

Application Number	21/00478/FUL
Site Address	Court Mews, 6 Farrier Street, Worcester
Description of Development	Change of use of building from a 48-bed student House of Multiple Occupation (Sui Generis) to a 46-bed homeless refuge House of Multiple Occupation (Sui Generis) with supporting staff office accommodation.
Expiry Date	10 August 2021
Applicant	Grolar Development Limited
Agent	Miss Ellie Philcox
Case Officer	Sally Watts
	sally.watts@worcester.gov.uk
Ward Member(s)	Cathedral Ward
Reason for Referral to Committee	Major application
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/21/00478/FUL
Recommendation	The Director of Planning and Governance recommends that the Planning Committee refuse this application for the reasons set out in section 9 of the report.

1. Background

- 1.1 The application was registered on 15 June 2021 and was due for a decision on 10 August 2021. An extension of time has been requested.
- 1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. The site and surrounding area

- 2.1 The site is located in the northern area of the city centre within the Historic City Conservation Area. The building is situated parallel to the elevated railway line. Opposite are the business units which are underneath the arches bridge structure. The detached building is to the rear of 56 and 57 Foregate Street, whose principle elevations face Foregate Street.
- 2.2 To the south of the detached building is the car park area of the Whitehouse Hotel, which also fronts Foregate Street. On the opposite side of Farrier Street is The Jenny Lind Building which is owned by the University of Worcester. In close proximity are other small business units under the arches, these include a coffee shop, pizzeria, micro brewery, burger shop and noodle shop, further along on the route towards the Hive and riverside are a dancing school, public house, sandwich shop and axe throwing workshop and another 5 arches are in the course of renovation. On the opposite side of the railway line is student accommodation with a vacant ground floor, and Vine House which is occupied by the Department of Work and Pensions and includes the job centre.
- 2.3 The building has a white rendered exterior and a single ridgeline which means it reads from Farrier Street as one building. There are separate entrances to the units which are addressed a 1-6 Court Mews, 6 Farrier Street.
- 2.4 Each House of Multiple Occupation (HMO) unit has eight bedrooms all of which are en-suite plus a shared kitchen and living room area to the rear of the ground floor. The building has a total of 48 bedrooms.
- 2.5 The internal layout is replicated in all units. Two units share a front door leading to the separate units internally. The front door faces the access to the railway arches and the rear entrance to the commercial buildings fronting Foregate Street. On the ground floor there are two en-suite bedrooms on the ground floor which have front facing windows.
- 2.6 The kitchen/living room is to the rear of the ground floor and includes access to a small yard to the rear of each of the units. The garden area abuts the shared boundary with the car park of the Whitehouse Hotel and has average area is 10.9m² which includes bin storage.
- 2.7 The first floor has 4 bedrooms with en-suite and the second floor which comprises of two bedrooms with en-suite. The average size of the ground and first floor bedrooms (including en-suite) is 13.55 m² and the second floor rooms in the roof area are 16.25 m².
- 2.8 The current planning permission is for student accommodation which is secured within the permission P15D0423 (Conversion of existing warehouse building into 6 dwellings containing 8 student en-suite bedrooms in each dwelling for HMO usage. Approved on the 21/01/2016) for which there was a S106 agreement which secured the student accommodation.
- 2.9 The current Section 106 Legal Agreement to the approved permission limits the HMO rooms to term time and for occupants in full time education only. The exception is for a maximum two HMO rooms to be used for staff or wardens. For the building to be occupied with non-students a new planning permission is required.
- 2.10 The site is in an Archaeologically Sensitive Area and the land is considered to be contaminated



Figure 1. Site location plan

3. The proposals

- 3.1 The proposal is for the change of use of the building from a 48-bed student House of Multiple Occupation (Sui Generis) to a 46-bed homeless refuge House of Multiple Occupation (Sui Generis) with supporting staff office accommodation.

