



## Bath Heritage Watchdog

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APPLICATION NUMBER: 18/02500/LBA

ADDRESS: Belvoir Castle, 32-33 Victoria Buildings, Bath

PROPOSAL: Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 10no studio apartments at the Belvoir Castle Bath.

CASE OFFICER: Tessa Hampden

DATE: 26 June 2018

COMMENT: STRONG OBJECTION

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Bath Heritage Watchdog strongly objects to this application.

It is disappointing that the "Property History" tab on the council's planning website does not list the earlier withdrawn applications 17/04265/FUL and 17/04266/LBA. We also note that the applicants have omitted 'Belvoir Castle' from the address which means the application has been logged under 32-33 Victoria Buildings. The result of this is that the previous 2017 applications do not appear in the property history giving the impression that these are initial applications. Whether this is by error or design is unknown. We notice that the condition of the guttering and downpipes of the skittle alley has worsened since the 2017 applications, and point out that deliberate dilapidation of a listed asset cannot be used as a reason for granting permission. The Government's Historic Environment advice is "*Where a heritage asset has been deliberately neglected and/or damaged in the hope of obtaining consent, the local planning authority, when considering whether to grant that consent, needs to disregard the deteriorated state of the asset.*"

It is even more disappointing to discover that the false statements provided in the earlier applications has been reused despite all the information provided in the previous public comments to prove that it was wrong. The earlier applications could have provided the false information in good faith, but using it a second time in the knowledge that it is wrong is an offence as defined by Section 65(6) of the Town And Country Planning Act, and this should be brought to the Applicant's attention.

There are other errors in the Design Statement, including confusion over whether the address is Victoria Buildings or Victoria Terrace and several erroneous dates of events.

Any pre-application advice will be based on the description of the property as described by the applicant. When the Application Form states "*The Skittle Alley is a relatively modern, albeit dated construction with no inherent value ...*" this will guide the thought processes through the pre-application assessment, and we note that this application still relies on the original and now outdated pre-application advice.

That description of the skittle alley is wrong. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act specifically recognises the skittle alley as part of the listed building and not a separate entity. The statement in the Historic Assessment "*The Belvoir Castle PH is a Grade 2 Listed Building ... It is therefore afforded protection from demolition or deleterious change by the Planning (Listed Buildings and Conservation Areas) Act 1990, the conservation policies of the Bath & NE Somerset Local Plan and Section 12 of National Planning Policy Framework*" is true, and the legislation makes it clear that the Skittle alley and the boundary walls are part of the description of the Listed Building and are equally protected. Therefore to put the current application into context it is important to give a more complete history than the Heritage Statement covers.

### HISTORICAL CONTEXT

Although the address is 32-33 Victoria Buildings, this end of Victoria Buildings numbered 30-33 (and 28 and 29 which separate the gardens of Park View from the Lower Bristol Road) was part of the Park View development not an extension of the rest of Victoria Buildings. The Heritage Statement correctly reports that the 1840 Tithe Survey shows this location as undeveloped land. The next significant date mentioned in the Heritage Statement is 1886. However there are relevant documents in the archives between these two dates.

The exact date of original construction is between 1840 and 1850, because by 1850 it was a residential dwelling. It was converted into a pub in 1851, coinciding with the completion of Park View. The 1852 map by Spackman and Cotterell shows that the pub's single storey front extension was in place in 1852, and also significantly, that the skittle alley was in existence too. It seems very probable that the front and rear extensions were constructed at the same time as the original dwelling was converted into a pub called the Belvoir Castle.

There is some speculation about how the name was chosen, but given that it was part of the Park **View** development and Belvoir translates as beautiful **view**, and this whole development would originally had such views until the sight lines were blocked by the construction of the Midland Railway embankment to the north in the late 1860s, it does seem likely to be chosen independently from the stately home of the same name in Leicestershire (though perhaps the stately home may have influenced the choice of "Castle" to follow Belvoir).

