

25/2004/006

JET-SET (EU) LTD

**ERECTION OF 1 BEDROOMED UNITS FOR SPECIAL NEED ACCOMMODATION  
IN SEVERAL 1 OR 2 STOREY BUILDINGS IN ASSOCIATION WITH TRENCHARD  
HOUSE, TRENCHARD PARK GARDENS, NORTON FITZWARREN**

20040/26699

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**1.0 RECOMMENDATION**

Permission be REFUSED for the following reasons:-

- 01 The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policy S1(E)).
- 02 The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8).
- 03 The proposed development will be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and an overriding special need or benefit has not been substantiated for the proposed development on this specific site (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49).

25/2004/007

JET-SET (EU) LTD

**ERECTION OF EXTENSIONS TO FORM ADDITIONAL SPECIAL NEEDS ACCOMMODATION AND CHANGE OF USE OF PROPERTY TO SPECIAL NEEDS AT TRENCHARD HOUSE (FORMERLY KNOWN AS COURTLANDS) AND MEADOW COURT, TRENCHARD PARK GARDENS, NORTON FITZWARREN AS AMENDED BY LETTER DATED 6TH MAY 2004 WITH ACCOMPANYING DRAWING NO 4C AND AS AMPLIFIED BY DRAWING NO 2B RECEIVED ON 25TH MAY 2004**

20040/26699

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1.0 **RECOMMENDATION**

A. Permission be REFUSED for the following reasons:-

01 The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policy S1(E)).

02 The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8).

B. The Chief Solicitor be authorised to commence Enforcement Proceedings to ensure compliance with the permitted use, the period for compliance to be such as to minimise any hardship to existing residents.

2.0 **APPLICANT**

Jet-Set (EU) Ltd

3.0 **PROPOSALS**

(i) 25/2004/006 Erection of 1 bedroomed units for special needs accommodation in several 1 or 2 storey buildings in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren

This application is in outline only and the only plan submitted indicates the boundary of the site. The proposal is related to the additional units the subject of application 25/2004/007.

- (ii) 25/2004/007 Erection of extensions to form additional special needs accommodation and change of use of property to special needs at Trenchard House (formerly known as Courtlands) and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren.

Trenchard Park Gardens offers flexible accommodation for 'special needs' clients, which the applicants describe as clients who are vulnerable and in need of a secure environment.

The following are instances the applicants describe as being meant by special needs:- emergency housing, homelessness, leaving care (age range 16 - 18), physical disability, learning disability, mental health disability, moving from a poor quality environment, moving out of supported housing, moving out of supported lodgings, safety placements, hospital discharges and intended out of area placements.

In this circumstance they believe that this will enable individuals to live as independently as possible. Whilst not a care or supported housing project, the applicants' aim is to enable individuals to access comfortable surroundings and facilities in a quiet and quality environment, giving accommodation and facilities to enhance and improve their quality of life.

18 bedrooms are proposed in the existing buildings formed of Trenchard Park and Meadow Court, with 23 bedrooms proposed in the extensions. The proposal also provides for a 2 bedroom self-contained family living accommodation unit. Lounges, recreation room, laundry, office and kitchens are also incorporated in the scheme.

The materials for the proposed extensions are to be rendered walls with artificial slate to match the existing building.

#### 4.0 **THE SITE**

The site is located on the A358 close to the Cross Keys roundabout. The Courtlands Industrial Estate lies to the south. The closest residential property is approximately 85 m distant. The site is accessed through an existing gateway at the eastern end of the property onto the A358. The property is located beyond the settlement limits of both Taunton and Norton Fitzwarren.

#### 5.0 **RELEVANT PLANNING HISTORY**

**25/1988021** Change of use of Courtlands to Guest House and dwelling and alterations to access, Norton Fitzwarren. Full permission granted August 1988.

**25/1989/03** Change of use from guest house to hotel with 14 seat restaurant, Courtlands, Norton Fitzwarren. Full permission granted December 1989.

**25/1990/003** Change of use of hotel/restaurant to long stay nursing home for the elderly, Courtlands Hotel, Norton Fitzwarren. Full permission granted February 1990.

**25/1990/035** Erection of extension to form nursing accommodation, The Courtlands Unit, Norton Fitzwarren. Full permission refused January 1991.

**25/1991/005** Erection of extension to psychiatric nursing home, Courtlands Nursing Home, Norton Fitzwarren. Full permission granted May 1991.

**25/1991/009** Continued use of land to site caravan used as staff accommodation, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted April 1991.

**25/1992/026** Siting of caravan for office use, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted September 1992

**25/1999/021** Change of use from dwelling to residential home, Courtway, Courtlands, Norton Fitzwarren. Full permission granted January 1990.

**25/2001/021** Change of use of nursing home to dwelling at Cornerwood House (formerly known as Courtlands), Norton Fitzwarren. Full permission granted August 2001.

**25/2001/022** Change of use of nursing home to offices at Cornerwood House and Courtway, Norton Fitzwarren. Application withdrawn prior to determination.

**25/2002/017** Change of use to hotel/bed and breakfast at Cornerwood House and Courtway, Norton Fitzwarren. Full permission granted August 2002.

**25/2003/014** Erection of two storey extension to form additional letting accommodation (19 bedrooms) and single storey extension to form manager's flat, Trenchard House, Trenchard Park Gardens (formerly Cornerwood House and Courtlands), Norton Fitzwarren. Application withdrawn prior to determination.

The property the subject of the current applications comprises what were formerly known as Courtlands, Courtway and Meadow Court. The latter was most recently used as dwelling and the former have the benefit of planning permission for hotel/bed and breakfast.

At the Planning Committee on 3<sup>rd</sup> March, 2004 a report was considered following concerns that had been raised that the property may be in breach of the planning permission that was granted for the change of use to hotel/bed and breakfast accommodation. Whilst that application was being determined, it became evident that discussions had taken place between the owner and other departments within the Authority. The Housing section has been

referring homeless persons to the existing hotel/bed and breakfast accommodation for some time. In the report to Committee in March it was reported that the Council's Solicitor was of the opinion that the existing use may be immune from planning enforcement action because the intended occupation by homeless persons was known at the time planning permission was granted for the hotel/bed and breakfast use. The Committee noted the report, which concluded that there appeared to be corporate support for the applicant's current operation, at least in terms of the Council's housing strategy and that no further action from a planning viewpoint should be taken at that time.

Since the meeting on 3<sup>rd</sup> March 2004, Counsel's opinion has been sought on the question of immunity from enforcement on the existing unauthorised use. Counsel's opinion is that the Council can take enforcement action in the event of planning permission being refused.

## 6.0 **RELEVANT PLANNING POLICY**

### **Somerset and Exmoor National Park Joint Structure Plan Review**

Policy STR1 Sustainable development

Policy STR6 Development outside towns, rural centres and villages

Policy 49 Transport requirements of new development

### **West Deane Local Plan**

Policy WD/SP/2 Development outside settlement limits

### **Taunton Deane Local Plan Revised Deposit**

Policy S1 General Requirements

Policy S2 Design

Policy S8 Outside settlements

Policy H4b The conversion of houses to bedsits, hostels or other types of non self contained accommodation will be permitted, provided that:

- (A) there is safe and convenient access by bus or on foot to a town centre, local centre or rural centre;
- (B) the proposed intensity of use will not, individually or cumulatively with other existing conversions or non residential uses, erode the character or amenity of existing residential areas;

- (C) the privacy and amenity of neighbouring dwellings would not be harmed as a result of increased noise, activity and disturbance likely to be associated with the higher intensity of occupation;
- ~~(D) residents of the proposed units of accommodation will enjoy adequate ventilation and natural light;~~
- (E) external changes do not harm the character and appearance of the building or street scene;
- (F) adequate refuse storage facilities are provided; and
- (G) car parking will be permitted only where it can be provided without harming the character and amenity of the area. Where possible secure cycle parking will be required.

Policy M3a Residential parking requirements

## 7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

### **PPG1 'General Policy and Principles'**

Paragraphs 4 - 7

Paragraph 28      A number of the previous themes come together in considering development in the countryside. Here, the planning system helps to integrate the development necessary to sustain economic activity in rural areas with protection of the countryside. Rural areas can accommodate many forms of development without detriment, if the location and design of development are handled with sensitivity. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas such as National Parks which are statutorily designated for their landscape, wildlife or historic qualities and in areas of best and most versatile agricultural land, policies give greater priority to restraint.

Paragraph 40

Paragraph 50

Paragraph 54 – 55

### **PPG3 'Housing'**

Paragraph 1 The Government intends that everyone should have the opportunity of a decent home. They further intend that there should be greater choice of housing and that housing should not reinforce social distinctions. The housing needs of all in the community should be recognised, including those in need of affordable or special housing in both urban and rural areas. To promote more sustainable patterns of development and make better use of previously-developed land, the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

Paragraph 41 Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:

- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
- promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

### **PPG7 'The Countryside – Environmental Quality and Economic and Social Development'**

Paragraph 2.3

## **8.0 CONSULTATIONS**

**25/2004/006**

### **County Highway Authority**

“The A358 is a National Primary Route. I would not wish to see a new development on this site nor the intensification of use of the access, which would generate additional traffic onto the A358. I would therefore recommend refusal of this application for the following reasons:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed

development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site.”

### **County Archaeologist**

I repeat my advice on the earlier (withdrawn application 4/25/03/014) that the site is located very close to a nationally important monument and for this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

### **Wessex Water**

“The above proposal is not located within a Wessex Water sewered area.

The developer has proposed to dispose of surface water to 'soakaways'.

It is advised that your Council should be satisfied with any arrangement for disposal of foul and surface water flows generated by the development.

Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.”

### **Avon and Somerset Constabulary**

“With reference to the above planning applications. The Avon and Somerset Constabulary have very serious concerns regarding the current situation at Trenchard House, Norton Fitzwarren, Taunton, and will object, in the strongest terms, to any proposed extension to this establishment.

Since 01/01/2003 there have been 23 Police Communication Centre reports/logs made relating to Trenchard House. Complaints/calls have included allegations of burglary, criminal damage, theft, assault and disorder.

During the same period there have been 27 crimes recorded relating to the premises. These crimes include allegations of theft, criminal damage, burglary, assault, sexual assault, and domestic incidents.



Police records would indicate that numerous Police officers have attended at the address, either in response to calls for the Police, or to make enquiries where arrests have been made.

It is quite apparent that this premises is a huge drain on Police resources and therefore we would request that our objections are given serious consideration.”

The following further response was received subsequent to the view of consultation and representation response (see next section of this report).

“From mid 2002 in excess of 35 arrests have been made of residents at the premises. I can obtain exact up to date numbers if required.

The Police Warrants Officer, Mr. Nicholls, regularly calls at the premises 3/4 times each week. These details may be available if required.

As the result of a recent request by Sergeant Whysall, 9 Police officers, from our Police district, confirmed that the premises had been visited 17 times whilst making crime enquiries.

Devon and Cornwall Police officers have attended the premises to make crime enquiries.”

The following further information has been received from the Avon & Somerset Constabulary:-

I can now inform you of the following:

Since 10-08-2003 Communication Centre logs show that the Police have been called to Trenchard Park Gardens 31 times. This figure includes; reports of burglary x 8, assault x 2, criminal damage x 1, and 20 others. Records show that a total of 44 arrests have been made at the premises. Since 01/04/2002 41 prosecution case files for court proceedings have been produced that relate to occupants of the premises.

I am not able to give you any details of Court results or convictions without looking into personal records, which is not possible.

I do hope that this will be sufficient information to evidence our objections.

### **Landscape Officer**

“My main concern is the proximity of the proposed dwelling(s) on the existing sycamore and beech trees and the impact on the approach to Trenchard Park Gardens. However, I believe both the above could be mitigated by appropriate distances and landscape detail.”

### **Environment Health Officer**

Trust any of the proposed developments will be subject to Building Regulation approval and any fire detection system, including the sprinkler system will be interlinked as appropriate with the existing building.

