

Statement of Case

Planning Application for change of
use from student accommodation to
asylum seeker accommodation

Stafford Court, New Beacons
Campus, Stafford

January 2023

LPA ref: 22/35765/FUL
Appeal on behalf of Serco Plc

TABLE OF CONTENTS

INTRODUCTION	2
PRE-APPLICATION ENGAGEMENT AND CONSULTATION	4
SITE AND SURROUNDING AREA	6
PROPOSED DEVELOPMENT	7
RELEVANT PLANNING POLICY	10
APPELLANTS CASE	13
SUMMARY	18

Appendix

Draft Core Documents List

INTRODUCTION

1. This Statement of Case ('SoC') has been prepared by Cushman & Wakefield on behalf of Serco Limited ('the Appellant'), in relation to Stafford Court, New Beacons Campus ('the site').
2. This Appeal is submitted pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended), relating to Stafford Borough Council's refusal of planning permission in respect of application reference 22/35765/FUL (the 'application' or 'planning application').

Appeal Background / Planning History

3. The Appellant submitted a planning application, seeking full planning permission in March 2022, for the following description of development:

"Change of use from student accommodation to asylum seeker accommodation"
4. The planning application was submitted and registered on 28 March 2022 and the Council's Planning Committee refused permission on 27 July 2022.

Collaborative Working / Application Progression

5. Stafford Borough Council does not offer a pre-application advice service. Accordingly, discussions with the Council's planning officers were not possible until the planning application was registered. Regular discussions were held with the case officer, Vanessa Blake, during the determination period. However, prior to the preparation of the planning application the appellant met with Stafford Borough Council Chief Executive on 2nd October 2021 and 6th December 2021 to discuss the proposed development, which had been discussed through an exchange of correspondence between September and November 2021.

Structure of Statement of Case

The remainder of this Statement is structured in the following format:

- Section 2 – Pre-Application Engagement and Consultation
 - Section 3 – Site and Surrounding Area
 - Section 4 – Proposed Development
 - Section 5 – Relevant Planning Policy
 - Section 6 – Appellant's Case
 - Section 7 – Summary
6. This SoC should be read in conjunction with the application documents and supporting information submitted on behalf of Serco as part of the planning application. A schedule

of planning application documents, drawings and supporting information is provided within the draft Core Documents List included at the Appendix. The Appellant reserves the right to amend or add to this list during the course of the Appeal.

7. A draft Statement of Common Ground ('SoCG') has been prepared and submitted as part of this Appeal. The Appellant will seek to agree this with the Council.

PRE-APPLICATION ENGAGEMENT AND CONSULTATION

Pre-Application Discussions

8. The Appellant was unable to undertake pre-application discussions with the LPA, as Stafford Borough Council did not offer a pre-application service.

Public Consultation

9. In advance of the planning application submission, a programme of pre-application consultation took place on the proposals.
10. The Appellant carried out pre-application consultation in accordance with the Council's adopted Statement of Community Involvement (SCI) and the National Planning Policy Framework (NPPF). A Statement of Community Involvement was produced by the Built Environment Consultation Group (BECG) in March 2022 and was submitted with the planning application (Core document A4).
11. The Appellant sought to raise awareness of its preliminary proposals for the site's development with local stakeholders. An information booklet and accompanying covering letter was distributed to identified stakeholders on 24th February 2022.
12. Due to the ongoing impact of Covid-19, the Appellant held a virtual consultation to display its proposals for the repurposing of Stafford Court, from Friday 25th February until Monday 7th March 2022. The virtual consultation was hosted online, on a dedicated project website.
13. A booklet and covering letter were distributed to circa 440 households and businesses in the local area providing information about Serco, the proposals and details of how to record feedback via the dedicated project website.
14. The Appellant's SCI provides an overview of the feedback received from the public consultation. In total 319 responses were received with 26 (8%) of responses being supportive, 37 (12%) neutral and 256 (80%) opposed. The SCI shows how the vast majority of the responses came from the ST16 to ST18 post code areas (Stafford). However, responses were not limited to the immediate vicinity of the appeal site and included addresses across Stafford with some responses coming from as far afield as Edinburgh.
15. The main themes raised in responses were summarised in the SCI submitted with the planning application and include the following:
 - Good use of an existing building
 - Importance of helping refugees
 - The building should be used to accommodate local homeless people
 - Concerns over security
 - Concerns about safety
 - Devaluation of property
 - Pressure on the NHS
 - The site is too close to local schools
 - An increase in crime.

