

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No: 75240
Application Type: NDC Reg 3
Application Expiry: 5 July 2022
Extension of Time Expiry:
Publicity Expiry: 8 June 2022
Parish/Ward: BARNSTAPLE/BARNSTAPLE CENTRAL
Location: Hardaway Head Car Park
Queen Street
Barnstaple
Devon

Proposal: Application under regulation 3 of the T & C P General Regulations 1992 notification by North Devon Council for siting of two temporary accommodation sleeping pods for rough sleepers

Agent:
Applicant: North Devon Council
Planning Case Officer: Mr M. Brown
Departure: N
EIA Development: N
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): North Devon District Council are the applicants.

Site Description

The site is currently set out as a public car park which was formerly a multi-storey car park. The car park is accessed via Hardaway Head. The actual application site is located to the south of the car park.

To the south of the site is the site of a demolished building and to the south west workshops and a nightclub. To the west is further car parking with a flat conversion beyond, which has commercial units on the ground floor in part. To the north across the car park is Princess House (government offices) and the Royal Mail Sorting Office. To the east there is further car parking with the rear of terraced properties beyond. To the south east is a further workshop and residential properties.

Recommendation

APPROVE

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
7608	Proposed erection of office block plus associated car parking over existing multi-storey car park. (amended plans) at Car Park Site Adj. Queens House, Queen Street, Barnstaple, Devon, EX32 8JP	Full Planning Approval	10 July 1989
15710	T & C P Gen Regs 1976 proposed erection of fire escape to SE corner at Multi-Storey Car Park, Queen Street, Barnstaple, EX32 8JP	Withdrawn	2 October 1995
52599	Prior Notification of demolition of upper floors of building (amended description) at Multi Storey Car Park, Queen Street, Barnstaple, Devon, EX32 8JP	Demo Prior App Not Req	7 November 2011
63074	Removal of Condition 5 (use restriction) attached to planning permission 7608 proposed erection of office block plus associated car parking over existing multi-storey car park at Regent House, Queen Street, Barnstaple, Devon, EX32 8RR	Full Planning Approval	22 August 2017
64114	Prior Approval for proposed change of use of first, second and third floors from B1(A) (Offices) to Class C3 (Dwellinghouses (31 number)) at Regent House, Queen Street, Barnstaple, Devon, EX32 8RR	Prior Approval Granted	19 December 2017
66931	(1) Facade alterations to facilitate the implementation of prior approval 66467, including (a) creating new openings & replacing existing openings at ground floor level, (b) parapet changes at third floor level (removal and replacement of grp mould) & (c) erection of external bin store / substation enclosure. (2) Additional use classes for the B1 (business) commercial ground floor area to include use classes A1 (shops) / A2 (financial and professional services) / D2 (assembly and leisure). at Regent House, Queen Street Barnstaple, Devon EX32 8RR	Approved	30 October 2019

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Land is potentially contaminated with: Electrical Sub Station Facilities	13.58
Land is potentially contaminated with: Potential Tanks	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
USRN: 27500852 Road Class: R Ownership: Highway Authority	1.31
USRN: 27500969 Road Class: R Ownership: Highway Authority	9.23
Within adopted Development Boundary: Barnstaple North Development Boundary ST06	Within constraint
Within Adopted District Centre: Barnstaple Town Centre	Within constraint
Within Adopted Town Centre Expansion: BAR11 Queen Street/Bear Street	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Barnstaple Town Council	No comments received at the time of writing the report.
Councillor R Mack	No comments received at the time of writing the report.
Sustainability Officer	No comments received at the time of writing the report.

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0	0	0	0	0

Considerations

Proposal Description

This application seeks planning permission for providing two temporary accommodation Pods to allow rough sleepers to have emergency shelter to preserve life.

The applicant has advised that the Pod accommodation has been piloted elsewhere in the district with no adverse feedback from the community or support services. The aim of this service is to provide a Covid-19 safe shelter to prevent death by giving clients the option to sleep in a safe environment indoors on a night by night basis. The provision also aims to prevent already vulnerable homeless clients from further risk to their general health and well-being in our community.

This provision will delivery very basic sleeping accommodation Pods for two individuals who would otherwise sleep outside and be vulnerable to the weather elements. There would be a member of Support Staff engaging with clients at minimum once a day and ad hoc evening visits by Security staff.

Access is controlled via a coded smart lock.