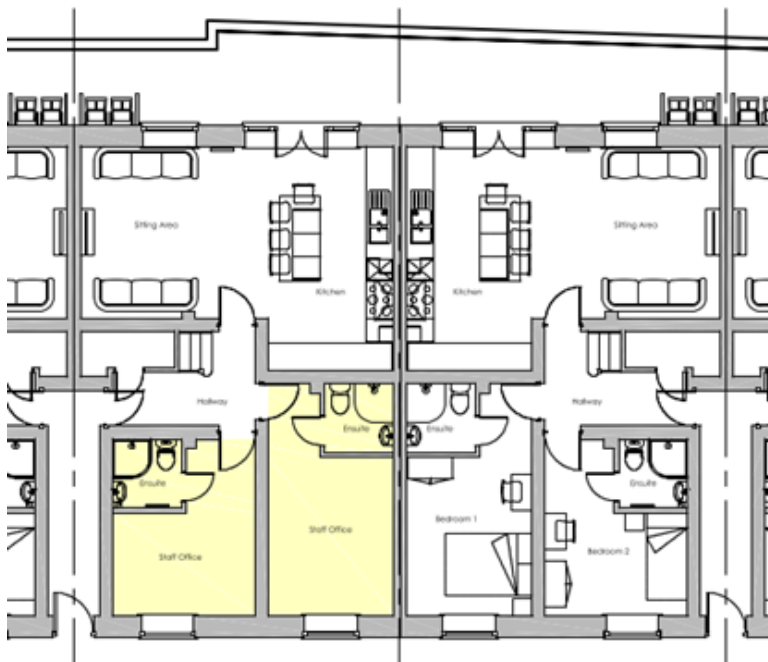


Figure 2. Proposed ground floor layout.

3.2 The only physical change within the proposal would include using two of the ground floor bedrooms as staff offices to support the proposed residents. Figure 2 shows the proposed office accommodation in the scheme. The floor layout of the unit on the right of Figure 2 shows the existing and proposed ground floor layout for five of the units which remains as is. The entrances are back of pavement and the front facing bedroom windows are directly adjacent to the footpath.

3.3 Submitted also is information on the management of the site, as follows;

- New residents are on-boarded by referrals from charity and Local Authority bodies.
- Staffing at Court Mews will be 5 full time members of support staff plus a full-time team leader.
- The staff will be present on site from 8am until 10pm.
- The site manager will be on call at all times.
- Supervised resident visits are permitted between the hours of 7am and 10pm.
- Single maximum occupancy per room.
- The accommodation would be non-smoking and no pets allowed.
- Night time security between 9pm and 9am reviewed at 3 monthly periods.

3.4 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

Site Location Plan

21016 Design Court Mews

Proposed ground floor plan

Proposed second floor plan

Block plan with refuge details

Management Plan - Court Mews, revision: V2

Court Mews - Barnett Property Group

Court Mews Planning Letter - Lotus Sanctuary

Location plan, revision: B

Proposed first floor plan, revision: B

3.5 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and

Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

- 4.2 Paragraph 206 of the NPPF states that "Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance" . This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy SWDP 21 which sets generic design principles for development proposals.
- 4.3 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 4.4 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted in December 2012.

South Worcestershire Development Plan

- 4.5 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 4 Moving Around South Worcestershire
SWDP 6 Historic Environment
SWDP13 Effective Use of Land
SWDP14 Market Housing Mix
SWDP 21 Design
SWDP 24 Management of the Historic Environment
SWDP 27 Renewable and Low Carbon Energy

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

- House in Multiple Occupation (HMO) SPD
- Design Guide SPD

4. Other material planning considerations

- Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
- Worcestershire County Council Streetscape Design Guide (2018)
- A Vision for Worcester – A City Centre Masterplan (2019)

5. Planning History

5.1 The site has been the subject of the following planning applications:

P92C0180 Change of use to an indoor lazer game facility. Approval 11th June 1992

P01L0712 External alterations to facilitate conversion to gymnasium. Approval 11th March 11 2002

L12D0018 Proposed demolition of existing gym to facilitate erection of student accommodation. Approval 31st May 2012

P12D0083 Proposed erection of four storey building to accommodate 56 student accommodation units with ancillary works following demolition of existing gym. Approval 31st May 2012

