincoln Lincolnshire LN1 1PJ
Mr Craig Bridge	72 Mill Lane Saxilby Lincoln LN1 2QQ
Mrs Helen Stratton-Would	14 Hewson Road Lincoln Lincolnshire LN1 1RX
Mrs Natalie Atkin-day	7 Howard Street Lincoln Lincolnshire LN1 1SB
Miss Karen Walford	2 Hampton Court Lincoln Lincolnshire LN1 1RG
Marianne Langley	8 The Avenue Lincoln Lincolnshire LN1 1PB
Mr Paul Ostafiehyk	3 Railway Park Mews Lincoln

A number of objections have been received. All issues will be considered in the body of the report; however, the issues can be summarised as:

- Loss of the public house
- Loss of community space
- Too many students in the area
- Overlooking
- Overdevelopment

Consideration

Principle of Development

The application property is situated within a built up residential area. As such the principle of a residential use in this area would be acceptable. The proposal would deliver 3no. three bedroom properties.

Loss of the Public House

Policy LP15 of the Central Lincolnshire Local Plan states that “All development proposals should recognise that community facilities such as leisure facilities, libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.”

In most instances, the loss of an existing community facility will not be supported.

The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

- a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or
- b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or
- c. The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.

In order to satisfy the policy tests the applicant has submitted a justification statement setting out why the site should be redeveloped. The applicants have set out the following:

“The current owners bought the property around July 2013 from Punch Pubs & Co. The premises at that time had not been trading consistently and remained shut for long periods of time. With no trading figures or annual accounts, it was placed on Punch Pubs list of failing pubs to be sold.

Criminal activity, violence and confrontation with threats to personal safety within the premises, and complaints from the council on noise levels have all been associated with the pub, as well as anti-social behaviour outside of the premises.

Four years on from the acquisition of the premises, following considerable investment on the building plus improvements within the building (estimate to be between £250,000 – 275,000), the now current owner realised that the time and investment put into this facility would unlikely ever be recovered. From a business perspective, the running costs were unsustainable on a diminishing turnover with no profits on annual returns – the facility was unviable. A change of plan was imperative, as also advised by the businesses' accountant.

Following this, the pub was incorporated into trading with the owners' other business (The Tap House & Kitchen) to help shore up the burden of running costs. Unfortunately, again, partly due to reasons previously encountered, the venture was proven to be economically unviable and as a result the owners were forced to close both of their operations.

Giving the West End Tap another shot, the decision was made to lease the pub to a tenant with the aim of reducing the financial burden which had been proven unviable on more than one occasion. Unfortunately for the owners the premises license was almost revoked due to levels of unlawful criminal activity encountered on the premises – for which we cannot go into further detail regarding the circumstances surrounding this, for legal reasons; but the Licence Office, along with the investigating officer / sergeant of Lincoln Police Force, have clarification as part of their investigations.

Those such events, coupled in part with the economic impact of the pandemic, ensured the closure of the premises yet again early in 2021. The tenant was finally removed, making a statement in the local media regarding their failure to succeed in a dying trade – for the owner, this was another bad ending and another huge loss of revenue, for reasons beyond their control, bearing again the brunt of a financial burden.”

Officers have contacted the City's Anti-Social Behaviour Team who have confirmed that in 2020 3 x complaints were received about the West End Tap. 1 was in relation to yelling, swearing, general rowdiness, noise from beer garden and yelling at passers-by). 1 was in relation to noise nuisance, resulting in no further action and 1 complaint was passed to Licensing.

In accordance with Policy LP15 the applicants have also confirmed there is the provision of alternative community facilities existing within reasonable proximity of the existing facility and its associated catchment. Two such facilities, both located at approximately 0.2 miles from the application site are the Queen in the South (12-14 Moor Street, Lincoln) to the North-West, & The Horse & Groom Pub & Kitchen (Carholme Road, Lincoln) located to the South-East. Both of these facilities support community use, and both are easily accessible and within walking distance of the existing facility and catchment.

Officers consider that the applicants have demonstrated that the application meets the tests of LP15. The venue is no longer viable or suitable as a public house and there is suitable provision within reasonable proximity.

Asset of Community Value

Following the submission of the planning application a community group was formed and an application made to place 108 Newland Street West on the Asset of Community Value Register.

The Asset of Community Value (ACV) process gives communities a right to identify a building or other land that they believe to be of importance to their community's social

well-being. If the asset comes up for sale, then they will be given a fair chance to make a bid to buy it on the open market. If the nominated asset meets the definition of an asset of community value, the local authority will list it. This process is separate to the planning application process and the planning authority do not have any involvement in listing process.

