

WARD: Brislington East CONTACT OFFICER: Peter Westbury

SITE ADDRESS: St Annes House St Annes Road St Annes Bristol BS4 4AB

APPLICATION NO: 18/03879/F Full Planning

DETERMINATION DEADLINE: 20 September 2018

Partial change of use from council offices to temporary emergency hostel accommodation, together with associated communal facilities and services to 1st April, 2020 (Sui Generis)

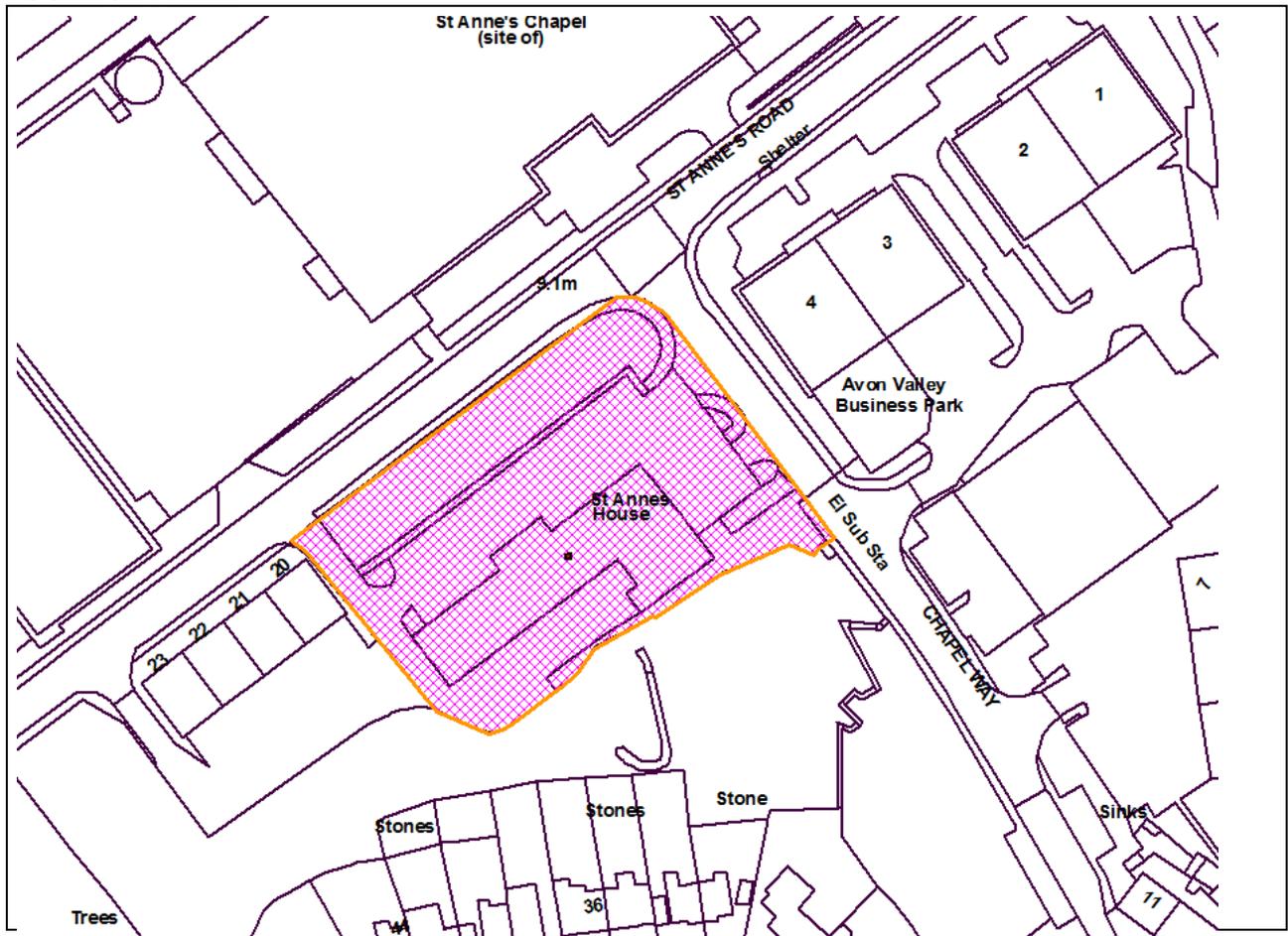
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Origin3
Tyndall House
17 Whiteladies Road
Clifton
Bristol BS8 1PB

APPLICANT: St. Mungos
3 Thomas More Square
Tower Hill

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 26 September 2018**Application No. 18/03879/F : St Annes House St Annes Road St Annes Bristol BS4 4AB****BACKGROUND**

This application is brought to Committee at the request of Councillor Langley on account of the level of objections from the public and the lack of notice to residents.