It is known that the pub when it opened had its own brewery at the back. We couldn't find any historic site plans showing its exact location, but a logical place to have put it would have been between the pub and the skittle alley and was probably served by one of the doorways onto Midland Road so that deliveries did not have to go via the bar and stairs, and thus ultimately replaced by the current garden level toilets with the Pool Table Room above. When Joseph Sparks took over the pub in 1862 he prepared a detailed inventory which still survives. That inventory describes a bar, a parlour, a tap room, a skittle alley, and a brewery; so it does confirm that the skittle alley is at least 150 years old and it thus shares the history of the pub, making it far more important than just a curtilage listed later addition as described in the planning application. It also proves conclusively that the claim in the Design Statement that it is circa 1920 is completely false. We also checked the wartime damage records and the Belvoir Castle only had broken windows, so the site was unharmed in WW2.

We believe it is the oldest surviving skittle alley in Bath and thus is far too important to be considered disposable. It deserves the full protection it has under the Planning (Listed Buildings and Conservation Areas) Act, and it needs to be considered in conjunction with the rest of the original development. The relevant extracts from the Statutory List are:

***Nos 30, 31 & 32 Belvoir Castle***

*Two houses and public house dating from the mid 19<sup>th</sup> century with 20<sup>th</sup> century addition. Return to Midland Road. Listed Grade II.*

***1-6 Park View***

*Six terrace houses dating from the mid 19<sup>th</sup> century. Row of cottages set back from and at right angles to Lower Bristol Road, with gardens to front and rear. Artisans' cottages tucked in on back land, and little modified externally. Listed Grade II.*

***Garden Walls Opposite nos 1-6 Park View***

*Garden walls and gatepiers dating from mid 19<sup>th</sup> century. Set forward from and opposite frontage of houses run of stone open balustrading with moulded coping, set between six pairs of plain square piers to flat pyramidal cappings on bed mould. No gates. At outer end, adjacent to railway embankment, walls returns at same height as balustrade, and crowned with low railing with flat spearheads. Between house fronts and walls stone flagged pavement running full length. Unusually complete survival of this ancillary item to cottages. Listed Grade II.*

One point to note is that at the time it was listed in 1975, the Belvoir Castle was referred to as No.32 whereas today it is 32-33, yet it is exactly the same building, though at some point in time it was given an additional address so that the residential accommodation upstairs could have a separate postal delivery address to the pub downstairs when the flat upstairs was separately let. The garden behind the Belvoir Castle therefore includes the open area behind what is now the fish and chip part as well as the area behind the bar which contains the skittle alley. The reference to the 20<sup>th</sup> Century addition to the Belvoir Castle is almost certainly the more modern extension with the toilets below the Pool Room, and not the skittle alley which has documentary proof that it is 19<sup>th</sup> century, dating from around 1852.

**PRINCIPLE OF DEVELOPMENT/IMPACT ON LISTED BUILDINGS**

The location of the proposed development is very narrow and constricted and is in close proximity to, and in the setting of, numerous listed buildings. With such restrictions we remain to be convinced as to how such development can be achieved without causing unacceptable harm to neighbouring buildings. The only access to the construction site for materials is via the narrower part of Midland Road; and the proximity of Park View, which by law owns not just the land but also the air space above it and can therefore forbid the trespass of any crane that encroaches into that air space, shows that the practicalities of delivering and erecting the materials has not been thought through.

The skittle alley and extension are also defined under Section 1 (5) of the Planning (listed Buildings and Conservation Areas) Act 1990 as listed structures by being attached to the host building. Therefore demolition of any part of those structures should be wholly exceptional and has to be fully justified. The assumption that the existing timber windows in the listed boundary wall can be arbitrarily replaced by larger aluminium framed windows has no supporting justification. The Historic Assessment provided is vague and relies mainly on selective map interrogation. It wrongly ties the age of the skittle alley between 1886 and 1920, whereas the archives tell a different story, with evidence that when the pub was created from the original houses around 1852 the skittle alley was part of that conversion.

