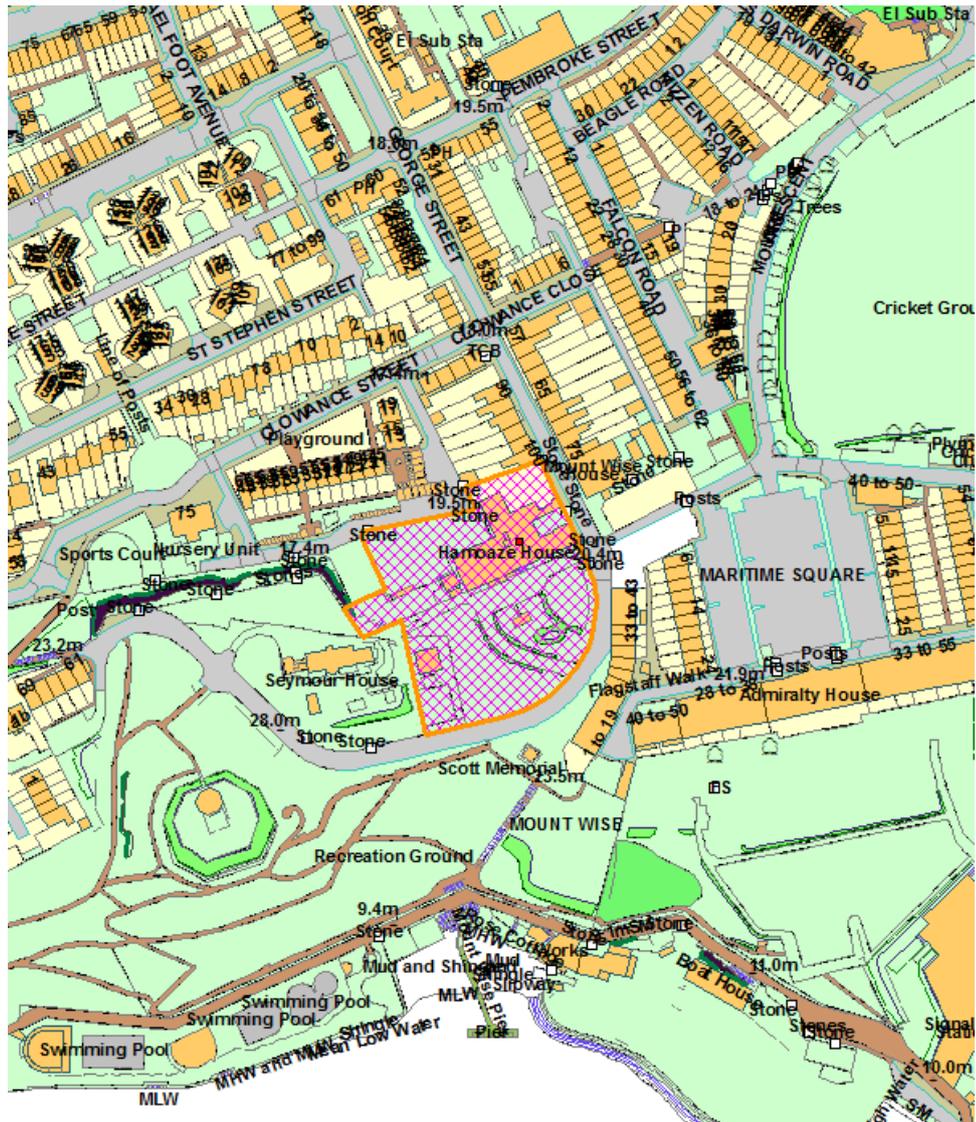


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/01663/FUL	Item	02
Date Valid	06.09.2021	Ward	DEVONPORT
Site Address	Hamoaze House, George Street Mount Wise Plymouth PL1 4JQ		
Proposal	4no individual external sleeping pods for emergency overnight accommodation (retrospective)		
Applicant	Mr Mark Bignell		
Application Type	Full Application		
Target Date	01.11.2021	Committee Date	11.11.2021
Extended Target Date	18.11.2021		
Decision Category	Councillor Referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Cllr. Stevens.

