

PROOF OF EVIDENCE

Mr Mark Jackson MRTPI, Partner, Planning,
Development & Strategic Advisory,
Cushman & Wakefield

Appeal PINS ref. APP/Y3425/W/23/3315258

**CHANGE OF USE FROM STUDENT
ACCOMMODATION TO ASYLUM SEEKER
ACCOMMODATION**

Former University Halls of Residence,
Stafford Education and Enterprise Park,
Weston Road, Stafford, Staffordshire, ST18 0A

Town & Country Planning Act 1990
(as amended)

Serco Limited

April 2023

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EXECUTIVE SUMMARY

My proof of evidence explains the appeal proposal and the planning history of the site.

It is common ground that there is an urgent need for asylum accommodation nationally.

Within the administrative area of Stafford Borough Council there is only a very small level of asylum accommodation provision and the appeal proposal is of an appropriate scale and density for the location of the site and having regard to the population of Stafford.

The appeal site was chosen following a review of potential sites by the appellant. It is deliverable, suitable and sufficiently flexible to provide for the accommodation needs of asylum seekers and provides a good level of amenity space on site.

The relevant planning policies contained within the Development Plan are summarised.

It is common ground that the appeal proposal is in accordance with the Development Plan.

There were no technical objections to the planning application and it was recommended for approval.

I do not consider that the fear of crime has a reasonable basis when considering the appeal proposal and I consider that it does not meet the threshold for being a material consideration. Even if there are problems they will be managed by the appellant. Any fear of crime will therefore not arise as a result of the use of the land as asylum accommodation.

I consider the appeal proposal does not introduce any elements that would reduce the opportunity for social interaction between the occupants and the surrounding area and the Appellant will encourage the integration of the appeal site within the local community.

In relation to healthcare, I accept there will be an impact on resources from the appeal proposal, although a significant amount of on-site provision will reduce these impacts. The NHS has not suggested that the Appellant should be required to pay for the health assessments or argued for a financial contribution to assist with mitigating any perceived impact. I, therefore, conclude the impacts are acceptable in planning terms.

I am of the view that the appeal proposal represents a sustainable form of development that should be granted planning permission

1. WITNESS NAME AND QUALIFICATIONS

- 1.1. My name is Mark Jackson and I have a BA (Hons) and PG Diploma in Town Planning, as well as a PG Diploma in Surveying. I am a Chartered Member of the Royal Town Planning Institute.
- 1.2. I am a Partner at Cushman & Wakefield and head of the Midlands planning team based in the Birmingham office. Cushman & Wakefield is a real estate company, which operates both in the UK and globally. I have worked for Cushman & Wakefield (previously DTZ) since 2001.
- 1.3. I have over twenty years' post qualification experience working in planning consultancy and advise both private and public sector clients on a range of town planning related matters. I have worked on projects in a range of sectors and have advised the Home Office on several sites in England regarding their suitability to be brought forward for the asylum accommodation estate. I have visited several asylum accommodation sites across the country within both the detained and non-detained estate and have visited other sites managed by the Appellant.
- 1.4. I am instructed by Serco Limited (the "Appellant").
- 1.5. The Appellant has submitted the Appeal in respect of Stafford Borough Council's (the "Council") refusal of planning permission in respect of application reference 22/35765/FUL for 'Change of use from student accommodation to asylum seeker accommodation' (the "Application") at Stafford Court, New Beacons Campus Stafford (the "Appeal Site").

Experience Statement

- 1.6. I have been directly involved in Serco's proposals for the Appeal Site since November 2020. This has included carrying out a Planning Appraisal of the appeal site, advising the Appellant during the preparation of the application (at the time the Council did not provide pre-application advice), as well as being the planning agent during the planning application submission stage and determination process.
- 1.7. I have experience in advising on similar proposals for the Home Office on several sites around England. These proposals are for the development of additional accommodation

for asylum seekers and comprise detained facilities (e.g. Immigration Removal Centres) and non-detained facilities (e.g. temporary initial accommodation sites).

- 1.8. I am familiar with the relevant policies within the development plan and all material considerations, including those contained within the National Planning Policy Framework ('NPPF') (**CD/H1**) and the National Planning Practice Guidance ('NPPG') (**CD/H2**).
- 1.9. I have visited the Site which is the subject of this appeal on several occasions, and I am acquainted with the local area and understand the range of issues that the development proposal gives rise to.
- 1.10. The evidence which I have prepared and provide for this Appeal (in this proof of evidence) is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Introduction and Scope of Evidence

- 1.11. The Council has set out that its case in support of the reason for refusal will include consideration of several matters. These are set out in Paragraph 5.5 of the Council's Statement of Case (**CD/C10**) therefore I will not repeat these.
- 1.12. Matters in relation to the proposed operation of the Appeal Site and Serco's experience of managing other similar sites, as well as addressing the Council's concerns regarding perceived fear of crime, are dealt with as part of the Proofs of Evidence issued by Lisa Dysch (**CD/E3**) and Katy Wood (**CD/E2**) of Serco Limited.
- 1.13. My evidence will provide commentary on matters relating to planning policy and will seek to assist the Inspector with an assessment of impacts and benefits of the Application.
- 1.14. No amendments have been made to the Appellant's proposals since the Application was taken to Planning Committee.
- 1.15. Against the Officer's recommendation, the Planning Committee refused the Application on 27 July 2022, for the reason for refusal set out in **CD/A25**.

- 1.16. Based on the reasons for refusal, the Inspector has set out the Main Issues in Paragraph 5 of the Inspector's CMC Note and Directions. To avoid repetition, I will not set these out again.
- 1.17. It is agreed in the Statement of Common Ground (**CD/C7**) that the appeal proposal is in accordance with the Development Plan.
- 1.18. I will demonstrate in my Proof that the proposed development is entirely acceptable in planning terms. I will demonstrate there are public benefits which will be delivered as a result of the appeal proposal and planning permission should be granted without delay.

2. BACKGROUND TO THE APPEAL

The Appeal Site - Planning History

- 2.1 The detailed description of the Appeal site and surrounding area, as well as a description of the proposal and the planning history for the site are set out in of the Appellant's Statement of Case (CD/C6). Therefore, I will not repeat this information within my evidence.
- 2.2 The Appellant initially contacted Stafford Borough Council on 22nd October 2020 to discuss the appeal site, which was one of several sites under consideration for use as asylum accommodation. Prior to the submission of the planning application, the appellant contacted the Council to discuss the draft proposals, as at the time the Council did not offer a pre-application service. In addition, the Appellant undertook a public consultation exercise prior to the submission of the planning application and the details are set out within the Appellant's Statement of Case. (CD/C6)
- 2.3 It is agreed in the SoCG (CD/C7) that there is an urgent need for asylum seeker accommodation. The appeal site was chosen following a review of potential sites undertaken by the Appellant during 2020 and 2021. The appeal site was chosen as it was judged to be deliverable and suitable for accommodating asylum seekers during both the Initial Accommodation (IA) and Dispersed Accommodation (DA) phase of their asylum application process. Specifically, the appeal site provides the flexibility to secure each cluster, an individual floor or an entire block to accommodate single males, single females or families with the appropriate level of segregation and security.
- 2.4 The appeal proposal received no technical objections and was recommended for approval in the Officer report to committee **(CD/A22)**. The Appellant attended the committee and Mrs Lisa Dysch (of Serco Ltd) spoke in support of the proposal. However, the officer's recommendation was not accepted by Members at Planning Committee on the 27th July 2022 and the application was refused. No Development Plan policies were cited in the reason for refusal **(CD/A25)**.
- 2.5 Whilst I was unable to attend the Planning Committee, I have listened the recording of the meeting several times and note a particularly challenging atmosphere during the



committee's consideration of the planning application. A link to the recording of the meeting is provided in **(CD/A29, A30)**.

3. RELEVANT PLANNING POLICY

- 3.1 This section of my evidence provides background and context to the relevant planning policy which is central to the issues in dispute for the determination of the Appeal.
- 3.2 A detailed review of the planning policy relevant to the Appeal is provided in paragraphs 51 to 59 of the Appellant's Statement of Case (**CD/C6**) and therefore in accordance with the Inspector's guidance I will not repeat this information here.
- 3.3 A list of the adopted planning policies and guidance that are relevant to the Site and appeal proposals is set out at Section 7 of the Statement of Common Ground.