### **Drainage Officer**

No observations to make.

### **Housing Officer**

“There are enough B and B rooms in the existing house. I do not believe more rooms are required. I feel that a better option would be move-on accommodation taking the form of one bedroom flats let on assured shorthold tenancies at rents compatible with housing benefit payment levels. I support the existing level of B and B rooms.”

### **Parish Council**

The Parish Council would like to emphasise the importance of the fact that no planning permission has been granted for the use of this property as a hostel despite it being used as such since 2002. Therefore this application must not be regarded merely as an extension of an existing legitimate operation. Had the change of use application submitted in 2002 been properly processed the Parish Council would have strongly objected then. However it was not given the opportunity.

The Parish Council would raise the strongest possible objections to the above applications. Due regard has been taken of the views expressed by local residents and police representatives. The Council feel there are very serious concerns in the following areas :-

#### **1.0 Crime and Disorder (Section 17) and Anti-social behaviour**

This is seen as a major issue. Confirmed reports have been received from the police and residents describing worrying incidents of crime and disorder arising from the use of Trenchard Park as a hostel. Surrounding properties have reported intrusions by residents of Trenchard Park and there is evidence of discarded hypodermic syringes found in the vicinity.

Clearly any increase in hostel usage would only add to an already serious situation. Furthermore there are the following additional concerns.

The proposed new playing fields for the primary school (situated behind Burnshill Drive off Taylor Close) will only be a field away from this property. In addition there is a well used footway from Trenchard Park running adjacent the proposed school playing fields.

There are fears that the supervision and control of residents when outside the site will be inadequate.

The site is very close to the St Martin's Rehabilitation Centre and there are serious concerns that the good work being done here could easily be undermined by the proximity of Trenchard Park residents.

There is high degree of worry amongst residents based upon a fear of what might happen, as well as actual events.

Valuable police resources are already being taken up with incidents connected with this property. Police report visiting the property at least three times a week sometimes with a riot van and regular arrests are made. The proposals would seriously escalate the problem.

## **2.0 Location in Open Countryside**

The site is in open country and outside of the normal settlement area in existing planning terms. The proposals do not meet any known criteria as there would be no benefit economically or otherwise for the local area. Indeed quite the contrary as there would be a detrimental impact on the character of the area. Moreover the appearance and character of the existing building would be adversely affected by the proposed extensions.

## **3.0 Sustainability**

There is no sustainability for the proposed use of the properties in this location. There are no immediate facilities for grocery or other shopping and no leisure or recreational areas.

## **4.0 Highway Issues**

There are very real safety concerns. Residents are regularly seen walking along the busy main A358 Taunton/Minehead road, including at night whilst wearing dark clothing. Even with the provision of a footway, the safety of these residents and of passing motorists cannot be guaranteed.

The Council most strongly feel that these serious issues far outweigh any advantage that the Housing Officer may suggest arises from this proposal.”

**25/2004/007**

### **County Highway Authority**

There are no objections in principle to this proposal for the change of use of the property to special needs. A residential care home with 30 bedrooms

requires 10 parking spaces. These spaces together with a turning space need to be provided.

The submitted plan shows the gate widened to 4.5 m. The drive should also be widened to 4.5 m for 10 m from the edge of the carriageway to allow vehicles to pass in the access and prevent vehicles backing or waiting on the carriageway.

In the event of permission being granted I would recommend that the following conditions are imposed:-

1. The development hereby approved shall not be occupied until 10 parking spaces have been provided within the curtilage of the site.
2. Before the development hereby permitted is commenced, the existing access shall be modified to have a minimum width of 4.5 m and incorporate radii of not less than 6 m. The access shall have a minimum width of 4.5 m for a distance of 10 m from the edge of the carriageway.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Road Opening Notice must be obtained from the Highways Service Manager Somerset County Council Taunton Deane Area at Burton Place, Taunton, Somerset, Ta1 4HE before access works commence.

**County Archaeologist**

As on previous application.

**Wessex Water**

As on previous application.

**Avon & Somerset Constabulary**

As on previous application.