1. Description of Site

Hamoaze House is a large, grade 2 listed building situated at the southern of George Street. The building is currently used as a day centre for drug and alcohol rehabilitation by the registered charity Hamoaze House. The site is bounded to the east by relatively recent housing, developed around the former Admiralty House building, accessed via Mount Wise Crescent, which in turn comes off Devonport Hill. The Mount Wise housing development connects to George Street via Maritime Square, at a point adjacent to Hamoaze House itself.

2. Proposal Description

The proposal is for four individual external sleeping pods for emergency overnight accommodation. The pods were installed, so in that sense this application is retrospective. However, no use has been made of the pods. Two of the pods measure 249cm x 137cm; and the other two measure 182cm x 240cm.

3. Pre-application Enquiry

None.

4. Relevant Planning History

19/01986/FUL - Temporary change of use of part of the existing day centre for drug and alcohol rehabilitation (Class D1) to a winter night shelter for homeless persons (Sui Generis). This permission allows temporary use of the east wing of the building for eight persons to sleep overnight, from 1st October to 31st March, up until 31st March 2024.

20/01669/LBC - Installation of eight internal sleeping pods (following associated approval 19/01986/FUL). Listed building consent was required to separate the eight occupants in accordance with Government guidance on the Covid pandemic, (which initially caused the shelter to close). Following the grant of listed building consent, and the works to separate the eight pods, the Night Shelter reopened on the 31st December 2020.

5. Consultation Responses

Public Health - Public health is very positive about the addition of services in city, which provide support for populations experiencing homelessness. This provides the potential to reduce health inequalities and therefore public health supports this application.

Historic England - does not wish to comment on the application.

Lead Local Flood Authority - no objection.

Local Highway Authority - no objections.

Natural Infrastructure Planning Team - do not wish to comment on the application.

Building Control - The proposed will require a building regulations application to be submitted to a Building Control Body.

Designing Out Crime Officer - supports the proposal.

6. Representations

Nine public comments were received; eight of which raise the following objections:

1. Anti-social behaviour and crime affecting nearby residential areas.
2. Passage through residential area leading to anti-social behaviour.
3. People sleeping rough in residential areas.
4. Fear of crime.
5. Planning statement does not correlate with operational manual.
6. Inadequate public consultation.
7. In the morning, users of the accommodation go to the area around the Scott Memorial and drink and take drugs, and leave associated paraphernalia there.
8. Hamoaze House/BCHA operated the shelter after March 2021 in breach of their planning consent.
9. Inadequate sanitation within the building.
10. Is there a Business Plan for the future use of Hamoaze House and how does Hamoaze house align with the loss of the Shekinah facility in Bath Street due to redevelopment?

There is a letter of support, which states that the sleeping accommodation meets a need in the light of homelessness data, and that the facility will be well-managed taking account of the likely increase in incidents being outweighed by a social duty to support such measures.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: Supplementary Planning Document.

8. Analysis

This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

8.1. Principle

8.11 The applicant's planning statement states that Plymouth has experienced a growing number of people experiencing homelessness, addiction, offending and poor mental health, (exacerbated by the Covid pandemic). This application proposes to provide four additional bed spaces to prevent loss of life, reduce rough sleeping to as near zero as possible and support people back into settled accommodation to prevent a return to the streets. Since the shelter was re-opened on the 31st of December 2020, 33 rough sleepers have been accommodated, with 24 of those having been moved on to more long-term accommodation.

8.12 The proposed pods are small, only just large enough for sleeping in. They are akin to hostel accommodation when account is taken of the communal facilities also being offered, i.e. toilets, bathrooms and kitchens. Despite the basic nature of the accommodation, the facility being offered is a valuable one that Hamoaze House is particularly well qualified to supply, given the associated services it provides to rough sleepers, and the links it has with complimentary agencies such as the Shekinah Mission. Therefore, in light of the approval for the eight internal sleeping pods, officers

consider the provision of an additional four pods, which would help meet the ongoing need to accommodate rough sleepers, to be a reasonable proposal in principle, which makes use of an open, yet secluded courtyard for these purposes. However, it is important that users move on to more appropriate accommodation and that the pods are part of a stepping stone to better circumstances, facilitated by the associated services provided by Hamoaze House and other related agencies.