Policy Implications

- 3.4 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.
- 3.5 It will be demonstrated in evidence how the proposed development is consistent with local and national policy.
- 3.6 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

- 3.7 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.
- 3.8 The development plan applicable to the site and proposed development is the Stafford Plan (2014) and the Stafford Plan Part 2 (2017).
- 3.9 The appeal site does not have a site-specific land use allocation on the adopted Proposals Map.

3.10 It is common ground that the appeal proposal complies with the Development Plan.

Other Material Considerations

3.11 To support the decision-making process, there is a range of guidance that form material considerations. These are set out within the SoCG (CD/C7), however for ease are as follows:

- National Planning Policy Framework ('NPPF') (2021)
- National Planning Policy Guidance ('NPPG').

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

3.12 The Framework (**CD/H1**) sets out the Government's planning policies for England and how these are expected to be applied. Policies in Chapters 1, 2, 3, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16 and 17 either contain policies not relevant to this appeal or policies that are relevant but not in issue with the Council. Details of these policies are contained within the Planning Statement submitted in support of the application proposal (**CD/A2**). Those policies that relate to matters in issue with the Council are considered below as well as reference to the associated Planning Practice Guidance (PPG) and any successor documents.

3.13 It will be demonstrated how the development complies with the Framework, in particular paragraphs 92 and 130.

Sustainable Development

3.14 Paragraph 7 of the Framework states that '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. I consider it is agreed that the needs of the present include the urgent need to provide accommodation for asylum seekers.

3.15 Paragraph 11 of the Framework sets out the principles of the 'presumption in favour of sustainable development'. For decision taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or

- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

3.16 It is common ground that the appeal proposal complies with the development plan and as such planning permission should be granted without delay. I consider the proposed development will deliver public benefits, as I have outlined in paragraph 74 of my Statement of Case (**CD/C6**). Accordingly, I consider the proposal is in accordance with paragraph 11.

Policies at Issue

3.17 Paragraph 92 states that “*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and

accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

3.18 I understand the issue relates to paragraphs 92a, 92b and 92c. However, I do not consider paragraphs 92a and 92c to be relevant here for the reasons I will set out in my proof.

3.19 Paragraph 130 states that *“Planning policies and decisions should ensure that developments [inter alia]:*

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

3.20 I understand that paragraphs 130a to 130e are not at issue and the issue is limited to paragraph 130f. I view paragraph 130 as primarily a design policy given its location within Chapter 12 – “achieving well-designed places”. I consider that NPPF 130 should be seen as providing positive encouragement for development to be designed in such a way so as to create inclusive communities through on-site arrangements, such as avoiding gated communities.

3.21 The appeal proposal comprises a change of use from one form of residential accommodation to another without any physical development that would materially affect the level of social inclusivity. The evidence of Katy Wood (**CD/E2**) addresses points around safety and security management, social inclusivity, security and the fear of crime and explains how the appeal site will operate and the opportunities for residents to interact with the local community.

3.22 I acknowledge that the fear of crime could be a material consideration if the use in question would create an inherent concern and the fear is based on objective evidence. However, I consider the proposed land use would not create an inherent concern and I consider this alleged fear is based upon assumptions about the future occupiers of the site, i.e. asylum seekers. Notwithstanding, the appeal proposal will be properly managed as set out in (CD/E2) and will not generate significantly elevated levels of crime based upon the Appellant’s experience of being responsible for 30,000 asylum seekers and

managing numerous other asylum seeker sites elsewhere across the country as set out in Lisa Dysch' s evidence **(CD/E3)**. I consider the appeal proposal is in compliance with paragraphs 92 and 130.

3.23 I have considered the relevant policies in the Framework **(CD/H1)** and for the reasons set out above conclude that there is no conflict and that the appeal proposal represents a sustainable form of development.