P13D0555 Conversion of an existing building into 6 residential units. Approval 8th August 2014

P15D0423 Conversion of existing warehouse building into 6 dwellings containing 8 student en-suite bedrooms in each dwelling for HMO usage. Approval 21st January 2016

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third party comments: A total of 18 objections have been received from the occupants of the following;

- Arch 46, Farrier Street
- Arch 50, Farrier Street
- Arch 51, Farrier Street
- Arch 54, Farrier Street
- Arch 60, Farrier Street
- Andrew Grant, 5
- 9-60 Foregate Street
- The Whitehouse Hotel
- Unit 5, Netherton Court
- Farrier House, Farrier Street x 2
- Virginia House, Farrier Street
- Sam McCarthy, address not given
- Turleys, on behalf of The Arch Company:

The comments received raise objections on grounds relating to the following matters:

- Concern it will reduce pedestrians and footfall away from businesses due to perceived safety concerns.
- Concern there would be an increase in crime and fear of crime which would undermine quality of life or community cohesion and generate conflict with surrounding neighbours including students in the Jenny Lind building.
- The proposal is in conflict with the aspirations for the area to develop the night time economy and this will therefore not provide the homeless the amenity they require.

- Concern regarding the management plan and particular the lack of site managers and inadequate security, for the public and local businesses, also for the potential residents.
- Recent antisocial behaviour in the arches deters businesses from occupying the arches and cause existing businesses to leave the area.
- Consider that it is detrimental to the time, effort and money invested in area by local businesses, the Council and University and would negatively impact on the area.
- Concern greater levels of anti-social behaviour in the area would detrimentally affect tourism to the area and guests to the hotel
- The number of residents in the proposed building and level of density of occupation for the residents plus inadequate provision on the site with no outdoor facilities
- Concern regarding visitors would lead to additional anti-social behaviours in area
- Concern it will increase anti-social behaviour from the Drug Rehabilitation Unit at Farrier Surgery.
- Concern regarding the management of the property will not provide the level of support that is needed for vulnerable adults residing at Court Mews and would introduce anti-social behaviour, noise and nuisance including negative impacts on the physical environment and streetscape.
- Concern the proposals will undo the positive regeneration work carried out to date and could jeopardise the fulfilment of the City Centre Masterplan vision.

Mark Hughes on behalf of University of Worcester:

- poor quality of submission has hampered consultee responses on application
- lack of car parking for staff and security staff
- concern regarding information from former owner which made clear was being used outside of current permission (P15D0423) and non-compliance with earlier permission regarding window film

Worcester City Council- Economic Development and Regeneration

Concern the proposed change of use to a homeless centre of this scale will undermine the active project originally set out in the City Centre masterplan and enabled by funding from the Cultural Development Fund and private investment in the transformation of the area into a vibrant active area.

The City Council has acquired a building to forge an east-west link connection in the city designed to attract significant visitors as part of the arches project to regenerate the area. There is concern the use of the arches and rear of Foregate Street as a through route will impact on the amenity of residents.

Worcester City Council -Housing- no comment

Worcester city council- Planning Policy- no objection

Worcester city- Refuse - Waste collection not affected by changes. bin locations to remain as is currently.

Worcestershire County Council (Highway Authority): no objection, subject to conditions

Worcestershire Regulatory Services: No objection

West Mercia Constabulary Crime Risk Manager: Concerns raised regarding the location along with the possible vulnerabilities of residents and the relationship with the proposed main pedestrian route and associated links. Concern is raised that additional security support may be initially offered but if removed or reduced it will have an impact for West Mercia Police in relation to additional called for service and community discord.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 6.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework: economic, social and environmental, in particular with regard to:
- 7.2
1. The economic role;
 2. The social role:
 - residential amenity;
 - community facilities;
 - crime risk
 3. The environmental role:
 - design and appearance;
 - impact on heritage assets;
 - access, car parking and highway safety;

These issues will now each be considered in turn.

