

Batheaston Parish Council

Minutes of the Planning & Environment Committee Meeting held in The Rhymes Pavilion on 29th October 2013 at 6-00 pm

Present:- Cllrs L Brass (Chair), P Blanking, P Burcombe, K Hawkins, V Pecchia, V Trenchard & M Townley (Clerk)

Apologies:- Cllrs D Lavington, G Riley, D Robins,

In Attendance: Ms C Bond, Ms A Pawley, Mr & Mrs Humphrey, D Hill, J Lowe

P-706 Public Participation

Ms Pawley: The proposed new Hall is too big, not in the correct site and will exacerbate existing access/parking problems. The new build is too big and will worsen traffic. The applicant has not addressed these problems. This project has divided the community.

D Hill: Co-authored the Judicial Review request as the permission 21st June 2013 was not validly granted. B&NES very quickly accepted this non-validity. The new application is only a refinement and a re-statement of the Travel Plan. Mr. Hill's contention was that 155 represented only the stated capacity of seated audience + cast/staff at a theatre event. His calculation for attendance at a non seated event was 300 which, if only a third travelled by car with two to a car, would represent 50 extra cars to be parked in the vicinity of North End. Nobody disagrees with the need for a replacement Hall – but must be at the existing size.

Mr Humphrey: Co-authored the Judicial Review request.

Mr. Humphrey made the point that the size of the proposed development compared with its predecessor, would represent a major increase in upkeep and on-going establishment costs which in turn, would put pressure on administrators to maximise revenue by holding frequent large events.

Mr Lowe: Reiterated in favour of a replacement Hall – but not at this scale. Too big and traffic problems not properly addressed, will add to disturbances.

Mrs Humphrey: Present Hall use causes much disturbance and there are inadequate controls offered to regulate problems.

Ms Bond: Mrs. Bond confirmed that the proposed development will not provide changing or shower facilities although it is claimed to support sport as a community activity.

For maximum hall capacity Ms. Bond referred the meeting to section 1.4 of the Operation and Travel Statement September 2013 as submitted with the application which states:

1.4. The largest number of people present on a single occasion in the existing building are during a drama performance when there can be an audience of 100 plus cast and crew of about 30 people meaning there is a maximum of 130 on site at one time. The new hall will be larger, catering for an audience of about 125 so the overall numbers on site could be up to a maximum of 155 – an increase of 19%.

She drew attention to key phrase 'the overall numbers on site could be up to a maximum of 155 – an increase of 19%' and said that the applicants believed that this is a sensible maximum that can be applied to bookings of the hall for other uses, not just theatrical performances.

She also noted that there are already occasions when more than 155 people congregate for events that use both the hall and field, for example the annual Church fete, and it is anticipated that these will continue.

PEC: A possible seating plan for a wedding showed that 250 guests could be seated to dine in the proposed hall in compliance with fire regulations, and that the majority of guests at a wedding will arrive by car.

It was noted that the current application is the same as the previous application in all material aspects, in particular, failure to provide adequate parking; and differs only in proposed managerial details including the Green Travel Plan which remains aspirational and unenforceable.

The Parish Council wants a replacement Hall, but not so big in this location. __

P-707 Declarations of Interest

V Trenchard is the applicant for 13/04316/TCA and P Burcombe is a New Village Hall Trustee.

P-708 Minutes of the Meetings held 24th September 2013

Proposed V Pecchia } RESOLVED - That the minutes were a true record.
Seconded P Burcombe }

P-709 Matters arising from the above Minutes

(a) The ALCA Meeting in Saltford was attended by VP and MT.

