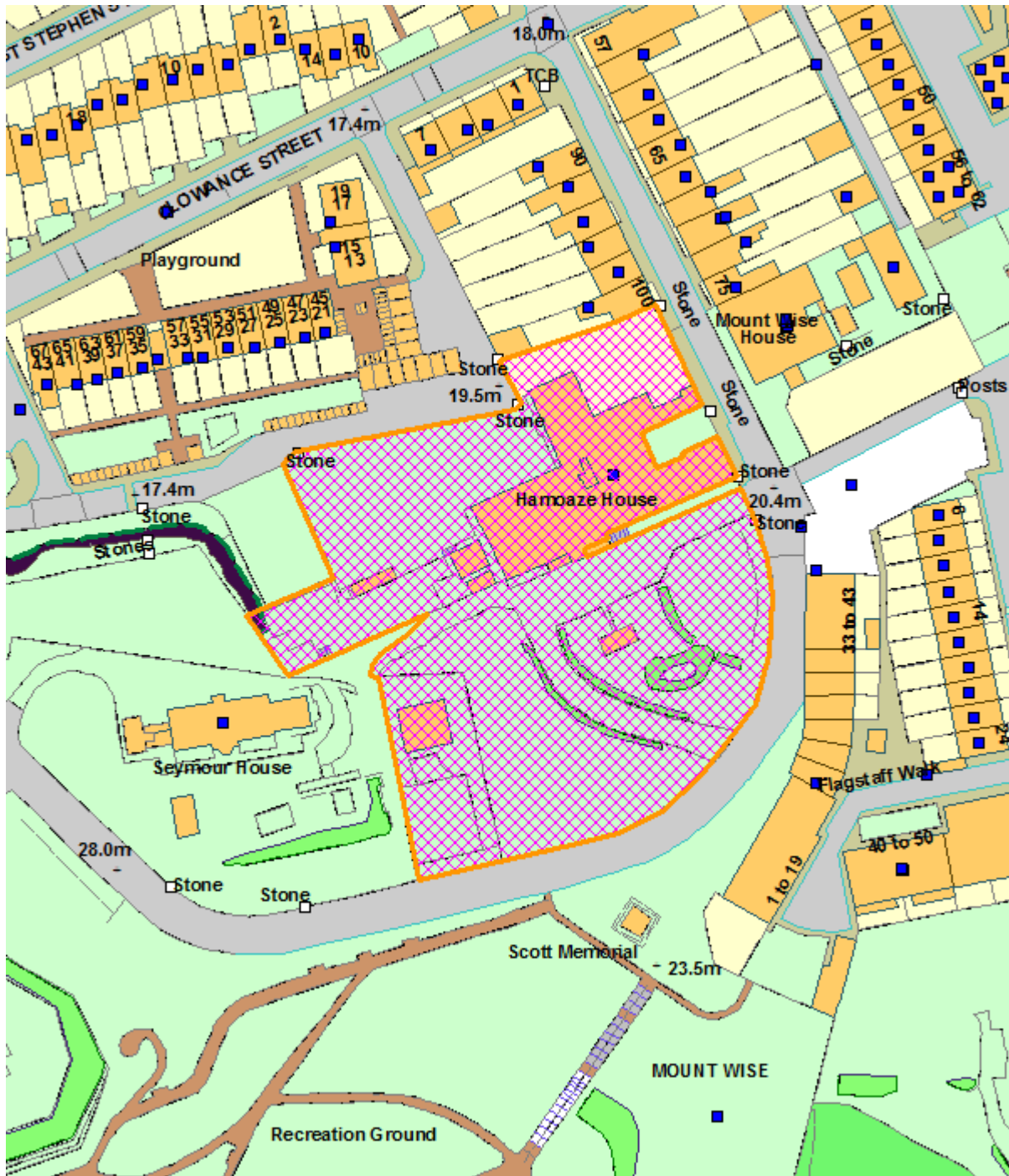


PLANNING APPLICATION OFFICERS REPORT



Application Number	24/00213/FUL	Item	01
Date Valid	23.02.2024	Ward	DEVONPORT
Site Address	Hamoaze House George Street Mount Wise Plymouth PL1 4JQ		
Proposal	To extend the provision of the Night Shelter, this is for those people rough sleeping, to year round provision from 10.00 pm to 8.00 am Monday to Sunday. Current permission is for 1st October to 31st March 10.00 pm to 8.00 am Monday to Sunday. Please note this permission is being sought for 12 maximum single accommodation units. We are also applying for an extension to the opening hours for the main building at Hamoaze House from 8.00 am to 10.00 pm Monday to Sunday. This will allow Hamoaze House to fully support those using the Night Shelter provided by BCHA and hosted by Hamoaze House.		
Applicant	Mr Mark Bignell		
Application Type	Full Application		
Target Date	19.04.2024	Committee Date	13.05.2024
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



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

I. Description of Site

Hamoaze House is a large, grade 2 listed building situated at the southern end of George Street, in the Devonport area of the city. 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.

Hamoaze House currently has the facility to provide 12 sleeping pods for people; eight pods within the building, and four pods in the courtyard. Planning permission to use the sleeping pods expired on the 31st of March 2024.

2. Proposal Description

The proposal is to extend the provision of the existing Night Shelter, to year-round provision from 10.00 pm to 8.00 am Monday to Sunday. Current permission is for 1st October to 31st March 10.00 pm to 8.00 am Monday to Sunday. Permission is being sought for 12 maximum single accommodation units. The applicant is also applying for an extension to the opening hours for the main building at Hamoaze House from 8.00 am to 10.00 pm Monday to Sunday. This will allow Hamoaze House to fully support those using the Night Shelter.

3. Pre-application Enquiry

24/00032/MOR - Pre-application to extend the Night Shelter to an all year round provision, 365 days per year 10.00 pm to 8.00 am Monday to Sunday. This pre-application enquiry is effectively superseded by the current planning application.

4. Relevant Planning History

23/00121/LBC - Single storey extension to accommodate 2 toilets and 2 showers for the existing night provision accommodation, and the repositioning of the existing external fire exit doors. The Council granted listed building consent.

23/00120/FUL - Single storey extension to accommodate 2 toilets and 2 showers for the existing night provision accommodation, and the repositioning of the existing external fire exit doors. The Council granted planning permission.

21/01663/FUL - 4no individual external sleeping pods for emergency overnight accommodation (retrospective). The use of the pods was approved until 31st March 2024, between the 1st October to 31st March and at no other time during any calendar year.

