

25/2005/007

JET-SET (EU) LTD

**ERECTION OF 1 BEDROOM UNITS FOR SPECIAL NEEDS ACCOMMODATION IN SEVERAL 1 OR 2 STOREY BUILDINGS IN ASSOCIATION WITH TRENCHARD HOUSE WITH ACCESS OFF EXISTING DRIVE AT TRENCHARD PARK GARDENS, NORTON FITZWARREN**

20079/26676

OUTLINE

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**1.0 RECOMMENDATION**

That in the event that the Local Planning Authority were in a position to determine the application, the application would have been REFUSED for the following reasons:-

- 01 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 accommodation. (Taunton Deane Local Plan Policy S7).
- 02 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).

25/2005/008

JET-SET (EU) LTD

**CONTINUED USE OF TRENCHARD HOUSE AND MEADOW COURT FOR SPECIAL NEEDS HOUSING ACCOMMODATION AT TRENCHARD HOUSE AND MEADOW COURT, TRENCHARD PARK GARDENS, NORTON FITZWARREN (PART RETROSPECTIVE)**

19984/26727

FULL

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1.0 **RECOMMENDATION**

Permission be GRANTED subject to the following conditions:-

- 01 The existing access over the first 20 m of its length should be widened to 5.0 m, to accommodate two-way traffic, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such works should be carried out and completed within 4 months of the date of planning permission being granted.
- 01 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 02 The occupiers of the accommodation shall be subject to the terms of the 'Daily Agreement Conditions for Trenchard Park Gardens Occupancy' submitted with the planning application and the management of the establishment shall strictly enforce the Agreement with occupiers.
- 02 Reason: To ensure that the proposed development does not adversely affect the amenity of nearby dwellings as a result of increased noise, activity and disturbance in compliance with Taunton Deane Local Plan Policy H5.
- 03 Within 3 months of the date of this planning permission, 7 car parking spaces shall be provided in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

25/2005/007 and 25/2005/008

## 2.0 **APPLICANT**

Jet Set (EU) Ltd

## 3.0 **PROPOSALS**

- (i) 25/2005/007 Erection of 1 bedroom units for special needs accommodation in several 1 or 2 storey buildings in association with Trenchard House with access off existing drive at 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 continued use of Trenchard House and Meadow Court for special needs housing accommodation.

- (ii) 25/2005/008 continued use of Trenchard House and Meadow Court for special needs housing accommodation at Trenchard House and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren (part retrospective)

Accompanying the application was a copy of the 'Daily Agreement Conditions for Trenchard Park Gardens Occupancy'. A copy of this appended to this Report.

There are 19 rooms at the present time over two floors.

## 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.

**25/1989/038** 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.

**25/2004/006** 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. Outline application refused July 2004. Appeal the subject of a Public Inquiry in August 2005.

**25/2005/007** 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. Full planning application refused July, 2004. The Council also resolved to take enforcement action to ensure compliance with the permitted use of the premises (hotel or bed and breakfast accommodation, to become effective on 1st April, 2005). Appeal the subject of a Public Inquiry in August 2005.

On 30th March, 2005, the Planning Committee resolved that, notwithstanding the previous decision with regard to enforcement, no further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel. A copy of that Report is appended to this Report.

## 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

### **Taunton Deane Local Plan**

Policy S1 General Requirements

Policy S2 Design

Policy S7 Outside settlements

Policy H5 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) external changes do not harm the character and appearance of the building or street scene;
- (E) adequate refuse storage facilities are provided; and
- (F) 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 EN6 Protection of trees, woodlands, orchards and hedgerows

Policy M4 Residential parking requirements

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

### **Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1)**

Paragraph 4 The Government's aims for sustainable development

Paragraph 5 The promotion of sustainable and inclusive patterns of urban and rural development

Paragraph 13 Key principles

Paragraphs 14/15 Planning for sustainable development – social cohesion and inclusion

Paragraphs 17-19 Protection and enhancement of the environment

Paragraph 27 Delivering sustainable development – general approach

### **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.

### **Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)**

Paragraph 1 National Planning Policies – Key principles

Paragraph 3 Location of Development

Paragraph 8 The Government's planning objectives and policies for housing are set out in PPG3, *Housing*. The key aim is to offer everyone the opportunity of a decent home. The needs of all in the

community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.

Paragraph 9

In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

- (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and
- (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

Paragraph 17

The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Paragraph 18 Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

## 8.0 **CONSULTATIONS**

### **25/2005/007**

#### **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 reason:

- 01 The proposal is contrary to Policy 49 of the Somerset & 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 (application 4/25/04/007) 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 farther 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.”