4. ASSESSMENT OF KEY MATTERS – PLANNING BALANCE

4.1 As referenced above in this Proof, the reasons for refusal are set out in full in the SOCG. The main matters to be considered as part of this Appeal were discussed at the Case Management Conference between the Inspector and all parties and are set out in a succinct manner by the Inspector in Paragraph 5 of the CMC Notes:

- the effect that the proposed development would have on social inclusivity;
- on fear of crime; and
- on local public health resources

4.2 My assessment of the appeal scheme is therefore structured as follows.

- Need for asylum accommodation
- Location and scale of appeal proposal
- Management and operation of the appeal proposal
- The fear of crime
- Social inclusivity
- Public health resource requirements
- Third party representations
- Benefits of the appeal proposal

Need for Asylum Accommodation

4.3 It is common ground that there is a pressing need for asylum accommodation nationally. It is also the case that at a local level there has to date been very limited provision of IA and DA accommodation in Stafford Borough as evidenced by the Government's list of supported asylum seekers by Local Authority (December 2022) **(CD/G3)** which identifies a total of 4 people in Stafford Borough.

4.4 The number of asylum seekers within accommodation nationally¹ is significant and the current provision within Stafford Borough. The appeal proposal would not result in Stafford Borough exceeding the Home Office cluster limit of 1 asylum seeker per 200 of

¹ At the end of December 2022 There were 110,171 supported asylum seekers in the UK, of whom 56,029 were living in dispersed accommodation and 49,493 in initial accommodation (which can include hotels). (Asylum Statistics, House of Commons Library, March 2023)

the population². I consider this is an appropriate indicator of the need that should reasonably be fulfilled within Stafford Borough.

Location and Scale

- 4.5 The appeal site comprises twelve, connected, three storey blocks that were built to accommodate up to 556 students. Each block is comprised of cluster flats which contain either ensuite bedrooms or standard bedrooms, shared kitchenettes, shower rooms and w/cs. The internal alterations proposed in order to meet the operational requirements of the Appellant reduce the capacity of the appeal site by 13% to 481 bed spaces. There is approximately 0.41 hectares (1 acre) of informal green space provided within the 'courtyard' of the accommodation blocks, which provides adequate space for residents to use in addition to nearby public open space including informal open space and walking routes (Kingston Brook 5 minutes' walk from the site) and playgrounds at Kensington Drive (10 minutes' walk from the site) and St Mary's Gate that could be used by families located at the appeal site.
- 4.6 Lisa Dysch's evidence (**CD/E3**) shows that with an occupancy of 481 the appeal proposal is the largest asylum accommodation site currently managed by Serco, although similar in scale to several other sites across the country. Additionally, it shows the appeal proposal is similar in scale with other properties used for accommodating asylum seekers.
- 4.7 The accommodation blocks are set back from the highway by approximately 100 metres with a fire station, health centre, playing pitch and sports centre bounding the site to the north and east. The blocks are separated from the new housing development to the south by tree lined open space of at least 25 metres. At three storeys the existing accommodation blocks are not out of character with the surrounding area, which includes a mix of predominantly two storey residential accommodation and commercial buildings at two to four storeys in height.
- 4.8 The appeal site benefits from good access to public transport with bus stops located between 450m and 650m from the centre of the appeal site with services providing

² COMPASS contracts for the provision of accommodation for asylum seekers, National Audit Office, January 2014.

connection to Stafford town centre, Rugeley, Lichfield, Weston, Hixton and Uttoxeter, as well as local shops, services and public open space as evidenced in Table 1 of CD/A15.

- 4.9 I consider the scale of the appeal proposal is appropriate for the location. The population density of the site is reduced from the previous capacity and the site provides a good level of amenity space to meet the needs of the residents.

Management and operation of the Appeal Proposal

- 4.10 Lisa Dysch's evidence (**CD/E3**) describes the asylum process and how accommodation is provided for asylum seekers during this process. The appeal proposal provides both IA and DA.
- 4.11 Lisa Dysch's evidence (**CD/E3**) describes how the appeal proposal will be managed and the services that are provided on site for asylum seekers. I note the Council's Statement of Case (**CD/C10**) highlights that a Site Management Plan was not submitted and could not be secured through planning. Whilst this was not submitted with the planning application, the Appellant is required by the Home Office to fulfil all the obligations set out within the Statement of Requirements (SoR) for the provision and management of asylum accommodation. The SoR is a public document (**CD/G1**) that incorporates site management. I consider that a 'Site Management Plan' for the appeal proposal would reiterate the obligations the Appellant would be required to provide contractually and, therefore, I do not consider such a condition would fail the test of necessity. I note that the planning officer did not request such a condition. Notwithstanding the above, if the Inspector is minded to require such a planning condition I confirm the Appellant is agreeable to a planning condition requiring the production of a Site Management Plan and for the site to be managed in accordance with the approved plan.
- 4.12 The Council has asked the Appellant to describe activities typically undertaken by asylum seekers aside from attending appointments associated with health or asylum application matters³ (**CD/G2**). In my experience the daily activities of asylum seekers are similar to those of wider society. The principal difference is that asylum seekers cannot be employed until their application has been completed at which point they will leave the appeal site. However, shopping trips for food, visiting friends and family,

³ Email from Matthew Wedderburn dated 27th March 2023.

attending cultural or community events and undertaking recreational activities are activities I understand to be typical. Katy Wood's evidence (**CD/E2**) provides a similar description when commenting on social inclusivity.

- 4.13 In the Council's Statement of Case (**CD/C10**) paragraph 5.24 highlights the absence of additional fencing in the appeal proposal and notes the recommendation of the Designing Out Crime Officer. However, these recommendations concerned on-site security rather than the interrelationship between the appeal site and adjacent residents. It appears to me that the reason for refusal is concerned with the latter, albeit the Council's Statement of Case brings into play potential concerns regarding third parties. I don't consider the additional fencing is necessary, as the on-site security room for the appeal proposal is to be located at the entrance into the courtyard, as shown on the proposed floor plans (**CD/A12, A13, A14**). Accordingly, this area will be overlooked by the 24-hour site security. I also consider it's important to recognise that the appeal proposal is for open accommodation. The introduction of additional fencing in this location will have the effect of creating a gated development, which would, in my view, run contrary to the objectives of social inclusivity.
- 4.14 The reason for refusal does not assert that the layout or design is unsafe or otherwise deficient in some meaningful way.
- 4.15 Katy Wood's evidence (**CD/E2**) explains how the site security will work and how the site management plan will operate. It also explains that the reason for not adding a fence in the location suggested by the designing Out Crime Officer is to ensure compliance with fire safety regulations.

The fear of crime

- 4.16 The appeal proposal has raised concerns from local residents, notably the fear of crime.
- 4.17 However, 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) (**CD/G4**). I am familiar with the site the subject of the Court of Appeal decision, as I have recently advised the Ministry of Justice in relation to the expansion of the site.

- 4.18 In *N. Smith v First Secretary of State & Mid Bedfordshire DC* [2005] EWCA Civ 859 Buxton LJ (**CD/G5**) considered the West Midlands case and added at paragraph 9: “*I respectfully draw from that guidance the conclusions that (i) fear and concern must be real, by which I would assume to be required that the fear and concern must have some reasonable basis, though falling short of requiring the feared outcome to be proved as inevitable or highly likely; and (ii) the object of that fear and concern must be the use, in planning terms, of the land. As we have seen, Pill LJ went to some trouble to demonstrate that it was the use of the land as a bail hostel, and not just the behaviour of some of the hostel's occupants, that grounded the legitimate concern: however much that behaviour was relied on to demonstrate the nature and likely effect of that use.*”
- 4.19 In the case of this appeal, I consider that it does not meet the threshold for being a material consideration against the guidance referred to above.
- 4.20 The question I have considered is whether accommodating asylum seekers, as a (*Sui Generis*) land use would give rise to a reasonable fear of crime.
- 4.21 In my view there is not any evidence to suggest that the type of proposed use has generated high, or even significantly elevated levels of crime elsewhere. Indeed, I note that the consultation response from the Police (**CD/B8**) makes precisely the point that: “*There is an assumption, that there will be an increase in crime with the arrival of the refugee asylum centre. There is no evidence to suggest this, this is due to the fear of the unknown.*”
- 4.22 Fear of the unknown, as the Designing Out Crime Officer states, is not of itself a material planning consideration as this does not fall within the guidance set out by the Court of Appeal for when fear of crime may be taken into account in the determination of planning applications. The fear of crime does not meet the first part of the test as set out in *Smith* above. Indeed, fear of the unknown is rarely a rationally basis for decision making in any context.
- 4.23 In relation to the proximity of the appeal site to schools I note the Designing Out Crime Officer is equally clear in their response on this issue that “*there is no perceived risk to the children or the residents of Stafford. The police and the staff will be able to resolve any concerns if they arise.*”