This is an application for temporary emergency accommodation for the homeless in the former Council Offices at St. Anne's House. In support of the application, the applicants have indicated that the application proposal is a key milestone of The Shelter Programme for both St Mungo's and Bristol, as it will be the first 24-hour shelter available within the city. The Shelter Programme, launched in 2015, currently has 4 night shelters and an additional temporary winter shelter which operates during the coldest period. There will be sufficient space for 30 residents.

It is noted that Bristol itself faces an increasing number of people sleeping rough, in addition to increasing pressure on demand for housing and supported accommodation. Government statistics on a 'snapshot night' in autumn 2017 found 86 rough sleepers within Bristol (+16% on 2016), the sixth highest number of rough sleepers across local authorities in England, including the London Boroughs (MHCLG, February 2018).

Full details of the application proposal are set out below.

SITE DESCRIPTION

The application site has an area of approximately 0.47 hectares. The area immediately surrounding the site is an employment area comprising a mixture of office and industrial uses. The closest residential accommodation is two storey accommodation on Woodside Road, which is set at a higher level than St. Anne's House and is screened by an established woodland.

Access to the site is gained from both Chapel Road and St Anne's Road in the St Anne's area of the city. The site is occupied by St Anne's House, a 3 storey building formerly used as Bristol City Council offices which is now vacant. A row of trees is situated along the north boundary of the site fronting St. Anne's Road.

The closest residential properties are in Woodside Close to the south of the site. St Anne's House is surrounded predominantly by light industrial uses, with residential uses to the south beyond the wooded area.

To the south of the site is a mature wooded area beyond which is residential accommodation in Woodside Road. To the west is the Avon Valley Business Park.

The site is located within the Avon Valley Conservation Area.

St. Anne's House is predominantly in Flood Zone 1 but parts of the application site is located in Flood Zones 2 and 3.

Flood Zone 1 with a low probability of flooding and the land surrounding the site is in both Flood Zones 2 and 3. Flood Zone 3 comprises land assessed as having a 1 in 100 or greater probability of river flooding or a 1 in 200 or greater probability of flooding from the sea in any year. The area within the application site designated as Flood Zone 3 is land to the east of the main building on the site. It also includes Chapel Way and the Avon Valley Business Park.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

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APPLICATION DETAILS

This is an application for full planning permission for the temporary use of part of St Anne's House as a hostel for the emergency housing of the homeless. If Members are minded to grant permission, the temporary permission will run between 1st October 2018 and 31st March 2019 and 1st October 2019 and 31st March 2020. This application includes no indication that it would be open during the other months of 2019.

This application includes no alterations to the external fabric of the building and minimal internal alterations to create a mixed dormitory and female dormitory (with separate access) and dining/living accommodation at ground floor level.

The shelter will be operated by St Mungo's who are a national charity that offer support and services to the homeless across the country. Two members of staff will be on duty at all times. However there will be frequent occasions when more staff and also volunteers will be present in addition to the two staff.

A maximum of 30 service users will be supported within the shelter at any one time. The office space above available to be used as co-working area (no changes will be made to the first floor). The second floor would not be used as part of the hostel and does not form part of the application proposal.

The existing ground floor kitchen, washing, and toilet facilities will be used. No alterations will be made to these facilities.

Additional cookers may be installed in the existing kitchen. However this is already equipped with microwave ovens and refrigerators. A washing machine will also be installed in a room with appropriate hook-up on the ground floor adjacent to the shower area. The current open-plan office space will be divided by a new interior wall which will create two dormitories and allow for a smaller single-sex female dormitory to be located separate to the larger mixed dormitory.