16. The Officer's Report to Planning Committee (Core Document A22) identifies 285 representations of objection and 18 representations of support from members of the public. Comments made with reference to impact on amenity, impact on local infrastructure and the scale of provision being disproportionate to the size of Stafford.

SITE AND SURROUNDING AREA

The Site

17. The appeal site comprises a broadly rectangular parcel of land, which extends to 1.54 hectares as shown on the plan in the appendix to the Statement of Common Ground.
18. Stafford Court is purpose-built student accommodation comprising twelve, connected, three storey blocks. Each block is comprised of cluster flats which contain either ensuite bedrooms or standard bedrooms, shared kitchenettes, shower rooms and w/cs.
19. The site currently provides accommodation for up to 556 students. The current configuration of Stafford Court includes 556 single bedrooms (with 264 being ensuite), 96 shower rooms, including sink & w/c, 48 kitchenettes and a communal laundry.
20. The site access for vehicles is currently taken from the main campus access on the A518 Weston Road and the access will remain for the proposed use.

The Surrounding Area

21. The appeal site is located approximately 3km east of Stafford town centre and lies towards the edge of the town's urban area.
22. The surrounding area comprises a range of land uses. Land to the north and east of the site comprises indoor and outdoor sports facilities. Further to the east is woodland and beyond open countryside. Further north land uses comprise education (primary, secondary and higher education establishments), Staffordshire Police Headquarters, Staffordshire Technology Park and Beacon Business Park.
23. To the south of the site is a new housing development. To the west of the site is Stafford fire station and beyond housing.
24. Bus stops are located within a 3-minute walk from the site on Weston Road and Hydrant Way providing connections to the town centre and wider areas of Stafford. Stafford Train Station is approximately 3.5km from the site. The Transportation Report (Core Document A15) identifies facilities within a short walk/cycling distance of the appeal site, which include convenience stores, restaurants, a pharmacy, a post office, a health and fitness centre, a health centre, hospital and places of worship.

PROPOSED DEVELOPMENT

25. The proposed development seeks full planning permission for change of use of the existing building which had previously been used as student accommodation to asylum seeker accommodation. For the purposes of this appeal, both uses are considered to be sui generis in planning terms.
26. Internal alterations are proposed in order to meet the operational requirements of the proposed use. The alterations reduce the capacity of the building from 556 bed spaces to 481 bed spaces (a reduction of 13%). The style of accommodation remains similar with bedrooms of varying sizes clustered around kitchen/lounge/dining room and bathroom facilities.
27. The appeal site will provide two forms of accommodation for asylum seekers – Initial Accommodation (IA) and Dispersed Accommodation (DA). IA is a block-based provision to accommodate asylum seekers who need accommodation urgently before their support applications have been fully assessed for longer term accommodation can be arranged. Dispersed Accommodation (DA) is longer-term temporary accommodation, Asylum seekers will normally be able to stay in DA until their asylum claim has been fully determined.
28. The proposed use will include medical rooms serving people in Initial Accommodation (IA), private offices and meeting rooms.
29. The proposed use will have access to 30 car parking spaces, a shuttle bus drop off space and cycle storage.
30. The appeal site has a large area of open space set within the courtyard of the existing building.
31. The site will be managed by Serco on behalf of the Home Office. Serco currently manage similar IA facilities at seven separate sites across four locations across England, which accommodates over 800 people. Serco are fully experienced in managing people and properties across the asylum portfolio, having been contracted by the Home Office since 2012. Serco currently look after over 38,000 people in DA facilities across over 7,000 properties.
32. The Planning Design and Access Statement (Core Document A2) explains the management structure for the proposed accommodation.
33. The management team are responsible for the delivery of inter alia:
 - Management and leadership of a team of housing officers and maintenance officers to ensure that all asylum seekers are supported with care, dignity and respect.
 - Develop strong relationships with partner organisations (e.g. NHS, Migrant Help) to ensure asylum seekers are assisted in their first stage of support.
34. In managing the site Serco will engage with the local police authority; fire services; community and faith groups to establish a good working relationship between these key stakeholders, staff and service users. Serco's experience is that information sharing

