

Application no. 20/02864/F: The Windmill, 14 Windmill Hill & 3 Eldon Terrace Bristol BS3 4LU**Statement to Committee**

We have read the case officer's report recommending acceptance of the proposed change of use, with which we strongly disagree, and which contains several statements that we must correct.

He states:

1. 'it is considered that there are a diverse range of public houses and *other community facilities* in the locality' (my italics). However, policy DM6 is concerned solely with public houses. Incorporating 'other community facilities' dilutes and distorts the meaning of the policy's very clear wording.

It should also be noted that at least 2 of the 'other facilities' he cites have long been converted to other use and no longer available.

'other community facilities' either require paid membership or advanced booking and hire fees. They do not fulfil the function of public houses and should not be included in assessing compatibility with a policy that does not apply to them.

The case officer seeks to conflate DM6 with DM5 and even use the type of facility covered by DM5 (e.g., a Skate Park!) to suggest that the Windmill is not needed as a community facility. We firmly reject this argument: policy DM6 applies solely to pubs and as the Windmill is a pub policy DM5 becomes redundant in this context.

2. '[the attempted community buy-out] took place over a prolonged period (since October 2019) but did not result in the necessary finances being raised'

The community share offer ran into the sand due to the Covid pandemic and lockdown. Had this not occurred, there is every reason, based on the initial level of response and offers of grant funding, to believe it would have been successful.

An offer of £350,000 was rejected, despite this being over the amount of an independent valuation for the property.

3. 'Objectors have queried these [accounting] figures but this information has been provided by a chartered firm of independent accountants. The financial information supplied is accepted in good faith as it has been supplied by professional accountants who have a responsibility to provide fair and accurate accounts in relation to their clients business'

We do not question the integrity of the applicant's accountants. We simply pointed out that the accounts contain items that do not necessarily relate directly to the Windmill and might very well not be applicable to a stand-alone business, especially if run on a community ownership model.

Mr Nick James, who was given full copies of trading accounts which cover the 3 years ending 30 November 2019, has provided a detailed rebuttal of the assertions that the pub was making a loss in his objection dated 9 November 2020.

He has also stated that this was ignored by the case officer and not made available to the committee. Given that it comprised detailed evidence, provided by someone who is both a qualified accountant AND an experienced pub operator we find this astonishing.

4. 'It is understood that offers from a leading pub chain and individual party were received, but these either included sale conditions that were not favourable or were considerably below the asking price and so both were refused by the applicant'.

No further detail of this is provided and we have no idea of the relevance in terms of assessing the viability or otherwise of the Windmill. If the evidence is not substantiated it cannot be considered.

The case officer goes on to say that in this case the arguments regarding viability need not be determinative, since there is a diverse range of alternative provision. We reject this and would respond:

5. As already noted, the report includes premises other than pubs that fulfil different functions and some that are in any case long closed.
6. The residents of Windmill Hill have pointed out that most of the other public houses lie outside the community's own area and lack safe walking routes at night.

We have, in our objection of 12th November, already referred to the Planning Inspector's findings in the Giant Goram case that a pub outside the locality (where one might meet one's own neighbours) renders it unsuitable as alternative provision.

The Crime Prevention Officer's comment, cited by the case officer to refute these concerns - that the area is considered to lie within a 'relatively low' crime area - do not address safe walking routes: the CPO's entire report is only concerned with the nature of the proposed development.

7. The main strength of a local pub is that it is local, and the shorter the walked distance the better.

The case officer quotes the IHT document 'Guidelines for Provision for Journeys on Foot' - one of the standard authorities that define walking distances.

This 'confirms the suggested acceptable walking distances in town centres, for those *without* (my italics) mobility impairment as being:

- Desirable 200m
- Acceptable 400m
- Preferred Maximum 800m

He then lists 14 public houses, 13 of which all lie substantially beyond the 'acceptable' limit for those *without* mobility impairment.

Consent for this application has already been withdrawn on grounds that included a failure to properly assess the impact of the loss of the pub on those sections of the community who might be disproportionately affected.

We submit that in using the upper limit of 800m, and in addressing s149 of the Equalities Act 2010 solely with regards to the Windmill as a building, the Act has again failed to be properly addressed in that no account whatsoever has been taken of the impact of walking distances substantially above the 'Acceptable' limit on those *with* mobility and related issues.

We also understand that the case officer is alleged to have described the Equality Act as a "technicality" – but for the people whose interests and welfare the Act is intended to protect it is anything but. If true, we find it gravely disturbing that Council officers are taking this view. 'Reasonable walking distance' is a key consideration in cases such as this and due weight must be given to what this means for those to whom the Act applies.

We also note that the distances given for 13 of the 14 pubs are either 482m (in 6 instances) or 643m (in 7 instances). We believe it is stretching credulity to believe that all these pubs lie precisely at one of two identical distances, and this only serves to further undermine the case for alternative suitable provision.

We agree wholeheartedly with the Bristol Civic Society that the loss of the public house use of these premises would diminish the social infrastructure of this neighbourhood.

We believe the case officer's report to be deeply flawed and urge members of this committee to back the local community and refuse consent.

Christopher Faulkner Gibson

CAMRA, Bristol & District Branch, Pubs Group.