In advance of the shelter being brought into use, St Mungo's have indicated that all required surveys and risk assessments will be undertaken including fire risk and asbestos surveys.

EQUALITIES ASSESSMENT

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

"S149 of the Equalities Act 2010 provides that a public authority must in the exercise of its functions have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relationships between persons who share a relevant characteristic and those who do not share it."

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In their assessment of these applications your officers are satisfied that any adverse impacts can be addressed and mitigated through the detailed design of the buildings and the imposition of appropriate conditions.

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RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties were consulted as part of the statutory consultation process which ran between.

At the time of the preparation of the report 151 representations had been received making the following comments.

Objections to the Application

132 representations make comments objecting to the application. The following is a summary of the comments received:

Principle of Development (Key Issue A)

- This is the wrong location for a hostel - "I would like to state that I support the principle and cause of supporting the homeless, however, I have great concerns over the suitability and sustainability of this particular proposal."
- The application site is isolated from local services.
- There is already a hostel in the area at Wick House.
- "The building was used as a business function, removing the potential for future jobs could be detrimental to the local economy and area."
- It is incorrect to describe the application site as being in a non-residential area.
- Design: "There will need to be sufficient toilet and shower facilities with laundry provision, all of which will need suitable ventilation. Internal features will need changing to allow cooking for a larger number of people on a more commercial and regular basis with sufficient provision for the extraction of fumes"
- Design: Concern about local residents passing the ground floor residential accommodation to access community facilities at first floor level.
- GP services are already limited.
- St Anne's is an area which has become "a forgotten district".

Detrimental impact on surrounding residential amenity (Key Issue B)

- Concern that the building is situated in a "quiet and predominantly residential" area of the city. "Are there not more suitable locations elsewhere?"
- Concern about how users of the hostel will stay busy during their stay.
- "an area we already have taken our fair share of homeless people with associated problems (currently approx 90 people in residence at Wick House which this year was found to have illegally doubled in size). Crime is inevitable where drugs and alcohol are misused and I think this ill thought out"
- "How exactly are these people going to get from St. Anne's Park to the city centre, if they need medical aid? One might assume that they will seek to use the bus service, with a bus shelter conveniently located down the road from St. Anne's House. I have little doubt that this will become a likely spot for people begging,"
- "Some homeless people state they feel threatened sleeping in these houses themselves. So if they're scared I don't want this type of personality around myself, family or friends."
- Concern that the proposal will harm local business.
- Concern that there will be absolutely no benefit to the community from this development.
- The homeless are responsible for daily issues including "open drug taking, violence, theft, anti-social behaviour, overdoses and many other things that can have a hugely traumatic effect on people who are not used to seeing them."
- Concern about personal safety - "I would be scared to go to work if this were allowed to happen".
- Concern about highway safety - St Anne's Road is a long dark road frequently trafficked by heavy goods vehicles making deliveries to the industrial estate - "There is nothing in the

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- application to suggest any consideration has been given to how residents of the hostel or indeed other road users will be kept safe."
- Concern about noise: For example concern is expressed about the impact of dogs "barking and fighting at all hours".
 - Concern about odour from dogs.
 - Concern about asbestos.
 - Concern that building work has already started.
 - Concern that the proposal will result in a loss in value of surrounding residential property.
 - Concern that the application proposal will harm the woodland to the rear of the building.
 - Concern about the impact on the habitat and wildlife in the immediate area, specifically bats, which are a protected species..
 - Dogs are to be allowed which will harm the woodland.
 - St Anne's Woods is of course also a site of historical importance.
 - The wooded area is used by the community.

Concern about the operation of the hostel

- Concerned that female residents would need to walk through a male dormitory to get to the bathroom.
- Using container accommodation on the site should be considered.
- Lighting nearby should be improved.
- "The planning authority request Bristol City Council housing department to confirm in writing to the planning authority that a breach of the planning conditions will be considered a breach of the management agreement that will be entered into between Bristol City Council housing department and St Mungo's (or the relevant management agency)."

Concern about the lack of consultation

- Concern has been expressed that surrounding residents have not been consulted:

"I think that the Council should have made more effort to consult local people; if it had done that, many of the objections could have been avoided."