The Principle of Development and Relationship to the City Centre Masterplan

- 7.3 The proposal would accommodate a residential use in an existing residential building. SWDP14- housing mix, considers the needs of specialist housing and where this is best accommodated within South Worcestershire.

SWDP14- Housing Mix

Part B. Worcester and the main / other towns will be the focus for housing to help meet the needs of residents with specific housing requirements, such as people with disabilities. Elsewhere, proposals to help meet these specific needs should demonstrate

that the scheme has good access to public transport, healthcare, shopping and other community facilities.

Part C. Permission for the sub-division or multiple occupancy of dwellings within the city boundary or development boundaries, including changes of use to hostels and guest houses, will be granted provided that the property has four or more bedrooms and is no longer suitable for single family occupation. In the case of hostels, the property must be detached.

- 7.4 The scheme complies with this policy and it is recognised being situated in the city centre will provide an ease of access to key services and transport provision and the building is a detached building. However, there is the wider consideration of sustainable development to evaluate including the amenity for residents and the impact on the community and the character of the area around the proposal.
- 7.5 The application site also forms part of the wider City Centre Masterplan which was adopted to support Economic Development aims following Full Council approval in July 2019. The Masterplan is not a formal planning document but follows the aims and objectives of implementing a range of policy aims and objectives including strategic allocations. The proposal is located within the City Heart Character Area of the Masterplan.
- 7.6 The building itself is not identified within the Masterplan for removal but the building forms a key aspect in the Foregate Street/Low Line Link which is a public realm initiative alongside the railway. Work has commenced on this aspect with the conversion of the Arches and it is also understood that strategic acquisition has taken place of buildings for removal. It is therefore conflicting with the wider aims of the City Centre Masterplan.

Sustainable Development

1. The economic role

- 7.7 There is national funding through the Cultural Development Fund to develop the area as a new cultural quarter and provide workspaces for creative uses. The project will improve the quality of the Arches area enabling new businesses and allow current businesses to thrive. There are concerns raised by existing businesses that footfall and visitors to the area would reduce with the perceived increase in antisocial behaviour.
- 7.8 This concern is shared by the corporate team of the City Council who highlight the existing investment and project work that has already been undertaken to regenerate it with significant improvements visible in improving the vibrancy of the area highlighted by new businesses moving into the area.
- 7.9 Views have been clearly expressed by local business owners and the University of Worcester that business opportunity and growth secured with the funding and project work would be compromised by the introduction of the homeless refuge that the improvements will be compromised with an increase in antisocial behaviour generated by the refuge.
- 7.10 The proposals have the potential to undo the positive regeneration work that has been carried out to date and could jeopardise the fulfilment of the City Centre Masterplan vision which the consortium of stakeholders and the Council are seeking to achieve.

2. The social role

- 7.11 The scheme seeks to change the use of the building to provide a homeless refuge which fulfils an important need in meeting the housing and social needs of the city and

local area. As a consequence, it has important social roles. However, one must also consider the impact of the development on nearby residents and the wider social implications of the housing. Also of relevance is the possible impact on crime in the area as raised within the consultation responses and concerns raised by West Mercia Constabulary.