The wooden windows may not be the original wood but they are still of original size in their original reveals. When the current owners bought the Belvoir Castle it included No.32 as part of the pub (under previous landlords it has been variously a pub sports room, a TV room and a room with tables for eating). The change of use of the part assumed to be No.32 to operate as a free-standing food shop beside the pub has never been applied for, so the Fish and Chip shop remains part of the pub which has a postal address of 32-33.

A full and accurate appraisal of the structures was required. It certainly could not be considered as a windfall development site when demolition of a listed structure which the legislation identifies as part of the host listed building has to precede the development. Without such detailed information the case for demolition could not be accurately assessed as part of the pre-application advice, and we note that the pre-application advice has not been refreshed even though the proposed design in this application is significantly different.

We do not consider the case for demolition has been accurately explained nor proved, particularly when the structure identified for demolition is still fit for its original purpose. Any development in the grounds of, and therefore in the setting of, a listed building have to take into account the full scope of that protected building. In this, consideration has to be given to the Belvoir Pub and its perimeter walls, but also to Park View, built at the same time and which alongside the garden walls to Park View are listed in their own right. The Application Form states '*It can be **deemed** that the corrugated roof harms the setting of the listed building*' [Our emphasis]. If this statement is taken as correct (which we do not accept), what replaces it would have to be seen to enhance the setting of the host listed building and its associated listed skittle alley. This is most certainly not the case here.

The rear windows of Park View currently look over the gardens behind numbers 30-33, and the view ends with the garden fence of the Belvoir Castle and above that, the top part of the single storey blind wall and relatively low roof of the skittle alley. Replacing the skittle alley with three storeys of residential windows looking towards the rear of Park view destroys their impression of intimate privacy they have enjoyed since they were built. The proposed development can't get round that by suggesting obscure glazing. Case Officer comments on planning applications elsewhere have firmly established the principle that obscure glazing in living spaces is unacceptable for the inhabitants of those spaces.

It is stated that the development is effectively essential to enable the pub to keep going and to 'save' the listed building, which is an odd claim because the listing entry will save the building itself. No evidence of this has been put forward; nor has any comment from the current building owners explaining that claim been included in the planning application. We do know that the skittle alley was in active use until the end of the 2017/2018 season and each such use guarantees at least 16 players as customers on each match day (which renders false the claim in the Design and Access Statement that it is "*neither economical or socially productive*"). We also know that the Crest Nicholson site masterplan deliberately omitted a pub in their development because they expected their residents to use the pubs around their buildings, and once the western end of the development is occupied there will be more customers as permanent residents on the pub's doorstep. With a garden offering outdoor amenity with a large smoking area, this pub ought to prove increasingly popular in the summers when the trade from students already living nearby normally ceases. This attraction would be destroyed by the proposed development, which replaces a lawn open to the pub customers with an area private to the proposed development comprising a courtyard, bicycle storage and a bin store.

It is also worth noting that this type of application could also be damaging to the pub, because skittles teams will want to be certain that they can start and finish a season on the same alley, and if they believe it is not likely, they will start the season elsewhere. It is also worth noting that previous landlords who actively encouraged pub sports (eg skittles, darts, pool and pub quizzes) showed that the business can be profitable in the existing facilities.

It is unclear whether the building owners approached the developers or the other way around. We are concerned that the developers in this application are well known for such infill and opportunist developments, mainly for student accommodation. There are concerns that this is yet another “Trojan Horse” development, described as one thing but intended to be used for another once built. Studio Apartments are only HMOs under an alternative description, and the layout with minimal kitchen facilities is clearly not aimed at independent permanent residents so that only leaves students. The students housed in what is currently the pub's back garden will leave their accommodation empty in the summer, a situation which will reduce the customer footfall and do nothing to save the trade of the pub, particularly when the pub has surrendered virtually all of its valuable garden to accommodate such students.