significantly benefits and helps in the event of an incident or emergency. This will be done in this case.

35. The property will be staffed by a team of Housing and Maintenance officers; housekeeping; and security and fully managed by a Senior Operations Manager. In addition there will be support from risk and security teams, stakeholder engagement and safeguarding and complex casework teams. The appellant plans to have a team of approximately 40 staff members with at least 12 people on site 24 hours a day.
36. Serco will provide free transport to and from required locations to ensure there is continued access for interviews with the Home Office; any Healthcare provider and support agencies contracted to the Home Office. Clarify limitations
37. The occupants of the site will have no restrictions placed upon their day-to-day whereabouts. There are a number of appointments they will be required to attend with the Home Office. Serco advises Asylum seekers not to congregate in groups, as they are mindful that some members of the local community could perceive this as unsettling.
38. If any asylum seekers do not obtain prior notification before leaving the Block for more than 24 hours, Serco will report any absences to the Home Office for further action.
39. Asylum seekers are not allowed to work whilst their claim for asylum is being assessed. Nor do they have access to any benefits that would be afforded to a UK citizen. They do however receive a small daily payment.
40. Serco will facilitate on site activities for all the occupants, as well as 'wrap around' services on-site, along with additional transport provision in order that the site functions sustainably and does not adversely impact existing services in the local area.
41. The health and wellbeing of occupants and the local community is of the utmost priority to Serco. Serco will closely engage with the police and fire authorities to ensure any concerns are addressed in an open and transparent forum. Through Serco's close engagement with local police authorities, they are advised that crime has not increased in areas where any of our properties are located.
42. Serco will accommodate a mix of single people and families in a number of blocks within the part of Stafford Court identified to be used for IA and a mix of singles only within the DA part of the site. Each floor has secure entry mechanisms so that only asylum seekers who are allocated a room on a particular floor can gain access. In addition, there will be 12 support staff on site, who are fully aware of the safeguarding requirements
43. Serco has a dedicated relationship team who are responsible for any safeguarding issues. The team also engage with local community groups; 3rd sector and faith groups, to facilitate mutual understanding through workshops, drop-in groups and activities. All of the above agencies, including police and fire, meet on a regular basis at the Multi Agency Forum (MAF), which Serco will also attend.
44. For health care access within IA, the asylum seekers are registered with a health care provider on site and local services will only be required in the event of a medical emergency. Serco is working with the Home Office to understand if this health provision can be extended to the DA community.

The Planning Strategy

45. Serco identified Stafford Court as the most suitable site for its needs in relation to the Asylum Accommodation and Support Services (AASC) contract for the Midlands and East of England Region, which is the contract between the Home Office and the appellant. It is proposed that part of the site be used for IA (approximately 171 people) and that the balance of the site be used for DA (approximately 310 people).
46. The configuration of self-contained clusters at Stafford Court is ideal for accommodating asylum seekers during both the IA and DA phase of their application. The ability to secure each cluster, an individual floor or an entire block creates maximum flexibility to accommodate single males, single females or families with the appropriate level of segregation and security.
47. The proposed use is effectively a managed residential development and Stafford Court is considered an appropriate location for such a use. The site is similar to other IA operations elsewhere in the UK including sites operated by Serco in Derby and Liverpool.