#### **County Social Services**

“Social Services has a statutory obligation to manage the needs of leaving care' clients who have to be supported financially from leaving care at 16 until their 18th birthday and offer practical support until their 21 ""birthday.

My role in leaving care is to ensure that our clients' accommodation needs are met. We have a range of accommodation from bedsits, flats, houses, supported lodgings and emergency accommodation. It is important to have a range of accommodation



to meet those needs. The choice of accommodation is suited and tailored to the individual client needs and those needs may change over time.

We have a contract with Trenchard Park Gardens for 4 beds per year although we occasionally increase our numbers, depending on circumstances. Trenchard House is owned and run by Mr and Mrs Eaton. They do more than just give bed and breakfast in supporting our clients. The clients are usually there as a result of a placement breakdown, which may or not be the client's fault. Mr Eaton is in regular contact with me by telephone with occasional meetings where appropriate in which we discuss the client's progress and needs, This is supplemented by a weekly visit to Trenchard House by either one of our leaving care workers or an accommodation worker. The clients are discussed at that meeting. Often arrangements are made at that meeting relating to clients needs. Mr Eaton will also come and collect clients, often outside normal working hours and allows clients the use of the telephone and also provides a "taxi" service to the town centre. Mr Eaton, as a Registered Mental Nurse, also gives advice on mental health issues where they are relevant, including in one particular instance, enabling a client to access psychiatric services when others did not believe that there was a mental health problem.

I would like to add that we appreciate the input that Mr and Mrs Eaton provide, offering support when our options are limited.

We value the service that we get from Trenchard House and I believe that if it did not exist our options would be diminished when dealing with clients as they move from care at the age of 16 years to independence at the age of 18.”

### **Avon and Somerset Police**

No adverse comments to make.

### **Wessex Water**

“The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to soakaway. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

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

### **Landscape Officer**

“The area of land provides a historic setting to the main house as part of the entranceway approach and should be considered against Policy EN5. If development is allowed there is a protected Horse Chestnut TD495, T9 which should be retained but will require a suitable area retained for its setting see guidance on attached leaflet. There are a number of other trees that may also be affected see attached TPO plan and schedule. An illustrative layout would be helpful to provide further guidance.”

### **Environmental Health Officer**

No observations to make.

### **Drainage Officer**

“Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).”

### **Housing Officer**

“Would support if this was “move on” accommodation with, at least, assured shorthold tenancies –otherwise no additional hostel (B & B accommodation) required on this site.”

### **Parish Council**

“The Parish Council has given due consideration to these applications, to reported changes in police attendance and to the views of local residents. The Parish Council must again emphasize that Trenchard Park Gardens is operating as a hostel without planning permission, and "Continued use' as sought by application 25/2005/008 is not appropriate, and 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.

It is the Parish Council's responsibility once again to raise the strongest possible objections to the above applications on the following grounds:-.

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

Despite comments made by the police regarding a reduction on the demands made on them to attend incidents at Trenchard Park Gardens, incidents continue to occur. Section 17 relates as much to the perception and fear of crime as it does to actual crime, and it is clear that perception and fear of crime among local residents is intense. This continues despite current lower levels of occupancy at Trenchard Park Gardens and despite the house rules introduced by the owners. Despite having taken and publicised action to prevent use of Trenchard Park Gardens as a bail address, it has recently been used as a Section 47/3 bail address and residents report that they have experienced criminal behaviour as a result of this. Obviously, perception of fear and crime will increase should permission be granted

and the occupancy at Trenchard Park Gardens escalate. Residents are also concerned about any potential interaction with or implications on the neighbouring House of St Martins. On a broader scale, the Parish Council has concerns regarding the location of the property where fear of crime can rapidly spread as a result of its proximity to the proposed new playing fields for the primary school which is easily accessible by the well used footway from Trenchard Park running adjacent to the proposed school playing fields.

## **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. Furthermore, 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. The nearest grocery outlet is the Cross-Keys garage which has recently undertaken a Spar franchise that, in addition to a restricted food range, also offers a range of alcoholic drinks. Access to this will require residents of Trenchard Park Gardens to walk along and to cross the main A358 (see also 'Highway Issues' below).

In addition, the well-established House of St Martins already provides accommodation and support for former criminals in the immediate area. Local residents accept this and clearly demonstrate that their opposition to the Trenchard Park application is not a case of 'nimbyism' but one of serious and justifiable concerns for excessive and unnecessary concentration of such facilities in a small rural area.

