

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.

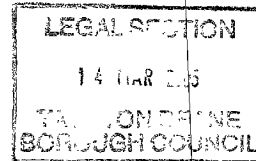
RECOMMENDATION

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



AVON AND SOMERSET CONSTABULARY

Sergeant 1353 Andy Whysall, Team 3
Taunton Police Station
Shuttern, Taunton
TA1 3QA

'E'Mail andy.whysall@avonandsomerset.police.uk

Tel: 01823 363105

Date: 10 March 2005

Taunton Deane Solicitors Department
The Deane House
Belvedere Road
Taunton
Somerset
TA 1 1HE

Dear Mrs Jackson

Ref : Trenchard Park Gardens Planning Applications.

Since the Planning Meeting in July 2005 when Mr Eaton had his original planning application refused, the police and Mr Eaton have been working closely together in order to improve their working relationship and also the reputation of Trenchard Park within the local community.

A number of new measures have subsequently been put in place. The most important one of these was a house contract that all new resident's sign. This not only outlines the house rules but more importantly informs the resident that if they are charged with any criminal offence then Trenchard Park cannot be used as a bail address and that Mr. Eaton will no longer allow them to reside at the establishment.

Mr Eaton has also received a visit from Police Constable Holman a Crime Reduction Officer. It was established that Mr Eaton already had a "state of the art" CCTV system in place and that security in general was good. Mr Eaton readily accepted any other recommendation that Police Constable Holman gave.

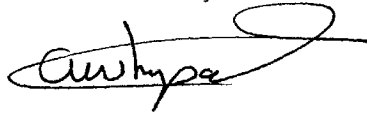
An open day took place in December 2004. Both the Parish Council and local community were invited to attend to speak to both Mr Eaton and the police about their concerns in the future and also about what had been achieved over the previous months.

The Community Police Officer attends Trenchard Park Gardens once a week in order to speak to Mr Eaton about any of the residents he feels are a potential problem or about any matter that is relevant.

Before July 2004 the police were attending Trenchard Park Gardens on a weekly basis and arrested 34 people during this period. Since all of these measures have been implemented the Police have only attended Trenchard Park Gardens 6 times since August 2004. One of those occasions was to speak to one of the residents who was a victim of crime.

As a result of this any objections the Police originally had under Section 17 of the Crime and Disorder Act are now withdrawn. The police look forward to working closely with both Mr Eaton and the local community in the future to make Trenchard Park Gardens an asset to the local area.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Andrew Whysall', with a large, stylized flourish extending to the right.

PS 1353 Andrew Whysall
Team 3
Taunton Police Station

REPRESENTATIONS MADE TO THE PLANNING COMMITTEE AT
ITS MEETING ON THE 7 JULY 2004.

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

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.

7

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.