21/01665/LBC - 4no individual external sleeping pods for emergency overnight accommodation (retrospective). The Council granted listed building consent.

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.

97/00164/FUL - Change of use of building into family community centre providing training, educational, recreational and restaurant facilities for those affected by substance misuse together with staff and administration. Planning permission was granted.

5. Consultation Responses

Designing Out Crime Officer (DCO) - From a designing out crime and disorder perspective the DCO advises that the police raise no objections to the proposal and are in support of the proposed management plan. The DCO also considers that the Crime and Disorder Statement is acceptable, particularly when read in conjunction with the previously submitted Management Plan.

6. Representations

Four public comments were received, which raise objections on the following grounds:

1. Anti-social behaviour (ASB), including bad language, associated with users of the facility moving to and from Hamoaze House.
2. The likely increase in ASB during warmer months as now proposed, including being more audible through opened windows.
3. Disturbance within House grounds on a Sunday, when no permission is in place for Sunday opening.
4. There is no mechanism for controlling ASB by users not admitted to, or removed from, the facility.
5. The request to use one access way is linked to a series of antisocial actions by service users, these now manifest in the other route. It was noted that no resident of the selected route was invited to attend a certain community meeting.
6. There is no management plan in place for the Hamoaze part of the extension proposed, no detail of how they would be ensuring that the facilities are only used by those directly linked with/ have an allocation to the shelter.
7. Issues with extending the hours of use of Hamoaze House, to support the shelter - those using the shelter are in greater need, and these can result in greater ASB issues.
8. Additional staff results in additional on-street parking.
9. The operational manual is inadequate. the content is ambiguous in terms of the intended operation and how this will be implemented & by whom.
10. The rough sleepers' shelter should always be a temporary provision and separate from the permanent Hamoaze House activities.
11. The Crime and Disorder Statement identifies that the support for rough sleepers within Hamoaze House will not be provided between 1pm and 6pm, but the management plan does not reflect this.
12. There is an assumption (correctly or incorrectly) this additional support provision will be limited only to the 12 occupants of the night shelter?
13. The Shelter management plan is not a controlled document and is a re-edit of their 2021 provision.
14. The public consultation process is inadequate.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, 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).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon 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 considerations as set out in Section 7.