To be considered as an asset of community value the asset must show that the actual current use of the asset furthers the social wellbeing or social interests of the local community, and it is realistic to think that the future use of the asset will further the social wellbeing of the community.

The West End Tap was Listed as an ACV in 2021. As part of the ACV process the owners of the asset have the right of appeal. The pub owners appealed this decision, and the property was subsequently removed from the register. The community group reapplied to list the West End Tap as an ACV and this application has been successful. Therefore, the West End Tap is listed as an Asset of Community Value.

The ACV provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups. The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an Asset of Community Value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

The ACV process is not intended to delay planning decisions being made, nor does it prevent planning permission being granted for an alternative use. Given that the application passes the planning policy tests set out in LP15 it is considered that little weight should be attributed to the loss of the asset. The applicants have submitted evidence to show that the business is no longer viable and that there is alternative provision elsewhere within the community.

In terms of the ACV process, once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e., originally granted for at least twenty-five years). From the point the owner notifies the local authority that they intend to dispose of the asset, a 6-week interim period will be triggered. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks. If a community interest group as defined in regulation 12 of the Regulations does make a request during this interim period, then a 6 month moratorium period (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.

After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell).

Therefore, if permission were to be granted, they would have to follow the process above before they could start any work on the site because the pub is an asset of community value.

Residential Amenity

Local Plan Policy LP26 states “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. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development.”

In terms of overlook to the adjacent property on Newland Street West, the east elevation of the proposal has been designed with a blank elevation in the two storey extension. The new dwelling has two windows to the first rear elevation, these serve a bathroom and a utility room. 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.

The relationship with neighbours to the opposite side of Nelson Street would be a normal relationship between rows of properties. Officers initially had reservation about the proposed first floor amenity space, however the proposal has been designed with a louvred screen to protect the privacy of the new occupants but more to present overlooking to the street below and the residential properties opposite.

Although this is a relatively small development, due to the proximity to neighbouring properties, there is potential for issues due to noise from the construction phase of the development, particularly during the noise sensitive hours. Therefore, the hours of construction would be controlled by condition.

Visual Amenity

There would be no visual changes to the north elevation of the existing building which fronts onto Newland Street West.

The greatest visual would be to the west elevation which front Nelson Street. The new build property would be a 3 storey dwelling in a similar design to the adjacent new build properties on Nelson Street. The property would replace an existing single storey outbuilding serving the public house. Materials used would match those used on the adjacent property. It is considered that this new property would assimilate comfortably into the street scene in accordance with local plan policy LP26.

The existing public house would be subdivided vertically to create two dwellings. It is then proposed to extend to the rear. The two storey rear extension would replace an existing single storey off shoot. This extension would be timber clad. The existing yard would provide for two off road parking spaces with a mezzanine above to provide first floor amenity space.

All development proposals must take into consideration the character and local distinctiveness of the area and create a sense of place. The proposal relates well to the site in terms of height, scale and massing. The design is in keeping with the character of the

street and uses appropriate, high quality materials which reinforce or enhance local distinctiveness. Therefore, the proposal is in accordance with Policy LP26 of the local plan.

No Students S106

Given the application site is within the Carholme Ward there would be a requirement for the applicants to enter into a S106 agreement to ensure that the property is not occupied by students. This stipulation is applied to all new builds in the West End of Lincoln due to issues which have arisen from an over population of students in the past which has caused an imbalance in the community. The applicants have already signed the paper work to ensure the property would not be occupied by students, should consent be granted.

Contaminated Land

Due to past uses in the vicinity of the site there is the potential for contamination to be present. A preliminary risk assessment and any subsequent work could be secured by condition.

Air Quality

Whilst it is acknowledged that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted.

The NPPF seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 110 of the revised NPPF states "...applications for development....should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

The proposed development would include two off street parking spaces and, therefore, it is recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development in line with the recommendations of paragraph 110 of the NPPF. These would be secured by condition.

Highways

The proposed development requires the formation of an amended vehicular access. These works would require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

The Highways Authority have raised no objections to the proposed development.

Conclusion

It is considered that the proposed extension and proposed new build would be an appropriate addition to the street scene and would have no adverse impact on residential amenity. The change of use would also be appropriate given the surrounding residential

uses. It is therefore considered that the proposal accords with national and local planning policy.

Application Determined within Target Date

Yes – with an extension of time.

Recommendation

That the application is Granted Conditionally.

Conditions

- Works in line with submitted plans
- Works to commence within 3 years
- Electric vehicle charge points
- Contaminated land
- Hours of working
- Samples of materials to be approved