### DESIGN CONSIDERATIONS

Any development within the curtilage of a listed building would have to be subservient to the host protected building and other nearby listed buildings. This policy is recognised in both the Building Heights Strategy in the Core Strategy and in Historic England's Advice Note 10. In no way can the proposed development towering above both be considered as subservient. This proposal, which is an increase on the previous design, is a storey higher than the protected buildings. It challenges the protected buildings and would completely dwarf the modest two storey artisan cottages of Park View just 7m away from the existing skittle alley and thus only 5m away from the proposed development. These cottages are, as the Historic England listing states ‘*little modified externally*’.

Whilst this alone does not preclude nearby development, such development would have to be appropriate and proportionate. The Building Heights Strategy embedded in the Core Strategy is intended to prevent such excess height, and the Placemaking Plan Policy LCR1 rules out the loss of the pub garden.

It is appreciated that the nearby Redbridge House is a larger and taller structure, but this is at a greater distance from, and not in the immediate setting of the protected buildings. Previous inappropriate development, permitted under different legislation and before Bath was granted World Heritage status, is not a justification for further damaging development.

This application seeks to use the Western Riverside and Bath Press developments, neither of which is within the curtilage of a listed building, as justification as to why a higher structure can be justified in a site that is. The illustrative drawings showing massing clearly illustrate how the public house and adjacent housing would be overshadowed by existing developments and those in progress. Nevertheless using a ‘step down’ excuse between the Western Riverside and Bath Press site and the public house is a clear case of two wrongs not making a right. UNESCO have previously criticised the scale and design of the Western Riverside development, and thus it can't be used as a valid model for anything else in the World Heritage Site.

There must be breathing spaces and human scale in the city and not an unrelenting march of excessive and out of character inappropriate developments. The World Heritage Site description emphasises “the human scale” of Bath, and dwarfing historic listed buildings does not meet that expectation.

## THE DESIGN IN DETAIL

Any design should take its cues from and respect the protected buildings in order not to cause contextual harm. This certainly cannot be said of this design.

The design, scale and massing of the development, clearly illustrated by the Design Statement, is excessive and harmful. Although pitched roofs have been included in the design, this simply serves to make the development taller than the previous proposal (plus perhaps allowing for a later attic conversion to accommodate additional students). Selecting a particular design feature and adding it to a poor design does not mean it will make a development fit in. In addition, the orientation of the roof slope in a location that is supposed to be subservient to the host building makes it alien to the surroundings.

It would be highly damaging to the street scene and the protected buildings. The height of the application buildings would dominate Park View, would lead to a significant reduction in their light levels especially in the evenings, and would leave the Park View residents feeling hemmed in. Even a reduction to the standard two storeys would lead to domination given the small (approximately 5 metres building to building) distance involved. For this reason the only way we can see any possible development being acceptable is if it was restricted to one storey.

The addition of a disabled toilet is not mandatory because the need to provide such facilities does not apply to listed buildings. The disabled toilet is claimed to be level with the bar yet the floor level of the bar and the Community room are different on some drawings and there is no indication of where the ramp might be constructed. The original building has two female cubicles and the proposed disabled toilet doubles as a single cubicle female toilet, so that if a disabled male uses the facility there will be no female toilets available. Bearing in mind that the restricted toilet provision is supposed to support not only the pub trade but also anybody using the community room, this is unsatisfactory.

The Midland Road boundary (Grade II listed) wall is proposed to have inserted into it some taller aluminium windows which is incongruous. The access door which currently serves the skittle alley appears insufficient as the only means of escape in case of fire for 10 flats distributed over three storeys (and potentially four with attic conversions) with a far greater risk of fire compared to the skittle alley because they contain several kitchens and flammable material such as furniture and bedding. In this respect we doubt whether this single escape route is adequate egress in case of fire.

