

Amendment Sheet

4 06/2005/046

COUNTY HIGHWAY AUTHORITY previous comments and recommended conditions apply equally to the present application. Recommended conditions:- visibility splays, estate road layout, surfacing of roads and footpaths and no discharge of surface water onto highway. With reference to the comments made by the Parish Council with regard to a footway and cycleway, it may be unreasonable at this stage of the planning process as this is a re-submission of a previous scheme, to insist upon these additional improvement works. However would suggest a suitably worded 'Note to applicant' making the suggestion of an extension to the footway in the interests of highway safety for pedestrians.

Additional Conditions:- surfacing of roads and footpaths and no discharge of surface water onto highway.

Additional Note:- suggestion of extension to footway in the interests of highway safety for pedestrians.

7 10/2005/018

1 FURTHER E-MAIL OF SUPPORT - I support the policies that assist in keeping AONBs in good shape and I realise that this application comes right up against policy S7 but as you will appreciate there is a lot in the interpretation of that policy and material policies emerging all the time. In this case I believe that a precedent may not be set in granting a consent particularly if you take into account other government guidance and in particular the documents written on the Blackdown and AONBs. The papers that might influence you are:- (1) ODPM circular 01/2006; (2) Blackdown Hills plan; (3) Your own application 29/2005/011; (4) DoE circulars on Enforcement action; (5) Summary - This application , whilst on the face of it might appear to be out of line with policy is, on greater scrutiny it is much more in line with modern thinking and the thrust of government policy (with specific guidance emerging), human rights and the community requirements than might be first thought. If the planning policies do not move to meet views emerging then we all suffer as in a case like this the Blackdowns become frozen in outmoded ideas which may lead to the colour and attractiveness diminishing rather than flourishing. We urge that a rethink on the refusal recommendation is put into action before the committee and safeguard all the supporters by issuing a recommendation to allow the application with conditions.

POLICY CONTEXT - H14 Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:- (A) there is a need from those residing in or passing through the area; (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities and they are sited near a public road; (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity; (D) adequate open space is provided; (E) accommodation will enjoy adequate privacy and sunlight; (F) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; (G) in the case of transit sites, there is convenient access to a County or National route; (H) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

Circular 01/2006 Planning for Gypsies and Traveller Caravan Sites - of particular importance are the following paragraphs:- 15 new definition - "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently ...". Paragraph 44, 47 - 55 information to be taken into account. Paragraph 52 AONB - "as with other development traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development."

The applicant has now established that he has been a traveller (in terms of Circular 01/2006) for 25 years. In the circumstances the Development Plan Gypsy and Travellers exception policies are applicable. It is important to note that, where the criteria of the policies are in conflict with the advice contained within Circular 01/2006 the latter guidance takes precedent. In this case Taunton Deane Local Plan Policy H14 allows traveller sites outside of settlement limits subject to 9 criteria (A - I). Criteria A, B, H are all superceded in part or full. Criteria (A) in Circular 01/2006 Government advises that applicants do not have to establish a local connection to the site (paragraph 62). Criteria (B) Government advises that a realistic approach should be taken to the accessibility of a site to local services by alternatives to the private car (paragraph 54). In this case occupants would be likely to use the private car to access local services (although their daughter is collected by Local Authority bus and taken to Castle School along with other local children). The County Highway Authority object to the proposal on sustainability grounds however balancing this against the approach recommended in the Circular I do not consider that traffic associated with 1 family would be such as to warrant refusal on sustainability grounds. The County Highway Authority are concerned that the access into the site has inadequate visibility splays and increased use from the occupants would be detrimental to highway safety. In this case negotiation could improve the site visibility splays but this would necessitate the removal of roadside hedge and bank, a strong feature of the Area of Outstanding Natural Beauty. As a result I consider that the provision of improved visibility splays would then be contrary to Government advice in Circular 01/2006 and Taunton Deane Local Plan Policy EN10 controlling development within AONBs. In the circumstances I must maintain a recommendation of refusal on grounds of inadequate visibility associated with the site access. Criteria (H) Government advice takes a less restrictive

approach to sites within AONBs allowing permission for traveller sites provided it can be demonstrated that the objectives of the designation will not be compromised - in this case the Landscape Officer has no objection subject to some additional planting. I am satisfied the this proposal accords with Criteria D and E and that Criteria G and I are not applicable for this site. Finally Criteria (C) requires a landscaping scheme to screen the site. Usually, on visually important locations such as this, such details would be required pre-determination but taking into account this late re-assessment of and the highway objection to the proposal it is not essential at this time.