RELEVANT PLANNING POLICY

48. This section sets out the planning policy framework which is of relevance to the Appeal and to which the Appellant will have regard to in evidence.
49. It will be demonstrated in evidence how the proposed development is consistent with the objectives of local and national policy.
50. The proposed use constitutes sustainable development, which will deliver economic, social and environmental benefits. The proposed use will have a net benefit on the local highway network. The proposals accord with the adopted planning policies of the local plan and therefore in the context of Paragraph 11(c) of the NPPF (2021) the application should have been approved 'without delay'.

Development Plan

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
52. The development plan applicable to the site and proposed development is the Stafford Plan (2014) and the Stafford Plan Part 2 (2017).
53. The appeal site does not have a site-specific land use allocation on the adopted Proposals Map.

Stafford Plan 2014

54. The key policies are as follows:
 - Spatial Principle (SP1) sets a presumption in favour of sustainable development and confirms the LPA will '*work proactively with applicants and communities jointly to find solutions.*'. Further, it states that: '*Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether:*
 - i. *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
 - ii. *Specific policies in that Framework indicate that development should be restricted.*
 - SP2 (Stafford Borough Housing & Employment Requirements) sets out Stafford Borough requirements for housing and employment land. The provision of accommodation for asylum seekers is not mentioned within the Development Plan.
 - SP3 (Sustainable Settlement Hierarchy) sets out settlement hierarchy within the Borough. Stafford as biggest settlement is classified as main settlement on the top of hierarchy. The appeal site is located in Stafford.

- SP7 (Supporting the Location of New Development) the policy sets out that development will be acceptable within the Settlement Boundaries development in other locations will have to meet a number of criteria set out in the policy to be acceptable. The appeal site is located within the development boundary for Stafford.
- Stafford 1 (Stafford Town) policy states that Stafford as County Town will continue to meet the housing requirements, create employment growth and promote economic diversification, new development for higher education will be supported and Infrastructure to be improved specifically Stafford role as transport hub and increasing provision of open space, sport and recreation facilities.
- E1 (Local Economy) policy states that local economy will be maintained by intensity and new development by a number of measures such as providing adequate supply, improving access to urban and rural employment areas etc.
- C1 (Dwelling Types and Sizes) states that new housing development must provide appropriate mix of dwelling types, tenures and sizes including affordable housing and where possible specialist provision to response to the identified community needs. The need for the provision of asylum accommodation has been identified and the appeal site is an appropriate location such provision.
- C3 (Specialist Housing) states that proposals which result in the loss of extra care premises will not be supported and new development in sustainable locations will be required to provide a proportional provision of specialist housing.
- I1 (Infrastructure Delivery Policy) states that new residential or commercial development will have to be supported by appropriate physical, social and environmental infrastructure, as identified in the Infrastructure Delivery Plan. These can be secured via CIL or S106 legal agreement. The proposed development includes appropriate supporting infrastructure on site to meet the needs of the people who will live there.
- Policy T1 Transport encourages sustainable transport through reducing the need to travel by private car by ensuring good access to public transport and encouraging walking and cycling. It requires new developments to produce Transport Assessments and Travel Plans. The appeal site is located in a sustainable location with good access to public transport.
- T2 (Parking and Manoeuvring Facilities), states that appropriate parking facilities should be provided and standard are set out in the Appendix B (Car Parking Standards). The proposed development includes the provision of an appropriate level of car parking for staff.
- Policy N1 (Design) sets out principles guiding the design of new development. Insofar as it is relevant to this change of use application, the policy encourages uses to be grouped in order to provide access for all.
- N2 (Climate Change) states that all development should incorporate sustainable design features and be future proof to mitigate impacts of the climate change.
- N4 (The Natural Environment & Green Infrastructure) sets out principles for environment and green infrastructure protection, improvements and expansion.
- N5 (Sites of European, National & Local Nature Conservation Importance) states that new development will only be permitted there the impact to the protected sites is non-existent or the impact can be mitigated.
- N6 (Cannock Chase Special Area of Conservation (SAC)) states that the development will not be permitted where it would lead to the direct impact to the SAC and cannot be mitigated.

