

# ADDENDUM REPORT

Planning Committee

**Item Number: 6.2****Site: Hamoaze House, George Street, Mount Wise****Planning Application Number: 21/01663/FUL****Applicant: Mr Mark Bignell****Pages: 15-22**

The purpose of this addendum report is to provide further clarity on the retrospective nature of this application, the overall number of bed spaces at the site and to report a further letter of representation.

**Retrospective**

At section 2 of the Planning Officer's Report it is stated that:

*"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".*

Following further correspondence with the operators of the site they have confirmed that the four pods that are the subject of this application were constructed off-site. Two of the pods were delivered December 2020 and two in April 2021. The first two pods were used between January 2021 and April 2021. The operators state that they were not aware that these required planning permission or Listed Building Consent – they believed that the pods fell under permitted development rights. Once this was made clear the use of the 2 external pods ceased in April 2021.

Applications 21/00774/FUL and 21/00775/LBC were submitted April 2021 which sought permission to regularise the 4 external pods and to make the night shelter permanent year-round provision. Following public objection these applications were withdrawn June 2021 so that the operator could undertake further public consultation. The current application is made to secure planning and Listed Building Consent for the four external pods for winter use only.

Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this

policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.

### **Number of Bed Spaces on Site**

Application 19/01986/FUL granted permission for 12 bed spaces on the site. Necessary internal modifications reduced the number of bed spaces to 8. The current application for four additional bed spaces in the external pods would restore the total number of beds on site to 12. This is considered acceptable. However, any increase in the total number of bed spaces on site would require further assessment of the impact on residential amenity in the local area.

It is recommended that an additional condition is included to prevent the external pods from being used if the total number of bed spaces on site exceeds 12. This condition is set out at the end of this report.

### **Additional Letters of Representation**

An additional letter of representation has been received which raises the following objections:

- a) It is unclear where, or when, proposed CCTV coverage would be located.
- b) Regarding a walking map for the preferred access route, this would route all attendees past the same houses, which would increase the risk of anti-social behaviour to those properties.
- c) Should there be a scheme for compensating residents whose property is damaged by attendees?
- d) Lack of adequate communication with residents following incidents and lack of public consultation.
- e) The prevention of acts of anti-social behaviour is not adequately set out in the management plan.

Regarding CCTV, it is understood that two additional CCTV cameras will be installed outside the main entrance to the winter sleeping provision, however this is not covered by this planning application.

Regarding compensation for any potential damage to property from attendees, this is not a matter that can be addressed through the planning process.

Regarding communication and preventing anti-social behaviour, it is understood from the operator that three meetings with residents took place, in August, September and October 2021. The walking map, which encourages attendees to walk to Hamoaze House via George Street, came out of these meetings. Regarding the walking map, the number of persons attending the premises is not considered so significant as to warrant prescribing a particular route, in planning terms. However, officers recognise that the operators of the facility wish to exercise their own judgement on this matter.

The management plan contains the contact telephone number and email address for the service for residents, partner agencies and community to report any issues or discuss any concerns. The management plan includes a pre-booking assessment system for those attending Hamoaze House and assessments of individual risks, which officers consider is appropriate for managing attendance at the premises. There is sufficient support on site for managing behaviour. In respect of this additional letter of representation, officers consider that no changes to the proposed recommendation are required.

The applicant has also submitted additional material with responses to the objections received. This addresses matters of fear of crime and anti-social behaviour, the referral process and management of residents, the management of the site, site capacity and positive outcomes from the facility.

### **Changes to the Proposed Recommendation by this Addendum Report**

In order to avoid exceeding 12 bed spaces on site, in the interests of residential amenity, the following additional condition is recommended:

In the event that at any time the number of internal bed spaces exceeds eight, the four external sleeping pods hereby permitted shall cease to be used.

**Reason:**

In order to restrict the number of bed spaces to 12 at any one time in the interests of preserving residential amenity, in accordance with policy DEVI of the Plymouth and South West Devon Joint Local Plan and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document