P-710 Parish Views on Received Applications

13/03988/FUL Mr Woudberg 23 High Bannerdown Batheaston BA1 7JZ	Erection of 1-storey extensions to front and rear elevations, with raised terrace and external access stairs. Erection of detached double garage.	Support Satisfies policies D2 and D4
<i>For this next Application Cllr Trenchard did not participate.</i>		
13/04316/TCA Tree Parts Ltd 199 London Rd East Batheaston	Lower branches of the lime trees are overhanging 203 London rd East. Propose to crown-lift back to main stem, and shorten back no more than 1.5m to taper to ensure natural balance of the trees are maintained.	Support
13/04272/FUL Mr S Harvey 2 Warleigh Drive Batheaston BA1 7PT	Erection of rear extension and double garage following demolition of current conservatory and alterations to height of roof and provision of dormer windows	Support 1. Satisfies policies D2, D4 and H4...but 2. Concerns with Wessex Water must be resolved. 3. B&NES Highways comments must be addressed. 4. All materials proposed must match existing.

13/04237/FUL Quality Homes Ltd "Wilmslow" Bannerdown road Batheaston BA1 7ND	Erect 2 x Semi-detached homes	Reservations 1. Satisfies policies D2, D4 and HG4 2. Access onto Bannerdown road – immediately opposite driveways to Pippins & Bramleys - will be dubious and congestion/accidents foreseen. 3. The application is for 2x large family homes. Would suggest smaller (affordable) units
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P-711 Batheaston Gardens

- (a) Nothing to report as Bridge construction is progressing.
(b) Status of Toilet Block, car Park and Gardens being progressed with B&NES Property Services.

VP

P-712 Parish View on New Village Hall Application

13/04349/FUL BNVH Trust	Erection of new 1-storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and associate external works to provide access to the hall and fields, following demolition of the existing Church Hall
The Parish Council reaffirms its recommendations to Object to the proposal as submitted on 12th of December 2012, resubmitted 9th April 2013 and this new re-submission 13th October 2013.	
In addition our comments on the resubmitted information are as follows:	
1 2 3 4 5 6 7 8 9 10 11 12 13 14	<p>In the Development Plan the existing church hall is in an area where existing uses are expected to remain undisturbed. However, given that there is no alteration from the original application in the siting and design of the building and - whilst Batheaston undoubtedly requires a modern village hall - the site of the existing parish church hall is the wrong location. Caution is necessary in looking at the Local Plan provisions where the parking requirement at p224 cites church halls as a Class D1 Use. That is an insertion by BNES in formulating the Local Plan and is not an exemplary use quoted in DPMO Circular 3/2005 as a non-residential institution. Continued references to a D1 use in both applications appear incorrect. On the assumption based on case law in <i>Iddenden v Hants County Council 1972</i> that demolition of a building extinguishes the use rather does it appear that the mixed-use building as now proposed falls more appropriately in Use Class D2. Whereas a church hall carries an implication about its primary use, a point that Circular 5/2005 raises, a village hall is different in its intended multi use function. Therefore the proposed building would be a successor rather than a replacement. A recommendation on the current application should be made against that context as a Class D2 use. The Batheaston Parish Council (BPC) offers no comment on the detailed design. However, on the question of the scope of the facilities proposed there is a need for a hall which would be inclusive of a normal and customary range of activities appropriate to the scale and needs of the village community. It should be borne in mind that the Highways Department's view on the original application was that it would be unacceptable unless it were qualified by the imposition of a Green Travel Plan. The Green Travel Plan remains in the BPC's view unworkable, is clearly unenforceable, and is wholly inappropriate for this kind of development. Furthermore, it is obviously not acceptable to approve a Plan that is no more than aspirational at best. That being so, the repeat application should fail. Reference to bus services in Appendix 4 of the OPS as proposed to be distributed to hirers for issue to users is of scant use and in some respects misleading in relation to evening events. Route 13 operates on a 30 minute frequency only and other routes are either very sparse indeed or non-existent after 7 pm. As for the larger-attended funerals in the daytime there can be no practical way of disseminating such parking information. The resubmitted documents do not address the lack of dedicated parking to service the development in accordance with Local Plan Policy T24, T26. The revised illustrative drawings indicate the scale and size of the proposed building to be some 25% to 30% bigger than that previously shown. The new drawings show trees to be cut down still in full leaf and therefore even these drawings are inaccurate and mis-represent the real impact on the conservation area and heritage assets. The proposal does not comply with Local Plan Policy BH6 and BH15. The new drawings and supporting documents do not show how irreversible harm can be prevented to offsite trees in the Conservation Area, as will arise from construction and excavation and placing of foundations for the new building. The proposal contravenes Local Plan Policy NE4 and NE12. The proposal will result in loss of amenity to local residents as it does not address late night noise, and disturbance from users and traffic and contravenes Local Plan Policy D2 and ES12. The existing Church Hall use is an ancillary use to St John's Church and falls under the category of D1 Non residential institution use, which covers 'non resident social services'. Case law has determined this use will be extinguished as and when the existing building is demolished. The operating policy states the hall is to be used for 'entertainment events, concert and performances' as well as for dance and sport. These activities, in circular 03/2005 are classified as D2 assembly and leisure use. The proposal, is not a replacement building, and must be evaluated on its merit against all relevant development plan policies specifically D2, ES12, NE4, NE12, BH6, BH15, T24, T25 and T26. The Travel Plan is not complimentary and does not explicitly relate to a Transport Assessment or follow the guidelines published by the Dept. of Transport, 'Delivering Travel Plans through the Planning process'. The guidelines state travel plans cannot be used as a justification for unacceptable development and as presented is not sustainable or enforceable. The proposal as submitted does not satisfy Local Plan Policies T24 T25 and T26</p> <p>Summary of the relevant policies which this Application contravenes: -</p> <p>Page 28 D2(f) excessive parking, noise, general disturbance Page 54 CF2A not well related to surroundings on grounds of lack of parking Page 180 BH6(v) loss of trees in Conservation Area. See re Para 3.48 below Page 182 C3.48 Are any of the affected trees subject to TPOs? Page 204 T1(5) Submitted Travel Plan does not achieve this objective Page 207 T6 Submitted Travel Plan does not provide appropriately Page 213 T14/15 Residential/Rural areas traffic management: submitted Travel Plan does not provide effective control Page 219 T24(vii) Does not avoid increase in on-street parking Page 221 T26 Requisite on-site parking not provided and Green Travel plan defective For typical uses in a a Class D2 building of less than 1000m sq floor space the Policy Parking Schedule requires one on-site parking space per 5 seats though discretion may allow account to be taken of (iii) the environmental capacity the site and its surroundings to accept parking and (viii) the availability of public parking in the vicinity of the site ES 12 and T24 might also apply.</p>