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031

55. The Stafford Plan Part 2 identifies the site as being located within the settlement boundary of Stafford. It remains an unallocated site. There are no policies specifically relevant to

the provision of accommodation for asylum seekers, or the loss of student accommodation, but other key policies are as follows:

- a. SP3 (Sustainable Settlement Hierarchy) policy identifies settlement hierarchy within the Borough, County Town of Stafford sits on top of the hierarchy.
- b. SP7 (Supporting the Location of New Development) policy states that preferred development location are within Settlement Boundaries. Development in other areas will only be supported when it meets criteria set out in the policy.
- c. SB1 (Settlement Boundaries) sets out that settlement boundaries for the larger settlements are identified within inset maps.

Planning Guidance

56. Supplementary Planning Document (SPD) – Design has been adopted in 2018 and set out the design principles and guidelines for all development within Stafford Borough, including new build (both commercial and residential), and those seeking to make amendments to residential houses.

Other Material Considerations

57. To support the decision-making process, there is a range of guidance that form material considerations. These are set out within the draft SoCG, however for ease are as follows:
- National Planning Policy Framework ('NPPF') (2021);
 - National Planning Policy Guidance ('NPPG').

National Planning Policy Framework ('NPPF') (2021)

58. The Framework (2021) is a material consideration in the decision-making process. Reference will be made to this document, the associated Planning Practice Guidance (PPG) and any successor documents specifically with reference to paragraphs 7, 8, 11, 57, 81, 82, 92, 107, 111, 112, 130, 174, 179-182, 185, as well as Sections 5, 9, 12, 14 and 15.
59. It will be demonstrated how the development complies with the Framework, in particular paragraphs 92 and 130.

APPELLANTS CASE

Reason for Refusal

60. In considering the planning application, the Council's Planning Officer concluded that "the proposal is considered to be acceptable in principle and would provide specialist accommodation in a suitable location. The proposal would create additional jobs and reuse an existing building. The scheme is not considered to have a detrimental impact upon residential amenity, highway safety, ecology or drainage. Overall, the proposal is considered to comply with the requirements of the Development Plan and NPPF and is recommended for approval subject to conditions."
61. The proposed planning conditions comprised a timescale for implementation (3 years), development in accordance with approved plans, a limit on the timing of use (expiring 31st August 2029) and hours for construction works.
62. However, the Committee determined to refuse the Application for a single reason for refusal as follows: "The proposal, due to its nature and scale, is considered to result in a lack of social inclusivity in the community and would increase the public fear of crime. The proposal, due to its nature, is also considered to be sited in an inappropriate location in close proximity to schools, which results in an increased public fear of crime. The proposal is therefore contrary to Paragraphs 92 and 130 of the National Planning Policy Framework (2021). Additionally, the application fails to demonstrate that the proposal would not lead to a detrimental impact upon local public health service resources."
63. The Appellant will provide evidence demonstrating that the proposed use will be properly managed and will not generate significantly elevated levels of crime drawing on the Appellant's experience at other asylum seeker accommodation sites across the country.
64. In order for fear of crime to be a material consideration it must give rise to land use effects and the circumstances must fall within the guidance set out within West Midlands Probation Committee v Secretary of State for the Environment, Transport and the Regions (1998) 76 P. & C.R. 589. The Appellant's case is that, here, the issue does not meet the threshold for being a material consideration and, even if it did, the appellant will manage the site to ensure any problems can be resolved if they arise. Any fear of crime will therefore not translate into any actual adverse effect on the existing population of the area.
65. The Appellant will provide evidence of how the proposed use provides amenity spaces for future occupiers to socialise and establish connections and friendship groups. Drawing on experience from other asylum seeker accommodation sites, the Appellant will demonstrate how the proposed use will create an inclusive environment with links to the surrounding community.
66. The Appellant will provide evidence demonstrating that similar uses elsewhere have not had a detrimental impact on health service resources and there is therefore no evidence to suggest that this would occur here.
67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the development plan unless material considerations indicate otherwise.
68. The Appellant will demonstrate that the appeal scheme is in accordance with the Development Plan. when read as a whole and planning permission should be granted. It

is noted that in its reason for refusal the Council cites no conflict with any development plan policies.