Amended Recommendation:- Permission be REFUSED for the following reason:- increased use of the substandard access would be prejudicial to highway safety.

8 24/2005/058

As amplified by floor plans received on 9th February, 2006.

Additional letter from the applicants confirming:- the operation hours will need to be flexible but deliveries would be between 0700 hours and 1800 hours normally Monday - Friday; the chicken to be cooked will be brought in form outside of the farm; the acoustic barrier will comprise a wooden structure 2.5 m x 5 m long; the acoustic attenuator will be provided within the chimney stack.

Comments on letter:- conditions requiring full details of the attenuator and noise barrier have been included along with a landscape scheme to mitigate any visual impact from outside the site.

ENVIRONMENT AGENCY following the submission of additional information the Agency has no objections to the proposed development. I should be noted that any change in the drainage to watercourses will require a consent to discharge from the Agency. If such a consent is refused in the future the applicant will have to continue to use a sealed system with subsequent off-site disposal and the sustainability and economic viability of such an arrangement should be fully considered by the applicant before commencing the business. Previously suggested conditions should be attached.

LANDSCAPE OFFICER the building is prominent in the local landscape and should be mitigated for by the planting of pollarded willows at 8 m spacings around the west, north and eastern boundaries. ENVIRONMENTAL HEALTH OFFICER

applicant will need to comply with food hygiene law. The applicant will need to register the food business and should contact Environmental Health to discuss the matter.

PARISH COUNCIL the application was reconsidered and the Parish Council support this application.

10 ADDITIONAL LETTERS have been received raising the following:- as personal friends of longstanding the Dennis are upstanding citizens; the Dennis' are very welcoming, I support farm diversification which can bring much needed local employment to a rural area such as this; to date Nythe Farm business has not affected me at all and I live close to the site; the proposal will not cause any traffic problems through the village of North Curry; the Dennis' have farmed the land next to mine and have been good and conscientious neighbours.

Additional Relevant Policies:- Taunton Deane Local Plan Policies EN1 and EN26.

Additional Condition re landscaping scheme.

Additional Note re landscaping scheme.

9 29/2005/013

Additional condition re brick sample

10 38/2005/520

COUNTY HIGHWAY AUTHORITY I refer to the letter from Gadd Homes providing current daily traffic movements and predicted likely daily traffic movements to the proposed developments. I can accept the predicted movements being derived from the TRICS database. There is no TRICS data available for the specific existing use. From personal observations it would appear the number of vehicles is variable. However, there is no evidence to dispute Gadd Homes quoted existing figures. It would be desirable to achieve a financial contribution to secure an early start to the proposed traffic calming scheme, thus increasing highway safety for future site users. On the basis of the information now available it would be unreasonable to insist on the retention of previously recommended condition 1. I would still recommend that the other previously suggested conditions are imposed.

1 FURTHER LETTER OF OBJECTION received on behalf of the school raising the following issues:- second and third floor windows will overlook into a large window of the nearest classroom and is thus a risk to security and safety of the pupils; the access is close to the school entrance and is an additional danger for pupils walking

to and from school; the traffic calming plan could cause a problem for cars entering and exiting the site.

11 38/2005/553

As amended by plans 4072.04D, 03E and 02B correcting external elevations and amending flat layout.

1 ADDITIONAL LETTER OF OBJECTION has been received raising the following issues:- bin store details; encroachment on to Whirlgig Lane property; no mention of retail opening hours or if intending to apply for retail liquor licence.

Additional Note re no permission is hereby granted for an external air conditioning units.

12 38/2005/560

COUNTY HIGHWAY AUTHORITY the agent has confirmed no doors, windows will open over the highway concern that flat 4 window cill might extend over highway within a height of 2.4 m above footway. The width of the cycle parking store scales 1.3 m, despite possible space beneath the stairs there appears insufficient space for cycles associated with 6 flats.

Amend wording of Condition 10 to require details.

14 47/2006/001

1 FURTHER LETTER OF OBJECTION has been received raising the following issues:- apart from a slight reduction in size Member's comments have not been heeded and the re-application should be refused.

Copies to:

CHAIR/NTN/TB/JM/CDW/AG/DA/JH/KM/JLH/IC/TAB/CJW/HM/H&L/RWF/
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