P-713 B&NES Planning Decisions

13/02832/FUL Mr T Fenna 239 London Rd East Batheaston BA1 7RL	Change of use from shop (Class A1) to Fitness Consultants (class D1)	Permit 21 October 2013 <i>(As per PEC's Recommendation)</i>
13/03738/FUL Mr T Walker 135 Bailbrook Lane Lower Swainswick	Erect 2-storey rear extension following demolition of existing extension and associate internal re-organisation	Permit 24 October 2013 <i>(As per PEC's Recommendation)</i>

P-714 Update on LDF

- (a) The Governments Planning Inspector is preparing his Report on the housing section of the B&NES Core Strategy – anticipated end of this year.
- (b) The Place-Making Plan is an integral part of the Core Strategy, so the BPC must complete its programme to the 21st December deadline.
- (c) To access Parish Online = User Name:- [REDACTED] Password:- [REDACTED] (all lower case)

P-715 Precept 2014 – 15 Considerations

- (a) The PEC should advise the clerk before the end of December on “requirements” for next year’s Precept. Equipment to enable “paperless” presentations agreed.

P-716 Any Other Business

- (a) The “missing” tarmac in Bannerdown Road (near Barnfield Way) is causing more problems with leaves and detritus block this “artificial” gully sending excess water across the road, and causing HGV traffic to swerve and cause congestion etc.
- (b) New saplings are growing out of Shockerwick verges, catching on vehicles.

P-717 Press Release

Nothing at this time

P-718 Date of next Meeting

Tuesday 26th November in The Rhymes Pavilion – at 7.15 pm

Chairman..... Date.....