Housing need

- 7.12 Currently the planning permission and the Section 106 agreement for the building restricts its use to students in full time education only and limits occupation to term time. The proposal seeks to alter the occupation of the building to provide accommodation for persons in significant housing need.
- 7.13 The difference in the needs of the end user need to be considered to understand the implications of the proposed change. Students will generally occupy their halls of residence during academic year (October to June) though there are exceptions as some overseas students may live in their accommodation outside of this.
- 7.14 Students largely live independently and are encouraged as part of university life to develop life skills as often it's the first-time people have lived away from home. Modern halls of residence are designed with spaces for communal cooking and dining which is hoped will promote social relationships to develop to avoid isolation and loneliness which has been a problem in the past.
- 7.15 Homelessness housing needs are far more diverse. The accommodation is required all year round and needs to be flexible. Referrals for homelessness accommodation are made by officers following an assessment of the specific circumstances of the applicant. Some homelessness accommodation does not have support provided on site, and is provided by outreach services, and some homelessness accommodation has staffing either on set hours or 24/7 and some schemes also have security on site.
- 7.16 Homelessness housing often needs to take account of the fact that homeless applicants may have one or several support needs and often require support for them to live independently. There may also be specific physical or mental health issues. Also, some people are homeless following leaving care or prison and some may have restrictions imposed by probation which may affect areas of the city they can access. There are many reasons why a household will become homeless and as part of the Homelessness Reduction Act we as a Council have to be able to support a household to prevent, relieve or resolve homelessness. Households in temporary accommodation may have to access support on site or at venues within the City Centre and also be able to access shops and services. It is preferred that homelessness accommodation is located in the city centre but the City Council do not have any policies in place which say where it must be located.
- 7.17 SWDP14 reflects the needs above with the accommodation being detached and good access to public transport, healthcare, shopping and other community facilities. The proposed scheme meets the policy requirements of SWDP14 given its location within the city centre and proximity to key services.
- 7.18 However, the issue of location is not the only consideration when assessing site suitability for a homeless refuge. The amenity of the refuge must also be considered in terms of whether it provides a positive form of accommodation to meet the requirements as set out above given the range and the more specific needs of the residents of the refuge when compared to student accommodation which is generally well suited to a busy and vibrant location, this may be contrary to the more complex needs of providing a homeless refuge.

Residential amenity for future occupiers

Relationship to the Arches area

- 7.19 The site lies adjacent to the footpath that will link Foregate Street to the riverside and Hive. It is proposed to become a major link in the city's connectivity, the idea for which originated from the City Centre Masterplan. Active steps to enable this footpath are well underway including the purchase of Jaqs -a fast food shop have been taken by the City Council.
- 7.20 Consequently, the footfall in front of the building will significantly increase in the near future, as well as the associated noise and activity. Concerns have been raised as to the compatibility of a significant pedestrian route in the city being adjacent to a HMO used for persons with such a variety of needs that active management steps need to be secured to make the scheme acceptable.
- 7.21 Paragraph 130 of the NPPF states that decisions should '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.'
- 7.22 In terms of staffing and security, the management of the property is a key area. West Mercia Constabulary have required further information during the course of the application and continue to express concerns regarding ongoing security on the site. The management plan advises on site security is proposed to be reviewed every three months to consider if necessary, if not, replaced by CCTV.
- 7.23 The Arches Project initiative is seeking for the area to become more vibrant with a greater variety of uses including night time uses. In the consultation there are concerns that as this is delivered it would affect the residential amenity of proposed residents to such a degree that the use of the site as a homeless refuge is not compatible with existing and emerging change in the area.
- 7.24 The Local Planning Authority considers that the scheme would fail to meet this standard and the proposed scheme and the quality of life and community cohesion as referred to in the NPPF would be compromised by the planned changes in the area. It is considered that the particular housing needs of the end-user are incompatible with the forthcoming changes and the amenity of the residents of the homeless refuse would be unacceptably compromised by noise and disturbance beyond that currently experienced by existing student occupants in terms of noise and activity and disturbance.

Facilities within the site

- 7.25 5 of the 6 units are proposed to house 8 bedroomed Houses of multiple Occupation units. The 6th unit has 6 bedrooms plus two ground floor offices as shown in Figure 2.
- 7.26 There are small amenity areas outside of the shared lounge/kitchen, the small yard has an average area of 10.9m² which includes bin storage. On this matter, the most relevant section of the Design SPD is Section 5I Principles to follow to successfully integrate private amenity space. The most relevant points are number 1,2 and 4. They are given below with consideration to the proposal. 'All development must provide some form of private amenity space, whether it is communal or individual, accessible to its residents.'
- 7.27 All new build dwellings must have access to at least one area of usable private amenity space; this can include front or back gardens, roof gardens, decks or balconies. These should not be overshadowed, directly overlooked, steeply sloping or awkwardly spaced and in the case of balconies must be wide enough for seating. As far as possible this space should be protected from noise, air pollution and overlooking.

- 7.28 The development is a refurbishment of the existing units and would not be new build and it is recognised that the ability to design in external space is compromised by the existing built form. It would not meet the aspirations of this section of the Design SPD, especially given that when the number of proposed residents are considered per unit this would be approximately 10.9m² for 8 residents. Whilst the Design SPD recognises that external space forms an important part of amenity, it is recognised that the city centre location and the existing space on the site are significant limiting factors which preclude additional provision.
- 7.29 There are also concerns regarding overlooking into the front bedroom windows from the footpath, which given there is no buffer to segregate the public realm from the frontage of the building, this could result in residents feeling inhibited by noisy or anti-social activity on the footpath.
- 7.30 Policy SWDP 21 requires that new development creates a safe and secure environment, this is for the residents as well as the surrounding development. In this instance the scheme fails to satisfactorily convince the Local Planning Authority that this can be achieved. The amenity of residents would be compromised in the near future with the changes in the character and increase in the activity in the area generating overlooking into bedroom spaces for ground floor residents. . Furthermore, the built form would form an intensive living environment with limited private external amenity space to support the proposed residents.

Crime

- 7.31 It has been advised that 'Security staff will be provided out of office hours (e.g. overnight). This will be ongoing and the need for night-time security will be assessed on a 3 monthly basis. Each 3 months it will be reviewed if static security is still needed. If it is decided that static security can be reduced, it will be reduced to externally monitored CCTV. The external monitored CCTV provider will send security on site if an issue arises or alarm is raised. Should there be constant issues then static security will be reinstated.'
- 7.32 The Crime Risk Manager was grateful for this clarity and requested that 'should this application be approved I would like these security details to be included as a condition. I also note that the proposal for two Staff Offices, if approved I would seek these to remain as such, this would ensure flexibility for robust safety and security eventualities.' It should be noted that the level of staffing and detail of the management is limited in terms of the proposed submission. A more detailed and robust management plan, which includes full management plans and staffing levels should be submitted. This could be achieved in a condition such as;

Prior to first occupation by any residents in the homeless refuge, a detailed Management and Tenant Allocation Strategy shall be submitted to and approved in writing by the Local Planning Authority, having first consulted with West Mercia Constabulary. The homeless refuge shall thereafter be occupied and managed in full accordance with the approved Strategy, or as may otherwise be agreed having first consulted with West Mercia Constabulary.

The submitted draft Management Plan provides details upon:

- *Design of accommodation;*
- *Length of stay by potential tenants;*
- *Role of the Council's Rough Sleeper Partnership;*
- *Support and Safeguarding;*

- *Tenant selection process;*
- *Secure scheme design;*
- *Tailored support programme;*

Reason: to ensure a suitable management strategy is in place to allow for safeguarding and support in regards to the need of the residents of the homeless refuge in line with SWDP14 and SWDP21.

7.33 The assessment by the Crime Risk Manager raises a concern but is balanced in ensuring that the security of the site is retained in the longer term. The detail submitted is not sufficient to provide sufficient comfort at this stage that the staffing and details of the management are in place. The condition is considered reasonable as this condition would secure the suitable management of the site. Failure to address this could result in inadequate processes if there were security issues on the site. As earlier considered the impact of a lack of adequate security on the site could be severe and detrimental to local businesses and users within the area.

Whilst this aims to resolve the issue and ensure proportionality to the level of need to ensure a safe and secure environment for residents and the wider area, it highlights the degree of concern regarding the incompatibility of the needs of residents with the location.

3. The environmental role

Design

7.34 The external appearance of the building will not alter as the proposal is a material change of use of the site as such there is no design implications of the proposal.

Impact on neighbouring amenity

7.35 The neighbours of the site are commercial operators. There is student accommodation on the opposite side of the railway track, however this is disconnected and would have no meaningful relationship with the proposed site.

7.36 The principle objections to the proposal relate to the proposed change of use and the concern that it will generate anti-social behaviour which would conflict with the existing uses around the site. Taking on board the comments of the Crime Risk Officer and the management proposals submitted the site would be managed and closed to visitors after 10pm. However, the management proposals lack sufficient details of emergency or out of hours support which would be necessary or how staff will manage non-residents or other targeted behaviour which may occur as a result of a high level of sensitive users being located in a single area. The proposals, in particular late at night therefore could have an impact on student accommodation or people walking around the city centre and may result in conflict or antisocial behaviour. The proposed management arrangements, as set out by the police therefore need to be more detailed and consider staffing levels and support for such users. Officers are therefore not satisfied that the proposals would meet the requirement of this aspect of SWDP21 of the South Worcestershire Development Plan 2016.

Historic Environment

7.37 The site is within the Historic City Conservation Area and the site is designated in the South Worcestershire Development Plan 2016 as archaeologically sensitive.

7.38 The site has been in situ since redeveloped as residential accommodation for students

and the built form would remain the same. The proposed use would not affect the visual impact or have a wider impact on the Conservation Area by virtue of the building in an existing similar use.

- 7.39 In terms of the Conservation Area, the links to the key areas within the city will be enhanced by the proposed walkway. Consequently, the site and the relationship with the rail line and the railway arches will be more prominent in terms of visibility and pedestrian movement within the city. This will change the context of the site but not to the degree that it would alter the context of the building within the setting. As such it would not affect the setting or character of the Conservation Area.
- 7.40 The archaeological value of the site will not be affected by the change of use. And there is no development what would affect or be affected by the proposal. Overall, the scheme does not present any harm to the heritage qualities of the site and the change would be less than substantial in terms of the impact of the proposal.

Access and Highway Safety

- 7.41 The scheme has been assessed by the County Council's Highways team. The plans indicate that car parking can be accommodated near the site in front of the units under the arches, however this area is not within the applicant's control and cannot be considered as adequate parking provision. It has been assessed as zero car parking provided on the site and with no drop off zone (or other similar provision) being able to be accommodated within the site.
- 7.42 Highways have assessed the proposal and set out that 'although the applicant has not demonstrated that the site meets the 'parking free' criteria in the Streetscape Design Guide, the sustainable credentials of the site are acknowledged and the application is for a Change of Use rather than new development therefore no objection can be raised.'
- 7.43 A condition has been requested for cycle storage provision however there is unlikely to be sufficient space to accommodate cycle storage for the number of residents that the proposal seeks to accommodate. As such a condition is not added, but it is not considered to be an issue given the proximity to local bus and train services. A condition has been requested requiring a travel plan to be provided to residents if the scheme is approved.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan. However, the assessment needs to be broader than the policy position and consider the wider implications of the proposal, in this instance within a framework of economic, social and environmental impacts and material considerations relevant to the determination of the application.
- 8.2 The following material planning issues are relevant to this application:
- Principle of the development
 - Economic impact
 - Housing need
 - Residential amenity for future occupiers

- Crime
- Design
- Impact on neighbouring amenity
- Historic environment
- Access and highway safety

