

**Committee Date:** 27 April 2020

**APPLICATION NO:** 20/0194/ECC

**APPLICANT:** Exeter City Council

**LOCATION:** The Night Shelter, Magdalen Street, Exeter

**PROPOSAL:** Amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people.

**REGISTRATION DATE:** 12<sup>th</sup> February 2020

**RELATED DOCUMENTS:** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5LATBHBGD200>

**HISTORY OF SITE:**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
18/1031/ECC	Change of Use to winter night shelter and community facility for homeless people (Sui Generis).	PER	04.09.2018
18/1575/DIS	Discharge of Condition 3 in application 18/1031/ECC.	PER	30.10.2018
11/0337/ADV	Externally illuminated fascia signs on north and south elevations, non-illuminated fascia signs on west (2) and east elevations.	PER	24.01.2012
01/1303/ADV	Externally illuminated and non-illuminated signs (13 No.in total)	PER	26.10.2001
94/0089/FUL	External alterations including provision of new entrance on north elevation	PER	24.03.1994

**DESCRIPTION OF SITE/PROPOSAL**

Permission is sought for the use the existing building situated on Magdalen Street, at the eastern end of the Acorn car park, as all year round night shelter and community facility for homeless people in Exeter.

This application is seeking permission to amend the planning permission 18/1031/ECC, granted in September 2018. The previous application 18/1031/ECC granted a change of use of the former Spice Island Restaurant to a winter night shelter and community facility for homeless people. The new application is to request to change the opening time of the shelter to be open all year round and not just from October through until April, which was granted in the previous application.

### **Night Shelter**

The night shelter remains a mixed gender facility and provides a dry warm and safe place for rough sleepers and homeless people to sleep throughout the year. Without safe premises, especially in the winter and during periods of severe weather, there is an increased risk that rough sleepers and homeless people will become seriously ill or die due to exposure to freezing temperatures. In the event of severe weather an emergency protocol exists between partner agencies in the city, this would see the Protocol being activated and additional bed spaces up to a maximum of 40 being provided at the night shelter.

The homeless community is transitory with many people becoming homeless for a few days or a few weeks, others are entrenched rough sleepers. The night Shelter has helped a number of people over the past two years that it has been in operation.

This is an opportunity to engage with homeless people and help them move onto more stable accommodation. The service will work closely with the City Council's Housing Needs Service and ensure that people using the shelter are properly supported through the pathway, reducing their stay in the Night Shelter and on into more suitable, stable and affordable accommodation. It is intended that the facility will be managed by BCHA who manage a number of similar services in the City more notably Gabriel House which is a 40 bed Single Homelessness Project. BCHA have over 40 years of experience in a diverse range of housing, support and learning services for socially excluded people.

The night shelter will be staffed by a minimum of two workers during opening hours. They would be responsible for booking in and allocating bed spaces for clients. They would also have responsibility for ensuring the safety of service users throughout the night as well as monitoring behaviour to ensure compliance with the accommodation rules. The applicant stresses the importance of working closely with the surrounding community and ensure that all efforts are made to reduce the impact on community and businesses.

Sleeping accommodation would in the main be dormitory style rooms on the first floor with either two or three sets of bunk beds per room providing a total of 18 bed spaces. A further 8 beds will be located on the ground floor. From April to October there will be a reduced capacity of 14, this is in recognition that for some people they would chose to rough sleep during periods where the weather is warmer. In the event of the Severe Weather Emergency Protocol being declared there would be additional capacity available at the shelter.

There would be separate male and female toilet and washing and showering facilities on the first floor. There is also an adapted toilet on the ground floor.

The applicant's intention is to be working with the voluntary sector and soup kitchens to enable food and additional support to be provided from the premises reducing the need for this to take place on the streets.

### **Community Facility for the Homeless**

In order to make the best use of the facility throughout the year and dependent on future funding, the applicant also wishes to use the property as a community facility for the homeless. The community facility will provide educational and recreational opportunities for homeless people in the city, promoting and improving general health and wellbeing. As the city currently lacks community facilities for homeless people and this venue will provide a significant opportunity to help fulfil lives alongside the accommodation projects in the city. All activities taking place on the premises will be fully supervised by professional staff through arrangements with voluntary services and partner agencies working in the city. The applicant will also seek to engage the local community in supporting volunteering and work experience opportunities for users of the service.