## **4.0 Highway Issues**

Access to and from Trenchard Park Gardens requires the use of footpaths alongside the very busy main A358 Taunton to Minehead road. These offer inadequate protection to those using them and, in places, buttresses force walkers even closer to passing vehicles. There is already a history of fatal accidents involving walkers on this stretch of the highway, but there continues to be reports of walkers - even at night whilst wearing dark clothing.

The Council wishes to stress its understanding of and sympathy towards the need for 'special needs housing' in the community as a whole, but shares the view of local residents that provision of further such accommodation in addition to the existing House of St Martins is wholly inappropriate, unnecessary and unacceptable in the small rural area that is the subject of these applications. The Council, therefore, has to register its strongest objections and advises that there is no option other than to refuse these applications."

**25/2005/008**

**County Highway Authority**

“Given that the proposed development is unlikely to generate significantly more traffic than the previous use, as a hotel, (granted against 25/2002/017), I would not wish to raise an objection to this proposal.

However in the event of permission being granted I would recommend that the following condition is imposed:-

1. The existing access over the first 20 m of its length should be widened to 5.0 m, to accommodate two-way traffic, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such works should be carried out and completed within 4 months of the date of planning permission being granted.”

**County Archaeologist**

As far as we are aware there are limited or no archaeological implications to the proposal and therefore have no objections on archaeological grounds.

**Avon & Somerset Constabulary**

No adverse comments to make.

**Wessex Water**

As on 25/2005/007.

**Landscape Officer**

The proposals are unlikely to have any landscape impacts.

**Conservation Officer**

No objection. Concerns re possible expansion, main building of merit.

**Environmental Health Officer**

No observations.

**Drainage Officer**

No observations to make.

**Housing Officer**

Totally support this application. B and B hostel accommodation.

## **Parish Council**

As on 25/2005/007.

### 9.0 **REPRESENTATIONS**

8 letters of objection have been received (1 on behalf of the occupiers of 3 properties). Of these 5 were objections to both applications, one to application 25/2005/007 and two to application 25/2005/008.

The following points were raised:-

1. A concentration of vulnerable residents would find themselves located in a rural situation with inadequate public transport available.
2. Access to the properties would be on a very dangerous road for pedestrians, especially if prams or pushchairs are being used for young children. Likewise cyclists would be at risk as would motorists and other road users. There is no proper footpath or cycleway present between this location and the Cross Keys roundabout. When the weather is wet, pedestrians and cyclist use the road to avoid the long grass and mud on the verges.
3. There is a hostel of offenders on bail and those released from custody adjacent to and opposite Trenchard Park. Although full risk assessments are carried out on all residents at The House of St Martin, the likely residents of special needs accommodation could include some vulnerable and young people who themselves could be at risk. It is unlikely that vulnerable people placed at Trenchard Park would have any form of supervision, particularly at night.
4. Will impose a disproportionate number of deprived and vulnerable people upon a small rural community.
5. Understood property was to close down.
6. Property continues to be used as a rehabilitation centre and hostel for the homeless.
7. Bottles and drugs paraphernalia being found in gardens.
8. Noise late at night is a real problem with its invasion of peace and quiet.
9. Facilities for special needs already exist.
10. Increase in numbers of special needs residents could potentially cause security concerns for local residents, particularly in an area with many young children.

11. Further development would have an impact on the highway at Pen Elm, which is already severely overburdened with traffic, particularly in the holiday season, and is now an accident blackspot.
12. If the numbers of special needs residents were to increase, this would have an impact on the demographics of the area.
13. The site is in an semi-rural location which has neither frequent bus services, adequate footpaths or local amenities, which makes the siting of additional units both inappropriate and hazardous.
14. Nothing has changed since the previous refusal.
15. Would have a serious and negative impact on all local residents.
16. Extremely worrying that planning permission continues to be sought for such a dubious development despite considerable opposition.
17. Once planning permission is granted, there will not be the same incentive to control behaviour. Future managers/owners may adopt lesser degrees of control. With the increased numbers, control will be more difficult.
18. As the present clients are forbidden to give Trenchard House as a bail address, the 'crime' figures will not represent reality.
19. The site is on the edge of an employment area and the proposal will increase the present residential/industrial conflicts.
20. Overdevelopment.
21. Future noise, etc. from the B2 industrial zone will affect the property.
22. Insufficient amenities provided inside the curtilage of the property to cater for the needs of the existing clients, who find it necessary to play football in the entrance splay to the industrial estate, at considerable risk to both themselves and the drivers of vehicles entering the site.
23. Activities and perceived intimidation, which if this increases will become a considerable impediment to the property use of the industrial estate.
24. Danger from discarded syringes, needles and drug taking equipment along the grass verge from Courtlands to Cross Keys, at the entrance gate to Courtlands Estate and outside buildings there and in nearby residential gardens. The proposal is incompatible and a health risk.
25. It would appear the Taunton Deane Borough Council has drawn up a contract with the owner to continue using this hotel as a hostel despite numerous objections.