- 4.24 I acknowledge that the appeal site is close to existing schools, which is typical of an urban location **(CD/G5)**. Indeed, there are several similar asylum accommodation sites managed by the Appellant where there are more schools located within a 500-metre radius including Laverstoke Court, Derby, Birley Court, Seiont House and Greenbank Court in Liverpool and Stone Road in Birmingham. I do not consider the location of the appeal proposal and its relationship to nearby schools to be a reasonable basis for the fear of crime. It is my view that this would be the fear of the unknown. Drawing on my own experience of an asylum accommodation site operated by the Appellant (Penns Hall Hotel), which is located a short walk from my own house and is also close to schools and areas of open space, I am not aware of any incidents that have occurred involving residents of the site and the operation of the site has not given rise to the fear of crime generally and specifically of risks to children or the wider community.
- 4.25 Lisa Dysch's evidence **(CD/E3)** explains in more detail the Asylum process and how the appeal proposal forms part of the infrastructure necessary to accommodate asylum seekers as their application for asylum is processed. I consider this important as it helps improve understanding of both the process and the people who will live in the appeal proposal. I note that the Council's Statement of Case **(CD/C10)** suggests that the appeal proposal will result in 'activity inconsistent with the established character of the surrounding area'. The suggested inconsistency is due to the 'greater intensity of occupation' at the appeal site because the council assumes that the asylum seekers will not leave the appeal site as often as the original occupants of the site, i.e. students. I consider this statement is based upon a lack of understanding of the asylum system and of asylum seekers.
- 4.26 I do not consider the 'intensity of occupation' to be so significant as to create a use that is inconsistent with the established character of the surrounding area. Indeed, I note that the council has not identified a policy which requires changes of use to be 'consistent' with the established character of the area. Even if there were such a policy, I do not consider the proposed use to be inconsistent. As I have stated earlier in my proof Asylum seekers are not confined to the appeal site and are able to visit family and friends. Residents are not catered for on-site and are provided with a budget for food purchases and so are likely to leave the appeal site on a regular basis. Whilst I acknowledge asylum seekers may be more likely to spend more time within their accommodation (including on site amenity space) than many sections of society, there are plenty of examples of accommodation where residents spend a considerable time at

home. The increasing levels of working from home also increase the intensity of occupation of residential areas. In conclusion I consider the activity (or use) of the appeal proposal to be entirely consistent with the established character of the surrounding area. I also question what land use planning issue is created from residents potentially spending more time within their accommodation, or the associated amenity space on site. I do not consider there is a land use planning issue. Katy Wood's evidence **(CD/E2)** explains how existing Serco sites work in practice and how the residents' activities are typical of the wider resident population.

- 4.27 Katy Wood's evidence **(CD/E2)** sets out how the Appellant will manage the site to ensure any problems that may result in the fear of crime 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.

Social Inclusivity

- 4.28 I consider the paragraph 92 of the NPPF refers to social inclusivity in land use terms and encourages development to be designed and developed in a way that does not limit social inclusivity by ensuring developments are accessible and different uses are well integrated (focussing particularly on town centres), i.e. ensuring physical development does not prevent interactions. The appeal proposal is for a change of use and does not introduce any elements that would reduce the opportunity for social interaction between the occupants and the surrounding area. The appeal proposal includes external amenity spaces for residents to socialise and establish connections and friendship groups. There is nothing preventing future occupiers from socialising within the community in line with any other occupant of the area.
- 4.29 I have visited an asylum accommodation site managed by Serco in Liverpool (Birley Court, Percy Street), which has been in operation for approximately 20 years. Several charities and local community groups have, over time forged links with the residents of the site and provided an opportunity for them to become engaged with the local community. Drawing on experience from the Liverpool site and elsewhere the Appellant will adopt this approach at the appeal site.
- 4.30 I consider this reason for refusal appears to be based upon fear and misunderstanding rather than evidence, and perhaps based upon a perception that the local community

may be reluctant to engage with the future occupants. If the latter, then refusing permission seems to me to be the opposite of encouraging social inclusion. The Appellant's experience is that engagement between the local community and asylum seekers does occur and positive links grow over time, as is evidenced in the Appellants experience at Percy street in Liverpool and set out in Katy Wood's evidence **(CD/E2)**.