69. NPPF is a material consideration and the Appellant will demonstrate that the appeal scheme is compliant with national planning policy.
70. The proposed development will not lead to any significant adverse impacts that would outweigh the benefits of the scheme.
71. In accordance with paragraph 11c) of NPPF it is considered that the appeal proposal accords with an up to date Development Plan and planning permission should be approved. There are no specific policies in the Framework that would indicate that development should be restricted and in such circumstances the Framework directs that planning approval should be granted.
72. The case for the Appellant and the evidence submitted will show that the planning balance is in favour of planning permission being granted for the appeal proposal as it represents a sustainable form of development.
73. Where relevant and necessary, the Appellant will provide evidence to address the specific concerns raised by third parties

Benefits of the Proposed Development

74. The proposed development provides the following benefits:
 - a. It meets an immediate need in a suitable and sustainable location
 - b. It provides appropriate space of the right type to support the provision of accommodation for asylum seekers.
 - c. The proposals will provide new jobs during refurbishment of the buildings, as well as in the supply chain, and in the operation of the site, which has been largely vacant for several years.
 - d. The proposed use will enable the integration of asylum seekers into the UK in a location that is well designed and safe with accessible services and open spaces to meet their needs without impacting on the wider area. The support provided as part of the scheme will benefit the health, social and cultural well-being of its residents.
 - e. The existing buildings on site have been significantly under-occupied for some time.
 - f. The redevelopment will make more effective use of an existing site by bringing the buildings back into beneficial use whilst also reducing the capacity of the buildings thereby having a net beneficial impact on the local highway network and existing local facilities
 - g. Internal alterations will be made to ensure that all cluster flats exceed the requirements of Stafford Borough Council's Amenity Standards for Houses in Multiple Occupation (HMO) (January 2020).

75. It is necessary to understand the national and local need for the proposal, this will be addressed in detail in the Appellant's evidence and is a matter which weighs heavily in favour of the proposal.
- a. The need for accommodation for asylum seekers is significant and urgent. Evidence will be provided showing the current need for accommodation across the UK, which has increased further since the determination of the appeal application.
 - b. The Home Office asks all Local Authorities to facilitate DA for asylum seekers. In order to make the process proportionately fair, it is custom and practice that the number of asylum seekers for whom each Local Authority must facilitate DA is calculated as a ratio of 1:200 of the population of each Local Authority. At present Stafford Borough is not providing **any** DA whereas several authorities in the midlands are providing close to or exceeding the 1:200 ratio. There is therefore a compelling case for locating DA within Stafford.
 - c. IA sites are larger and the required specification is more complex meaning that the availability of sites is extremely restricted. Accordingly, when a site is available, it is progressed without the need to consider the 1:200 ratio.
 - d. Based upon the recent population estimate of Stafford Borough 134,2001 even with the provision of 481 places, which would be provided by the development, Stafford Borough would have a ratio of 1:278, which is below the Home Office cluster limit of 1:200.

Witnesses

76. Subject to greater clarity as to the case being put by the Council, the Appellant will call witnesses to support its appeal case to cover a wide of range matters, including but not limited to the following topics (some of which are dealt with in further detail below):
- a. Planning (land uses, principle of development and scale);
 - b. Healthcare provision and impacts;
 - c. Need for the development;
 - d. Operational elements and proposed management of the development; and
 - e. Fear of crime and social inclusivity.
77. The Appellant reserves the right to respond to the Council's SoC and any potential issues raised by third parties and consultees as they are made during the appeal process.