**Landscape Officer**

“My main concern is the proximity of the western extension to the boundary trees, mainly sycamore, which are already quite large and in need of thinning if they are not to become a problem. Are the trees within the ownership of the applicant? Subject to the proposed management of the trees it may be possible to accommodate the proposals as they are or otherwise at least 12 – 14 m should be maintained between the proposed extension and boundary trees. The wellingtonia should be unaffected by development. A landscape scheme to soften the impact of the proposal should include tree planting in the parkland to provide more of a setting.”

## **Forward Planning Unit**

This application has two elements which, in policy terms, raise different issues.

The first element is the change of use of the existing buildings. Although the site is outside the defined limits of any settlement, I consider that in view of the buildings' previous use for residential purposes the proposed use is, in general terms, acceptable. As the proposal appears to involve non self-contained accommodation Policy H4b of the Taunton Deane Local Plan is relevant and its criteria need to be satisfied. Most of these are of a detailed nature on which it would be inappropriate for me to comment. The exception to this is criterion (A) relating to accessibility where, in view of the bus service on the A358, I consider that on balance the proposal is just acceptable.

The second element of the proposal, which involves substantial extensions, is contrary to policy S8 relating to new building outside settlements. This aims to protect the countryside through the strict control of development unless there is a clear and justifiable need. I do not consider that such a need exists in this instance."

## **Environmental Health Officer**

As on previous application.

## **Drainage Officer**

"Foul drainage: I note that foul sewage is dealt with by an existing septic tank. Stand note to be included about sizing, possible pollution nuisance, etc

Surface Water: I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval."

## **Housing Officer**

As on previous application.

## **Norton Fitzwarren Parish Council**

### **Staplegrove Parish Council**

Agreed to support Norton Fitzwarren Parish Council's concerns and objections to the planning application.

## 9.0 **REPRESENTATIONS**

7 individual letters of objection and one signed by the residents of 3 nearby dwellings have been received.

1. Effect on objector's son, who has special needs.
2. Private drive used by residents of both House of St Martin and Trenchard Park Gardens with associated bad language and discarded rubbish. Beer cans and cider bottles are thrown down in the driveway and hypodermic needles, drug taking equipment and syringes have been found.
3. Aware of a strong police presence in the area and have been told the police now consider the area to be a trouble hot-spot. If approved, the development will escalate the problems as this is a small community with no local facilities and cannot cater for the residents currently housed and therefore the crime rate is bound to rise.
4. Has already been an increase in crime in the area.
5. Although proposal is to offer care for special needs but suspect will simply be used as bed-sits for the homeless, which is what the present property is being used for.
6. People with special needs covers a wide spectrum and therefore a very varied staff with specialist skills would have to be employed to cater for the residents and it is doubtful that this is intended.
7. No guarantees that crime will not increase.
8. This previously quiet village will be turned into a no go area which has already started to happen.
9. To increase the traffic of both people and vehicles entering and exiting this busy road is extremely dangerous. Individuals will inevitably walk along the verge to and from the town, as there is no pavement. In the winter people walk on the road because the verge is so muddy, which is dangerous and a distraction to drivers.
10. Few facilities for residents, they are not in a community and they inevitably make their way into town, thus increasing the flow of activity on this road.
11. Also have concerns that residents will be those who need care, support and help, people with tremendous difficulties and problems.

12. There is a home of a similar nature at the top of Langford Lane and the mix and increased number of this type of people could create a very nasty situation.
13. The continued use of Trenchard House is in contravention of their present permission.
14. The proposed applications will increase the number of available beds to at least 55 and legalise an unsatisfactory position.
15. A proposed hostel on the edge of an employment area will increase the present residential/industrial conflicts.
16. Proposed extension will over-develop the site.
17. Noise from the industrial area will affect the property.
18. Current occupants play football in the entrance splay to the employment area.
19. Activities and perceived intimidation.
20. Proposal is incompatible and a health risk.
21. Development in the open countryside outside the area designated by the local plan.
22. The development is residential, and will not benefit from any facilities nearby, thus fostering the need to travel, and thus be unsustainable.
23. The development is not of such benefit to the area such as to justify an exception to policy.
24. Section 17 of the Crime and Disorder Act imposes a duty on local authorities to minimise crime, and also to minimise the perception of crime. Tenants of adjacent employment area are very concerned that crime, in particular robbery and violence, are likely to increase.
25. The only planning permission previously granted at the property was for hotel/bed and breakfast, but it is openly operating as a hotel.
26. Understood that a considerable number of offences have already been committed by residents and there are frequent visits by the police.
27. The term 'special needs' covers a very wide area. Special needs units are very expensive to run and query who will meet this funding. No details of staffing levels, specialities, care levels, qualifications etc. Query whether subject to the Care Standards Act. Query whether will home 'out-of-County' people who have been found 'difficult' by other authorities who find it easier to 'pass them on'.