- 8.3 Whilst the assessment is not an exhaustive list. It seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined.
- 8.4 The introduction of a wider range of activities as well as the introduction of the footpath to link key areas of the city, are well under way. These will increase the levels of activity in the area. The proposed change of use to a homeless refuge would impact upon the economic strategies for the area and the initiative to change the character and the physical qualities of the area.
- 8.5 The site would accommodate residents with a different level of housing need from the existing student accommodation. This use does require on site management and security on the site. There are concerns that the level of security proposed is inadequate to manage the needs of the site, especially in the evening when the levels of staffing reduce or are managed remotely. It is reasonable to assume that this could lead to antisocial behaviour with the number of residents in the proposed unit.
- 8.6 There is significant concern by the City Council and local business owners that anti-social behaviour generated by the homeless refuge will compromise the economic development of the area and potentially have a negative impact on the existing growth seen locally. In terms of the economic impact of the proposal, the balance would not be in favour of granting planning permission due to the potential to impede wider economic growth of the area and the existing regeneration efforts.
- 8.7 With regard to the social role, the delivery of a homeless refuge is recognised as a benefit to the city. Housing provision of this specialist type of housing in proximity to services, transport and retail is a significant benefit to those in housing need. However the concerns regarding the proposed size of the facility and the resultant potential impact on their amenity resulting from the increase in activity in the area could compromise the quality of the accommodation especially when coupled with limited external space, proximity of the front ground floor bedrooms to the footpath and limited internal shared space to support the range of residents that have complex and individual needs. Further there is a need for the external space to accommodate bin and cycle storage which have not been detailed on the proposed plans. Considering the limited space, the quality and impact of the space available to residents would be compromised further and considering the limited size of the internal space, there would be limited space or opportunity to socialise.
- 8.8 In terms of the environmental impact, I consider this is neutral impact as there are no changes in the built form proposed and a similar level of impact on the adjacent uses and business owners in terms of noise and activity and highways impact.
- 8.9 In respect of potential adverse impacts, the proposal has generated a high number of objections and many of these focus around the economic impact of the proposal and the perceived harm this would have on the economic growth and regenerative efforts of the stakeholders in improving the area. These are significant concerns which are to be given appropriate weighting in the determination of this application. However, I note that concerns, but no objection has been raised in regard to the proposal from the

Crime Risk Manager regarding the perceived likely increase in crime resulting from the proposal by the local community. I also note that the development is not contrary to the guidance set down at national or local level. Accordingly, whilst I note these concerns I can give the potential of the site to generate crime or antisocial behaviour moderate negative weight in light of these consultation comments.

- 8.10 On balance, I am of the opinion that the submitted scheme has failed to satisfactorily convince the Local Planning Authority that the scheme would operate alongside the changing nature of the area in a positive way and it is likely to be detrimental to the economic growth and prosperity of the area. This is exacerbated by concerns regarding the management of the site with security on the site being reduced and a greater burden placed on the police. Given this is in a location which would be highly trafficked and more visible in terms of connections within the city I consider this could be harmful to the wider city centre and it is not a suitable site for housing residents with complex and individual needs in an area where their amenity can be detrimentally affected to this degree. It is therefore contrary to the SWDP1 Overarching Principles of Development in the South Worcestershire Development Plan and the NPPF.
- 8.11 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, I consider that the proposed development does not meet the relevant criteria in being sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development (taking into account the considerable importance and weight to be given to the less than substantial harm to the significance of the heritage assets) outweigh the benefits.

9. Recommended reasons for refusal

1. The site is in an area which is the focus of regeneration effort to improve the diversity and quality of the area by introducing a range of uses and activities as part of the City Centre Masterplan to create new high quality public realm, strategic links and activity. This includes demolition of some existing buildings and the creation of new public realm in front of the existing student accommodation to be a pedestrian link to key areas of the city. The application therefore would be in conflict with Policy SWDP21 of the South Worcestershire Development Plan and paragraph 130 of the National Planning Policy Framework.
2. Notwithstanding the management proposals submitted, the change of the building would result in the potential for significant levels of anti-social behaviour due to the intensive use of the site, in particular with regard to the potential for crime and anti-social behaviour, which would be to the detriment of other residents (including student accommodation) in the locality. The Local Planning Authority, having regard to the management proposals submitted and comments received consider that the proposed management arrangements would mitigate the impact of the proposals and would fail to integrate the proposals with the area in accordance with Paragraphs 93 and 187 of the NPPF and Policy SWDP21 of the South Worcestershire Development Plan.
3. The accommodation has limited private amenity space to support each 8 person unit and the 6 person unit plus the management offices. Furthermore the occupants on the ground floor bedrooms would be adjacent to the planned footpath in close proximity. Given the proposed end user is a more vulnerable type of occupant these compromises on their level of amenity is considered unacceptable. The submission also does not include provision of cycle storage for future residents which would need to be positioned in the outdoor space and the proposed bin store provision would conflict with the use of outdoor space. Therefore, the proposal fails to meet the amenity

requirements necessary in SWDP21 of the South Worcestershire Development Plan and paragraph 130 of the National Planning Policy Framework.