8.13 Therefore, on balance, officers consider the proposed four pods to be an acceptable use of the premises for a period concurrent with the approval for the eight internal pods, and for the same time of the year, i.e. 1st October to 31st March, until 2024. As such the proposals accord with Policy SPT2, which supports the creation of neighbourhoods and communities, which among other things: Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs, and which have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.

8.2. Amenity

8.21 Hamoaze House already attracts daytime users of their facilities. The use of the sleeping pods extends the active use of the premises beyond the daytime and through the night. The management of the overnight accommodation use is not considered to result in significant amenity issues beyond the premises. In this respect, the Designing out Crime Officer (DCO) advises that the extra accommodation in the form of four external sleeping pods is a positive step in providing additional winter homeless provision. From a management perspective, the DCO considers the enclosed courtyard will assist in providing a controlled and monitored environment and it is noted that there are provisions in place to mitigate against harmful impacts on residential amenity.

8.22 However, access to site after hours, for those seeking overnight accommodation has caused issues in the past in the immediate area. To help address these issues, and to help the facility to operate safely and effectively the applicant has provided a site management plan, which includes:

1. A manager and night support workers.
2. Hours of operation of 10pm to 8am, 7 days a week.
3. Service manager contact details. If any of the local businesses and/ or local residents ring or approach staff with any complaints of ASB, this is to be escalated to the Service Manager. Staff to provide complainants with contact details of the Service Manager.
4. Front entrance to the building is monitored by CCTV.
5. Internal courtyard space is available to residents only.
6. Users will be assessed and an appointment made them to attend Hamoaze House.
7. Individuals will be informed of the expectations for behaviour whilst at the Emergency Accommodation and when entering and leaving the provision, including journeys to and from the facility. A walking map will be provided to advise of preferred access route. No individual can self-refer.
8. A Community Engagement plan will be in place to ensure the service is reviewed with feedback from the local community. This will include a minimum quarterly community forum meeting.
9. The Team will carry out welfare checks every half an hour until 11pm.
10. Scope for eviction where necessary.
11. Measures to deal with ASB, including measured assessment of whether an individual should be excluded.

8.23 The concerns and objections of nearby residents carry weight in planning terms, and without a robust management plan the proposed use would present serious difficulties. However, the management plan and overall approach is considered by officers to provide a robust structure within which to operate the sleeping accommodation, and there would be sufficient measures and recourses to deal with unacceptable behaviour. While it is recognised that erring individuals may

nevertheless seek to gain admittance to the premises, these occasions are likely to be minimised by the prior assessment procedure that all attendees would have to adhere to beforehand. Therefore, on balance, the weight of public comments is considered to be out-weighed by the need to provide such accommodation, supported by a temporary consent only, which would allow monitoring and review to inform actions post 2024. The proposals are therefore considered in accordance with policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan.

8.3. Other Impacts

The building is listed Grade 2, but the works to provide the four sleeping pods are not harmful to the fabric or character of the building, providing, as far as character is concerned, that the pods are removed in 2024 (as per the cessation of use of the internal pods). The proposals therefore do not conflict with policy DEV21 of the JLP.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability; and would be a positive measure to help address health inequalities experienced by people suffering from drug, alcohol and mental health issues.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 06.09.2021 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Site Location Plan 06092021 - received 06/09/21
Block Plan 06092021 - received 06/09/21
Site Plan 06092021 - received 06/09/21
Existing Ground Floor Plan 06092021 - received 06/09/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: TEMPORARY USE

The use of the sleeping pods hereby permitted shall be discontinued and the pods removed from the site on or before the 31st March 2024.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policies DEVI, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

3 CONDITION: MONTHS OF OPERATION

Unless otherwise agreed in writing the temporary use hereby permitted shall only be operated between the 1st October to 31st March and at no other time during any calendar year.

Reason:

The use hereby permitted is only required during the period specified, and permanent infrastructure and facilities to serve the use is not being put in place meaning the development would not accord fully with Policies DEVI, DEV2, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

4 CONDITION: WINTER NIGHT SHELTER MANAGEMENT

The temporary use hereby permitted shall be operated in strict accordance with the submitted and approved Hamoaze House Emergency Night Shelter Operational Management Plan and the property shall continue to be managed in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with Policies DEVI, DEV2, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.