"Can it be noted that it is only by chance that I found out about the proposals in August from another local resident. Not once has this address been in receipt of any notification during that time, and nor have I seen any notices in the local area aside from those produced by concerned residents - this lack of communication is simply not good enough."

"I feel the planning application has been completely rushed through without full and proper consultation with the surrounding neighbourhood."

Officer Note: Alongside the statutory planning consultation process, the applicants have sought the views of local residents by way of various public meetings. 134 surrounding properties were consulted by the Local Planning Authority on 20th August for the statutory period of three weeks to 10th September 2018.

It is acknowledged that the Council's computer system was down for 4 days? during this three week consultation period, however comments were accepted following the 10th September deadline.

Representations received in support of the application

19 representations have been received indicating support for the application. The following is a summary of the comments received:

- "I live in the local area, only a short walk from the premises. I am in favour of the proposal to use the building to support homeless people in Bristol."

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- We need more temporary accommodation in the city.
- This would be a good use of a large empty council building and I would like to help as a volunteer.
- "I know there will be concerns about the use of the building but with help from the community, the council, and St Mungo's, perhaps we can help end homelessness in Bristol and make this a positive experience for everyone."
- "I liked the way that homeless people would be given specialist support on site and not just a bed. Although many people living nearby have voiced opposition to the proposal, I believe that many of these objections are based on misconceptions. So long as the shelter is well managed and local people have an opportunity to inform the managers of any problems as they arise, the shelter should be a valuable resource."
- "I have personal experience of setting up and managing similar services in other cities in the South West of England. I can attest that whilst there is often concern from neighbours about the setting up of a hostel for homeless men and women, once the hostel is running and being managed properly the real level of impact on the immediate community is very limited."
- "It fulfils the mayors priority of looking after our most vulnerable citizens in our city."
- "We have to do something NOW to stop anybody rough sleeping on the streets of Bristol. This is not the solution long term but a temporary measure for now."
- "It was about time that the Council did something to tackle the issue of homelessness. After all, we all are 2 or 3 pay packets away from the streets"

INTERNAL CONSULTATION**BCC TRANSPORT DEVELOPMENT MANAGEMENT**

In terms of vehicle movements the proposal is unlikely to result in a significant increase in vehicle movements on the next network. In fact it is likely that it would result in a reduction of movements when compared to the existing office use.

TDM envisage that they would be some element associated with the members of staff. Although the submitted information doesn't provide sufficient detail on how many staff there will be site at any one time.

The proposal will utilise the existing car park associated within the building which would have sufficient capacity to accommodate the proposed staff levels. However the applicant should also make provision for sustainable transport methods. The site falls below the thresholds for a Travel Plan, however the applicant should at least provide details of bus timetables etc. Furthermore we would expect the applicant to provide safe and secure cycle parking for staff at the site. The actual amount will need to be agreed and would be dependent on the proposed use class. However this information can be conditioned.

To conclude the proposal is unlikely to result in a significant increase in vehicle movements when compared to the previous use whilst we are satisfied that suitable parking has been provided on the site. However the applicant would need to provide alternative sustainable transport methods for the staff at the site to reduce the need of the private car. This includes the provision of cycle storage at the site.

Therefore TDM raise no objection to this proposal and if permission were to be permitted we would require the following condition to be attached.

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

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This application is for a change of use (with no alteration to the building) and does not appear to involve the addition of any new external lighting. The building has negligible potential to support roosting bats. Accordingly I do not consider that bat survey is required in this instance.

ODPM Circular 06/2005, Para 99 states (with my emphasis added in italics):

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted."

The listed criteria which the applicant quotes for when a bat survey should be undertaken are stated on the guidance document to be indicative only. Please also note that the latest guidance is as follows - bat surveys should be carried out in accordance with the Bat Conservation Trust, Bat Surveys for Professional Ecologists Good Practice Guidelines, Third Edition (2016).

I have no further comments on this application.

Officer Note: Following on from the receipt of these comments, the Case Officer sought confirmation that the lighting of the building would not have any harmful impact on bats.

The Council's Ecologist made the following comments:

"Provided that we are talking purely about the use of existing lighting within the building (and not new external lighting) any impacts are likely to be negligible especially since there is a car park at the rear of the building between the building and woodland (except in the south-east corner of the building)." Existing lighting will be utilised for this emergency accommodation.