28. Sense of fear amongst the nearby mainly elderly householders.
29. Evidence of discarded needles would suggest that cure and rehabilitation are either not the purpose or are at the very least not being effective.
30. Generally known that drug users are most often unable to control their addiction and resort to a variety of crimes to support their habit, which inevitably places the local community at risk.
31. Query what measures will be put in place to protect the local community and will residents have recourse to the Council if crimes to property or community members occurs as a result.
32. The only accessible form of recreation is a public house – which cannot be considered best practice in rehabilitating those who are mentally challenged.
33. Property should revert to its intended use – bed and breakfast for the tourist industry.
34. Facilities for special needs already exist at this site and at House of St Martin nearby.
35. The northern access is dangerous.

Letter of objection from Ward Member making the following points:-

1. Join and fully support the Parish Council and several owners and occupiers of neighbouring properties in strongly objecting to the applications.
2. Planning permission has been granted for hotel/bed and breakfast use. No planning permission has been granted for use of property as a hostel, despite it being used as such since 2002. Officers recognise that there is a difference between hotel/bed and breakfast and hostel/bed and breakfast. The existing use of the premises is not, in planning terms, a legitimate operation, so the application must be treated as a new use for the premises.
3. Crime and Disorder Act (Section 17) and Anti-social behaviour. Police report that they attend the premises at least 3 times a week. Incidents at the premises require anything from one officer to six officers in a riot van.
4. Have been informed of several neighbouring property intrusions by residents from Trenchard Park Gardens. On one occasion a neighbour observed some 'obviously stolen' goods being hidden in their garden hedge by persons he knew to be residents.



5. Residents have made regular court appearances for a variety of offences. Residents have also been observed to be abusive and intimidating on the local bus service. Several discarded syringes have been found in the verge next to the public pavement immediately outside the property.
6. Concerns over the possible detrimental effects some known drug addicts housed in Trenchard Park Gardens might have on residents at the nearby House of St Martins (ex-offenders, vulnerable people).
7. The Local Plan recognises the need to expand the village primary school and it is currently proposed to move the school playing field to behind Taylor Close, which is within one field of the property.
8. Would need assurances that the establishment is properly managed with staffing levels and management arrangements exceeding the minimum standards for special needs people.
9. The premises are outside the Local Plan settlement limits.
10. Norton Fitzwarren is a village with a community just beginning to pick itself up after the loss of 550 jobs at Taunton Cider. The area around Langford Lane and Pen Elm is a microcosm within the village, a small cluster of about 30 houses and bungalows, many of the occupants being retired. The provision of hostel accommodation for at least 55 'special needs' residents (essentially drug addicts) is not in keeping with this area.
11. Sustainability. Proposal will lead to a substantial increase in traffic to and from the site. There are no immediate shopping facilities for this number of residents, most of whom will not be drivers and will therefore have to either walk or rely on public transport. There are no leisure facilities or recreational areas close by.
12. There is no economic benefit to the application.
13. Concerns over the entrance to and exit from the site onto a busy main road.
14. There is no footpath between Cross Keys roundabout and Trenchard Park Gardens and residents, vulnerable people, have been observed on many occasions walking out on the road. At night, in the winter, this is particularly dangerous, and there is a significant risk of serious injury or even death.
15. Applicant has indicated that it would not be viable to continue operating at the current scale.