### **Existing Building**

The existing configuration is an open space on the ground floor which will be used for the Community Facility and additional put up beds for the Night Shelter with living accommodation above.

### **Proposed adaptations**

There are no proposed additional adaptations outside of those which have already been granted in the original application 18/1031/ECC

### **Access**

The night shelter would be open throughout the year. Opening Hours would be:

Monday - Friday 18.00 – 09.00

Weekends and Bank Holidays 18.00 -12.00

The rationale for extending the opening hours at the weekends and Bank Holidays is because St Petrocks day centre, which provides basic survival and other supporting services for the homeless community in Exeter, is only open on weekdays. The requested alteration is for an opening time from 20:00 to 18:00. The alteration to opening times is on the back of consultation with rough sleepers, they have stated that they often struggle during the hours of 17:00 to 20:00 when the shelter opens as there is no where they can go especially when the weather is unfavourable.

During the daytime hours the building would be used as an educational/training and community facility for homeless people in Exeter, working with voluntary agencies in the city to provide support and promote recovery. Subject to staff availability the facility would be open between 10.00 and 17.00 Monday-Friday.

During times of Severe Weather and when Exeter City Council and partners have activated its severe weather protocol (SWEP) we would look to increase capacity up to 40 and staff permitting, be open throughout the day. SWEP is usually activated when outside temperatures drop below zero for three consecutive days, but can also include storms and extremely hot weather. The primary aim will be to reduce harm and prevent loss of life. The request is that the building remains open throughout this period, more notably at the weekends when other services are closed. This is to ensure that rough sleepers are able to remain safe and secure during the day as well as in the evenings and night time. In light of the Covid-19 pandemic the management plan has been amended to add flexibility to handle other emergency situations than Severe Weather.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Letter of support  
Planning statement  
Management Plan

## **REPRESENTATIONS**

Two objections were received.

The letters of objection had the following concerns and comments about the proposed use:

- i. Noise, disturbance and nuisance
- ii. Overlooking
- iii. Congregation outside the shelter
- iv. Unsafe environment
- v. Anti-social behaviour
- vi. Litter
- vii. Conditions regarding noise levels, management plan, CCTV, window treatment, prohibition of use of terrace, and lighting.

The objectors also argued that this was not the right location for the proposed use.

## **CONSULTATIONS**

No consultations replies were received.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2019

### **Exeter Local Development Framework Core Strategy 2012**

CP10 – Community facilities  
CP11 – Pollution and air quality  
CP17 – Design and local distinctiveness

### **Exeter Local Plan First Review 1995-2011 Saved Policies**

AP1 – Design and location of development  
AP2 – Sequential approach  
T9 – Access to building by people with disabilities  
C1 – Conservation areas  
C2 – Listed buildings  
EN3 – Air and water quality  
DG4 – Residential layout and amenity  
DG7 – Crime prevention and safety

### **Exeter City Council Supplementary Planning Documents**

Residential Design SPD 2010

### **Conservation Area Appraisals and Management Plans**

Southernhay and the Friars 2002

## **OBSERVATIONS**

This application is an amendment to of 18/1031/ECC to include an all year round night shelter and a community facility for homeless people. The use of night shelter and community facility is therefore an established use for this site, even if the night shelter use was previously only permitted from October through until April. The planning decision in the previous application was

that "...taking account of the positives and negatives of granting consent for this proposal, the conclusion is that the positives are heavily weighing in favour for the proposed change of use". As this application seeks to extend the period when the night shelter is open to all year round, the planning consideration is how this alters the balance of positives and negatives. Even more importantly, if it still can be deemed that the positives are weighing in favour for the proposed use.