Form of Appeal

78. In accordance with Annexe K of the Planning Appeals Procedural Guide, a public inquiry will be necessary for the following reasons:
- a. there is a clearly explained need for the evidence to be tested through formal questioning by an advocate;
 - b. the issues are complex; and
 - c. the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.
79. The appropriate procedure for the determination of the appeal is by way of public inquiry. An inquiry will be necessary due to the range and complexity of the issues, the need for cross-examination on various technical areas of expert evidence as outlined in this SoC, and due to the very considerable extent of public interest in the appeal scheme.
80. Important and complex issues surrounding the need for asylum seeker accommodation nationally and within Stafford are raised by the appeal. The Inspector will need to consider detailed, technical, evidence as to the need for specialist asylum seeker facilities arising both locally and nationally, the current extent of facilities in the local area and whether those facilities are capable of meeting the particular needs which will be catered for by the proposals in terms IA and DA accommodation. Additionally, issues arise in relation to the extent to which the local planning authority is or, more accurately is not, planning to meet those needs.
81. There is clearly significant disagreement between the Council and Appellant in relation to the urgent need for Stafford to play its part in this national issue which will need to be explored thoroughly through the cross examination of specialist witnesses. Further, the specific points raised within the Council's reason for refusal around "fear of crime", the relevance of siting near to schools and local health care capacity are all specialist areas which need to be the subject of professional evidence given in a formal setting and subject to cross examination by advocates. The Council has so far failed to support any of these suppositions with proper evidence and its position therefore needs to be tested formally by way of cross examination.
82. Additionally, as set out above, the proposal has generated very significant local interest. Given the sensitive nature of the topics likely to be canvassed at the appeal such as people's fear of crime and feelings of safety, a formal setting is most suitable. The number of people who would wish to be involved in the determination of the appeal is significant and a formal inquiry procedure is the most appropriate way to ensure third parties can participate fully

Section 106 Matters

83. The Appellant has not submitted a draft section 106 agreement with this appeal as it is noted from the Committee Report that no specific obligations have been identified by the

Council as being required to make the development acceptable in planning terms. It is also noted that the lack of a section 106 agreement was not included in the reason for refusal.

84. The Appellant is willing to work proactively with the Council to provide a suitable section 106 agreement if the Council can evidence that:
- there is a definable harm or impact directly resulting from the proposed development; and
 - that this definable harm or impact can only be mitigated through section 106 obligations.

SUMMARY

85. The proposed use constitutes sustainable development, which will deliver economic, social and environmental benefits. The proposal is consistent with relevant policies contained within the Development Plan.
86. The Appellant reserves its right to make a costs application.

List of Documents to which the Appellant may refer

87. At the inquiry the Appellant will rely on the following documentation. The Appellant also reserves the right to add to this list should other documentation become relevant up to the appeal inquiry.
 - All documentation submitted with the application, including the additional information submitted in response to consultation responses;
 - All relevant correspondence between the Council and other relevant parties prior to the submission of the application and during the determination period including meeting notes, emails and any other relevant documentation;
 - The Decision Notice, Officer Report and other documentation relevant to the Appeal Site;
 - All documentation to be submitted on behalf of the Appellant's expert witnesses;
 - Additional documentation prepared in the light of matters raised in the Council's Statement of Case, discussions with, or evidence submitted by others;
 - Central Government guidance in the form of primary legislation, secondary legislation, Circulars, Ministerial Statements, National Planning Policy and Guidance and any other relevant publications including but not limited to consultation papers, letters, advice, or as may become relevant;
 - Adopted and emerging Development Plan policies including any supporting evidence including technical papers and supporting background documents, or as may become relevant;
 - Any required Section 106 Agreement/Unilateral undertaking (if relevant in due course); and
 - Relevant case law and appeal decisions.