26. Concern at procedures surrounding the reconsiderations of the position of the police and the March Planning Committee meeting. The property should be closed as originally decreed.
27. Recent cases of unrest in Norton Fitzwarren and Pen Elm highlight the problems of antisocial behaviour.
28. Even though the police have withdrawn their objections under Section 17 of the Crime and Disorder Act, there are still grave concerns about the fear of crime and there is factual evidence of this. The police have withdrawn their objections when Trenchard park was almost empty of residents.
29. Increase in anti-social behaviour in the area since this unauthorised use commenced.
30. Description of the accommodation as being for special needs is misleading – it appears to be an unauthorised hostel.
31. Concern that the Authority's referrals to this hostel may have affected decisions on enforcement to the detriment of the interests of local residents. It seems extraordinary that no enforcement action has been taken against the background provided by Avon and Somerset Constabulary.
32. The development does not serve a purpose to the rural area. Any new build should be for the benefit of local employment, rather than for profitable gains by the developer only.
33. With the previous application, the police provided a very indepth report regarding all the social behavioural problems associated with the residents of Trenchard Park. This matter does not go away overnight.
34. The situation of the primary school being located so close to a development that would house people with major disorder problems cannot be allowed.
35. Concern at the procedures in dealing with the planning applications.
36. Incidences of bad language and shouting from groups of residents under the influence of alcohol.
37. Question the application for entry into the establishment – does not ask what special needs an application may required.
38. No need for the accommodation unless referrals are from other areas.
39. Highly likely that the applicant will not prove his regard for the law in the future.
40. If allowed, will contradict previous decisions.

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. Such is the strength of feeling with local residents that have received a petition against the use of the property as a hostel with nearly 70 signatures.
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. Despite the Committee's decision in March of this year to follow the Chief Solicitor's recommendation and not pursue enforcement action, the existing use of the premises remain, in planning terms, an illegitimate operation.
3. Somerset and Avon Police have withdrawn their objections to the proposals on the basis that they have had to attend the premises much less frequently in recent times. Whilst this may be attributable to improved management, it is also significant that there are far fewer residents there at the moment (6 or 7) and that they are nearly all female.
4. There remains a very significant fear of crime. A recent parish Council meeting heard of a recent crime incident in which a neighbour was a victim of aggravated robbery. The police acknowledged that the alleged perpetrator was a resident at Trenchard Park Gardens.
5. Concerns over the possible detrimental effects more known drug addicts housed in Trenchard Park Gardens might have on residents in The House of St Martin. The residents of Trenchard are also, due to their circumstances, vulnerable.
6. There is a significant risk of increased crime in this area if two such similar institutes are sited so close to one another. It is inappropriate and socially irresponsible to do so and it contradicts the Council's Corporate Strategy 2004-2007, which states that we will "use our influence in all that we do as a Council to reduce crime and disorder".
7. It is currently proposed to move the school playing field to behind Taylor Close, which is within one field of Trenchard Park Gardens.
8. The premises are outside the settlement area of the existing Local Plan. The provision of hostel accommodation for at least 55 'special needs' residents (essentially drug addicts) is not in keeping with the area, which is characterised by houses and bungalows, many of the occupants being retired.
9. The proposal will lead to a substantial increase in traffic to and from the site, there are no leisure facilities or recreational areas close by and there is no economic benefit to this application.



10. Concern over the entrance to and egress from the site onto a busy main road.
11. There is no footpath between the site and Cross Keys and resident, vulnerable people, have been observed on many occasions walking out on the road, leading to a significant risk of serious injury or even death.
12. The application is not in keeping with such an historic building, being the former home of the founder of the RAF.

Letter of objection from the County Councillor for the area making the following points:-

“The matter has been discussed a number of times at the parish council and indeed many residents have approached me direct expressing their serious concern about these 2 applications. I consider their objections are valid and in fact are substantially the same as raised over 6 months ago.

