



Our Ref: JH/JH/62338

[Redacted]
City of York Council

By Email Only: [Redacted]

15 November 2024

Dear Sirs,

Re: Application to register the Victoria Vaults and 47-49 Nunnery Lane, York as an Asset of Community Value.

We write further to asset of community value nomination relating to the Victoria Vaults at 47-49 Nunnery Lane, York.

We are the proposed purchasers of the Property. We think it is prudent to begin with the point that had we known that the Property was an ACV or was to be an ACV we would not have showed interest in the Property.

We are currently contractually bound to complete this purchase, however, as we had exchanged contracts for the purchase of the Property before the nomination.

We are therefore compelled to complete and have no other choice but to dispute this nomination.

If the Property is registered as an ACV we will be applying to the First Tribunal for compensation. The Property is opted to tax. We had served the sellers with a VAT1614D form to evidence our intention to develop the Property. This disapplied the VAT on our purchase. If due to the Property being registered as an ACV we are unable to apply for planning permission or planning permission is rejected, we will be applying to recover the amount of VAT as compensation should HMRC decide to recover the same.

Whilst we are now compelled to complete the transaction, we are left with no other choice but to dispute the nomination for an ACV. We believe the ACV should be refused on the following grounds:

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1. It is clear from the Victoria vaults Facebook page that the Pub has been struggling for some time now.
2. The Property has been listed for a significant time before we had agreed to purchase. The letters from Carter Towler suggests that there was hardly any interest, and the sellers had to reduce their guide price because of this.
3. We do not believe that It is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community. We understand that the Property/business has changed ownership many times since 2000. It is evident that everyone who had tried running it has struggled. We also understand that the closure of the property and business artists and gig-goers will be going to other pubs and bars within proximity. We understand a list of all the pubs within the locality has been provided.
4. We understand that the property has received numerous funding for the purposes of renovation and propping up of the business but unfortunately there was not enough support from local people. The vaults Facebook page is littered with posts confirming the cancellation of events due to low ticket sales.
5. The applicant has made no indications as to:
 - a. Whether those voting to list this as an ACV would support an offer to bid for the property.
 - b. They would use the Property for something else which would benefit the those within the locality given that a public house is not of demand within the locality and especially given that there are alternatives within close proximity.
6. The application seems subjective as they make reference to properties falling “prey” to developers. We are spending our money to provide housing for those within the locality and especially where there is rising homelessness and shortage of housing. Councils will have to deal with this in other ways by dealing with homelessness and funding developments by way of affordable housing.
7. The applicants have claimed the following economic benefits:
 - a. **Job Creation** – the previous owners were struggling and had agreed to surrender their lease. They wanted to vacate for some time and were struggling to keep the business running. The continuation would have resulted in redundancies and possibly bankruptcies.

- b. **Property Value** – The property was falling in disrepair. The Tenant was struggling and the Landlord did not want to put more money into the Property. If left it would dilapidate and reduce the property values within the vicinity.
- c. **Tourist Attraction and Preservation of Local Character** – We are hoping to keep the external parts of the property to maintain the character of the Property whilst splitting the property down, subject to architects comments.
- d. **Community Building** – The development of further houses will increase the size of the community.
- e. **Social Value** – Please see Annex A for the number of pubs within the vicinity and that are a stone throw away.

Yours faithfully,



Samuel Phillips Law