16. The building, whilst not listed, is of significant historic importance, being the former home of Lord Trenchard, founder of the RAF. This application is not in keeping with such an historic building.

Letter received from applicant responding to points raised in local press makes the following points:-

1. Only two references to a Trenchard Park Gardens client in court news in local paper in the last 20 weeks, both offences recurring prior to occupation.
2. 'Leaving Care' is a scheme run by Social Services to help and support 16-18 year olds after they leave care or they can have a greater chance of maturing and achieving independence after years of the absence of parental control, care and guidance. Difficult for them to adapt from childhood to adulthood within a stable environment. To regard these vulnerable young adults as 'tearaways' is inappropriate and offensive.
3. Denies that any residents found on property of nearby householders.
4. It is well known that villages have problems, as do towns and cities. The syringes are nothing to do with Trenchard Park Gardens and illustrate how juxtaposing issues can be used to create a negative impression that they were from Trenchard Park Gardens.
5. Use of terms such as 'police riot van' are inappropriate.
6. Police visit the property in the main for people who have committed offences prior to coming to Trenchard Park Gardens, and as a matter of procedure.
7. No parish councillor has ever directly contacted Trenchard Park Gardens to ask or to enquire about activities.
8. The project at Trenchard Park Gardens is a positive one and we work with a variety of agencies, all satisfied with the service offered.
9. Take safety and security seriously.
10. Wish to offer 'move on' accommodation for those whose needs take a little longer to define and find available. The planning application is part of a solution to house vulnerable people with special needs, which should be viewed positively in the light of the facts, not fiction.
11. Hope that those who needed to vent their feelings and anger have now done so and we can now go about our work quietly out of the limelight and for the benefit of vulnerable people of all ages, races and genders.
12. Considers the police must answer the following questions:-

- a) how many arrests were due to suspected criminal actions while at Trenchard Park Gardens;
- b) how many arrests of these people lead to convictions in the courts;
- c) how many arrests were there for suspected criminal actions prior to the person coming to Trenchard Park Gardens;
- d) how many arrests of these people lead to convictions in the courts.

## 10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? **POLICIES**
- B. Will the proposals result in an increase in crime and disorder in the area? **CRIME AND DISORDER**
- C. Is the access to the site suitable? **ACCESS**

### **A. Policy**

Application 25/2004/006 is an outline planning application for new units for special needs accommodation within the grounds of Trenchard Park Gardens. Application 25/2004/007 provides for two elements. Firstly the change of use of the existing properties comprising Trenchard House and Meadow Court to special needs accommodation. Individual bedrooms would be provided, together with shared facilities. I consider this form of accommodation to be akin to a hotel use. The other part of this application provides for extension to provide additional bedrooms for the same special needs use, together with one unit of self contained family living accommodation.

The existing premises have had previous uses for residential purposes, both a single dwellings and as a nursing home. There is also a valid planning permission on the Trenchard House part of the building for hotel/bed and breakfast use. A residential use is consequently considered to be greatly acceptable. The proposal, the subject of application 25/2004/006, provides for some self-contained accommodation and therefore Policy H4b of the Taunton Deane Local Plan applies. This states that conversion of homes to bed sits, hotels or other types of use to self-contained accommodation will be permitted provided that certain criteria are met. The Local Plan recognises that Homes In Multiple Occupation are a difficult issue in some parts of Taunton in that the intensity of use associated with them can cause noise and nuisance problems in residential areas, particularly if they become concentrated in formerly settled residential areas of single family dwellings. However it is also accepted that bed sits, hotels and other forms of non self-contained accommodation are an increasingly common form of cheap rental housing and therefore provide a form of affordable housing, particularly for the homeless or young single people. The Local Plan Inspector considered that the Plan should refer to the benefits of arrangement of this type of accommodation by Registered Social Landlords. PPG3 advises that conversion of the existing stock to meet new requirements is welcome, subject to the protection of residential character and amenity.

To accord with this guidance, Policy H4b sets out a number of criteria against which proposals to convert housing to non self contained accommodation will be considered. These include the need for good walking or public transport access to a range of facilities and employment and criteria to protect the amenity and character of the surrounding area. The various criteria are set out in full earlier in this report at Section 6.

