



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

**On:** Tuesday, 4 October 2022

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

**Membership:**

Councillors: M Bailey, P M Black, P Downing, A J Jeffery, M H Jones, S E Keeton, M B Lewis, R D Lewis, N L Matthews, T M White and R A Williams

**Watch Online:** <https://bit.ly/3Dt89aO>

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### Agenda

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| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |                |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 4</b>   |
| <b>4</b> | <b>Items for deferral/withdrawal.</b>   |                |
| <b>5</b> | <b>Determination of Planning Applications under the Town and Country Planning Act 1990.</b>   | <b>5 - 16</b>  |
| <b>6</b> | <b>Planning Application 2022/1230/FUL - Trehafod, Waunarlwydd Road, Cockett, Swansea.</b>   | <b>17 - 53</b> |

**Next Meeting:** Tuesday, 1 November 2022 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

**Huw Evans**  
Head of Democratic Services  
Tuesday, 27 September 2022

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**Contact: Democratic Services - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Tuesday, 6 September 2022 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

M Bailey  
A J Jeffery  
M B Lewis  
T M White

**Councillor(s)**

P M Black  
M H Jones  
R D Lewis  
R A Williams

**Councillor(s)**

P Downing  
S E Keeton  
N L Matthews

**Also present**

Councillors M Durke, O G James, E J King & J D McGettrick

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Sally-Ann Evans  
Andrew Ferguson  
Dave Owen  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Lead Lawyer  
Area Team Leader  
Principal Planning Officer  
Lead Lawyer

**Apologies for Absence**

None

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**20 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**21 Minutes.**

**Resolved** that the minutes of the meeting held on 2 August 2022 be approved and signed as a correct record.

**22 Items for deferral/withdrawal.**

None

**23 Public Rights of Way - Application to Divert Footpath MU5 off Higher Lane Community of Mumbles.**

The Lead Lawyer on behalf of the Chief Legal Officer presented a report which sought consideration of whether to accept or reject an application made to this Authority under the Town and Country Planning Act 1990 to make a public path diversion order relating to footpath number MU5.

The background details and history to the matter were outlined and detailed in the report by Officers, including the land and routes affected, the legal procedures followed, the considerations undertaken and the consultations undertaken.

The responses and objections to the consultation undertaken were outlined by the Officer and detailed fully in the report.

He detailed that the objections received are not considered sufficiently persuasive to warrant the rejection of the application.

**Resolved** that

- (1) the application be approved and that a public path diversion order be made, and:
- (2) if objections are received to the order, the order be referred to the Welsh Ministers for determination.

**24 Determination of Planning Applications under the Town and Country Planning Act 1990.**

A series of planning applications were presented on behalf of the Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)

(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting.)

**Resolved** that

1)the undermentioned planning application **Be Deferred** under the two stage voting process for a further report on the reasons for refusal on grounds of adverse effect on residential amenity; impact of parking and lighting in street scene; contrary to LDP Policy PS2.

**(Item 1) – Planning Application 2022/1230/FUL - Two storey side extension and change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works at Trehafod , Waunarwydd Road, Cockett, Swansea**

Prior to Deferral

A visual presentation was given.

Helen Jones, Liz McWilliams, Alan Cunningham & Stuart Owen (objectors) addressed the Committee.

Chris Jennings on behalf of the applicant the Ministry of Justice addressed the Committee.

Councillor James McGettrick (Local Member) addressed the Committee and spoke against the application.

Councillor Mike Durke (Local Member) addressed the Committee on behalf of himself and his 2 Cockett ward colleagues and spoke against the application.

Report updated as follows:

Conditions 3, 5, 10 and 11 to be amended to include:

“.....The development shall thereafter be undertaken in accordance with the approved Operational Management Plan (3) / CEMP (5) / sensitive lighting strategy (10) / Invasive Non-native Species (INNS) Management Plan (11)”.

Condition 14 amended to read:

The proposed junction/ access improvements, and installation of a passing bay within the site shall be carried out in accordance with the approved plans: 01 proposed access works and SWEPT path analysis, 02 refuse vehicle tracking site layout, TREHAF- 3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan received on 29th July 2022 and shall be completed prior to the beneficial occupation of the development and maintained as such thereafter.

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

6 Additional letters of objection including from Councillor M W Locke.

2) the undermentioned planning application **be approved and referred to Cadw** subject to the amendment indicated below:

**(Item 2) – Planning Application 2022/1700/LBC - Construction of a new pontoon, consisting of: a steel bridgehead platform with GRP mesh decking fixed to the wall; 4no. connected glassfibre concrete deck pontoons which rise up and down, 4no. steel vertical guide columns and a hinged steel bridge with GRP mesh decking linking the two, guardrails and gates to the edge of the quayside and the bridgehead platform of stainless steel; and around the pontoons of galvanised steel, 5m high aluminium lighting columns and safety**

**and rescue aids (application for Listed Building Consent) at River Tawe Quay  
Of Former Hafod Copperworks , Swansea**

A visual presentation was given.

Report updated as follows:

The resolution on Page 63 should read:

“Notify the Welsh Ministers, via Cadw, of the intention to APPROVE subject to the following conditions:”

In addition, there is an error on P61, Para 5 – the height of the stainless steel railings is 1.2m.

3) the undermentioned planning application **Be Approved** subject to the conditions in the report and/or indicated below:

**(Item 3) – Planning Application 2021/2825/FUL - Construction of storage building for Tip Treasures, workshop, 5 storage containers with canopies and relocation of 10 staff parking spaces at Unit 22 And The Baling Plant, Ferryboat Close, Swansea Enterprise Park, Swansea**

A visual presentation was given.

Report updated as follows:

There is an unfinished sentence on P73 at the bottom of the page. The sentence should read:

“It is therefore not considered that the introduction of these building in this location would have an adverse impact on the character or visual amenity of the area.”

The meeting ended at 3.35 pm

**Chair**

# Agenda Item 5

City and County of Swansea  
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 4<sup>th</sup> October 2022

<b>Bay Area</b> Team Leader: Hayley Kemp <b>Tel: 07970 680580</b>	<b>Area 1</b> Team Leader Andrew Ferguson <b>Tel: 07970 680531</b>	<b>Area 2</b> Team Leader: Chris Healey <b>Tel: 07970 680562</b>
Castle Cockett Mayals Sketty St Thomas Uplands Waterfront Waunarlyydd West Cross	Bonymaen Clydach Cwmbwrla Gorseinon and Penyrheol Landore Llangyfelach Llansamlet Llwchwr Morrison Mynyddbach Penderry Penllergaer Pontarddulais Pontlliw and Tircoed Townhill	Bishopston Dunvant and Killay Fairwood Gower Gowerton Mumbles Penclawdd Pennard

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## Contents

Item	App. No.	Site Location	Officer Rec.
1	2022/0794/S73	<p>Unit 13 , Parc Fforestfach, Cadle, Swansea, SA5 4BB</p> <p><b>Redevelopment of existing district shopping centre comprising new Tesco Superstore (10,100 square metres gross floor space), petrol filling station and 8 No. linked retail units (11,670 square metres gross floor space) with associated service yards and staff car parking areas, alterations to existing access off Pontarddulais Road, closure of existing access off Carmarthen Road, construction of two new accesses off Ffordd Cynore, offsite highway works to Ffordd Cynore and the Pontarddulais Road junction, provision of 1,275 space customer carpark, site landscaping and accommodation works - Variation of condition 9 of planning permission A00/0366 granted 1st August 2000 to allow for amendment to the operating hours for the gates, from being locked between 21.00hrs to 08.00hrs to locked between 22.00hrs to 07.00hrs to allow for deliveries to units 12 and 13 (Aldi), on the service access road from Ffordd Cynore to the delivery area to the rear of retail units 12 &amp; 13</b></p>	Approve



## Planning Committee – 4<sup>th</sup> October 2022

Item 1

Application Number:

2022/0794/S73

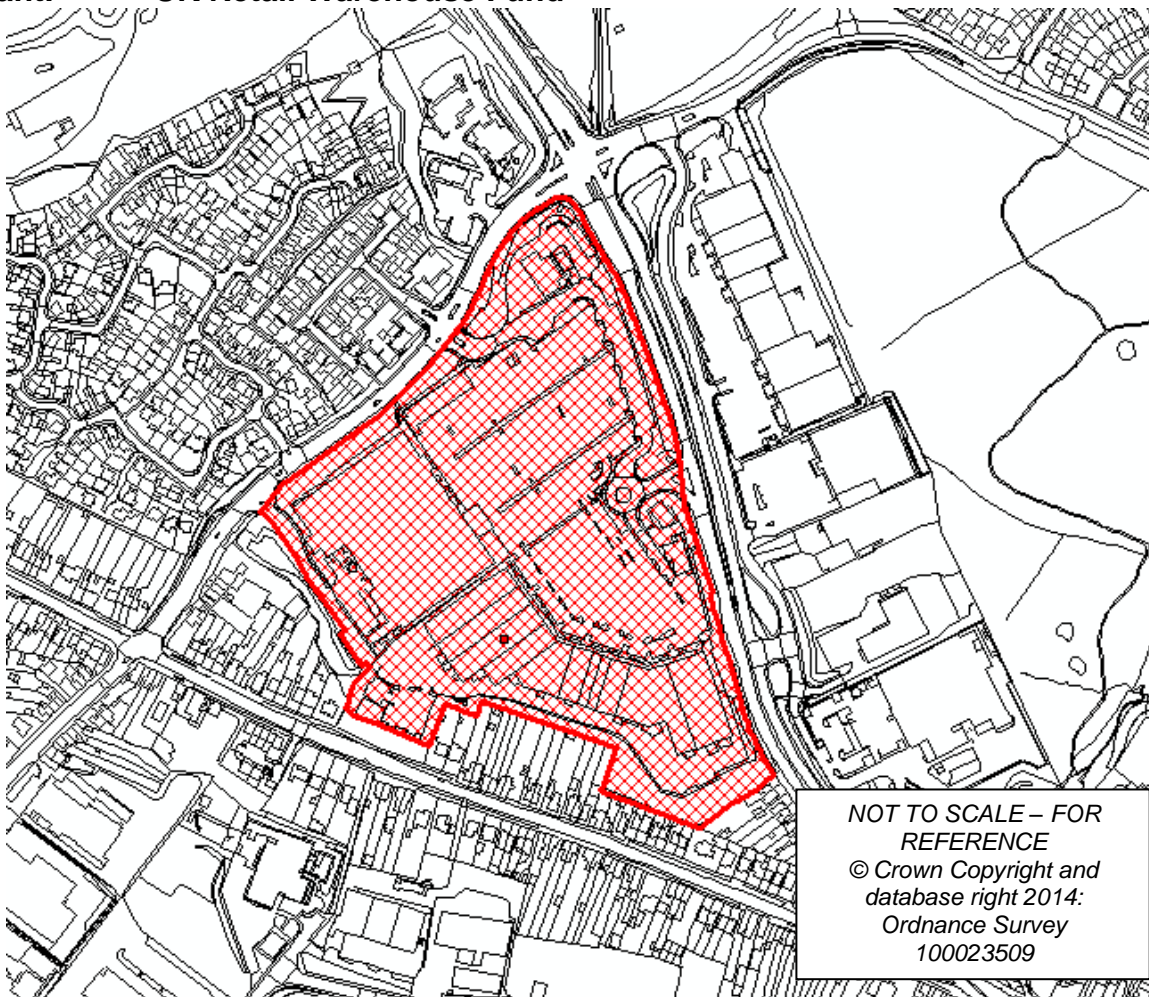
Ward:

Cockett - Bay Area

**Location:** Unit 13 , Parc Fforestfach, Cadle, Swansea, SA5 4BB

**Proposal:** Redevelopment of existing district shopping centre comprising new Tesco Superstore (10,100 square metres gross floor space), petrol filling station and 8 No. linked retail units (11,670 square metres gross floor space) with associated service yards and staff car parking areas, alterations to existing access off Pontaddulais Road, closure of existing access off Carmarthen Road, construction of two new accesses off Ffordd Cynore, offsite highway works to Ffordd Cynore and the Pontarddulais Road junction, provision of 1,275 space customer carpark, site landscaping and accommodation works - Variation of condition 9 of planning permission A00/0366 granted 1st August 2000 to allow for amendment to the operating hours for the gates, from being locked between 21.00hrs to 08.00hrs to locked between 22.00hrs to 07.00hrs to allow for deliveries to units 12 and 13 (Aldi), on the service access road from Ffordd Cynore to the delivery area to the rear of retail units 12 & 13

**Applicant:** UK Retail Warehouse Fund



**Item 1 (Cont'd)**

**Application Number:**

2022/0794/S73

## **Background**

This application is referred to Committee as the original development meets the alternate development threshold set out in the Council's Constitution.

It should be noted that the amendment proposed originally was for the gates to be locked from 22.00hrs to 06.00hrs, however after discussions with the Local Authority Pollution Control team, the application was amended to reduce the opening hours.

## **Description of Development**

This is a Section 73 application for the variation of condition 9 of planning permission A00/0366 granted 1st August 2000 to allow for amendment to the operating hours for the gates, from being locked between 21.00hrs to 08.00hrs to locked between 22.00hrs to 07.00hrs, on the service access road from Ffordd Cynore to the delivery area to the rear of retail units 12 & 13.

The aforementioned gates to the service area are located to the rear of the retail units and are accessed from Ffordd Cynore via a dedicated access road serving Tesco and the other linked retail units. It has been stated that due to the operational requirements of Aldi access is required earlier in the morning and later in the evening.

Planning application 2021/2106/FUL granted permission for the re-configuration of two existing retail units to provide one large unit and one smaller unit, with front canopy, external trolley area, alterations to access and street furniture, and rear extension to form loading bay, rear staircase and associated external alterations on 19th November 2021. This application will create one large unit to be occupied by Aldi (Units 12-13) and one smaller unit known as Unit 13a.

## **Planning History**

Planning application A00/0366 granted permission for the redevelopment of the existing district shopping centre comprising of a new Tesco Superstore (10,100 square metres gross floor space), petrol filling station and 8 No. linked retail units (11,670 square metres gross floor space) with associated service yards and staff car parking areas, alterations to existing access off Pontarddulais Road, closure of existing access off Carmarthen Road, construction of two new accesses off Ffordd Cynore, offsite highway works to Ffordd Cynore and the Pontarddulais Road junction, provision of 1,275 space customer carpark, site landscaping and accommodation works.

Planning application 2021/2106/FUL granted permission for the re-configuration of two existing retail units to provide one large unit and one smaller unit, with front canopy, external trolley area, alterations to access and street furniture, and rear extension to form loading bay, rear staircase and associated external alterations on 19th November 2021.

## **Section 73 Procedure**

This Section 73 application relates to planning permission A00/0366.

Item 1 (Cont'd)

Application Number:

2022/0794/S73

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

### Planning Policy

#### **The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

#### **Planning Policy Wales (11th Edition) 2021**

Air Quality and Soundscape

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.5 In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments.

**Item 1 (Cont'd)**

**Application Number:**

2022/0794/S73

Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors.
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

6.7.7 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.

Understanding and Identifying the Sources of Airborne (Air and Noise) Pollution

6.7.11 Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape.

6.7.13 When developing strategies, proposing or assessing development proposals it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing pollution sources (including roads, railways and industrial or commercial operations) have in terms of air and noise pollution should be carefully considered, particularly taking into account any increases in pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.

**Item 1 (Cont'd)**

**Application Number:**

2022/0794/S73

Location of Commercial, Industrial and other Potentially Polluting Development

6.7.15 For the purposes of this section, potentially polluting development includes commercial, industrial, energy and agricultural or transport infrastructure. Such development should be located in areas where there is low potential for public exposure, or where its impact can be minimised. Novel or new development types may potentially cause pollution and should be carefully considered, and where appropriate, decisions should be based on the precautionary principle.

6.7.16 Relevant considerations in making planning decisions for potentially polluting development are likely to include:

- location, including the reasons for selecting the chosen site itself;
- impact on health and amenity;
- effect of pollution on the natural and built environment and the enjoyment of areas of landscape and historic and cultural value;
- impact on groundwater and surface water quality;
- effect on biodiversity and ecosystem resilience, including where there may be cumulative impacts on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience;
- the risk and impact of potential pollution from the development, insofar as this might lead to the creation of, or worsen the situation in, an air quality management area, a noise action planning priority area or an area where there are sensitive receptors; and
- impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself.

6.7.17 The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures. It is the overall expectation that levels of pollution should be reduced as far as possible and for this reason the location of potentially polluting development should be taken into account as part of overall strategies in development plans to ensure it can be appropriately located and maximum environmental benefits can be gained through measures such as green infrastructure.

6.7.18 Early consideration is required to ascertain whether the location and design of proposed development is acceptable where air pollution or noisegenerating development is likely to affect a protected species, or is proposed in an area likely to affect a statutorily designated site (such as Natura 2000 sites or SSSIs) or a tranquil urban green space (including but not limited to formally designated 'quiet areas') valued for the restorative respite and contact with nature that they offer to residents of busy towns and cities.

### **Adopted Swansea Local Development Plan (2010-2025)**

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

**Item 1 (Cont'd)**

**Application Number:**

2022/0794/S73

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

**Supplementary Planning Guidance (SPG)**

There are no SPG that are relevant to the consideration of this application.

**Consultations:**

**Local Highway Authority:**

There are no highway objections to the extension to the opening times for the delivery area.

**Pollution Control:**

For the amended hours and an enforced delivery plan for Aldi I would have no further grounds for objection. If other companies using the route becomes an issue then we will have to address via other legislation.

**Public Consultation:**

The application was advertised by a site notice.

Eight letters of objection have been received which are summarised below:

- Additional noise to surrounding properties
- The original opening times should be retained at the weekends.
- Was a noise survey carried out for the opening and closing of the unloading bay doors
- This is a residential neighbourhood and the businesses should be mindful of their neighbours
- The current gate times are sufficient for any business to trade
- The noise from engines and refrigeration units is very intrusive
- There is more than sufficient parking within the area for deliveries

**Item 1 (Cont'd)**

**Application Number:**

2022/0794/S73

## **APPRAISAL**

### **Main Issues**

The main issues to consider in the determination of this application relate to the impacts upon existing neighbouring occupiers and the impacts upon highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. The proposals would not result in any changes to the external appearance of the development as such there are no impacts in relation to the character and appearance of the area. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Residential Amenity**

Condition 9 of the original planning application A00/0366 states that "the gates on the proposed service access road shall be locked between 21.00 hours and 0800 hours and the service road/area to the rear of the non food retail units made secure in accordance with details to be agreed under condition 03 of this permission".

This application seeks consent for the extension of the opening hours of these gates by one hour in the evening and one hour in the morning, locking the gates between 22.00hrs to 07.00hrs.

Policy RP2 of the LDP states that "where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants".

The applicant has submitted a noise assessment in support of the application and delivery management plan in support of this application. This noise assessment concludes that the predicted noise levels from delivery activity during the proposed extended opening hours would not give rise to significant adverse impacts. The increase in the opening hours of the access gates by only two hours is considered reasonable and would likely not cause undue harm upon the amenity of neighbouring residents. In addition, the applicant has also submitted a delivery management plan which outlines how deliveries will be undertaken by Aldi to mitigate noise impacts. It is considered reasonable to condition that deliveries be undertaken in accordance with this delivery management plan in order to protect the residential amenity of nearby residential properties. It is noted that the access gates serve other units and the potential impact of noise from extended delivery times to those units has not been considered within the applicant's noise assessment. Therefore it will be necessary to impose a condition with the effect that the extended delivery hours relate to units 12&13 (Aldi) only. The Council's Pollution Control team raise no objections to the proposals and note that powers could be used under environmental health legislation should noise impacts occur. Therefore having regard to the above it is considered that the proposals would not conflict with LDP Policies PS2 and RP2.

### **Access and Highway Safety**

The Local Highway Authority have been consulted and raise no objections to the proposed development.

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The proposals would not give rise to any highway safety or car parking concerns.

### **Other Matters**

Given this is a Section 73 application and involves the re-issuing of the original decision, the conditions associated with A00/0366 will need to be carefully considered as to whether they need to be re-imposed or re-worded depending on their content. However, it is worth noting that the original consent is over 22 years old with conditions that have been discharged and subsequently no longer necessary and/or have timeframes which are no longer applicable.

It is also noted that the original development was subject to a Section 106 Agreement. This S.106 referred to shuttle bus services being made available for at least 5 years, £90,000 being paid to the Council for traffic calming along Ystrad Road and bus service improvements and the installation of speed cameras at the Pontarddulais Road junction. Given the nature of the S.106 and that there is nothing outstanding, it is not considered necessary to request a Deed of Variation to the S.106 in this particular instance.

### **Conclusion**

In conclusion it is considered that the proposal would not have an adverse impact upon the residential amenity of the neighbouring occupiers. The development would not, therefore, conflict with Policies PS2 and RP2 of the Swansea Local Development Plan. Approval is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

### **RECOMMENDATION**

#### **APPROVE, subject to the following conditions**

1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development shall be carried out in accordance with the following approved plans and documents:

001 REV C site location plan, received 31st March 2022.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.



## Planning Committee – 4<sup>th</sup> October 2022

Item 1 (Cont'd)

Application Number:

2022/0794/S73

- 3 The service access gates shall remain locked between the hours of 21:00 and 08:00 other than to allow for deliveries to units 12 and 13 (Aldi), whereby the gates may be opened to allow deliveries to those units only, and no other units, between the hours of 07:00 and 22:00. All deliveries to units 12 and 13 shall be undertaken in strict accordance with the Delivery Noise Management Plan produced by Sharps Redmore dated 10th August 2022 for the lifetime of the development.  
Reason: In the interest of protecting the residential amenity of neighbouring properties along Carmarthen Road.
- 4 No cages shall be handled or manoeuvred within the Tesco service yard between the hours of 21:00 and 08:00.  
Reason: In the interest of protecting the residential amenity of neighbouring properties along Carmarthen Road.

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:  
  
Policy 1 - Where Wales Will Grow  
Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking  
  
The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, RP2 and RP3.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-



## Report of the Head of Planning and City Regeneration

Planning Committee – 4 October 2022

### **Planning Application Reference 2022/1230/FUL**

**Two storey side extension and change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works– Trehafod, Waunarlwydd Road, Cockett, Swansea, SA2 0GB**

**Purpose: This report provides advice to Committee on possible reasons for refusal of the above planning application following the decision to defer consideration of the application under the two stage voting process at the Planning Committee held on 6 September, 2022.**

**Recommendation: 1) That planning permission be granted subject to conditions as outlined in the attached report.**

### **For Decision**

#### **1.0 Introduction:**

- 1.1 This application was reported to Planning Committee on 6th September, 2022 with the recommendation that planning permission be approved subject to conditions. Committee did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice could be provided on reasons for refusal. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Committee.
- 1.2 In reaching a decision, Committee will need to consider advice on the award of costs in planning appeals in Section 12 Annex: Award of Costs of the Development Management Manual. This states that all parties involved in appeal proceedings are expected to behave reasonably to support an efficient and timely process. Parties must normally meet their own expenses. However, where it is deemed that one party has behaved

unreasonably, either directly or indirectly, and this has caused another party to incur 'unnecessary or wasted expense' in the appeal or application process, they may be subject to an award of costs.

- 1.3 Local Planning Authorities are at risk of an award of costs being made against them if they behave unreasonably with respect to the substance of the matter under appeal or subject to a call-in or application directly to the Welsh Ministers.

An examples of this may include:

- Failure to produce evidence to substantiate the impact of the proposal, or each reason, or proposed reason for refusal (i.e. taking a decision contrary to professional or technical advice without there being reasonable planning grounds to do so);

- 1.4 Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority. Following a change in legislation, costs can now be claimed when an appeal is considered by way of written representation in addition to appeals considered by Hearings and Inquiries.

## **2.0 Update to the Scheme**

- 2.1 The update sheet to the Committee Report included amending the wording of Conditions 3, 5, 10, 11 and 14 and reported 6 Additional LETTERS OF OBJECTION including one from Cllr Michael Locke. The report has been updated accordingly.

- 2.2 Additionally, a Frequently Asked Questions Brochure (from the Ministry of Justice) was circulated together with the supporting letter from the Minister for Prisons and Probation.

- 2.3 Additionally, one further letter has been received making the following comments:

With regards to COP26 climate summit 2021

- This site is a wooded area with many established trees and lots of different species of birds. Some trees are to be felled although numbers are not yet confirmed, this will have detrimental effect to wildlife.
- This surely goes against the UK commitment to COP26 climate summit 2021.
- Every planning development should abide by urgent environmental issues as per the COP26 climate summit.
- There must be far more sustainable sites available for the above project such as brown sites command land etc.
- This is a residential area which is not suitable for a prison of any category.

## **Applicant's Statement**

- 2.4 Following Deferral of the above application at Committee on the 6th September 2022, the applicant has submitted further information for Committee to consider in response to the discussion at the Planning Committee. This brings together much of the information referenced in the applicant's presentation to Committee and also makes further commentary on some of the items raised by Committee relating to lighting, fencing, parking and security. The applicant also reiterates their acceptance to a restricted use condition, that will enable the Local Planning Authority to retain control over the future use of the premises.

*The information below is provided to help to address inaccuracies stated by those opposing the application during the last planning committee meeting, and to provide further support for the application.*

### **Crime Data**

*Swansea has a high number of women who offend. There are currently 134 women on probation in the community, and 18 women (out of a total of 33 Welsh women from Swansea) on short term prison sentences. These women could be eligible to access the Residential Women's Centre instead of a custodial sentence if they were assessed prior to sentence as being suitable. The women who will be attending the Centre are already living within the community.*

### **Reoffending**

*Reports show that women serving community sentences accessing residential women's centres have a low re-offending rate compared to women on short sentences in custody.*

### **Design**

*The Residential Women's Centre is not a prison. It is a women's centre with a 12-bed residential unit, which will provide local women who have committed low level offences, with specialist support to address the root cause of their offending behaviour and reduce reoffending. The design of the Centre will look like a residential home, both on the inside and outside.*

*The designing out crime officer has made recommendations about elements of the Centre including fencing, lighting and CCTV, which would give it Secure by Design status. It is felt that this was mis-understood by those that objected to the application, as part of the Residential Women's Centre design plans. Whilst the Residential Women's Centre team will consider the recommendations by the officer they will take a balanced view ensuring that there is focus on the need for the site to be homely, any impacts on local residents, and prevention of crime when taking decisions around these security measures.*

### **Operations**

*His Majesty's Prison and Probation Service has significant expertise and experience managing Probation Hostels (Approved Premises) across the UK, where the residents present a higher risk than the women who we expect stay at the Residential Women's Centre. Staff in these premises have developed good relationships with the local residents and wider community.*

*The Residential Women's Centre will have the following:*

- 24/7 / 365 days a year management of the Centre
- Staffing levels to ensure that there are always at least two staff members on site at any time during day and night, along with an on-call management system for out of hours support
- Operational guidance and training for all staff with policies to include zero tolerance to use of alcohol and/or drugs on site
- Residents will all have been pre-assessed as suitable prior to sentence, will be lower risk to the public and will demonstrate motivation to engage with the service
- Residents will sign behavioural contracts which will include curfew hours, how they behave on and off site and consideration for local residents
- The Centre manager will regularly engage with the local community to address any concerns they have. We would look to hold regular drop-in sessions on site to discuss any issues.
- Positive relationships with local police will include pro-active engagement with community police who will be welcomed into the centre on a regular basis.

*The experience of Women's Centres across England is that anti-social behaviour issues are uncommon. The discreet CCTV and staff management acts as a deterrent for crime. Staff have a duty to report any intelligence of crime and antisocial behaviour and will call police should there be any danger or risk of crime.*

*The permanent presence of Probation staff in the area is likely to lead to a reduction in existing anti-social behaviour within the area, particularly when compared to unused buildings or houses with multiple occupation.*

*In relation to our existing relationships with police and wider organisations in Swansea, we are part of the Safer Swansea Partnership, which comprises all key statutory agencies to focus on community safety issues. Those strategic relationships are strong and mature in Swansea and are responsive to local needs and are an excellent basis to support the Residential Women's Centre aims going forward.*

*Local Police and Probation work extremely closely on an operational and strategic level daily to manage people who offend across Swansea. This includes our Women's Pathfinder Case Conference, engaging the third sector in risk management plans for women who need a high level of support and monitoring. We also have Integrated Offender Management Police Officers and Police Domestic Abuse Offender Managers co-located in Swansea Probation Office working directly with Probation Officers.*

### **Residents of Residential Women's Centre**

*The 12 women residing at the Centre will have a full timetable of activities including one-to-one keyword sessions, group work, life skills, and evening and weekend planned activities with staff.*

*Visits to residents will be pre-planned via appointment only, and as there is only one family visiting room, these visits will be limited to one visit at a time from family members.*

### **Day Visitors of Residential Women's Centre**

*The day service element will operate in a small section of the building so numbers will be limited to those who have been provided with appointments and will not be allowed to bring additional guests when they attend.*

### **Vehicles and Parking**

*There will be a Construction Traffic Management Plan during construction phase and a Delivery and Servicing Plan operational management plans during the operational delivery phase.*

*This will form part of the Probation Service's Health and Safety Management procedures. This will include but is not limited to the following:*

- *Site access routes and permissions*
- *Parking permissions*
- *Site safety to include manoeuvring of vehicles*
- *Deliveries*
- *Visitor arrangements*

*There is sufficient parking on site, however we will be encouraging staff and visitors to the Centre to use public and sustainable transport where relevant. We don't believe the Centre will lead to an increase in parking in the surrounding area.*

*The Residential Women's Centre will provide an eight-seater vehicle that can be used for transporting women to and from interventions and activities, particularly when buses are not available.*

*The vehicle will be electric, so levels of pollution that would otherwise come from a petrol vehicle will be restricted. The use of a Centre vehicle instead of taxis or other forms of transport, will also reduce traffic flow to and from the Centre.*

*Parking for the vehicle is included in our designs and will not take away from other parking spaces on site.*

*Visitors will be able to park on site in our dedicated parking spaces, and visits will be limited to one family at any one time, so there will not be an influx of cars on site.*

### **Lighting**

*The lighting plan includes low level bollard lighting along the entrance road and pathways, and 4 no. street light style lighting columns for the car parking areas.*

*Whilst we note a specific condition has been recommended by officers we can advise that the lighting has been designed to provide access and security in line with requirement of similar buildings. All of the lighting will be smart LED lighting, so levels are able to be reviewed should concerns be raised by residents with respect to this (albeit in line with requirements stipulated by planning). Site staff will work actively with residents to ensure that lighting on site is not detrimental to residents. Lighting will also be sensitive to biodiversity interests.*

### **Fencing**

*We note the concerns about fencing and would like to reassure Committee that is proposed in a sensitive manner. The access road and car parking area to the frontage of the building will not be fenced or gated in, rather the fencing will be installed to the side and rear of the building away from the street scene and would be softened by landscaping so would not be visually conspicuous. This is demonstrated on the proposed site plan.*

### **The need for this service in Swansea**

*The concept of the Residential Women's Centre is widely and firmly supported by Welsh Government, police and crime commissioners and third sector organisations.*

*At the heart of our search for a suitable site for the Residential Women's Centre, has been identifying where the need is greatest and where we feel we can make the most impact in terms of turning women's lives around and improving communities.*

*Our analysis shows that in Swansea, there are a high number of women sentenced to short-term custody. Whilst sentencing is a matter for the independent judiciary, we know that in some cases sending women to prison does not necessarily lead to the best long-term outcomes. These women are often experiencing difficulties linked to adverse childhood experiences, poor mental and physical health, substance abuse and poverty, which is driving their offending behaviour. We believe that providing extra community-based support in the form of the Residential Women's Centre, which supports them in addressing these issues, may reduce the numbers of women sent to prison, away from family, children and support networks, and improve their chances of recovery and rehabilitation. This benefits the wider community in reduced crime, reduced negative impact on children and families, and better outcomes for vulnerable women.*

*Over the last two years we have worked closely with partners, including Welsh Government, Police and Crime Commissioners, Local Authorities and third sector organisations, to find a suitable location. We wanted to ensure that the Centre was based in an area where there are a large number of women who will benefit from the service and in a local authority that is progressive in supporting vulnerable people and taking an alternative approach. We have carried out extensive analysis across Wales, which has resulted in us identifying Swansea as a suitable location.*

### **Consultation**

*We understand there are concerns that we haven't consulted on our proposals. We are confident that we have followed the required statutory and local authority planning guidelines in relation to local community consultation. In addition, we have undertaken engagement with local councillors and the community as a means of seeking to answer local concerns. This included a letter drop to approximately 300 local houses, a day-long drop-in session near to Trehafod and responses to incoming public enquiries. We have also produced an FAQ document, which was emailed to councillors to share with local people, handed out at the drop-*

*in session, emailed to local residents, and has been made available online.*

### **C2A classification**

*We understand there are concerns from local people surrounding the classification of the application (C2A) which includes a range of secure residential provisions including prisons. We have no intention to move away from this being a Residential Women's Centre, and if the committee is minded to approve the application, then we would certainly have no objection to you imposing a restrictive condition on the use of the site given that it reflects our proposals. It was agreed in the last committee meeting that the planning authority would be happy to put restrictions on the use of the property to ensure that it couldn't be turned into another setting at a later stage without going through planning.*

### **Examples of other Residential Women's Centres or Women's Approved Premises in England**

*There are a number of existing similar provision Residential Women's Centres and Approved Premises across England, which are running within similar local communities with no issues relating to anti-social behaviour and public safety.*

### **Eden House Approved Premises in Bristol**



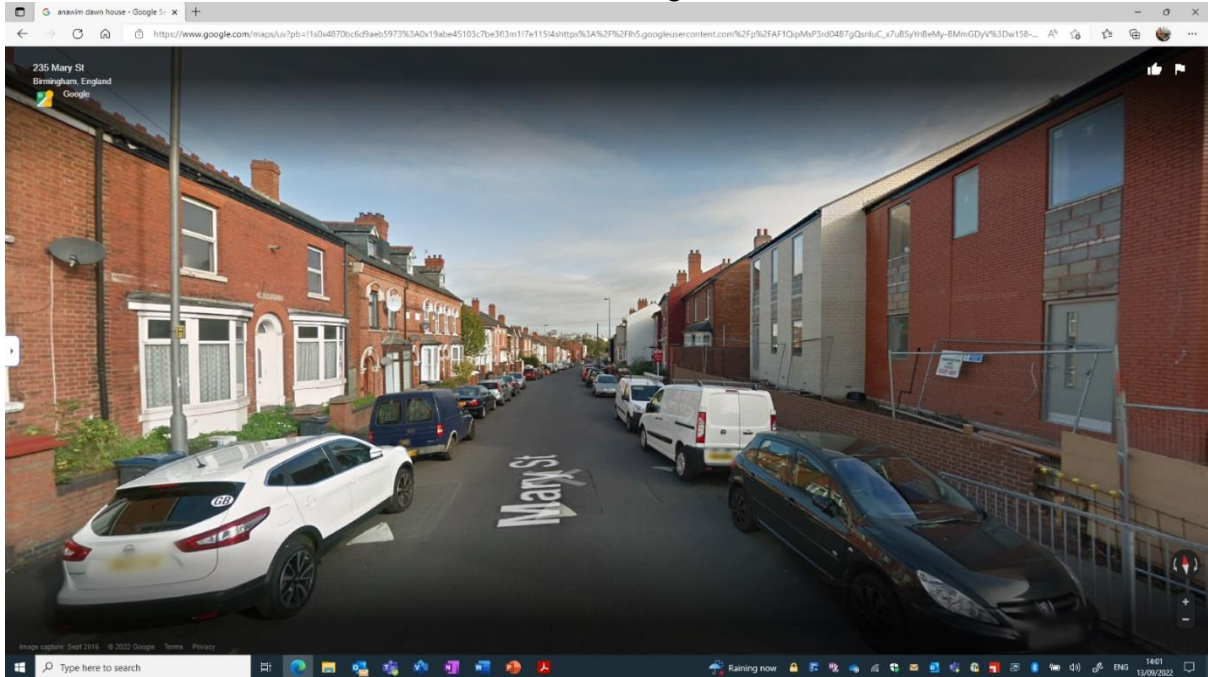
*Eden House (on the left with trees) is in the middle of residential area – houses of local residents are next to and directly opposite the Centre. The Residential Women's Centre team have visited Eden House and were pleased to hear that there are good relationships with the neighbours and that the Centre is part of the local community. Even when this was changed from a Women's Centre to an Approved Premises where it became residential and included High Risk women*

*The staff described a positive relationship with local community police officers. They have progressed this to include hosting informal "cake and cuppa" chats where the women can familiarise themselves with the local officers. Feedback from Eden House identified that the women have felt*



*empowered to share intelligence with the police which supports crime reduction.*

## **Anawim Residential Women's Centre in Birmingham**



*Dawn House Residential Women's Centre, on the right-hand side of street view image (part of Anawim), is in the middle of residential area with local residents living in houses next to and directly opposite the Centre. Anawim receives referrals for women including both women being released from custody as well as community referrals.*

*The Residential Women's Centre team have visited Dawn House and were informed that there have been minimal issues related to anti-social behaviour. Anawim report that this is due to the security measures including CCTV cameras and video door-bells which act as a deterrent. In line with Residential Women's Centre operational procedures that will be in place Anawim is staffed 24/7 and their women sign behaviour contracts.*

### **3.0 Main Issues**

3.1 Members at Planning Committee identified the following areas for grounds of refusal of the application: adverse effect on residential amenity; impact of parking and lighting in street scene; contrary to LDP Policy PS2. Additionally, Members may wish to consider the impact on community safety as a reason for refusal.

#### **4.0 Adverse effect on residential amenity**

4.1 Members are reminded that Policy PS2 of the Swansea Local Development Plan 2010-2025 reads:

***PS 2: PLACEMAKING AND PLACE MANAGEMENT***

*Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place.*

*The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy,*

*accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.*

*Depending on the nature, scale and siting of the proposal, development should also:*

- i. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;*
- ii. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;*
- iii. Create or enhance opportunities for Active Travel and greater use of public transport;*
- iv. Integrate effectively with the County's network of multi-functional open spaces and enhance the County's Green Infrastructure network;*
- v. Enhance public realm quality, incorporating public art where appropriate;*
- vi. Provide for a hierarchy of interconnected streets and spaces;*
- vii. Ensure active frontages onto streets and spaces to provide natural surveillance and character;*
- viii. Provide an accessible environment for all;*
- ix. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;*
- x. Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;*
- xi. Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;*
- xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;*
- xiii. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;*
- xiv. Ensure no significant adverse impact on natural heritage and built heritage assets;*
- xv. Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life;*
- xvi. Ensure that commercial proposals, including change of use proposals:
  - a. incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,*
  - b. provide appropriate enclosure,*
  - c. relate well to the character of the host building,*
  - d. do not compromise the ability to deliver priority regeneration schemes.**
- xvii. Have regard to the implications for infrastructure and services.*

- 4.2 At the Committee, Members expressed concerns that the building with associated fencing, lighting and CCTV would have an adverse impact within the street scene. The applicant's letter indicates that the design of the Centre will look like a residential home, both on the inside and outside, and has provided some additional information in respect of the management of the facility and the fencing and lighting details. Additionally, examples of other similar Residential Women's Centres or Women's Approved Premises in England are highlighted which are running within similar local communities and it is indicated there are no issues relating to anti-social behaviour and public safety.

- 4.3 However, based on the comments of the Planning Committee, if Members are minded to refuse the application, then it is considered that the following reason for refusal reflects the comments raised:

*The proposed development, by reason of its unacceptable juxtaposition and potential conflict between the proposed use and adjacent neighbouring residential properties is considered will have a detrimental impact upon the existing residential and visual amenities within the street scene by reason of proposed lighting and means of enclosure which would be contrary to the requirements of Policies PS2 of the City and County of Swansea Local Development Plan (2010 - 2025)*

## **5.0 Community Safety**

- 5.1 Additionally, Members attention is brought to Local Development Plan Policy SI 8: Community Safety which reads:

### *SI:8 Community Safety*

*Development must be designed to promote safe and secure communities and minimise the opportunity for crime. In particular development shall:*

- i. Create places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security;*
- ii. Provide adequate natural surveillance (overlooking) of adjacent streets and spaces;*
- iii. Be designed to make crime difficult to commit by increasing the risk of detection;*
- iv. Create a sense of ownership by providing a clear definition between public and private spaces;*
- v. Promote activity that is appropriate to the area, providing convenient access and movement routes;*
- vi. Provide, where necessary, well-designed security features that integrate sympathetically with the surrounding streetscene, buildings and open spaces;*
- vii. Create places that are designed with management and maintenance in mind, to discourage crime in the present and the future; and*
- viii. Avoid the creation of gated communities.*

The amplification to this policy states that this policy seeks to ensure that all new development is designed to reduce opportunities for crime. Increasing community safety and reducing crime, the fear of crime and anti-social behaviour, are key to improving the quality of life and well-being for those who live in and visit the County. 'Designing in' Community Safety is key to the delivery of safe and sustainable communities, and should be considered in all developments in all locations. Further detail is set out in the SPG 'Planning for Community Safety'. This policy should be read together with Policy PS 2 Placemaking and Place Management. Community Safety requirements should be balanced against the need to create sustainable, attractive and well connected communities.

- 5.2 Additionally, Planning Policy Wales (Edition 11 – Feb. 2021) advises that in respect of Community Safety:

*Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and*

*taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal (3.11)*

- 5.3 As highlighted by the applicant, examples of other similar Residential Women's Centres or Women's Approved Premises in England are detailed, which are running within similar local communities and it is indicated there are no issues relating to anti-social behaviour and public safety. However, if Members are minded to refuse the application based on issues of community safety, then it is considered that the following potential reason for refusal may be considered:

*The proposed Residential Women's Centre (Class C2A) together with the associated works has the potential to introduce the fear of crime and anti-social behaviour into the residential area which is considered to have a detrimental impact on community safety and cohesive communities well-being goal contrary to LDP Policy SI:8 and Planning Policy Wales (Edition 11 – Feb. 2021)*

## **6.0 Car Parking**

- 6.1 At the Committee meeting, Members expressed concerns about the impact of car parking which was interpreted to be the concern of overspill parking occurring along Waunarwydd Road. As indicated in the applicant's statement, the car parking requirement for the proposal has been designed into the scheme, and the proposed site layout includes a car park for 7 vehicles including one mini bus and one bay for disabled users. As indicated in the Committee report, given the nature of the use it is considered that the parking provision would be sufficient for the comings and goings that would be generated from the proposed development. The Authority's Highway Officer has indicated that due to the nature of the end use, the car ownership is likely to be low and that the seven car parking spaces including one suitable for a minibus and one disabled space would be in line with the requirements of the CCS Parking standards and as such it is not considered that the proposal would have an unacceptable impact upon highway safety, and therefore Members are advised against including car parking as reason for refusal.

## **7.0 Class 2A Classification**

- 7.1 At the Committee meeting on 6<sup>th</sup> September, there was a debate around the classification of the application under Class C2A of the Town and Country Planning (Use Classes) Order 1987 (as amended), which puts uses of land and buildings into various categories known as 'Use Classes' and within each use class, permission is not required to move from one use to another. The proposed use as a Residential Women's Centre falls under Class C2A - Secure Residential Institution – which includes the following uses:

*Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks*

- 7.2 As indicated in the applicant's statement there would be no intention to move away from the proposal to being a Residential Women's Centre, and if the Committee were minded to approve the application, then they would have no objection to the imposition of a restrictive condition on the use of the site. This matter is address in the Committee report when it is confirmed that the development does fit within the defined Use Class C2A and it was considered that a condition restricting the use on land use terms was not necessary, however, such a condition preventing other uses within Class C2A would meet the tests set out for planning conditions, and if Committee were so minded a planning condition could be imposed which would read as follows:

*The premises shall be used for a Residential Women's Centre and for no other purpose (including any other purpose in class C2A of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).*

*Reason: In order to restrict the use as a Residential Women's Centre and to prevent the premises being used for other uses within Class C2A to safeguard the amenities of the occupiers of neighbouring properties.*

## **8.0 Conclusion**

- 8.1 My original report to Planning Committee on 6 September 2022 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above in relation to the possible reasons for refusal and Members will need to be satisfied that evidence to support any reason(s) for refusal can be produced.

## **9.0 Recommendation**

- 9.1 The application be approved in accordance with the recommendation set out in the Report. If, however, Committee does not consider that the application should be approved, the reasons for refusal should take into account the advice given above and within the updated Committee Report as appended.

## **BACKGROUND PAPERS**

### **Local Government Act 1972 (Section 100) (As Amended)**

**The following documents were used in the preparation of this report:**

**Application file (Ref: 2022/1230/FUL) together with the files and documents referred to in the background information section of the appended Planning Committee report.**

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**Date of Production: 22 September, 2022**

Appendix A Planning Committee Report



## **Background**

**This application is being reported to Planning Committee for decision because it was called in by Councillor's Cheryl Philpott and Mike Durke, and it met the threshold for the number of public objections.**

## **Site Location**

The application property at Trehafod is located off Waunarwydd Road and occupies a corner position at the entrance of the Cefn Coed Hospital site, Cockett. The property is a substantial detached three-storey building with a hipped roof which includes a dormer feature, and was constructed as part of the main Cefn Coed Hospital campus. It is likely that the building was occupied for residential purposes used in association with the Hospital, but more recently, the property has been used for health/clinic (D1) purposes.

The vehicular access to the property is via the existing hospital site entrance. The current access onto the main Waunarwydd Road is proposed to be closed off as part of the proposals and all movements via the entry point on the existing hospital access road.

## **Description of Development**

The proposed development would consist of the demolition of the existing extensions to the property and construction of a two storey side extension and change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works. The Residential Women's Centre (RWC) will provide a facility for women currently involved with the justice system. The centre will support women to address their needs and assist and support them in moving back to safe and appropriate accommodation in their home community at the end of their stay. The Centre will be a combination of a homely residence and a welcoming women's centre support hub for residents, and women in the wider community who currently access justice services locally.

## **The Applicant has provided the additional information in support of the proposal**

The Residential Women's Centre will be run by the Ministry of Justice (MoJ) and will consist of a 12-bedroom centre, which will provide local women who have committed low level offences with specialist support to address the root cause of their offending behaviour. It will accommodate local Swansea women who have committed low level offences. The MoJ will assess the women to ensure they do not present a risk of harm to the public and that they will benefit from the services on offer. The women will have agreed to engage with the opportunity and the Courts will have decided that this is the best option for them.

The Residential Women's Centre will provide a home for 12 women who will stay for 12 weeks at a time. In addition, it will provide day services for other local women in the community. The women's centre will be made up of two small rooms, so there will be a limited number of women attending at any given time. The residential women's centre will be staffed 24/7 with Probation Service staff who are trained and experienced in working with women in contact with the Criminal Justice System. The Centre will be designed in conjunction with advice from South Wales Police Designing Out Crime Officer and other key local partners to develop the Centre.

During their stay at the Centre women will have a busy timetable. They will attend interventions as required to help them address the causes of their offending, for example one-to-one mental health therapy, counselling to address their trauma from previous abuse and support to overcome addictions. The women will be encouraged to take part in additional activities going

on at the Centre such as exercise classes, gardening, cooking and other wellbeing interventions, which will help address their needs and prepare them for leaving the Centre and settling back into life in the local community. The service will also provide longer-term support for women to help them find a job and maintain family relationships as they transition from the centre to life back in their communities.

Women will agree to a behaviour agreement when they join the Centre. This will include rules about behaviour on and off the site. There will be strict curfew rules and the site will be drug and alcohol free. Failure to comply will lead to their place being withdrawn and a return to court. Visits by family members will be allowed but will be pre-arranged and visitors will need to be approved by the Centre. The Centre will provide family rooms for visits as well as video conferencing facilities and women will have access to phones to help them to keep in touch with their families.

The Residential Women's Centre will support women to maintain contact with children, their families and local communities by encouraging contact and visits as appropriate. During the first 12 months after opening, the MoJ will be considering how children could be accommodated with their mums. This will be done on a case-by-case basis and will take into account both the needs of the child and the mother.

The Residential Women's Centre is not a prison. It is a women's centre with a residential provision providing effective, holistic support for vulnerable women already living within the local community. There are many examples of women's centres and this model is based on existing best practice. Some women's centres also have accommodation onsite or nearby in order to provide more intensive support. This proposed model will focus on women in contact with the justice system and is based on existing best practice.

In terms of safety and security, the facility will be managed by Probation Service staff who will be working at the Centre 24/7 and who have considerable experience working with women who have committed offences. In addition, there will be a strict policy of no alcohol or drugs onsite and a zero-tolerance approach to anti-social behaviour. There will be a number of security measures including CCTV on the outside of the building, appropriate-lit entrances (in accordance with environmental regulations) and alarm systems. The residential unit will be staffed 24/7, the Centre will have a curfew time, as well as individuals having their own curfews depending on their court order, and there will be a no noise policy in the evenings and night-time hours. Pre-agreed visitors will only be allowed to visit at set times. The Centre will work with neighbours and local businesses to ensure any unauthorised people that come to the area are dealt with promptly by the Centre and by the local neighbourhood police.

It is not anticipated that there will be an increase in traffic from the previous use of the site. Residents at the site will not have vehicles, and residents, staff and centre users will access the site by public transport, bike or by walking, wherever possible.

The Residential Women's Centre is intended to be located within the local community, as the majority of the women attending the Centre will already be a part of the local community or surrounding areas. Hosting the Residential Women's Centre is an opportunity to enable women to stay closer to those who support them, in a safe environment, so that they can focus on the task of making positive changes to their lives and support their reducing reoffending journey.

The MoJ list a number of benefits to hosting a Residential Women's Centre including:



- o Reducing crime - the Centre will help prevent crime and anti-social behaviour escalating, leading to safer communities.
- o Reduction of the impact on local services - the Centre will promote joined up working of local services, bringing together justice, health, housing providers, substance misuse services and local charities.
- o Keeping local families together - keeping women close to home enables them to stay close to their family and children. As well as supporting the women in changing their lives this will have a positive impact on their children, reducing the effect of having a mother or loved one imprisoned a long way from home.
- o Improving the wellbeing and life outcomes for local women and their families - by improving the skills, health (mental and physical) and relationships of women, they are more likely to become productive members of local communities.

Why has Swansea been chosen to host the Residential Women's Centre?

- o For adult women, the South Wales Police Force Area has the highest number of sentences to immediate custody of 12 months or less, with 273 sentences in 2019 or 68% of the annual Welsh total (400).
- o Swansea has a high number of women who offend. The women who will be attending the Centre are already living within the community and hosting the Centre in Swansea means that it will be operating at or near capacity.
- o Swansea has a long-standing history of supporting vulnerable people in the community through projects such as this.

Why has Trehafod been chosen as the site for the Residential Women's Centre?

The Ministry of Justice carried out an extensive site search, working closely with a number of key partners including Welsh Government, Police and Crime Commissioners, Local Authorities and third sector organisations, to find a suitable site for the Centre. The criteria includes; affordability, accessibility by public transport, access to existing services and meeting the requirements of the Centre in terms of set-up and operation.

The Ministry of Justice considered sites in other areas of South Wales, however none of the available properties were deemed suitable. Trehafod provides a therapeutic space and meets the above requirements.

Why are these women not being sent to prison?'

The women who will be attending the Residential Women's Centre do not need to be sent to prison as the offences they have committed and the risk they pose to others means they are safe to live within the community.

Evidence suggests women in the community are less likely to reoffend and better supported on a robust community sentence, avoiding the damaging effects of being sent away to prison for such short periods of time, such as disruptions to family life, negative impacts on children and increased suffering of mental health conditions.

The impact on women from Wales is exacerbated by the fact that there are no prisons for women in Wales (and currently no plans to build any). If sentenced to custody, they can find themselves a long way from their home and families which has a negative impact on their rehabilitation.

## **Planning History**

A certificate of existing lawful use established that the current planning use of the property is a health clinic and ancillary offices (Use Class D1), ref: 2019/1855/ELD.

A full planning application for the change of use from health clinic (Class D1) to residential (Class C3), was approved on 03/10/2019, ref: 2019/1857/FUL.

### **Planning Policy**

#### **The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

#### **Planning Policy Wales (11th Edition) 2021**

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

#### **Adopted Swansea Local Development Plan (2010-2025)**

The Swansea Council Local Development Plan (LDP) was adopted on 28th February 2019 and is the prevailing development plan for the City and County of Swansea. The following LDP policies are of relevance in the determination of the Planning Application:

- o PS1 Sustainable Places; PS2 Placemaking and Place Management;
- o SD2 Masterplanning Principles; SDF Cefn Coed Hospital, Cockett;
- o ER 2 Strategic Green Infrastructure Network; ER6 Designated Sites of Ecological Importance; ER8 Habitats and Species; ER9 Ecological Networks and Features of Importance for Biodiversity; ER11 Trees, Hedgerows and Development.
- o T5 Design Principles for Transport Measures and Infrastructure; T6 Parking;
- o RP 2 Noise Pollution.

#### **Supplementary Planning Guidance:**

The Supplementary Planning Guidance (SPG): 'Placemaking Guidance for Residential Development' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. The SPG was formally adopted by the Council in October 2021, which followed a period of public consultation and stakeholder engagement that informed the content of the document.

The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. The SPG 'Trees, Hedgerows and Woodland' adopted October 201, also provide further information and guidance in regard to Policy ER 11 and this is referenced on page 199 of the LDP. Finally the SPG 'Development and Biodiversity' was adopted February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

## **Consultations:**

### **Ecology:**

The application site is bordered by the Cockett Wheels & Park Site of Importance for Nature Conservation (SINC) and the development must therefore comply with Policy ER6. To comply with Policy ER6, a Construction Environmental Management Plan (CEMP) will be required.

### **Trees:**

The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal: <https://www.swansea.gov.uk/treespg>

### **Bats condition:**

Felling of all trees categorised as having low suitability for bats (as per the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. The trees shall be felled in sections, which shall carefully be lowered by rope to ground level. If bats or any evidence of bats is recorded during the works, they shall cease until the ecologist has advised how and when the works can re-commence.

### **Breeding/nesting birds Condition:**

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

### **Badgers Condition:**

All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

### **Hedgehog Condition:**

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

### **Lighting Strategy Condition:**

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should

reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>  
Invasive Non-native species (INNS) Condition:

As Japanese knotweed, Cotoneaster and Montbretia were recorded, an INNS Management Plan shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

#### Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

The enhancements proposed on the submitted drawing are acceptable, however further details will be required by condition (i.e. the specification of the bird and bat boxes and a timetable for their installation).

A full landscaping strategy will also need to be conditioned, detailing plant species, planting specification, maintenance and monitoring.

#### Sustainable Drainage (SuDS)

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP. SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

#### Drainage:

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

#### Designing Out Crime Officer:

Where there is some mention of community safety and security within the Planning and Design Statement, there is no mention of the development being built to Secured By Design (SBD) standards. The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage (Note 1.4). It also has a significant impact on anti-social behaviour. Therefore there are substantial carbon cost savings associated with building new homes and refurbishing existing homes to the SBD standard i.e. less replacement of poor quality doors, windows and the stolen property from within the home as a result of criminal acts. This has been achieved through adherence to well researched and effective design solutions, innovative and creative product design coupled with robust manufacturing standards.

In order for the application to achieve the Secured By Design (SBD) Gold Award therefore, I have made the following observations and recommendations based on the current crime profile for the area and the information provided.

(i) General Layout and Boundary Treatment.

The site for the proposed Residential Women's Centre is within a secluded plot of land at the entrance to Cefn Coed Hospital, just off Waunarlwydd Road. It is surrounded, mainly by mature trees and abuts public open space on most sides. There are currently two accessible routes into the site. The main access is to be via the already existing route to the Hospital and the second entrance off Waunarlwydd Road is intended to be blocked off so that there is only one main access route for vehicles.

Recommendations:

1. The whole site should be protected by security fencing. The fencing should meet the security standard LPS 1175: SR1 or equivalent, be at least 2 metres high, manufactured of weld mesh, expanded metal or similar and be of a design that is difficult to climb over. Particular attention should be paid to the existing "second entrance" off Waunarlwydd Road as if this is not blocked off completely, there is a risk that this could become a preferred route for residents, as it is a more direct route from the main road. This will counteract any access control that is in place.

2. Security Gate - The design, height and construction of any gates within a perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary.

Reason: To enhance community safety and reduce the opportunity for burglary and other crime.

(ii) Access Control and Entrances into the Building.

There is to be a Security Gate at the main entrance to the site for both vehicle and pedestrian access. This will not be manned, however it is intended that CCTV will cover this entrance.

There will be one main entrance into the building leading to the Reception area and a second entrance point which is intended for the use of women who have children. The Reception area is to be staffed at all times. It is clear from the plans that the safety of the Reception staff has already been taken into account, with a secure room that affords them protection against the risk of a resident or visitor becoming aggressive or violent.

Recommendations:

3. The Security Gate must have Audio/Visual Access Control which is electronically linked to the Reception Desk and access can then be controlled by the Receptionist.

4. All entrances into the building must be covered by Audio/Visual Access Control and be electronically controlled by the Receptionist. This should include the second entrance into the building (intended for use by mothers and children).

5. The space on the outside and inside of the entrance doors should be well illuminated during dark hours and Reception staff should have a clear view of the approaches to the entrance. If the lighting levels directly outside the building reception are too low after dark, a reflection of the reception area will be seen on the inside of the glazing, which will hamper the receptionist's ability to look outside the building. It is therefore important that levels of illumination both inside and outside of the reception area are well balanced to avoid this.

6. Access beyond the reception area should be controlled using automatic locking doors, controlled by fob or ID Cards issued to staff. Residents should have access fobs which are programmed to provide access only into their own rooms.

7. Entry into all rooms where valuable equipment is sited should also be controlled and these rooms must be kept locked when not in use.

8. Access control should meet Secured By Design (SBD) standards and specifications.

Reason: To reduce any unauthorised access and enhance the safety of staff and residents.

(iii). CCTV.

Recommendations:

9. I would ask for the outside and the main entrances into the buildings, vehicle entrances onto the site, the vehicle parking areas and any bike and bin stores to be protected by CCTV.

10. The CCTV cameras should meet BS EN 50132-7:2012 standard and be located in elevated positions. Ideally the CCTV would be monitored, which I understand will be from the Reception area.

11. The images produced must be admissible in a court of law and the General Data Protection Regulations (GDPR) must be complied with.

12. Staff should receive training in the use of the CCTV and transfer of images, so that it can be used as evidence if required.

Reason: To reduce crime and enhance community safety.

(iv). Signage.

Recommendations:

13. Signs should be sited advertising the fact that CCTV cameras are operating in the area if CCTV is installed.

14. Display directional signage and information signage so that all visitors go direct to the reception area on entering the site.

Reason: To comply with Data Protection, assist with rule setting and aid access control.

(v). Lighting.

Recommendations:

15. The whole of this development, especially the vehicle parking areas, should benefit from lighting that meets the British Standard 5489: 2020.

16. Security Lighting should be installed outside the main entrance and second, women and children entrance.

17. The lighting must be effective and enhance CCTV coverage.

18. The lighting must be situated in elevated positions to prevent vandalism and be protected in vandal proof housings.

Reason: To provide a well-lit environment that enhances the security of the staff and residents.

(vi). Landscaping.

Recommendations:

19. Maximum surveillance must be maintained across the whole development site. Ideally plants and bushes would only grow to a maximum height of 1 metre. The view of the car parking areas from the premises must not be obscured by trees or planting.

20. Trees should be located in areas where they do not obstruct CCTV coverage or lighting or provide an assist to climbing. They should have no branches below 2 metres from the ground. This is to allow clear lines of sight across the whole of the development.

Reason: To enhance natural surveillance over the whole site.

(vii). Vehicle parking areas.

Recommendations:

21. Vehicle parking areas must be well lit, ideally the lighting meeting the British Standard 5489:2020. All vehicle parking bays should be protected by monitored CCTV.

22. The perimeter of the car parking areas must be clearly defined and access confined to the main vehicle entrance/exit points.

23. There must be clear lines of sight across the vehicle parking areas with any planting being low level. Ideally these area would be overlooked by the buildings.

Reason: To prevent vehicle crime.

(viii). Bicycle stores.

Recommendation:

24. Bike stores must be secure, lit and overlooked (please visit [www.securedbydesign.com](http://www.securedbydesign.com) for more information).

Reason: To prevent the theft of bicycles.

(ix). Bin stores.

Recommendation:

25. Bin storage areas should be secure areas protected by solid doors/gates. Access into these areas should be controlled by access control and they should be located away from the buildings.

Reason: To prevent Arson.

(x). Drainpipes.

Recommendation:

26. Rainwater down pipes can provide a convenient scaling aid onto roofs, or to reach windows above ground floor level. Rain water pipes should be either flush fitting (i.e. square profile) or concealed within the cavities.

Reason : To prevent burglary.

(xi). Intruder alarm systems.

Recommendation:

27. The buildings especially the offices and amenity buildings should be alarmed on all floors when unoccupied, with the alarm system linked to a central monitoring station. All rooms where there is valuable equipment or information stored should be alarmed and any alarm wires should be protected.

Reason: To prevent burglary

(xii). Door security.

Recommendations:

28. The external doors of the buildings, those separating public and private areas and those protecting rooms where valuable property or information is stored should meet where possible the standards PAS 24 2016, LPS 1175 SR2 or equivalent and be third party tested and certificated.

29. Glass in door panels or adjacent to door panels should be laminated.

30. Doors in recesses of more than 600mm should be avoided.

31. All vertical lift doors/ roller shutter doors fitted must be locked in place, internally and externally, when the building is unoccupied.

32. In respect of operating mechanisms external fittings must be avoided. Internal mechanisms must be secure and sited away from the door openings.

33. Fire doors must not have external door furniture fitted, and meet SBD standards and specifications. They must also be alarmed. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.

34. Doors should be protected against ram raiding.

Reason: To prevent burglary and unauthorised access.

(xiii). Window security.

Recommendations:

35. All vulnerable external windows should meet SBD standards i.e. PAS 24 2016 or equivalent and be third party tested and certificated.

36. All glass in vulnerable windows i.e. ground floor windows within this development should be laminated.

Reason: To prevent burglary and unauthorised access.

(xiv). Computers.

Recommendations:

37. Careful siting of power trunking is required to ensure that computers and valuable equipment are kept away from windows wherever possible.

38. High risk and mainframe computers should be secured in a purpose built room in individual cabinets.

Reason: To prevent any breach of data protection.

If there are any queries in relation to any of the above recommendations, further, more detailed information can be found on the Secured by Design website at [www.securedbydesign.com](http://www.securedbydesign.com). In addition to the above security measures for the building, we respectfully ask that a condition is also made for a Management Plan to be put in place from the start to ensure that...

- o An agreed protocol is in place with South Wales Police should there be any issues at the premises. This would include such things as, the correct number of staff to client ratio is in place at all times.

- o Relevant markers placed on the Police Systems so that any calls received are highlighted accordingly for the correct level of response.



Consultation with the Local Policing Inspector (LPI) prior to opening would be key to ensuring that staff / Police have a good, ongoing working relationship.