RELEVANT POLICIES

National Planning Policy Framework – July 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) IS THE APPLICATION PROPOSAL ACCEPTABLE IN PRINCIPLE?

There are three key factors which determine whether this application is acceptable in principle:

- (1) The application site is located within the St. Anne's Conservation Area.
- (2) Part of the application (but not the building itself) is located within Flood Zones 2 and 3.
- (3) The application site is designated within a Principal Industrial and Warehousing Area (PIWA).

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Alongside this, although outside the application site, the land to the south of the site is a wooded area which is designated as a Site of Nature Conservation Interest. Particular concern has been expressed about the impact of any use of St. Anne's House on this wooded area. Policy DM19 states that development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted. Given the scale of the development involved, it is considered that it would not have any significant harmful impact that would warrant refusal of the application. This is confirmed by the Council's Ecologist.

Impact on the St. Anne's Conservation Area

The application proposal will have no harm on the St Anne's Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." As the application proposal involves no alteration to this building it would have a neutral impact on the Conservation Area and therefore no harm to the Conservation Area.

Impact of Flood Zone designation

St. Anne's House is predominantly located in Flood Zone 1 with a low probability of flooding and the land surrounding the site is in both Flood Zones 2 and 3. Flood Zone 3 comprises land assessed as having a 1 in 100 or greater probability of river flooding or a 1 in 200 or greater probability of flooding from the sea in any year. The area within the application site designated as Flood Zone 3 is land to the east of the main building on the site. It also includes Chapel Way and the Avon Valley Business Park.

In support of their application, the Applicants have submitted a Flood Risk Assessment. This notes that there will be no change to the area of the site which is within Flood Risk Zones 2 and 3. The temporary application proposal is therefore regarded as acceptable.

Impact on the Principal Industrial and Warehousing Area (PIWA)

Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

In this case, the plan policy identifies the application site as being within a Principal Industrial and Warehousing Area (PIWA) where Policy DM13 of the Bristol Local Plan states the following uses will be acceptable:

- Industrial or commercial training facilities;
- Community facilities;
- Specialised leisure uses which cannot be accommodated in centres because of their scale and / or operational impacts;
- Essential public utilities development; and
- Ancillary facilities and services which support the functioning of the Principal Industrial and Warehousing Area including child care facilities, small-scale retail uses, sandwich shops and cafés.

The Policy continues that development involving the loss of industrial and warehousing floor space within the PIWA will not be permitted unless there is no demand for the use of the existing premises or the function or viability of the rest of the PIWA.

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No evidence has been supplied by the applicant to support the loss of this site within the PIWA to a hostel. The application proposal must therefore be regarded as being contrary to Local Plan policy. In accordance with national legislation there is therefore a requirement to consider whether there are material considerations to indicate otherwise and allow Officers to make a positive recommendation.

It is considered that there are clear material considerations to outweigh the policy consideration:

1. The proposed use is temporary. Therefore the potential for the ground floor application site to continue as one of the uses listed in Policy DM13 (set out above) after March 2020 is unchanged. A new planning permission would be required for the use for this emergency accommodation to be extended beyond this date.
2. As the application proposal is for emergency residential accommodation on the ground floor there is the potential that one of the DM13 uses could operate within other parts of the building.
3. No significant alterations are made to the building and therefore the building could be easily reverted to a DM13 use at a later date. There are no changes being made to the building that would prevent it from being brought back into a policy compliant use at a later date.
4. This is emergency accommodation will meet an identified need for a specified period of time. The applicants have indicated that there is an immediate urgent requirement for this provision through the winter months.

It is concluded that an exception can be made to Development Plan Policy for this temporary period and the application proposal can be regarded as acceptable in principle.

(B) WOULD THE APPLICATION PROPOSAL HAVE A DETRIMENTAL IMPACT ON AMENITY?

While there are clear material considerations that outweigh the temporary loss of PIWA land for this emergency accommodation that overcome the policy consideration, it is clear that there is considerable concern amongst local residents about the impact of the application on amenity, particularly residential amenity. These concerns are summarised above.

It is considered that with proper management the application proposal will not have a detrimental impact on residential amenity. Representations received express concern that the proposed temporary use will not be managed properly and that as a result there will be crime and anti-social behaviour which will have a detrimental impact on the amenity of the area.

There are limits to the powers that the Local Planning Authority has to control these matters. There is, for example, nothing in planning law that would allow a planning permission to include conditions which determine who can or cannot stay at the hostel. However, in response to the concerns received Officers have sought the advice of St Mungo's and can advise Members accordingly:

- Each potential occupant is assessed on an individual basis by a specialist outreach worker. They assess people's manageable level of risk, taking into account the combination of strengths and needs and those of other people living in the shelter.

- Each potential occupant would need to be able to stick to the rules of the project including behaviour in the locality, which will be co-produced between service users, the local community, Bristol City Council, other shelter providers and St Mungo's.

- If the shelter is offering accommodation during the winter months, people will come to stay. St. Mungo's will be offering in house services including health and employment offers.

- In respect of concern about noise, the site will be subject to Environmental Health legislation as any other premises in the city. However, in respect of dogs, St. Mungo's have indicated that:

"St Mungo's has established working relationships with various animal charity partners including the

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Dogs Trust. There will be a maximum of three dogs allowed in the shelter at any one time - three dogs in total, not three dogs per resident. People living in the shelter will have rules specific to their pets, including their use of the locality. Failure to comply with these will put their stay in the shelter at risk."

- St Mungo's has indicated that it has "robust policies around the management of risk and acceptable behaviour within their projects. House and locality rules at St Anne's will be clear. Sanctions are decided on by the local staff team in discussion with the victims of any incident and the perpetrator."

- St. Mungo's have indicated that there is a homeless health service operating in the city and that they will be discussing having nursing on site and ensuring prescribing of medication is joined up with local pharmacies if required. We anticipate limited additional impact, based on our experience of running existing shelters in the city. Again this is short stay accommodation and registering people with GPs local to St Anne's in vast majority of cases won't make sense for the individual. The Officer site visit revealed that the building already has a medical room.

With measure in place for the management of the site, your Officers are satisfied that planning permission can be recommended for the two periods to the end of March 2020. However, it is considered to be reasonable for the recommendation to include a requirement for an update report be presented to the Local Planning Authority after the first winter (October 2018 to April 2019) to confirm how the use has operated and to see whether there are any lessons can be learned for the second winter (October 2019 to April 2020). St. Mungo's have indicated that they would be supportive of this.

CONCLUSION

Temporary planning permission for two separate periods of 1st October 2018 to 31st March 2019 and 1st October 2019 to 31st March 2020 is recommended.

RECOMMENDED GRANTED subject to condition(s)**Time limit for commencement of development**

1. The ground floor and first floor of the application site shall be available for use as an emergency hostel between 1st October 2018 and 31st March 2019 and 1st October 2019 and 31st March 2020 and at no other time.

Reason: In the interests of confirming that the proposed development is for temporary emergency accommodation.

Pre commencement condition(s)

2. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

Post occupation management

3. Between 1st April 2019 and 1st October 2019, the Applicants (or their successors) shall present a report to the Local Planning Authority setting out how the use has operated between 1st October 2018 and 31st March 2019. It shall include details of how many people have occupied the use, how much management has been in place and shall indicate whether there have been any complaints and how they have been addressed.

Reason: In order to determine whether any lessons need to be learnt for the second opening period (1st October 2019 to 31st March 2020).

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List of approved plans

4. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Outline floor plans, received 26 July 2018
9092_A_XX-P-B Floor plan, received 26 July 2018
N4897A Location plan, received 26 July 2018

Reason: For the avoidance of doubt.