1. **Crime and Disorder.** Whilst the police may have withdrawn their objection, I can assure you that is not a view shared by the local residents. The policeman who it is alleged said that this change of use would be an asset to the community was not reflecting the views of those who will be directly affected. The fall in police call outs over the past 6 months may well be due to a reduction in the number of residents and that now most are now female. There have been serious incidents involving residents of Trenchard Park threatening local residents over the past 6 months.. There is justifiable concern that the House of St Martin (whose residents have co-existed happily within the community) may be adversely affected by the potential habits of the residents of Trenchard Park. Their residents need nurturing and do not need temptations put in their way.
2. **Location and Sustainability.** Trenchard House is outside the settlement in the current Local Plan and therefore there seems little justification for increasing the population by some 55 additional people. There are no nearby facilities.
3. **Highways.** The access via a the busy A358 is not easy and furthermore there is no footpath from Cross Keys to Trenchard House. There are significant dangers to pedestrians - particularly after dark.

In summary, I urge the planning committee to listen to the genuine concerns of the local residents and to refuse these two applications.”

#### 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

D. SUSTAINABILITY

### **A. Policy**

Application 25/2005/007 is an outline planning application for new units for special needs accommodation within the grounds of Trenchard Park Gardens. Application 25/2005/008 provides for 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. This form of accommodation is akin to a hostel use.

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 generally acceptable. The proposal, the subject of application 25/2005/007, provides for non self-contained accommodation and therefore Policy H5 of the Taunton Deane Local Plan applies. This states that conversion of homes to bed sits, hostels or other types of non 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, hostels 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 H5 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 proposal to convert the

existing building to special needs accommodation application 25/2005/008 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 the aims related to Crime and Disorder covered in the next section of this report are also a consideration.

The second application (25/2005/007) refers to new units within the grounds of Trenchard Park Gardens. As the site lies outside the recognised settlement limits, Policy STR6 of the County Structure Plan and Policy S7 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. The Housing Officer would only support this application if it was for 'move on' accommodation with assured shorthold tenancies. On this basis the proposal would constitute new residential development in the open countryside, where there is a policy presumption against such uses. 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**

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.

When the previous planning applications were considered last year, there was a strong objection to the proposals from the Avon and Somerset Constabulary and the objections from local residents and the adjacent employment area also raised concerns in this regard.

Since those applications were considered, the police and the applicant have been working closely together in order to improve their working relationship and also the reputation of Trenchard Park Gardens within the local community. Although current application 25/2005/008 is for continued use of the premises, it must be pointed out that this use is unauthorised and the application seeks to regularise the situation retrospectively.

Subsequent to the previous refusals of permission, a number of new measures have been put in place. The most important of these is a house contract that all new residents sign. This not only outlines the house rules, but more importantly informs the residents that if they are charged with any criminal offence, then Trenchard Park cannot be used as a bail address and that they will no longer be allowed to reside at the establishment. A copy of this contract is appended to this Report.

The premises have been visited by a Police Crime Reduction Officer and the applicant has accepted his recommendations. The police confirm that there is already a comprehensive CCTV system in place and security in general is good. The Community Police Officer attends Trenchard Park Gardens once a week in order to speak to the applicant about any of the residents he feels are a potential problem or about any matter that is relevant.

Since these measures have been implemented visits by the police on investigative matters have substantially reduced. As a result of this previous objections the police had under Section 17 of the Crime and Disorder Act are now withdrawn.

Although there is still a clear perception from the local residents and occupiers of the adjacent employment units that the proposals will result in an increase in crime, disorder and anti-social behaviour, in the light of the current views of the police. I do not consider that it could be substantiated that the proposals 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 25/2005/007.

With regard to application 25/2005/008, the County Highway Authority consider that the proposal is unlikely to generate significantly more traffic than the previous use as a hotel and therefore do not object to the proposal.

### **D. Sustainability**

Application 25/2005/008 provides for the re-use of an existing building. The site is relatively close to local facilities at Cross Keys and in the village of Norton Fitzwarren. The proposal the subject to application 25/2005/007 would constitute new development in the open countryside.

