

46/2004/002

MR & MRS H MORRISH

USE OF PART OF DWELLING FOR NURSERY FOR UP TO 18 CHILDREN UNDER 5 YEARS OLD, AND RETENTION OF CAR PARK AND FORMATION OF PLAY AREA, HAM FARM, HAM, WELLINGTON AS AMENDED BY LETTER DATED 28TH JANUARY, 2004 WITH ADDITIONAL INFORMATION IN LETTER DATED 16TH MARCH, 2004

15605/21747

FULL PERMISSION

PROPOSAL

Use of part of dwelling for up to 18 children under 5 years old and retention of car park and formation of play area, Ham Farm, Ham Wellington.

The building is the main Farmhouse at Ham Farm, which is a Listed Building. Ham is less than half a mile from the A38. The owners use all the ground floor for cots/highchairs/play area during the week, then these are pushed to one side in evenings in some rooms and all rooms at weekends are for 'normal' family life. The nursery currently has 12 children, a use commenced without planning permission, having been established for over 3 years as part of a farm diversification process. The previous dairy farm use has ceased and thus the traffic generation associated with the creamery and people calling to pickup cream, milk and eggs has also ceased. This apparently resulted in more traffic than would be generated by the nursery proposal. The applicants have stated that there is a lack of childcare for young babies; they take them at 3 months. There is a waiting list at both Wellington nurseries. Opening times are from 8.30 a.m. to 5.30 p.m., but parents drop children off any time between 8.30 a.m. and 10.00 a.m. and pick up between 3.30 p.m. and 5.30 p.m.. There are currently 3 people employed, which would be increased to four or five, who would be local. The car park has already been constructed to the west of the main house, and is currently surfaced in loose grey chippings. The area of the car park was previously used for vehicles including a horse box, dung heaps, and has always been post and railed, the applicant wishes to retain a view to see livestock in the adjacent field, but is willing to plant some landscaping in this area. Other areas have been improved and landscaped and this will be part of future investments. The proposed play area would be in the currently walled gardens to the southwest of the house. In respect of the increase to 18 children, the applicant has advised that there are often siblings of children currently being cared for, and she would like to be able to offer these younger children a space. With the siblings, vehicles would be bringing 2 children rather than 1 child. The applicants also claim that the new business units at Chelston will also increase demand for places and there had apparently been a nursery in the hamlet several years ago, but this did not give rise to any complaints or problems.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY the site is outside the limits of settlement in an area with limited public transport, increased dependence on cars, unsustainable development contrary to the Development Plan, substandard access at road junction, approach roads are sub standard. There have been two slight injuries accidents on this road in the last three years. Recommends refusal. If Members feel minded to approve the application, it should be limited to 12 children as its present use. There should be no increase in traffic which may jeopardize the safety record of this junction. SOCIAL SERVICES (UNDERFIVES) no issues to raise; parking and access has now been resolved. Ofsted will have to register the extension of numbers.

CONSERVATION OFFICER no objection to change of use as no physical changes required to the Listed Building, a note required re alterations. Unhappy about the car park area, and would not wish to see hedging or fencing erected. Suggest a stone wall, to match the garden. The surface needs to be upgraded to grass-crete or bound gravel. Remove all PD rights, no play equipment without planning permission, no play equipment near the listed building. LANDSCAPE OFFICER suggests planting scheme. ENVIRONMENTAL HEALTH OFFICER the play area be sited to the north of the garden area, the nursery shall not operate outside the hours of 8 a.m. to 6 p.m. on weekdays and no working on weekends or public holidays. There should be no more than two specified playtimes where children will be outside in the garden are i.e. 2 hours in the morning and 2 hours in the afternoon. DRAINAGE OFFICER the proposal is just outside the known floodplain as shown on the Environment Agency's records, the applicant should be made aware of this and advised to take any necessary measures they feel are warranted.

PARISH COUNCIL traffic generation is unlikely to be significant as both arrivals and departures are staggered. The Parish Council feel that any permission must have a condition that the parents must use the car park and turn at the rear. This provides rural employment. It has also been reported that there have been problems with parking on verges, churning up verges and parents being rude to residents.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 Sustainable development and to restrict developments outside towns, rural centres and villages; Taunton Deane Local Plan Revised Deposit Policy S1 (General Requirements) seeks, inter alia, to ensure that additional road traffic would not lead to overloading of access roads, road safety problems, that the character of the street scene is unaffected, and that environmental degradation does not occur. Policy S2 seeks to ensure good design. Policy EC2 relates to working from home, keeping the residential character, limiting the type and level of activity including hours of work, and deliveries to that consistent with a residential area, preventing any harmful future intensification, and a small advertisement only. EC 4 relates to rural employment, guiding development of employment to sites near public roads, adjacent to the limits of a village, no other sites available and no harm to residential amenity, landscape or highway safety, and adequate arrangements can be made for provision of services. EC5 relates to Farm Diversification. Policy EN 17 does not permit development

proposals which would harm a Listed Building, its setting or its setting or any features of interest.

ASSESSMENT

The nursery currently caters for 12 young children without the benefit of any planning permission. No complaints have been received in respect of the current situation. Having regard to the County Highways Authority's comments, it is considered that the site is sited not far from the A38 and is used by parents who are travelling between home and work, rather than making a special visit to the nursery. As the building is Listed, it is not considered to be in the interests of the historic character or its setting to ask for any improvements in visibility. Given the farm diversification policy, the existing use of the building, the local facility and local employment, it is considered that these factors outweigh the highway objections.

The house itself is sufficiently large to enable the additional number of children in the nursery to be accommodated without the need for additional floorspace. Siting the play area to the north of the garden would be in conflict with the Conservation Officer's comments in respect of the setting of the listed building. The use of part of the garden as play area is considered to be acceptable in use terms, however given that the building is listed, there would be a restriction on the construction of any sheds or other building in the area. The car park has already been constructed and following the objections from the Conservation Officer, the applicant has agreed to carry out some landscaping and reconsider the surface. The area formerly had a post and rail fence, so a reintroduction for such feature is considered to be acceptable. It is considered to be too onerous to require a stone wall in this area, given limited views to the area. In respect of the Parish Council,'s views it is not considered that a condition to ensure parents use the car park would be enforceable but a note to ask that this take place has been included.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials of car park, landscaping, no buildings within garden area, car park to be available with gate open at all times during nursery drop off/pick up times, no ancillary buildings, hours of operation 8 a.m. to 6 p.m. Monday to Friday excluding Bank Holidays, specific play times and play areas away from listed building. Notes re parents/carers to use the car park when dropping off/picking up and area is close to area liable to flood.

REASON FOR RECOMMENDATION:- The provision of this working farm house facility will provide rural employment and farm diversification in line with Policies SC2, EC4 and EC5. It will provide a needed child care facility and an acceptable use for the listed building (Policy EN17). These benefits are considered to outweigh the concerns of the County Highways Authority in respect of the Structure Plan Policies.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: