

**STATEMENT OF COMMON GROUND**

**Between:**

**SERCO LIMITED**

**and**

**STAFFORD BOROUGH COUNCIL**

**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 0AB**

**Town & Country Planning Act 1990  
(As amended)**

**11 April 2023**

<b>Signed:</b>	<b>Signed:</b>
<b>Name: Mark Jackson</b>	<b>Name:</b>
<b>On behalf of:</b> Serco Limited	<b>On behalf of:</b> Stafford Borough Council
<b>Date:</b> 11 April 2023	<b>Date:</b>

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## **1. INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Cushman & Wakefield on behalf of Serco Limited (“the Appellant”), in agreement with Stafford Borough Council (“the Council”). It relates to a Section 78 appeal concerning the proposed change of use from student accommodation to asylum seeker accommodation at Former University Halls of Residence, Stafford Education and Enterprise Park, Weston Road, Stafford, Staffordshire, ST18 0AB (“the appeal site”).
- 1.2 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and the Council) are in agreement and to narrow down the issues that remain in dispute. This will allow the forthcoming public inquiry to focus upon the most pertinent issues.

## **2. THE APPEAL SITE AND ITS SURROUNDINGS**

- 2.1 The appeal site comprises a broadly rectangular parcel of land and access road, which extends to 1.54 hectares as shown on the plan in the appendix to this document.
- 2.2 Stafford Court is purpose-built student accommodation comprising twelve, connected, three storey blocks. Each block is comprised of cluster flats which contain either ensuite bedrooms or standard bedrooms, shared kitchens, shower rooms and w/cs.
- 2.3 The site currently provides accommodation for up to 556 students. The current configuration of Stafford Court includes 556 single bedrooms (with 264 being ensuite), 96 shower rooms, including sink & w/c, 48 kitchens and communal laundry services will be provided.
- 2.4 The site access for vehicles is currently taken from the main campus access on the A518 Weston Road and the access will remain for the proposed use.
- 2.5 The appeal site is located approximately 3km east of Stafford town centre and lies towards the edge of the town’s urban area.
- 2.6 The surrounding area comprises a range of land uses. Land to the north and east of the site comprises indoor and outdoor sports facilities. Further to the east is woodland and beyond open countryside. Further north land uses comprise education (primary, secondary and higher education establishments), Staffordshire Police Headquarters, Staffordshire Technology Park and Beacon Business Park.
- 2.7 To the south of the site is a new housing development. To the west of the site is Stafford fire station and beyond housing.
- 2.8 Bus stops are located within a 3-minute walk from the site on Weston Road and Hydrant Way providing connections to the town centre and wider areas of Stafford. Stafford Train Station is approximately 3.5km from the site. The Transportation Report (Core Document A15) identifies facilities within a short walk/cycling distance of the appeal site, which include convenience stores, restaurants, a pharmacy, a post office, a health and fitness centre, a health centre, places of worship and a hospital.

### **3. THE PROPOSED DEVELOPMENT**

- 3.1 The application which is the subject of this appeal was submitted and validated on 28 March 2022 (ref 22/35765/FUL) and sought full planning permission for the following: 'Change of use from student accommodation to asylum seeker accommodation.' (the "proposed development")
- 3.2 Internal alterations are proposed in order to meet the operational requirements of the proposed use. The alterations reduce the capacity of the building from 556 bed spaces to 481 bed spaces (a reduction of 13%). The style of accommodation remains similar with bedrooms of varying sizes clustered around kitchen/lounge/dining room facilities.
- 3.3 The proposed use will include medical rooms serving people in Initial Accommodation (IA), private offices and meeting rooms.
- 3.4 The proposed use will have access to 30 car parking spaces, a shuttle bus drop off space and cycle storage.
- 3.5 The appeal site has a large area of open space set within the courtyard of the existing building.

### **4. APPLICATION PLANS AND DOCUMENTS**

- 4.1 The application plans and supporting documents that comprised the planning application at the time that the appeal was lodged, were as follows:

Application Form

A1 Floor Plans - EXISTING Stafford Court - First Floor

A1 Floor Plans - EXISTING Stafford Court - Ground Floor

A1 Floor Plans - EXISTING Stafford Court - Second Floor

A1 Floor Plans - PROPOSED Stafford Court - First Floor

A1 Floor Plans - PROPOSED Stafford Court - Ground Floor

A1 Floor Plans - PROPOSED Stafford Court - Second Floor

A3 Location Plan - 111513 10 Location Plan p4

A3 Site or Block Plan - 111513 21 Proposed Site Plan 1to500 p2

A3 Site or Block Plan - 111513 22 Existing Site Plan 1to1250 p1

A3 Site or Block Plan - 111513 23 Proposed Site Plan 1to1250 p1

Design Statement - Planning DAS Statement

Transportation Report - T22520 TS

Transportation Report - T22520 TS

Supporting Information - Serco Stafford Court - Statement of Community Involvement Redacted.

### **5. BACKGROUND AND REASONS FOR REFUSAL**

- 5.1 The planning application was registered by the Council on 28 March 2022.
- 5.2 The application was reported to the Council's Planning Committee on 27 July 2022, with an officer recommendation for the grant of planning permission. However, the application was

refused by the Council's Planning Committee. The Decision Notice was issued on 28 July 2022 and included the following reason for refusal:

The proposal, due to its nature and scale, is considered to result in a lack of social inclusivity in the community and would increase the public fear of crime. The proposal, due to its nature, is also considered to be sited in an inappropriate location in close proximity to schools, which results in an increased public fear of crime. The proposal is therefore contrary to Paragraphs 92 and 130 of the National Planning Policy Framework (2021). Additionally, the application fails to demonstrate that the proposal would not lead to a detrimental impact upon local public health service resources.

## **6. PLANNING HISTORY**

6.1 The Property currently has the benefit of the following planning consents:

- a) 11/15593/FUL – Installation of sixteen solar thermal panels on the south-facing roof – Approved 23.08.2011;
- b) 96/34130/FUL – Second phase of student accommodation comprising a further 312 bedrooms – Approved 06.02.1997;
- c) 95/32382/FUL – Student accommodation – Approved 29.01.1996;
- d) 95/32526/FUL – Car park – Approved 29/01/1996.

## **7. PLANNING POLICY**

7.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal.

The development plan

7.2 Both parties agree and accept that under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.3 At the time of preparing this SoCG, the Statutory Development Plan covering the Appeal site comprises the Plan for Stafford Borough 2011 – 2031 and the Plan for Stafford Borough: Part 2 2011-2031 (the "development plan"). The policies cited in the Committee Report and Decision Notice include:

- a) The Plan for Stafford Borough (TPSB) 2011-2031], Policies SP1, SP2, SP3, SP7, Stafford 1, E1, C1, C3, I1; N1, T2 and N6
- b) Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031, SP3, SP7, SB1.

7.4 It is agreed that within the reason for refusal no development plan policies are alleged to be breached and therefore the proposed use is agreed to be in accordance with relevant policies of the Development Plan.

## Other material considerations

7.5 It is agreed that there are a number of policy statements and guidance dealing with both planning policy at the national level which comprise other material considerations in the determination of the appeal. These include the revised National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), and the following national guidance:

- National Planning Policy Framework (July 2021)
- National Planning Policy Framework Consultation (December 2022)
- National Planning Practice Guide (Electronic Version only)
- Minister for Safe and Legal Migration Statement (13th April 2022)

## 8. MATTERS NOT IN DISPUTE

8.1 This section sets out the matters not in dispute between the Appellant and the Council.

### Format of planning application and supporting material

8.2 It is agreed that the format of the full planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission. At the time of determination there was no outstanding request for further information.

### Principle of development

8.3 Both parties acknowledge that no land is specifically allocated for asylum seeker accommodation in the adopted development plan. Both parties also acknowledge that there is a presumption in favour of sustainable development, subject to consideration of other material considerations.

### Need for asylum seeker accommodation

8.4 Both parties acknowledge there is an urgent national need for asylum seeker accommodation and that the demand for such accommodation is rising.

### Site selection

8.5 The proposal would provide specialist accommodation for asylum seekers. The proposal would reduce the capacity of accommodation on the appeal site by 13% (75 people) when compared to the current student accommodation.

8.6 The appeal site will provide two forms of accommodation for asylum seekers – Initial Accommodation (IA) and Dispersed Accommodation (DA). IA is a block-based provision to accommodate asylum seekers who need accommodation urgently before their support

applications have been fully assessed for longer term accommodation can be arranged. Dispersed Accommodation (DA) is longer-term temporary accommodation, Asylum seekers will normally be able to stay in DA until their asylum claim has been fully determined.