## 11.0 **CONCLUSION**

### **Application 25/2005/008 Continued use of Trenchard House and Meadow Court for Special Needs Housing Accommodation**

The proposed developments have attracted a considerable level of objection from local residents and businesses and the Parish Council. However the concerns raised with regard to the compatibility of the proposals with Section 17 of the Crime and Disorder Act should be viewed in the context of the views of the police. I

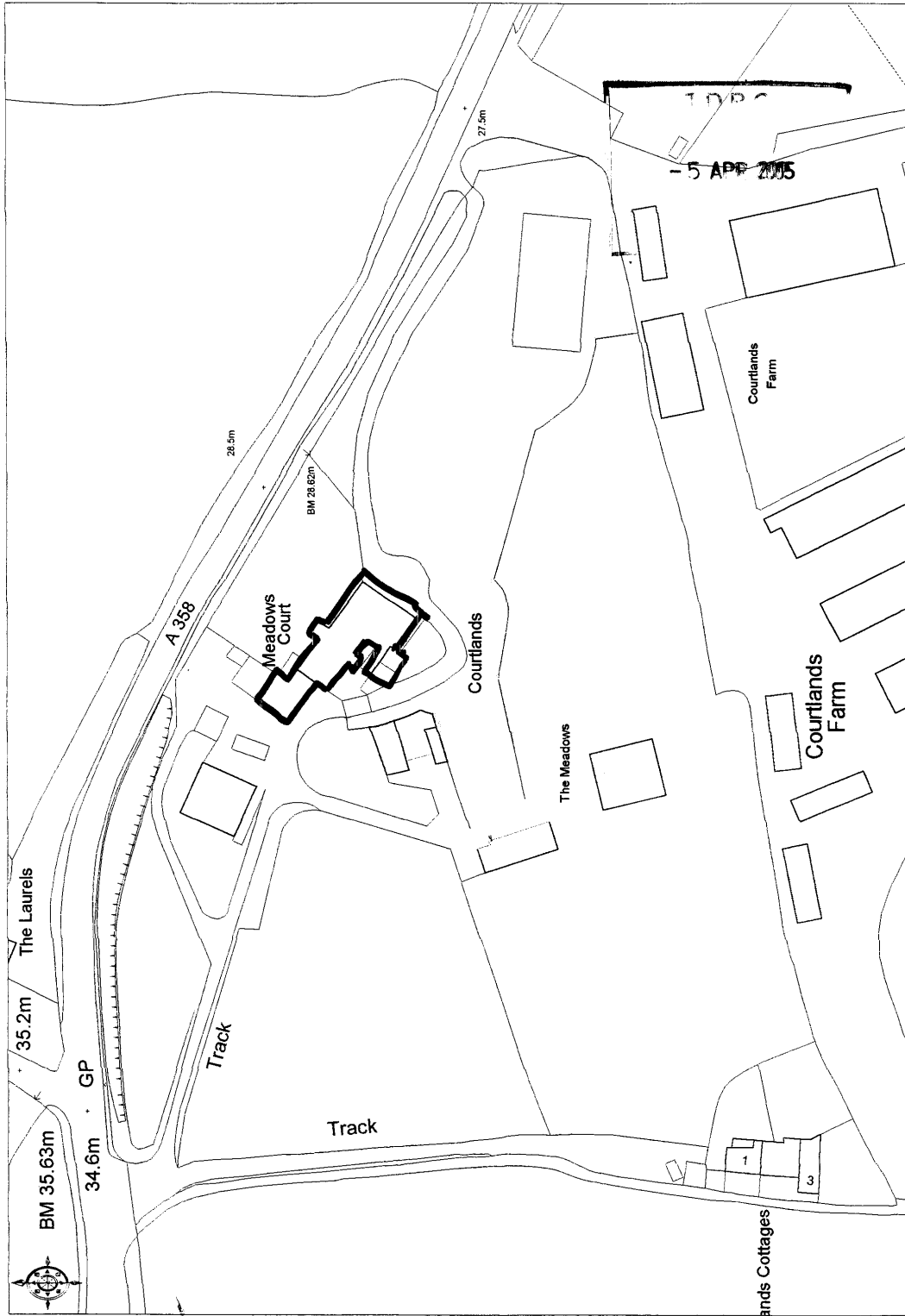
consider that as a result of the withdrawal of their previously stated objections it would be inappropriate to object to the application on these grounds. I therefore do not feel that there are any longer or any justifiable grounds to refuse this application.

**Application 25/2005/007 New Units of Special Needs Accommodation within the grounds of Trenchard Park Gardens**

In planning policy terms, the proposed additional accommodation in the form intended would be contrary to the Authority's policies for the open countryside and I do not see any overriding need such as to set aside this policy. Furthermore, the concerns of the Highways Authority in respect of additional traffic movements directly onto the A358 are agreed. However, the applicants have appealed against non-determination of the application by the Local Planning Authority within 8 weeks of its receipt. An Inspector will now make the decision on this proposal. My recommendation therefore gives the reasons that the application would have been refused if the Local Planning Authority had still been able to do so. This will set the framework for the issues to be considered by the Appeal Inspector. The applicants have requested the Planning Inspectorate to programme the consideration of the Appeal along with the other two outstanding appeals at the property due to be heard at a Public Inquiry in August.