**Arboricultural Officer:**

The Authority's Arboriculturalist made comments and requests for alterations, following receipt of amended proposals the following comments were received:

The plans have been amended to show T1 being retained. Therefore there is no objection. Please condition adherence to the tree protection plan supplied to ensure the retained trees are not affected by the development.

**Highways:**

The principle of the use had been discussed previously. The Highway Authority raised a number of potential issues that needed addressing.

The details as submitted originally were not considered adequate in mitigating the issues identified.

A Transport Consultant has now been brought in to deal with the Highway Authority concerns. Discussions have taken place and a set of amended plans and additional supporting documents have been submitted. Plans titled 'Proposed Site Plan', 'Proposed Access works', 'Site tracking Layout' and a Transport Note were submitted.

All works are taking place off the adopted highway, and the junction of the access with Waunarydd Road is unaffected. There is no issue with reported accidents at the existing priority junction that would restrict the development of the site as proposed.

The site currently operates as a one way in and one way out with two separate vehicle access/egress points. The existing egress is not included within the extent of the land for the planning application. Whilst not forming part of this application the existing dropped kerb exit (which will be redundant) will need to be reinstated back to original footway construction, this would need to be undertaken by the Highway Authority.

The existing junction onto the access road is substandard in terms of visibility, there were concerns with any intensification of the use that may have arisen from the proposed development. The access junction has been redesigned with the 'give way' line moving out into the carriageway to allow for improved visibility. The works extend out into the access road but as this was included in the red line then there is no issue foreseen with delivering the proposed improvements.

The access road is also shown to be widened to provide a passing bay (as requested, (as the access width was only suitable for a single vehicle at a time)). This will minimize the risk of obstruction being caused by two vehicles being unable to pass simultaneously.

Swept paths have been provided to demonstrate that a refuse vehicle can access, turn and leave the site in a forward gear. Due to the constricted nature of the site a non- standard refuse vehicle was tracked (the transport consultant confirmed that the applicant had advised the size of vehicle normally used provided by private refuse companies). In the interests of highway safety a Delivery Management Plan will need to be secured by condition.

Turning to parking due to the nature of the end use the car ownership is likely to be low. Seven car parking spaces are being accommodated including one suitable for a minibus and one disabled space is also being provided (in line with the requirements of the CCS Parking

standards). The layout is acceptable and cycle parking is also shown. The site is also well located in terms of access to regular public transport routes that run along Cockett Road.

The building/site currently benefits from a certificate of lawful use as a health clinic and ancillary offices (D1) (2019/1855/ELD). Whilst the proposed use is in a different use class, in terms of trips there is not expected to be a significant increase in traffic over and above that that the lawful use could generate. D1 use would also cover uses such as a day nursery or church facility and they could take place without the proposed highways improvements.

In terms of the additional content submitted I am of the opinion that the layout is now acceptable, the alterations to the access improve the existing situation in terms of providing better visibility for all users. The access works would need to be in place prior to any works commencing on site to avoid any obstruction issues being caused during the construction period arising from the existing single width access. The level of parking is considered acceptable and the provision of cycle storage will encourage travel by sustainable modes for staff and residents.

On balance I recommend that no highway objections are raised to the proposal subject to:

1. The junction improvements, and installation of a passing bay within the site (in line with plan 20-00791-01) shall be completed in accordance with the approved plans prior to any works commencing on site.

2. The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the Women's Centre, and be maintained for parking purposes only thereafter.

3. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

The delivery and servicing plan shall include:

a) The contact details of a suitably qualified co-ordinator;

b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimize any impact on the adopted highway;

c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

### **Neighbour comments:**

The development was advertised on site multiple times, following the submission of revisions with the most recent two notices dated: 3rd August 2022. Letters were also sent to Badger House, Twenty Twelve, Pinetree Lodge, Hawthorns, Cedar Lodge and Fairfield, Waunarwydd Road, with the most recent consultation sent on 14th July 2022.

An objecting petition containing 122 signatures from 89 separate addresses was received on 27th June 2022. The stated reason for the petition is given below:

*We the undersigned, are concerned residents who urge the Planning Department not to allow the change of use of this building as we feel it would be detrimental to the community.*

221 letters of objection have been received to date and 1 letter of support, the reasons for objection are summarised:

o Negative impact on community;

o Loss of property value;

- o Lack of public consultation;
- o Traffic and highway safety;
- o Increased anti-social behaviour;
- o Suggestions that the application has been kept secret;
- o Lack of information on nature of use;
- o Inappropriate setting for this use;
- o Nearby to schools and a pub;
- o Risk to local families, the elderly and children from offenders;
- o Loss of mental health facilities;
- o Inappropriate to put criminals near to vulnerable people;
- o Overlooking;
- o Lack of parking;
- o Potential that the use could be extended or expanded in the future;
- o Negative impact on peoples mental health;
- o Potential increase in crime;
- o Questions over the need for CCTV and security;
- o More suitable to a rural area;
- o Near to a kids cancer charity;
- o Impact on trees;
- o Impact on ecology;
- o Light pollution;
- o The occupants of the centre will attracted predatory males;
- o Site isn't large enough to provide suitable amenity for the occupants;
- o Failure to demonstrate that there is a need or that this is the most appropriate site for the proposal.
- o More suitable sited in the city centre or Townhill;
- o Supposition that the Council wants the facility out of the city centre as there is a new student hub there.
- o Lack of information on opening hours and staff numbers;
- o Concerns over future use of building after 5 years;
- o The offenders should be in prison and not a facility such as this.;
- o Will attract drug dealers to the area;
- o Potential damage to neighbouring properties on site;
- o Potential for Japanese Knotweed spread;
- o Impact on view and visual amenity;
- o Overshadowing and overbearing from boundary treatment;
- o Negative visual impact of boundary treatment;
- o Potential that people escaping from the site will be injured in the quarry;
- o Contrary to Future Wales - The National Plan 2040;
- o Lack of local amenities to serve the occupants;
- o Noise and disturbance, potentially from people shouting to residents;
- o Supposition that the Council will be making money from the proposal and that is the reason for it;
- o Too many units of this type in the local area.
- o Requests for reductions of Council Tax if approved.
- o Recent purchasers of houses would not have done so if they knew of the proposals;
- o Council corruption;
- o Class C2A is an open prison;
- o Single access is unsuitable;
- o Light pollution;

- o Visibility of the garden area from the road resulting in lack of privacy for the women in the centre and neighbouring residents;
- o Complaint that the Applicant is already offering employment without approval;
- o Loss of green space

**Councillors and Assembly Members**

Councillors Oliver James, Mike Durke and Cllr Michael Locke; and Altaf Hussain MS objected to the proposals, for the following reasons:

- o Queries over if Use Class C2A rather than C2 would be the correct use class;
- o Concerns over the management of the facility and the potential that higher offenders can be placed in the facility;
- o Could it be used as a prison as it is within Class C2A;
- o Loss of privacy including that from CCTV cameras;
- o Noise and disturbance;
- o Access and parking is insufficient;
- o Highway safety concerns from additional traffic;
- o Negative impact on trees;
- o Lack of consultation;
- o Proximity to pub;
- o Lack of nearby facilities

**APPRAISAL**

**Main Issues**

In view of the above mentioned policy context the key issues to consider in this planning application relate to:

- o the principle of the use of the conversion of a Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A),
- o Placemaking / visual amenity impact,
- o impact upon the residential amenities of neighbouring occupiers and future occupiers;
- o the parking and highway safety impacts.

**Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is within a sustainable location within the Cockett community to the south of Cockett and is in line with the requirements of Policy PS1 (Sustainable Places) where development including community facilities are required to be directed to the most sustainable locations, within defined settlement boundaries of the urban area and key villages.

Cefn Coed Hospital is allocated as a Strategic Development Area - LDP Policy SD:F for a comprehensive residential led, mixed use development of circa 371 homes during the Plan period, incorporating leisure and recreation facilities, public open space and retained health facilities. The application property is located within Strategic Site F of the Swansea Local Development Plan, albeit this site is not part of the wider proposals and has been declared surplus to requirements by the Health Board and the current proposal would not prejudice the development plan aspirations for the strategic allocation.

As outlined above the property benefits from a permission for its change of use from health clinic (D1 use class) to residential (Class C3). The application property is a large detached

building, that appears to have been originally constructed as dwelling but has subsequently been significantly extended and most recently used as a clinic. As indicated, the site is positioned within the urban area, the local ward of Sketty and forms part of the Cefn Coed strategic development site. The principle of a residential use in this location was established under a previous application which is still extant, although the proposal is not for a dwelling but rather a secure residential institution. Whilst this use is not strictly in-keeping with the predominantly private residential nature of the area it is arguable that the proposed use is broadly residential in nature. Although it is accepted that the proposal and the C2A use class in general are for the most part residential facilities that involve some form of security and/or detention.

It is noted that it would not be desirable to neighbouring residential occupants to be in close proximity to a facility such as this, and concerns have been raised to the nature of the proposal, the potential anti-social behaviour from the occupants and other matters such as the proximity of the unit to a pub and distance from services. However in planning policy terms it is not considered that there is any in principle reason to refuse a use of this nature in this setting. There is a potential that the nature of the occupants could result in increased anti-social behaviour, however ultimately this is a matter for the police and a management issue for the Applicant. It has been suggested that a residential area is not an acceptable setting for a facility such as this. However as an alternative a commercial or industrial centre would not be supported for a residential facility and would be contrary to Authority Policy. Finally whilst the facility is not close to shops or services, this would also be the case for other residential properties and ultimately there is a major bus route within walking distance of the development.

The existing use can be considered a non-conforming use in a residential area, given that the clinic is now defunct following the closure of the hospital. Whilst the site is included as part of the Cefn Coed strategic site within the LDP, it is not included within the development site, and as indicated approval of the proposal would not prejudice the development of the Cefn Coed site.

The site is bordered by the Cockett Wheels & Park Site of Importance for Nature Conservation (SINC). The proposal must therefore comply with Policy ER6, which requires that development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. If this cannot be achieved then the policy sets our criteria to suitably justify the development in terms of need, lack of alternatives and suitable mitigation. It is considered that the proposed development is acceptable in regard to Policy ER6, and would not unacceptably impact the SINC subject to the submission of an acceptable Construction Environmental Management Plan (CEMP), which will be secured by condition.

On balance whilst it is noted that that the proposed use is not necessarily desirable for residents it can be considered acceptable in Planning Policy terms. This is subject to an acceptable impact in regard to other material planning considerations such as visual amenity, residential amenity, highway safety, ecology, drainage and trees. The proposed use as a Residential Women's Centre is acceptable in principle.