- 8.7 Serco identified Stafford Court as the most suitable site for its needs in relation to the Asylum Accommodation and Support Services (AASC) contract for the Midlands and East of England Region. It is proposed that part of the site be used for IA (approximately 171 people) and that the balance of the site be used for DA (approximately 310 people).
- 8.8 Serco regards the configuration of self-contained clusters at Stafford Court as being ideal for accommodating asylum seekers during both the IA and DA phase of their application. The ability to secure each cluster, an individual floor or an entire block creates some flexibility to accommodate single males, single females or families with the appropriate level of segregation and security.
- 8.9 The proposed use is effectively a managed residential development. The Council has not seen evidence that the site is similar to other IA operations elsewhere in the UK.

Other policy and amenity considerations

- 8.10 It is further agreed that:
- a) The proposed use is considered to conform to relevant policies of the development plan and is acceptable with regards to parking, access and highway safety.
  - b) The scheme does not include any external alterations to the building or site. As such, the appearance of the development and external layout would be retained.
  - c) The proposal does not propose any alterations to the existing drainage scheme. As such, the proposal is not considered to impact upon drainage or flooding. The Lead Local Flood Authority have no objection to the scheme. The proposal is considered to be acceptable in this regard.
  - d) The proposal is not considered to impact upon arboriculture. Given the nature of the scheme and the existing building the proposal is not considered to impact upon protected species. The proposal, due to its nature, is not considered to have a detrimental impact upon the nearby Site of Special Scientific Interest.
- 8.11 The application seeks a temporary permission to allow the change of use until 31st August 2029. The Appellant has advised this is to match the agreed lease of the building. It is agreed by the parties that a condition should be attached to the planning permission, if granted, to ensure the use of the building reverts back to student accommodation once the asylum seeker use ceases.
- 8.12 The Environmental Health Officer has advised that sufficient refuse and recycling bin storage facilities should be provided. The proposal would utilise the existing bin storage and collection arrangements which serve the student accommodation.



- 8.13 A number of public concerns have been raised regarding the management of the facility.
- 8.14 The appeal site will be managed by the appellant on behalf of the Home Office.
- 8.15 The Council has met its requirements as the competent authority, as required by the Conservation of Habitats and Species Regulations 2017 and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.
- 8.16 It is accepted that the 'fear of crime' is capable of being a material planning consideration where it gives rise to land use effects.
- 8.17 There were no statutory consultee objections to the proposed use.
- 8.18 It is agreed that the proposed use does not conflict with any design policies within the Development Plan and supplementary guidance.
- 8.19 The parties agree that the proposals would have social benefits in respect of providing accommodation for asylum seekers and economic benefits in terms of new employment and reuse of a vacant building.
- 8.20 The parties agree there would be no impact on local school places and the Staffordshire County Council Education Team have no objection to the proposed use.
- 8.21 The parties agree there would be no additional impacts on amenity and the Environmental Health Officer has raised no concern with regards to noise from the proposed use.
- 8.22 The parties agree there would be no overlooking and privacy concerns due to the separation distance between the appeal site and nearest dwellings meeting the Design SPD guidance.

## **9. MATTERS THAT REMAIN IN DISPUTE**

- 9.1 The issues that remain in dispute between the Appellant and Council are as follows:
- a. Whether public fear of crime is a material planning consideration in this case.
  - b. Whether the proposal would result in a lack of social inclusivity within the community
  - c. Whether the proposal, due to its nature and scale including its location close to schools will result in a significant local increase in public fear of crime contrary to Paragraphs 92 and 130 of the Framework.
  - d. Whether the appellant has shown that the proposal would not have a detrimental impact upon local public health service resources.
  - e. Whether developments of this nature could be acceptable in principle at the appeal site.

- f. Whether there are currently no other such asylum accommodation sites in Stafford Borough, or similar planned proposals.
- g. Whether the proposed accommodation density is acceptable.
- h. Whether the appeal site is a sustainable location.
- i. Whether the external appearance of the appeal proposal is acceptable.
- j. Whether the Designing Out Crime Officer advised that there is no likely risk to children or residents of Stafford and there is no evidence to suggest that there would be an increase in crime as a result of the appeal proposal. Additionally, whether the Designing Out Crime Officer objected to the planning application.
- k. Whether the Planning and Development Lead for the Staffordshire and Stoke on Trent Clinical Commissioning Group stated that there would be harm in planning terms from the appeal proposal.
- l. Whether the Committee Report identified any specific land use harm resulting from the appeal proposal.

## **10. CORE DOCUMENTS**

- 10.1 The Appellant and the Council have prepared and agreed an initial list of core documents upon which they intend to rely at the forthcoming inquiry.