8.1. Principle

8.1.1 The principle of providing overnight accommodation, for people experiencing homelessness, was established under the previous approvals for the installation and use of the existing internal and external sleeping pods, albeit for a temporary period, which expired at the end of March 2024. The applicant's narrative supporting a year-round facility includes the following statements:

- a) The significant increase in individuals seeking help at the Hamoaze House shelter.
- b) From 2020 to 2021, the shelter served 109 individuals, a number that increased to 117 in the following year. Most recently, in 2022-2023, the shelter has provided assistance to 127 individuals, underscoring a growing trend in the need for such services.
- c) 337 individuals have successfully transitioned from the shelter to more stable living situations, highlighting the shelter's effectiveness in facilitating positive change.
- d) During the winter of 2023 alone, the shelter has received 60 referrals, out of which 23 individuals have already moved on to better circumstances, with three months still remaining in the season.
- e) By offering shelter, guidance, and resources throughout the year, the facility will not only address the immediate needs of those sleeping rough but also lay the groundwork for their successful transition into permanent accommodation.

8.1.2 The existing 12 sleeping 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, officers consider the proposed on-going provision of the 12 pods, which would help meet the ongoing need to accommodate rough sleepers, to be a reasonable proposal in principle. 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.

8.1.3 As such the proposals accord with paragraph 2.vi. of policy SPT1, which promotes a sustainable society where equality of opportunities, freedom from discrimination and fair access to facilities and services are provided for all; and 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

8.2.1 The sleeping pods at Hamoaze House have been in use for several years. 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 they support the 'balance of probability' around drug use and dealing with anti-social behaviour (ASAB); the positive behaviour contract (PBC) and the quarterly community forum meetings, which residents could attend if they wanted to raise any issues.

8.2.2 Concerns have been raised regarding the connection between the night shelter use and the daytime operations at Hamoaze House. However, the continued support for night shelter users, during the day, helps to address the reasons for people using the night shelter.

The proposed use of the night shelter throughout the year raised another concern, with the potential for an increased presence and ASB during warmer months, i.e. due to users of the night shelter turning up in the area earlier in the evening. However, it is not a given that users would be drawn to the area any earlier in the Summer than in the Winter; the opposite might be the case. In any event, the management plan only allows those users to attend who are specifically referred to the night shelter. Persons referred to the night shelter may turn up earlier in the evening and be admitted to Hamoaze House.

8.2.3 Nevertheless, access to site 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 would continue to operate 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 for them to attend Hamoaze House. No individual can self-refer.
7. Individuals may be refused access to this provision.
8. 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.
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.
12. 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.

8.2.4 Regarding other issues raised in the public comments, a question arose as to whether there are plans to extend the area covered by the Public Spaces Protection Order (to include Stonehouse Creek Community Hub, Village by the Sea, George Street, Mount Wise Park and the Scott Memorial. The Police have confirmed that this is not necessary, as these areas are already covered by that Order. With regard to public consultation meetings the applicant has stated that there is a list of residents and contacts for sending out invites to community meetings that have been held. These meetings have always been open to anybody living in the local area. The applicant states that they have held a number of public consultation sessions, mostly they have been well attended and taken place at Hamoaze House, the last one being Thursday 14th December 2023 prior to submitting the application. Although BCHA had sent out extensive invites to all known contacts including the Neighbourhood Watch coordinator, only one resident from George Street attended. Members of PCC including a ward Councillor, BCHA, Hamoaze House and the D & Cornwall Police attended. Members of the community also have contact details including telephone numbers for BCHA staff and Hamoaze House staff to immediately inform of any issues they feel need attention/addressing.