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

**CONTACT OFFICER: Mr J Hamer Tel: 356461**



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 TIGHE

**DAILY AGREEMENT CONDITIONS FOR TRENCHARD PARK GARDENS  
OCCUPANCY**

Name \_\_\_\_\_ Room No \_\_\_\_\_

Persons provided with accommodation (Called the 'occupier') at Trenchard Park Gardens for themselves and/or families and/or partners will:

Occupiers are not permitted to enter Trenchard Park Gardens after midnight. - 5 APR 2005  
No music will be played after 11pm

Occupiers are not permitted out of their rooms after midnight unless using toilet facilities  
Occupiers must not invite friends or others inside the building without consent of the Managers of Trenchard Park Gardens

No personal stereos or music machines of any sort are allowed in the premises

**Occupiers must inform the Managers of Trenchard Park Gardens if they have been arrested for an offence whilst at Trenchard Park Gardens**

Accept the above conditions unconditionally and understand that if I breach these conditions I will be immediately be required to leave

Occupier Sign \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Be responsible for the cost of making good any lost or damaged items (other than fair wear and tear), the care of all furniture, bedding, equipment and fitments provided for their use, and for all the damage to the accommodation (other than fair wear and tear) which may occur during the period occupied.

Keep in a clean condition and good order their accommodation and any parts of the building used in common with others to the satisfaction of the Managers of Trenchard Park Gardens.

Permit Managers of Trenchard Park Gardens to enter the occupier's accommodation to view the state and condition thereof and carry out such repairs or other work as necessary.

Promptly report any necessary repairs to the Managers of Trenchard Park Gardens.

Be responsible for the care of children and supervision of children at all times and not leave the children unattended.

Report any serious illness or any accidents occurring on or about the accommodation to the Managers of Trenchard Park Gardens.

Return all keys to the Managers of Trenchard Park Gardens when they are advised to leave.

Ensure compliance with the fire procedures and ensure the Health and Safety of those in the accommodation.

Furnishings must NOT be moved within or without the occupants' room

Vacate the accommodation without quietly, calmly and without abuse when in serious violation of Trenchard Park Gardens rules.

The occupier may be requested to change rooms at any time for operational reasons of Trenchard Park Gardens. As much notice as possible will be given if a move is required

**DAILY AGREEMENT CONDITIONS FOR TRENCHARD PARK GARDENS  
OCCUPANCY**

Those provided with accommodation at Trenchard Park Gardens shall not:

Cause or permit to be caused any nuisance, annoyance or disturbance to the other occupiers in or about the accommodation or in or about the premises of which the accommodation forms part or to the occupiers of any adjoining premises.

Damage or cause to be damaged or disfigured the accommodation or any parts of it and pay for any damage which may occur either accidentally or otherwise.

Entertain visitors throughout the day or overnight in the accommodation except with the consent of Trenchard Park Gardens Managers.

Use or permit to be used any heating appliance in the accommodation other than supplied by of Trenchard Park Gardens.

Use or permit to be used any radio, television, record player or musical instrument in the accommodation at a noise level likely to cause annoyance to other occupants or persons in the vicinity.

To use or permit to be used at of Trenchard Park Gardens any vehicle that is not taxed, insured or MOT'd. The Managers of Trenchard Park Gardens reserve the right to refuse any illegal vehicle to be driven or parked on or within the grounds.

No animals will be allowed in or on the premises at any time unless valid reasons are given and accepted by the Managers of Trenchard Park Gardens.

Obstruct or cause to be obstructed any toilets, sinks or drains and if any such obstruction is caused by the occupier to pay the expense of removing such obstruction.

Carry on any business or trade from Trenchard Park Gardens.

Food is given out from the office daily between 8am and 5pm, it is the responsibility of the occupant/s to ensure that they request food within these times. If the office is unoccupied, a note may be placed under the door and food requested will be placed in the occupant's room by the managers.

**POLICE ISSUES**

**If an occupier is arrested and subsequently charged for an offence committed (whether for actions or omissions within or without Trenchard Park Gardens) the Managers of Trenchard Park Gardens will refuse unconditionally to allow this building to be used as a Bail Address for that occupier**

Signed..... Occupier Date .... / .... / .....