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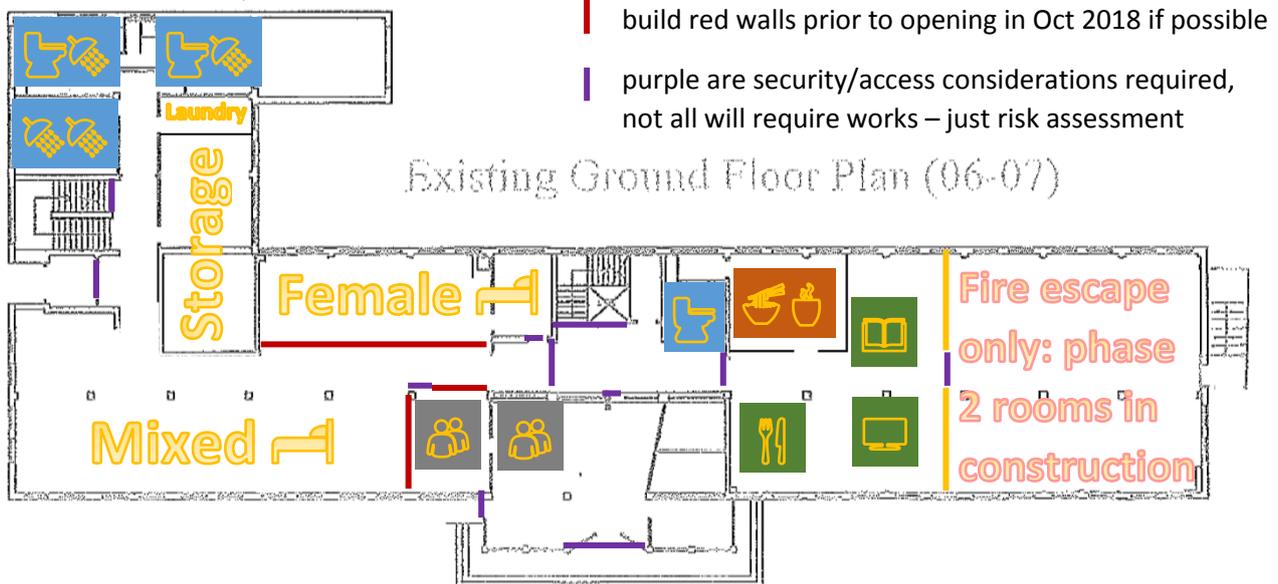
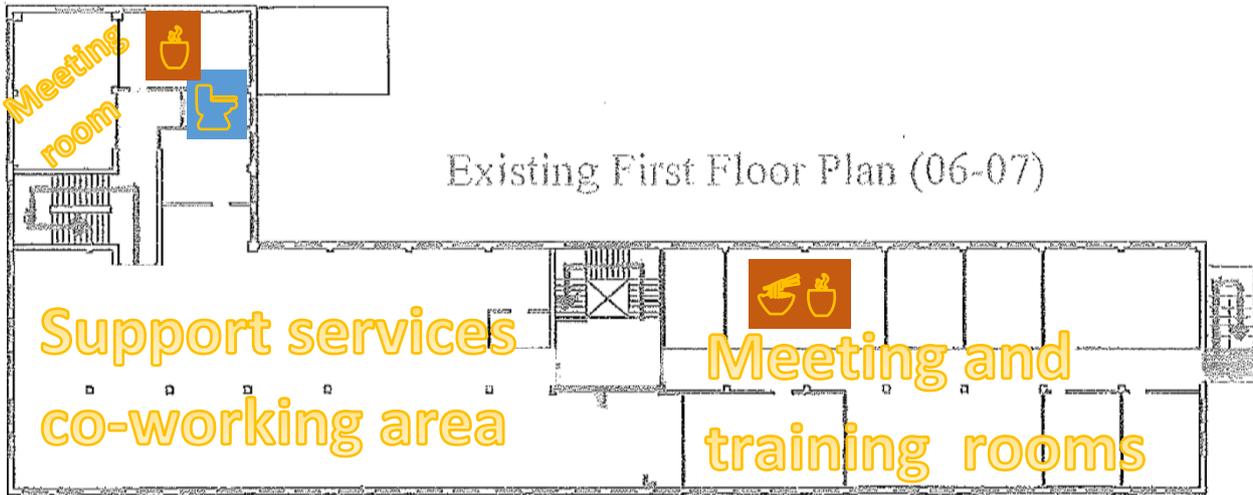
Supporting Documents

1. St Annes House St Annes Road St Annes Bristol BS4 4AB

1. Proposed floor plans
2. Photos of St Anne's House

St Anne's House

Outline floor plans for phase 1 initial usage





Existing Ground Floor Kitchen.



Existing showers on Ground Floor



Ground floor proposed mixed dormitory.



Ground Floor Female Dormitory



Wooded area to the rear of the site facing residential properties in Woodside Road