4.31 For the above reasons I consider the appeal proposals are consistent with NPPF paragraph 92 in relation to social inclusivity.

Public health resource requirements

4.32 Katy Wood's evidence **(CD/E2)** explains the health care provision for asylum seekers within both IA and DA. In the case of Percy Street in Liverpool on site health care is provided with two consulting rooms on site and healthcare services provided by Primary Care 24 (PC24), which is a not-for-profit social enterprise delivering NHS contracts including asylum seekers within IA. The appeal scheme will include the same provision (from a similar provider) for IA residents and this will potentially be extended to DA residents. Accordingly, as a maximum 303 residents may receive health care services locally, which is a significant reduction when compared to the current capacity of the appeal site of 554 bed spaces. The Appellants experience indicates that not all DA residents sign up to local GP services in any event.

4.33 I note that the health care centre was granted planning permission in 2000 and was developed to replace an older healthcare centre with 50% of the capacity intended to serve the new student population from the appeal site. I also note the housing development south of the appeal site was granted planning permission in 2013 and did not provide any financial contribution towards healthcare provision. I consider this important as I note that the Planning and Development Lead for the Staffordshire and Stoke on Trent Clinical Commissioning Groups ("the NHS") does not state that there will be harm arising from the appeal proposal, let alone any harm that cannot be mitigated. Furthermore, at no point is it suggested that the Appellant should be required to pay for the health assessments, or argued for a financial contribution to assist with mitigating any perceived impact. It is merely stated that the users of the proposed development will likely make more use of NHS services than the previous users of the appeal site.

4.34 The NHS response does not assert that there would be harm in planning terms and does not state that the existing services could not cope, and evidence an expanded provision would be necessary.

Third Party Representations

4.35 The Appeal has received 843 third-party comments. The main themes in the comments are similar to the reasons for refusal including the following:

- security,
- impact on healthcare (including GPs, hospitals, and dentists),
- fear of crime,
- proximity to schools

4.36 I have dealt with the above within my evidence and so do not repeat this here.

4.37 The remaining comments fall within two other topics. Firstly, focussed on the asylum seekers themselves or the expectation of their experience. I provide my comments on each of these matters in turn and include a reference in brackets against each point to confirm where evidence from Serco witnesses respond to the points.

- Incidents related to asylum seekers accommodated in Cannock hotel.is addressed in Lisa Dysch's evidence **(CD/E3)**

4.40 I understand there have been several concerns raised by local residents relating to asylum seekers accommodated at the hotel engaging in anti-social behaviour and criminal activity. I understand the concerns have been investigated by the police and that one person was arrested and charged with a vehicle interference offence. Whilst it is concerning that one resident of the hotel has behaved in this way, I do not consider the actions of one person on a separate site to be a material consideration in the determination of this appeal proposal.

- There are no activities provided to keep them busy. Katy Wood's evidence **(CD/E2)** addresses matters around social inclusivity and Lisa Dysch's evidence **(CD/E3)** addresses matters around the day to day operation of the appeal site.

4.41 I have addressed the matter of what typical activities residents of the appeal proposal will typically undertake and I reiterate that those activities, with the exception of employment, will be similar to that of the wider community. I do not consider number of activities provided on site to be a material planning consideration.

- A lack of background checks is addressed in Katy Wood's evidence **(CD/E2)**

4.42 Residents of the appeal proposal will have been subject to background checks by the Home Office.

- Asylum seekers will not survive on a small daily budget which increases the risk of crime in the local area

4.43 The Appellant has a duty of care for all residents of the appeal scheme. I am not aware of any evidence indicating that the level of financial assistance provided to asylum seekers increases the risk of crime.

- Social values differ and limited understanding of the [British] culture

4.44 I do not consider this to be a material planning consideration.

- Asylum Seekers are most likely to be Muslim and limited facilities exist in Stafford.