The premises are on the A358, along which there is a regular bus service. They are also within a reasonable walking distance of commercial and community facilities within Norton Fitzwarren. Two of the criteria refer to the subject of proposals on the character of amenity of existing residential areas and the potential impact on the privacy and amenity of neighbouring dwellings as a result of increased noise, activity and disturbance associated with the form of occupation. The premises are adjacent to an employment area and the nearest house is approximately 85 m distant. My conclusion is that the part of the proposal to convert the existing building to special needs accommodation will not unduly adversely affect the character and amenity of the nearby residential areas or the privacy and amenity of the occupants of the dwellings. However I do accept that there are overlaps with the aims related to Crime and Disorder covered in the next section of this report.

The second element of application 25/2004/007 refers to substantial extensions to the existing building to provide additional accommodation. As the site lies outside the recognised settlement limits, Policy STR 6 of the County Structure Plan and Policy S8 of the Taunton Deane Local Plan apply.

These policies provide for the strict control of development unless there is a clear and justifiable need and that the proposal would benefit economic activity, maintain and enhance the environment and does not foster growth in the need to travel. In the light of the views of the Housing Officer I do not consider that a need exists for this amount of non-self contained accommodation in this location. Although I accept that use of the existing buildings are acceptable as an alternative use in sustainability terms, the infrastructure and increase in the residential use of the premises will inevitably result in an increase in the need to travel, which I consider is inappropriate in this location.

## **B. Crime and Disorder**

As indicated earlier in the report, there is a strong objection to the two proposals from the Avon and Somerset Constabulary and the objections from local residents and the adjacent employment area also raised concerns in this regard.

Section 17 of the Crime and Disorder Act recognises that increase in crime, disorder and anti-social activity or the public perception of such a risk in the area are material considerations. Although there appears to be no evidence that there has been an increase in crime in the area resulting from the current usage of the premises, there is a clear concern from the police that the

proposals run counter to the aims of the Crime and Disorder Act and there is a clear perception from the local residents and owner/occupiers of the adjacent employment units that the proposals will result in the rise of an increase in crime, disorder and anti-social behaviour. It has not been satisfactorily demonstrated by the applicant that adequate measures can be put in place to allay the fears of the local residents/ employment site occupiers and the concerns of the police. The Taunton Deane Local Plan Inspector recognises the benefits of the management of this type of accommodation by Registered Social Landlords, which is not the case in this instance. My conclusion therefore is that the proposal would be in conflict with the provision of Section 17 of the Crime and Disorder Act.

### **C. Access**

The access to the site is in the existing entrance from the A358. The County Highway Authority does not wish to see any new development on the site or an intensification of the existing access which would generate substantial traffic onto the A358. This can include both vehicular and pedestrian traffic, and as noted earlier, several of the objections refer to the lack of footways along the A358 to Cross Keys Roundabout and the associated danger from pedestrian walking in the road. The County Highway Authority concludes that no overriding special need or benefit has been substantiated for the proposed development at the premises. I therefore consider that a highway reason for refusal is appropriate for application 25/2004/006.

## 11. **CONCLUSION**

The proposed developments have attracted a considerable level of objection from local residents and businesses, the Parish Council and the Avon and Somerset Constabulary. In my view, the concerns raised with regard to the compatibility of the proposals with Section 17 of the Crime and Disorder Act should be given considerable weight. Furthermore, in planning policy terms, the proposed additional accommodation in the form intended would be contrary to the Authority's policies for the open countryside. My recommendation is therefore one of refusal.

Application 25/2004/007 also seeks to change the use of the existing property from bed and breakfast accommodation to special needs accommodation. The current use of the property is considered to be akin to a hostel use for which permission has not been granted. The Planning Committee is therefore asked to consider the issue of enforcement action to secure compliance with the permitted use. It is recommended that enforcement action be taken to ensure compliance with the permitted use. Should this be agreed it is recommended that the period for compliance be such as to minimise any hardship to residents.