We note the intention not to fully subdivide the rooms within the flats, and wonder who would want an apartment with no door to the toilet in the case of the centre upstairs rooms? This degree of open plan has to be questioned given that any fire would spread more quickly and indeed in the case of the occupants being in the bedrooms would mean walking through the main potential source of fire (the living area) in order to escape.

Again we question the market these flats are aimed at. We cannot see there being much, if any, market for permanent residents of flats which do not have divided rooms or even doors on some toilets. This leads us again to conclude that these flats are aimed at the student market.

This belief is borne out by the list of bus services quoted. There is no 10 service and we cannot trace a 15A or 20R service, The A7 is the Asda shoppers bus once a week and only once on that day, the 20A/20C is a circular service which is infrequent and usually unreliable and the 752/768 services go to outlying areas such as Hinton Blewett and Paulton. The 15

was a student bus (now renumbered U5) and the U1 and U2 appear to have been omitted by the applicants.

The claim is made that because of the ready availability (albeit misquoted) of public transport facilities the proposed development can be entirely car free, which rules out disabled occupants and therefore the proposals are an offence under Section 20 of the Equality Act 2010. Whilst the Act does not apply to the existing skittle alley, it will apply to any new construction that replaces it.

Schools listed includes the Bath Community Academy which closes this summer and we would question the distances for each place quoted as being as the crow flies rather than actual pedestrian routes and not taking into account the steep hills involved. As the documentation states that it is anticipated that the flats would have one occupant we again question why schools would be relevant unless they were to be marketed for teachers.

### FLOOD RISK

The elevational drawings show that the land that forms Midland Road slopes steadily downhill from the Lower Bristol Road, and those who have been inside the Belvoir Castle will have seen that the bar is level with the street and there is a flight of stairs down to the toilets and the garden and skittle alley which is lower than the Midland Road the other side of the wall. The consultant's Flood Risk Assessment identifies the lowest street level beside the application area as 18.6m AOD, but the drawings identify the ground level within the site as 17.56m AOD just behind the pub, and the garden slopes visibly downhill from there.

The garden surface is a significant vertical drop from the Lower Bristol Road. The flood risk assessment helpfully shows past flooding events with the flood water not quite reaching the pub entrance door. However, it is abundantly clear from the photographs that the water does flow down Park View, and satellite images show that there is a gap between the buildings in Park View and Victoria Buildings, and between the end of Park View and the end of the garden of the Belvoir Castle. The Belvoir Castle garden and the floor of the skittle alley would have been under a significant depth of floodwater at the times those photographs were taken, even assuming that the photographs were taken at the time the water was at its highest, which seems a little unlikely because the pictures were not taken while it was raining (which, according to a resident who remembers the 1968 flood, was torrential rain overnight), so the highest level would have gone down a bit once the rain stopped.

We managed to obtain a photograph of the inside of the skittle alley, thanks to a member who played a skittles match there. The woodwork beside the alley shows water damage below what is obviously a tide mark because the line (clearly seen while in the alley but not quite so distinct in the photograph, hence the arrow to point it out) is exactly horizontal although the dado above the woodwork dips slightly going from pub to the far end of the alley.



Without surveying equipment it is not possible to measure the AOD exactly but it appears to be very close to the 19.84m floor level proposed. The drawings show the floor of the skittle alley at 18.63m AOD, the playing surface being above that, and the tide mark looks approximately 1.2 metres above the floor, which gives the evidence of a past flooding event at 19.83m AOD or thereabouts.