Each pod is timber frame with insulation encapsulated outside with fibreglass and grey fire retardant top coat.

Each pod exterior measures 2.4M x 1.82M with a weight of approximately 700kg.

The interior is a ply finish plus zero flame fire retardant coating and a fire retardant door. Vinyl flooring, laminate panelling, with a cassette chemical toilet and bed platform.

Each pod has an LED light, USB phone charger, smoke detector – complete with 10 year battery. Solar panel with charger light.

Planning Considerations Summary

- Settlement Policy
- Design
- Amenity
- Highways

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Settlement Policy

Policy BAR sets out that in Barnstaple the following will be allowed, “Housing and employment growth will deliver a mix of high quality, sustainable family and affordable housing integrated with new employment opportunities and key community infrastructure that promote greater self-sufficiency. Improved access to and dual use of community facilities will provide for the needs of all.” The supporting text goes on to state that “Barnstaple will continue to develop as a vibrant and attractive centre for jobs, shops, recreation, community and service facilities to support the needs of the town and surrounding communities of northern Devon and beyond. Town centre expansion will also help to deliver enhanced community facilities and services to address the social and economic needs of the town’s existing and future residents and visitors.”

Policy ST06 sets out that Barnstaple is the Sub-regional Centre for the area and sets out that Development will be supported within the development boundaries of the Sub regional centre (which this site is).

This proposal is supported by the above Policy context as it will provide a facility that is required by certain members of the Community and potentially facilitates access to permanent accommodation and potentially addresses a number of other associated issues. However, this must not be at the expense of amenity which is considered below.

Design

The design is subservient to the more permanent built form in the locality utilising external materials and finishes which do not look out of place in this urban context. The distance from the highway and existing boundary treatments minimise street scene impacts. Whilst the development does not look out of place at this time it is still a transient form of development in both design and materials which could degrade overtime. Allowing a temporary permission, which can be controlled by planning condition, would address this concern. As such the design is considered to be acceptable subject to a temporary permission being utilised if permission is granted.

Amenity

Policies DM01 and DM04 allow for the consideration of amenity.

The applicant has set out that the “Pod accommodation has been piloted elsewhere with no adverse feedback from the community or support services. The aim of this service is to provide a Covid-19 safe shelter to prevent death by giving clients the option to sleep in a safe environment indoors on a night by night basis. The provision also aims to prevent already vulnerable homeless clients from further risk to their general health and well-being in our community.

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There have been no significant reports of anti-social behaviour attributable to the previous temporary permission on another site.

The site abuts a site which may be developed for flats.

To take account of the possible changing nature of the area and to ensure amenity impacts are acceptable a temporary period of operation should be considered, say three years, to allow for a review of the acceptability.

Subject to a temporary permission being utilised, the management solutions, precautions and community buy in are considered to make the scheme acceptable in amenity terms at this time.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

No impact on protected species is identified with no net gain in biodiversity being secured given the nature of the application and noting the urban form of the site.

Flood Risk and Drainage

No unacceptable drainage or flood risk issues identified given the nature of the proposal and extent of the works.

Highways

The Pods are to be placed in the Public Car Park utilising 4 parking spaces. The Car Parks Manager has set out that this would not impact unacceptably on parking capacity as there is no evidence to suggest that the car park ever runs at 100% occupancy.

Having regard to the forgoing and the sustainable location of the proposal the loss of parking is considered to be acceptable with no sever impacts on the highway network anticipated.

Conclusion

In light of the foregoing the application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Delegate to the Head of Planning, Health and Housing to APPROVE upon the expiry of the Consultation period.

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

NDC004 Hardaway sleep pods site received on the 10/05/22

NDC003 Hardaway sleep pods site received on the 10/05/22

AGS0101 Demountable Emergency Pod Details 020921.pdf received on the 27/04/22

('The approved plans').

Reason

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The use hereby permitted shall be discontinued and the land restored to its former condition including the removal of the accommodation PODs therefrom on or before 13/06/2025.

Reason

To enable the Local Planning Authority to maintain control of the development which is temporary in character and to safeguard the amenities of the area in accordance with Policies DM01 and DM04 of the adopted North Devon Local Plan.

Informatives

1. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>

2. Statement of Engagement

In accordance with paragraph 38 of 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. This has included consideration of consideration of settlement policy, need, design and amenity.

Inserts

1) Location Plan