8.2.5 With regard to the management of the Hamoaze House daytime operation, the applicant has confirmed that staff when handing over at 8.00 am in the morning or when arriving at 10.00 pm at night, advise Hamoaze House staff, who the approved residents are and a daily email handover/debrief takes place. All of those people using the Night Shelter are welcome to use Hamoaze House day services. Anybody outside of the Night Shelter wishing to access Hamoaze

House services would only do so between Monday to Friday 9 - 5 pm. Those people accessing the Night Shelter and Hamoaze House are allocated a specific worker whose role it is to engage and get alongside them, encouraging them to seek additional support wherever possible, better engaging with services, feeling hopeful and better about themselves which largely helps to reduce drinking, drug use and ASB etc. With regard to the relationship between the night shelter and the Hamoaze House daytime operation, the night shelter offers emergency temporary accommodation overnight only; Hamoaze House offers day support. The applicant confirms that all those residents of the Night Shelter are very welcome to step across and access the day services at Hamoaze. This is a major benefit of having a Night Shelter situated in an annex of Hamoaze House. In relation to this point, officers understand that the night shelter operates between 10pm until 8am, supported and manned by BCHA staff. Between 6pm and 10.00 pm and between 8.00 am and 1 pm dedicated Winter Provision staff employed by Hamoaze House support residents but not in the main house of Hamoaze. Residents can step into the main day provision between 9 and 5pm should they wish to do so.

8.2.6 The management plan does not directly relate to the daytime use of the facility. The extension of the plan, to cover existing daytime uses, is not necessary given the on-going daytime use, which is not changing as a result of this application. Users of the night shelter may or may not have different needs to other attendees, but this is an internal matter for the operators of the premises. Officers consider that the use of the daytime support services would not alter significantly as a result of attendance by night shelter users, and that consequently the management plan need not be amended in this regard.

8.2.7 The concerns and objections of nearby residents carry weight in planning terms, and without a robust management plan the proposed use might 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 on a permanent basis, 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-weighted by the continued need to provide such accommodation. Consultation has also taken place with the Designing Out Crime Officer and their consultation response also considers the management plan to be acceptable. Overall, the management plan is considered by officers to provide a robust structure for the conduct of the operation sufficient for continued use of the 12 sleeping pods. The proposals are therefore considered in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

9. Biodiversity Net Gain

It is considered that the proposals do not have a significant impact on biodiversity. It should be noted that this application was submitted prior to 2nd April 2024 and is therefore exempt from the mandatory Biodiversity Gain condition (in accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024).

10. Other Impacts

Hamoaze House is a grade 2 listed building. The impact of the proposals on the historic fabric and setting of the building is dealt with under application 24/00214/LBC. However, with regard to the heritage asset, the continued siting and use of the external sleeping pods, and the continued use of the internal shelter facility is not harmful to the fabric and character, or setting, of the listed building.

With regard to highways considerations, the potential for increase in staff to manage the facility is not considered to result in a significant increase in on-street car parking to the detriment of public safety and convenience.

11. 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.

12. 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).

13. 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 are not sought due to the nature and size of proposal.

14. 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.

15. 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.

16. Recommendation

In respect of the application dated 23.02.2024 it is recommended to Grant Conditionally.

17. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Proposed M&E Layout HHO-BPC-XX-00-DR-A-50-00 Rev P0 received 22/02/24

Location Plan 22022024 received 22/02/24

Block Plan 28022024 received 28/02/24

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: NIGHT SHELTER MANAGEMENT

The 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, DEVI0 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

3 CONDITION: MAXIMUM NUMBER OF BED SPACES

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 .

4 CONDITION: HOURS OF OPENING - NIGHT SHELTER

The use of the night shelter accommodation hereby permitted shall not be open to users outside the following times: 2200 hours to 0800 hours Mondays to Sundays inclusive.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

5 CONDITION: HOURS OF OPENING - DAYTIME USES

The use of Hamoaze House as a family community centre providing training, educational, recreational and restaurant facilities for those affected by substance misuse together with staff and administration shall not be open to users outside the following times: 0800 hours to 2200 hours Mondays to Sundays inclusive.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan 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, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: BIODIVERSITY NET GAIN AND MINOR DEVELOPMENT (TRANSITIONAL ARRANGEMENT)

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, minor applications made before 2nd April 2024 are exempt from Biodiversity Net Gain requirements and therefore this application is not subject to the mandatory Biodiversity Gain condition.