Signed..... Manager Trenchard Park Gardens Date .... / .... / .....

**n.b. The agreement is terminated when the funding authority withdraws funding and the occupant must leave Trenchard Park Gardens promptly**

The occupier may be requested to change rooms at any time for operational reasons of Trenchard Park Gardens. As much notice as possible will be given if a move is required



**TRENCHARD PARK GARDENS**

**Application for Occupancy**

Date occupancy begins: \_\_\_\_/\_\_\_\_/\_\_\_\_

Personal Details

Surname: \_\_\_\_\_ Forenames: \_\_\_\_\_

Previous Address: \_\_\_\_\_  
Postcode: \_\_\_\_\_

Mobile Telephone No: \_\_\_\_\_

D.O.B: \_\_\_\_/\_\_\_\_/\_\_\_\_ National Insurance No: \_\_\_\_\_

Marital Status: [ Married ] [ Single ] [ Divorced ] [ Widowed ] [ Separated ]

I understand no car (whether owned or not by the occupier or their visitors) will be parked in Trenchard Park Gardens unless it is taxed and insured

Signed \_\_\_\_\_

Are you under arrest at this time Yes [ ] No [ ] Are you currently on Bail: Yes [ ] No [ ]

Offence arrested for:  
\_\_\_\_\_  
\_\_\_\_\_

Have you been charged with an offence Yes [ ] No [ ]

Are you likely to be arrested and charged for an offence in the next six months Yes [ ] No [ ]

Offence likely to cause the arrest:  
\_\_\_\_\_  
\_\_\_\_\_

Have you been convicted of a Criminal Offence in the last six months Yes [ ] No [ ] please elaborate:  
\_\_\_\_\_  
\_\_\_\_\_

I confirm that all details are correct and true. Failure to honestly answer the above questions will result in the accommodation being withdrawn and the occupant being required to leave immediately.

Signed \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## PLANNING COMMITTEE – 30 MARCH 2005

### Report of the Chief Solicitor

#### Miscellaneous Item - Trenchard Park Gardens, Norton Fitzwarren

#### **Background**

At its meeting on the 7 July 2004 the Committee considered an application for the erection of an extension to form special needs accommodation and the change of use of the property to special needs at Trenchard House and Meadow Court, jointly known as Trenchard Park Gardens, Norton Fitzwarren (application No 25/2004/007).

The application was refused and the Committee resolved to take enforcement action to ensure compliance with the permitted use of the premises which was as a hotel or bed and breakfast accommodation.

However, since the Borough Council had an existing contract with the owner to house homeless persons in the building which ran until the 31 March 2005, it was resolved that the action should not become effective until 1 April 2005. An appeal against the refusal of planning permission has been lodged and a public inquiry is due to take place on the 23 August 2005.

There were two reasons for refusal of the permission. The first related to the proposed extension only. The second was as follows:-

*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 Policy S8).*

Members will recall there was a strong objection from the Police as well as from local residents and the Parish Council relating to the activities at Trenchard Park Gardens and concerns over crime and disorder. Appended to this report are the comments made by the Police at the time of the application, the comments of the Parish Council and the individual representations.

However, since that time the Police and the owner of Trenchard Park Gardens have been working to improve the situation, with additional measures being taken.

In particular, a house contract has been introduced which sets out rules for the residents and in particular prohibits the use of Trenchard Park Gardens as a bail address. Other steps have been taken and as a consequence whereas before July 2004 the Police were attending the property on a weekly basis and had arrested 34 people at the premises, since August 2004 the Police

have only attended the property on six occasions and one of those was to speak to a resident who was a victim of crime.

The Police have now written giving details of the changed circumstances and withdrawing their objection to the proposed use under Section 17 of the Crime and Disorder Act. A copy of the letter from the Police is appended to the report.

In the light of this, Members need to re-consider the decision to take enforcement action, and the reasons for refusal of the planning permission.

Without support from the Police it is difficult to sustain the decision to pursue enforcement action and refuse planning permission on the grounds of conflict with Section 17 of the Crime and Disorder Act .

The Parish Council and those who made representations at the time of the application have been notified that this matter is being further considered by the Committee.

### RECOMMENDATION

It is therefore RECOMMENDED:-

1. That no further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel; and
2. In respect of application No 25/2004/007 the appellant and The Planning Inspectorate be advised that the reason for refusal based on conflict with the aims of Section 17 of the Crime and Disorder Act will no longer be pursued.

### Chief Solicitor

Contact Officer: Judith Jackson Telephone: 01823 356409 or  
e-mail : [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)