4.45 I do not consider this to be a material planning consideration.

4.46 The second group of comments relate to the infrastructure within Stafford including comments such as:

- Insufficient employment opportunities for asylum seekers

4.47 As I have stated earlier in my evidence asylum seekers are not legally allowed to work.

- Potential negative impact on local businesses.

4.48 I am not aware of any evidence indicating negative impacts on businesses local to asylum accommodation sites.

- No reliable public transport links

4.49 I disagree with this statement as I consider there to be good public transport links to Stafford town centre and other local destinations, as evidenced in CD/A15 paragraphs 2.20 to 2.23.

- Potential protests against the asylum seekers is addressed in Katy Wood's evidence **(CD/E2)**

4.50 The Appellant recognises the potential for protests against asylum seekers and I consider the proposed site security ensures the careful balance is struck between creating a secure and safe site without creating a gated community, as this would run contrary to social inclusion.

- Houses prices will decrease in the area.

4.51 The potential impact on house prices is not a material planning consideration

- the asylum seeker number is not proportionate to the local population and that Stafford Court should be used to help out homeless, families waiting for social housing, or Ukrainian families.

4.52 I have addressed the matters of need and proportionality earlier in my proof. I am not aware of any evidence indicating that any of these groups of people will be accommodated at Stafford Court if the Appeal is dismissed.

Benefits of the appeal proposal

4.53 The appeal proposal meets an immediate need in a suitable and sustainable location.

4.54 It provides appropriate space of the right type to support the provision of accommodation for asylum seekers.

- 4.55 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. The appeal proposal does not require any demolition works or rebuilding with the exception of internal alterations. Accordingly, the appeal proposal will not result in the release of embodied carbon. The appeal proposal is in an efficient use of land as encouraged within the NPPF.
- 4.56 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 negatively 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.
- 4.57 The existing buildings on site have been significantly under-occupied for some time and the appeal proposal will bring them back into beneficial use by meeting an urgent need.
- 4.58 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, as evidenced in CD/A15 paragraph 4.11. The highways officer's response to the application (CD/B5) concludes "*the proposed development will reduce the volume of vehicular traffic during peak periods on the surrounding highway network.*"
- 4.59 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).

5. CONCLUSIONS

- 5.1 I have, within this Proof of Evidence, set out my evidence which confirms that, on planning merits, the Application should not have been refused and that this Appeal should be allowed.
- 5.2 I consider there is no conflict with the Development Plan and this is common ground.
- 5.3 The Appellant has identified an imperative need for asylum accommodation, which I consider to be a material consideration that should be given substantial positive weight in the planning balance. The Appellant has undertaken a robust Site Search both prior to submitting the planning application to ensure that this location is the best to meet their requirements. No other suitable sites have been identified that are deliverable within the required timescales and that represent best value to the public purse.
- 5.4 The Framework requires new development to be sustainable (paragraph 11). To achieve sustainable development the planning system should give consideration to three overarching objectives - economic, social, and environmental.
- 5.5 In the case of the appeal proposal there are several positive economic and social benefits that will be delivered at the construction and operational phase of the development both at the local level and in the wider economy. I have set these out in Section 4 of my proof and give them significant weight in the planning balance.
- 5.6 I do not consider that the fear of crime has a reasonable basis when considering the appeal proposal and I consider that it does not meet the threshold for being a material consideration. Katy Wood's evidence (**CD/E2**) addresses safety and security management of the appeal site and demonstrates that even if there are problems they will be managed by the appellant. Any fear of crime will therefore not arise as a result of the use of the land as asylum accommodation.
- 5.7 In relation to social inclusion, I conclude the appeal proposal does not introduce any elements that would reduce the opportunity for social interaction between the occupants and the surrounding area. I consider that drawing on experience from the Liverpool site

and elsewhere nationally the Appellant will encourage the integration of the appeal site within the local community.

- 5.8 In relation to healthcare, I accept there will be an impact on resources from the appeal proposal, although a significant amount of on-site provision will reduce these impacts. The NHS has not suggested that the Appellant should be required to pay for the health assessments or argued for a financial contribution to assist with mitigating any perceived impact. I, therefore, conclude the impacts are acceptable in planning terms.
- 5.9 I am of the view that the appeal proposal represents a sustainable form of development that should be granted planning permission

Declaration

The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I can confirm that the opinions are my true and professional opinions.