The current garden level is lower than the floor of the skittle alley and it is grassed, allowing some measure of water absorption. Similarly the road level outside the west wall slopes downhill from the pub, while the skittle alley floor remains level. The consequence of these geographical features are that by building the proposed accommodation at its finished floor level across almost all of the garden (despite the FRA false claim about the extent of the built footprint), the soakaway effect of the grass will be lost causing the depth of stored floodwater above the grass to be displaced increasing the flood depth elsewhere; and the occupants of the proposed accommodation could be leaving their rooms to be faced with chest-high (or higher - the sectional drawing AL(0)30 suggests shoulder or neck height) water to wade through in order to leave the buildings through the single exit. This is confirmed by the levels marked on AL(0)12 which show a 1.21m difference between the area inside the entrance door and the finished residential floor level.

There are sound reasons why residential developments are not permitted in Flood Zone 3 areas, and these are two proofs of the wisdom of that policy, and show that this particular site fails the Exception Test because of both of these (ie vulnerability and flood risk elsewhere). It must also be borne in mind that these effects are based on the visible evidence of a past flooding event, which occurred before the margin of error now required to accommodate climate change is added on. This indicates a certainty of future flooding rather than merely a risk. The council's advice on the Sequential Test is that some Zone 3a land might be used for housing, not that any Zone 3a land can be used.

The published Strategic Flood Risk Assessment recognises that there are risks of fluvial flooding and risks of surface run-off flooding, but it makes no attempt to assess the combined risk of both occurring together, an omission which the planning application also fails to recognise. In addition, the fluvial risk is based on the River Avon as it currently is, ignoring the council's wish-list item of removing the radial gate, and nowhere in the SFRA is there recognition that almost directly opposite the Belvoir Castle is the Regency Laundry and beside that building is a flowing stream that is open to the sky until it reaches the Lower Bristol Road when it disappears into a culvert (not the one below Dorset Close), almost certainly then piped onwards to the river. When the river is in flood as the photographs show, the water level in the culvert will be at least the height of the river, in which case the swollen stream opposite the pub will be a major source of water run-off when it can't empty through the culvert and pours instead onto the road. The application's flood risk assessment is supposed to consider all potential sources of flooding, and it doesn't.

It is inevitable that in a flood event, the land between the Lower Bristol Road and the Western Riverside development which has had to be built above the potential floodwater level, will accumulate surface water which now has very few routes to the River Avon because the raised Western Riverside land levels will act as a dam (a development which post-dates the EA assessments of risk and therefore invalidates their assessment).

The proposed development site will flood because there is visible evidence that it already has; the fact that the records consulted don't reflect this is probably a combination of familiarity ("no need to report it because it often does that") and the solid boundary wall that ensured that the extent of flooding inside the site cannot be seen from the public realm (the Midland

Railway service had been discontinued by the time of the 1968 flood so there would not even have been a passing glance through a train window).

The supplied Flood Risk Assessment claims that “*the entire development will be safe from flooding over the anticipated lifetime of the development, and that the Site is afforded safe access and egress during flood conditions via the strategic highway network*” but this is entirely wrong. We have already shown that the single doorway in the boundary wall is the only exit from the entire residential development and that is substantially downhill from the previously documented flood levels so would be below floodwater level; and that there will be occasions when the pub garden level will be underwater, which means that the development will require occupants to descend 1.21 metres (as shown in AL(0)12) into floodwater or be trapped inside until the water eventually subsides.

The evidence of the failure to meet the exception test is in the detail within the documentation set, but the applicant has not drawn attention to it and has not been entirely honest in the Exception Test claims (it is “deemed to be satisfied” even though it isn't satisfied). Saying that the Exception Test has been assumed to be passed doesn't make it true. The 1968 flood was caused by exceptional overnight rainfall (within the memory of those who lived through it), so the absence of this information in the available data merely points to data collection failure, not a fact to excuse FRA assumptions. It also points to rapid flooding possibilities that evacuation plans do not cover.

Although it will be difficult to prove until a flood event happens, the “defended” state that claims to reduce the risks is actually only water storage, because there are narrower parts of the river downstream to restrict the outflow and the extra storage won't take long to fill. The mathematics of Queueing Theory shows that what is being assumed to be a permanent defence while a flood event persists is actually of limited duration, and will have a limited applicability to this downstream site. Statistics and data models are only as good as the data capture process and the completeness of the assumptions embedded in the models. Likewise, the Flood Zone definitions only a rough guide because they are limited to fluvial and tidal events and make no allowances for rainwater run-off or combination events.