It will still provide a community facility for homeless people and therefore be compliant with the protection and provision of community use in Exeter Local Development Framework Core Strategy Policy CP 10, meeting the community needs by promoting social inclusion and reduce deprivation. The policy states that facilities that serve the city as a whole should be located in the city. Social inclusion can be defined as the act of making all groups of people within a society feel valued and important. The building is already converted into night shelter and community facility for homeless people, extended this use to all year round would make better use of this facility. This is therefore preferable compared with alternatives that only provide night shelter in mobile and temporary buildings. This is true all year round even if rough sleeping is more lethal during the winter months. The number of occupants during the winter months is consequently proposed to be higher than during the rest of the year.

This central location makes it a suitable location to be an alternative to rough sleeping in the central part of Exeter. It is also a good location to support the community of homeless people in Exeter. The location is also suitable with regard to residential amenity and neighbouring properties. The overlooking is not contrary to the guidance in the Residential Design SPD. Overlooking between the hotel and proposed night shelter is minimal and no more detrimental than the former use of the building.

The existing use from October through until April for the night shelter is the same as what is proposed all year round but accommodating less people outside the winter months. The use would be less detrimental for the surrounding area and neighbours for the months the use is extended. The neighbours object to have a night shelter for homeless people during the whole year, as this is seen more onerous for them. It is deemed that the disturbance with fewer beds is less for the summer months than the winter months. To open the night shelter during the summer months would have a significant impact for the people using the shelter and a great public benefit by contributing to social inclusion, reducing deprivation and supporting homeless and rough sleepers when they are most vulnerable and at risk to become seriously ill.

The management plan and an area to congregate at the south entrance of the building is designed to mitigate any negative aspect of congregation around the building; this is not different to the measure that is already in place for the current planning permission. The location of the building is also in a noisy area situated on a frequently used car park surrounded by busy roads.

Crime and fear of crime is a material planning consideration and it is acknowledged that some residents and the nearby hotel are apprehensive about such a facility operating in the area. Devon and Cornwall Police in their consultation response to the current planning permission 18/1031/ECC had no objections in principle and gave the applicants advice on how to setup of the facility to reduce the risks of crime and anti-social behaviour. Devon and Cornwall Police has not given any renewed consultation reply for this application.

Although the fear of crime and personal safety is perceived from objectors as a result of the proposed use, the result might actually be the opposite, giving the homeless an alternative to

rough sleeping and support in their current situation; the existing issues with rough sleeping in the City Centre will probably be reduced even if it will not solve the homelessness problem in Exeter. The change of use will therefore conform to Policy DG7 – Crime prevention and safety in Exeter Local Plan First Review 1995-2011 by the prevention measures for the site and surroundings, and also with the purpose of the policy by improving the situation for rough sleepers in general.

Although the proposed use has primarily a social objective it does have an impact how people visiting or work experiencing the City with less rough sleepers. How people experience a city which does care for homeless people could have a direct impact on shopping, and tourism, but also influence how attractive the City is to work and live in.

The change of use will conform to NPPF, Exeter Local Development Framework Core Strategy, Exeter Local Plan First Review 1995-2011, Exeter City Council Supplementary Planning Document and Exeter City Council Development Delivery DPD. The conclusion is that the change of use will have a minor impact on the surrounding area but a great public benefit by contributing to social inclusion, reduce deprivation and support homeless and rough sleepers when they are as most vulnerable and at risk to become seriously ill or die due to exposure to freezing temperatures during winter months.

As a planning decision must be made in accordance with material considerations and taking account of the positives and negatives of granting consent for this proposal, the conclusion is that the positives are still heavily weighing in favour for the proposed use. The extended use of the night shelter outside the winter months has not change this conclusion compared with the current planning permission 18/1031/ECC.

### **RECOMMENDATION**

APPROVE, subject to the following

### **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: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development and use hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 February 2020 as modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved drawings and documents.

3) Occupation shall be managed in accordance with the hereby approved Management Plan (16-04-2020\_Annex\_D) submitted with the application and not commence until the agreed measures have been put in place. Any future amendments of this Management Plan shall be approved in writing by Local Planning Authority and include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time.  
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

