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# Appeal Decision

Site visit made on 24 May 2022

**by J Symmons BSc (Hons) CEng MICE**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> July 2022**

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**Appeal Ref: APP/X4725/W/21/3285830**

**Former Nightclub, Bank Street/White Horse Yard, Wakefield WF1 1EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Smith of Helping The Homeless (Wakefield) Ltd against the decision of Wakefield Metropolitan District Council.
  - The application Ref 21/00987/FUL, dated 9 April 2021, was refused by notice dated 22 September 2021.
  - The development proposed is described as 'change of use of vacant nightclub to homeless hostel including associated internal alterations, external alterations and signage'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Signage for the proposal is noted as being subject to a separate application and as such, has not been considered in this appeal.
3. The appellant submitted additional information relating to the problems of homelessness in Wakefield and its associated costs during this appeal. The Council have commented on this information. I am satisfied that no prejudice would occur to any party from consideration of this additional information, and accordingly I have based my decision on the information submitted.

## Main Issue

4. The main issue is whether the proposal would affect living conditions within the local community with respect to increasing anti-social behaviour, crime and fear of crime in the area.

## Reasons

5. The appeal site consists of the vacant single storey nightclub building fronted by White Horse Yard, car parking and Albion Court. It is within Wakefield city centre and located in quite a densely developed mixed use area, which includes a variety of commercial units, hotels, public houses, restaurants, a nursery, church, car parks and residential units. The appeal site is noted to be within the Central Wakefield Area Action Plan boundary.
6. The proposal would convert the former nightclub into a referral based homeless shelter, providing 17 individual bedrooms with en-suites. The shelter would provide supervised and secured accommodation for residents between the times of 20:00 to 8:00. It would be closed outside these times.

7. It is evident by the existence of Marsh Way House, that homeless accommodation is not prohibited in Wakefield city centre. However, the Police Architectural Liaison Officer (PALO), with input from the city centre Neighbourhood Policing Team, have raised significant concerns and strongly objected to the proposal. This is based on the issues they experience at Marsh Way House, an existing similar shelter approximately 1km away from the appeal site. The PALO consider that the proposal's proximity to Marsh Way House would, in all likelihood, increase serious crime and anti-social behaviour in the city centre. The PALO identified that many of the proposal's safeguarding measures to reduce issues are also used at Marsh Way House. However, it was noted that these were not successfully tackling the issues identified and further measures, such as security fencing, were being considered. As the PALO is a specialist police crime prevention officer for Wakefield with justified evidence-based knowledge of the crime and anti-social behaviour in the city centre, I give their comments significant weight.
8. While it is appreciated that the proposal would include improvements on the crime and anti-social behaviour safeguarding measures being used at Marsh Way House, the level of detail demonstrating the effectiveness of these to remove the concerns raised by the PALO is limited. Careful consideration of the impacts including the need to formulate robust safeguarding measures and assess impacts from the potential interaction between nearby shelters is required.
9. I acknowledge that there would be a strict referral system and operating hours for the shelter, with an access refusal policy for residents who have previously committed anti-social behaviour. Furthermore, in terms of the on-site operation of the facility, I recognise that staff would be appropriately trained to manage residents including conflict resolution, that a strict no tolerance policy relating to anti-social behaviour would be applied and late resident arrivals would be refused access. I also understand that the facility would be designed to reduce the risk of misbehaviour by including good room and external surveillance monitoring, secure resident bag storage and the provision of a secure outside amenity space for residents. While these are all positive measures in reducing the risk of crime and anti-social behaviour, details on some key operational aspects are limited. This includes how residents waiting and remaining in the area prior to the facility opening at 20:00 and after it closes at 8:00 would be managed and how the facility's management team would deal with onsite uncooperative or anti-social residents, serious crime threats and any resident's associates or any unwanted visitors to the premises, similar to those raised as occurring at Marsh Way House. I am therefore not convinced that these aspects can be satisfactorily addressed and that the proposal would not place further demand and pressure on the local Neighbourhood Policing Team.
10. Although the appellant proposes that the above safeguards could be controlled by a suitably worded condition, no wording has been provided to demonstrate how this would make the development acceptable.
11. I recognise that there are many reasons for homelessness and not all homeless people cause crime and anti-social behaviour. However, as is evident at Marsh Way House, homeless accommodation can have associated difficulties in relation to crime and anti-social behaviour. I appreciate that the proposal would assist in helping vulnerable people to come off the streets and away from using inappropriate shelters such as bins. I also accept that, in all

probability, providing extra accommodation capacity would help to reduce homelessness pressure on the street and within the existing homeless accommodation in the area. Nevertheless, no details have been provided to show that the mix of residents using the proposal would be significantly different to those using Marsh Way House. Therefore, due to the lack of detail regarding the safeguarding measures, there would be no certainty that the proposal would not have similar crime and anti-social behaviour issues to Marsh Way House.

12. In conclusion, the proposal does not demonstrate that there would be sufficient safeguarding measures in place to ensure that the living conditions of the local community would not be adversely affected by an increase in anti-social behaviour, crime and fear of crime in the area. The proposal would be contrary to Policy D15 of the Wakefield Local Development Framework, Development Policies 2009 and paragraphs 8, 92 and 130 of the National Planning Policy Framework (the Framework). These policies seek, amongst other matters, to ensure development would not increase the fear of crime, crime itself, nuisance and anti-social behaviour which would undermine quality of life, community cohesion and resilience. The Council refers to paragraph 12 of the Framework in their decision notice, but this relates to the presumption in favour of sustainable development. As it does not relate to quality of life, I have omitted reference to it.

### **Other Matters**

13. The appeal site is not situated in the Upper Westgate Conservation Area (UWCA) however, there are a number of listed buildings nearby and as such, I am required to consider the proposal under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and Section 16 of the Framework. The Council completed this assessment and considered, due to the separation of the listed buildings from the site, the UWCA appraisal making no reference to White Horse Yard and that only minor changes to the fenestration of the building would be completed, that no harm to the setting would occur. The Council concluded that impact on the significance of the nearby listed buildings would be neutral. In reviewing the Council's assessment and following my site visit, I concur with this view and conclude that the proposal would not harm the setting and significance of the listed buildings or the conservation area.
14. It is noted that the Council and the appellant disagree about the need for homeless accommodation in Wakefield. Both have produced evidence to support their case on this matter. However, even if need was proven, it would not change my opinion that there is insufficient detail within the proposal to demonstrate it would not adversely affect the living conditions of the local community by increasing anti-social behaviour, crime and fear of crime in the area.
15. There is support for the proposal with many raising the need for the shelter and for it to be in the city centre. While these points are acknowledged and safety concerns for the homeless are fully appreciated, it has not been demonstrated that adverse effect on the surrounding community from the proposal would be avoided. Furthermore, a number have raised the fact that the site was a former night club which had noise and anti-social behaviour. While this may have been the case, this planning appeal must be considered on its own merits and with respect to its proposed use as a homeless shelter.

**Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*J Symmons*

INSPECTOR