### AMENITY

For the residents of Park View, their current relatively open aspect above the roof of the skittle alley will be replaced by rows of windows potentially illuminated at any time after dark, and the prospects of their new neighbours looking through such windows into their residences. Park View had not previously been overlooked, so those living there would not have experienced such illumination before, and probably had no concerns about being viewed. Being ‘*little modified externally*’ according to the Historic England listing entry there will be no obscure glass in the rear elevations of Park View and any request to now install it for privacy is unlikely to gain listed building consent. There will be no privacy in the gardens behind the terrace.

For the residents of the proposed development, the windows are the wrong way round for the internal layout, with larger windows in the bedrooms than in the living rooms, which will make the living rooms gloomy and oppressive, which will in turn encourage residents to stay close to the windows, thus increasing the probability of looking out over Park View. This could in theory be prevented by using obscure glazing, but in practice this is frowned upon for living areas because Case Officers have consistently argued that obscure glazing in living spaces is oppressive and therefore unacceptable for the inhabitants of those spaces

For the users of the Belvoir Castle there is currently a large grassed garden area where the open air can be enjoyed in good weather and the breeze can carry any cigarette smoke away. The replacement “beer garden” is tiny with very little natural airflow because of its surroundings. It will be an unattractive area for those who just want fresh air, and it has virtually no amenity value for smokers.

The existing skittle alley is twice as long and considerably wider than the tiny replacement. The current journey from bar to alley is covered to protect from the rain. The replacement alley is accessed from the new beer garden, so either the route to it is open to the sky and skittles teams will have to brave the rain or else it is covered, in which case the beer garden cannot legally entertain smokers and there is nowhere else on the entire site where they can smoke. We also wonder if any teams would want to play on such a short replacement alley; the existing alley is a more typical length. Also the replacement alley is narrower than the existing alley which makes problematical the provision of tables and chairs for the players to use while waiting for their turn. This replacement alley is a token gesture rather than a real attempt to re-provide the existing facilities that would be demolished.

Drawing AL(0)12 shows the access for refuse collection on the Ground Floor drawing, yet this is the doorway also shown to service the Lower Ground floor access to the skittle alley. Assuming that the bin store shown on the lower ground floor behind the pub is for the pub's use, these would be the normal wheeled bin style. The only route from the bin store to the street is up a flight of steps for just over a metre and then through the skittle alley, which being considerably narrower than the existing alley would require the bins to be wheeled across the playing surface which is likely to be damaged. Similarly, the bin store for the proposed accommodation is at finished floor level and therefore has to go from the communal hallway either via a flight of stairs or via the bike ramp to the street. A heavily loaded rubbish bin running away down a ramp that must drop at least 1.2 metres in height to reach the street could be very dangerous. Neither of these scenarios has been considered in designing the layout.

It is not obvious from the drawings how the stock deliveries to the pub can get to the existing basement. There is no requirement to do a proper survey of the pub basement, but it is important that the access to it is clarified.

## SUMMARY

The works, by virtue of the lack of justification of the damage to listed structures, the scale, massing, design, height and materials are considered to be detrimental to the special architectural and historic character and interest of adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 ‘Conserving & Enhancing the Historic Environment of the NPPF clarified by retained policies BH2 and BH3, and Policies SD1, CP5, CP6, D1, D2, D3, D4, D5, D6, D7, HE1 of the Core Strategy and Placemaking Plan as well as LCR1, and should be refused. It is also a reason for refusal that the Exception Test is not passed despite the Flood Risk Assessment arbitrarily deeming that it is. Note that the FRA only states that EA has been consulted, not that they are happy with the application.