### **Placemaking/ Visual Impact**

LDP Policy PS 2 requires development to enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The application property originally formed a large detached two storey property, which was likely constructed as a dwellinghouse. The original building is attractive with a hipped roof,

twin chimneys and bay windows. Whilst the property still has a strong character this has been partially eroded through part two storey part single storey extensions. Though the existing extensions do not significantly harm the character of the building its scale does compete with the existing building and some of the external details such as window openings are not in-keeping with the original property. The site is in a raised position to the street but well set-back and it is surrounded by trees and diminished visibility from the street.

The proposal will see a significant increase in the footprint of the property, with a mixture of predominantly modern with some traditional elements, to encompass a two-storey side projection to the original building. The extension will project forward of what is arguably the principle elevation, as well as beyond the rear to a similar extent to that of the existing extension. The proposed extension is of a fairly unique design as it is broken up into four distinct parts, almost with the appearance of a collection of small terraced dwellings. Each part is visually separated from the other by a glazed link section, including a glazed link to the original building. Whilst the scale of the proposal is relatively large compared to the original property, this has already been significantly extended. The building whilst having the appearance of a residential property is now more of a commercial property and on that basis the scale of the proposed extension can be considered acceptable, particularly as it lacks clear visibility from the street.

In terms of the detailed design, whilst the proposal has a part traditional roof form, it for the most part represents a modern approach. The external form will have a mixture of cladding types including painted render, brick with timber to the majority of the first floor. The building will also have a high degree of glazing, although this will predominantly be to the linked sections and ground floor. Whereas the first floor will have a non-traditional approach to window opening placement.

Modern extensions to traditional properties can be considered acceptable when they are of high standard. It is considered that whilst the proposed extension is relatively large, its design if of a high standard, that would create visual interest, in contrast to the existing incongruous extension, which it would replace. Therefore the proposal is considered to have an acceptable impact on the character of the host property and wider area.

### **Residential Impact**

LDP Policy PS 2 requires the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

In regard to neighbouring residential amenity, given the siting of the building compared to its neighbours and scale of the boundary treatment, it is not considered that there would be any unacceptable impacts in regards to overbearing or overshadowing, compared to existing circumstances. The proposal will see the introduction of upper floor habitable room windows, however none of these directly face neighbouring private amenity spaces or are positioned a significant distance from shared boundaries. On that basis it is not considered that there would be any unacceptable overlooking impacts.

In terms of noise and disturbance it is noted that the proposal would likely generate a similar impact in terms of comings and goings compared to the current lawful use. As stated earlier it is understood that significant concerns have been raised over the potential that the occupants could result in a rise in crime and anti-social behaviour, given the nature of the use and the

history of the occupants. Whilst this may be the case it is noted that the proposed use is for rehabilitation and is owned and operated by the Ministry of Justice. As explained above the nature of secure residential accommodation is acceptable in planning terms and the use in itself will not result in a harmful impact on neighbours. Any anti-social behaviour that occurs in the local area is a matter for the police.

In terms of the amenity of future occupants it is considered that all habitable spaces and bedrooms are served by an acceptable level of outlook and natural lighting. The rooms are also considered to be of an adequate size, accounting for the nature of the use and the fact that the residents will be transient.

It is therefore considered that the proposal will have an acceptable impact upon residential amenity in compliance with the requirements of LDP Policy PS2 and SPG guidance.

### **Highway Safety/ Active Travel**

The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

In regard to parking and highway safety the Authority's parking SPG does not give any specific advice on the number of spaces for this type of use. The proposed site layout includes a car park for 7 vehicles including one mini bus and one bay for disabled users. The proposal also includes the blocking of one of the accesses into the site, with this access road not included within the red line. To compensate for the loss of the access, the single road will be widened to allow passing, as it is to accommodate two way passing of vehicles. Given the nature of the use it is considered that the parking provision would be sufficient for the comings and goings that would be generated and the Authority's Highway Officer has raised no objection subject to condition. On that basis the proposal is considered to have an acceptable impact upon highway safety.

### **Ecology**

The application is supported by an ecological survey, which found bats in the local area but not within the existing building. The invasive species; Japanese knotweed, Cotoneaster and Montbretia have also been recorded within the site. The Authority's Ecologist has not raised any objections to the proposal subject to the attachment of suitable conditions to any consent. These conditions will ensure that bats will not be harmed and that the invasive species are appropriately managed. The proposal also includes details of ecological enhancement, which are considered to be appropriate for the scale of development. On that basis the proposal is considered to have an acceptable impact upon ecology, subject to condition.

### **Trees**

There are a number of significant and protected trees on site, which form an important part of the character of the local area. The application is supported by an arboricultural impact assessment that includes details of tree protection measures. The Authority's Arboricultural Officer considers that the proposal will have an acceptable impact upon the trees on site and raises no objection to the proposal subject to condition.

### **Drainage**

The Authority's Drainage Officer has raised no objection to the proposal, but has advised a SAB application will be needed. This is separate to the planning process and therefore there are no drainage concerns for this application.

### **Community Safety**

LDP Policy SI 8 requires that development must be designed to promote safe and secure communities and minimise the opportunity for crime. South Wales Police Designing Out Crime Officer has provided detailed comment and recommendations for the proposal, however they did not raise any objections. The majority of the recommendations are concerned with the management of the facility to reduce potential risk of theft and crime from external factors. These recommendations are not material planning considerations and are more recommendations for those running the facility. A management plan was also requested to be secured by condition, given the nature of the proposal and the controversy it has generated, it is considered reasonable from this condition to be placed on any consent, in the interest of residential amenity.

### **Response to Objectors**

The reasons for objection in regard to; impact on the community/residential amenity, highway safety, anti-social behaviour, principle of development in this location, overlooking, trees, ecology, Japanese Knotweed and invasive species, visual amenity, overbearing, overshadowing, noise and disturbance, access and parking have been addressed in the above report. In regard to the visibility of the garden area, the provision of private amenity space is not required for a facility such as this in planning terms. It is also not considered that it would result in any unacceptable overlooking of neighbours separated from the site by a public highway.

In regard to the queries over the use and the potential that it can be used as another use within the proposed use class. It is considered the development does fit within the defined Use Class C2A. In planning terms uses within a defined use class are considered to broadly have the same impact and constraints as each other. On that basis it is not considered that a condition restricting the use and preventing other uses within Class C2A would meet the tests set out for planning conditions.

Suggestions have been made that the Council has already agreed approval of the facility, sought to keep the application secret and/or sets to profit from the proposals. The Authority has no vested interest in the proposal and is obliged to consider the application based on its planning merits. The application was advertised in full accordance with statutory requirements with letters sent to properties that border the site red-line and by means of a site notice. It is noted that the original site notice had a hand written date which was washed off by rain, subsequently a new notice with a printed date was placed near to the site, allowing a further 21 days public consultation. After this all subsequent site notices, triggered by amended details received, were advertised by notices. The Authority also has no ability to require the Applicant to engage with public consultation, nor can it prevent jobs being advertised despite a lack of planning consent, as this is at their own risk.

Objections in regard to whether the occupants deserve rehabilitation, house value, health and safety and CCTV are not material planning considerations. The information submitted is considered sufficient to determine the application. Details of external lighting will be secured by condition if the application is approved, and this will prevent any unacceptable impacts in regards to light pollution.



Concerns have been raised over the use of the building in 5 years or and extensions of the facilities, the use in 5 years will remain as proposed unless further planning consent is received via an application. The management of the facility is down to the Applicant and the Authority cannot control who the occupants are, subject to compliance with the planning consent.

## **Conclusion**

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered the proposal is acceptable in principle and would have an acceptable impact in regard to visual amenity, residential amenity of neighbouring occupiers, ecology, trees, drainage and highway safety in compliance with Policies PS1, PS2, RP2, SDF, ER2, ER6, ER8, ER9, ER11, SI8, T5 and T6 of the Swansea LDP, and the Authority SPGs.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

## **RECOMMENDATION**

**APPROVE subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents:

TREHAF-3277-NMA-TRE-ZZ-DR-A-0005-S2-D0100 REV 2 existing and proposed north elevation, TREHAF-3277-NMA-TRE-R1-DR-A-0002-S2-D0100 REV 2 proposed roof plan, TREHAF-3277-NMA-TRE-02-DR-A-0002-S2-D0100 REV 2 proposed second floor plan received on 23rd May 2022. TREHAF-3277-NMA-TRE-01-DR-A-0002-S2-D0100 REV 3 proposed first floor plan, TREHAF-3277-NMA-TRE-GF-DR-A-0002-S2-D0100 REV 3 proposed ground floor plan, TREHAF-3277-NMA-TRE-ZZ-DR-A-0006-S2-D0100 REV 3 existing and proposed east elevation, TREHAF-3277-NMA-TRE-ZZ-DR-A-0007-S2-D0100 REV 3 existing and proposed south elevation, TREHAF-3277-NMA-TRE-ZZ-DR-A-0008-S2-D0100 REV 3 existing and proposed west elevation received on 26th May 2022.

TREHAF-3277-NMA-TRE-XX-DR-A-0001-S2-D0100 REV 4 site location plan received on 8th July 2022. Bat survey report received on 20th July 2022. 01 proposed access works and SWEPT path analysis, 02 refuse vehicle tracking site layout, TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan, Arboricultural Impact Assessment received on 29th July 2022.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 Prior to the beneficial occupation of the development hereby approved an operational management plan for the centre shall be submitted to and agreed in writing with the Local Planning Authority. The management plan shall include an agreed protocol with South Wales Police, ensure correct number of staff to client ratio is achieved and that relevant markers are placed on the Police Systems so that any calls received are highlighted accordingly for the correct level of response. The development shall thereafter be undertaken in accordance with the approved Operational Management Plan.

Reason: In the interests of residential amenity and safety.

- 4 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 5 A Construction Environmental Management Plan (CEMP) for the site shall be submitted to the Local Planning Authority for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site. The development shall thereafter be undertaken in accordance with the approved CEMP.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 6 Felling of all trees categorised as having low suitability for bats (as per the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. The trees shall be felled in sections, which shall carefully be lowered by rope to ground level. If bats or any evidence of bats is recorded during the works, they shall cease until the ecologist has advised how and when the works can re-commence.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 7 No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If

any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 8 All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 9 In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 10 A sensitive lighting strategy for the site shall be submitted to the Local Planning Authority for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>. The development shall thereafter be undertaken in accordance with the approved sensitive lighting strategy.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 11 As Japanese knotweed, Cotoneaster and Montbretia were recorded, an Invasive Non-native Species (INNS) Management Plan shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of Invasive Non-native Species. If any other Invasive Non-native Species are identified during development, works must cease until the management of these species is agreed. The development shall thereafter be undertaken in accordance with the approved Invasive Non-native Species (INNS) Management Plan.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 12 Prior to the beneficial occupation of the development hereby approved, details of the specifications of the bat and bird boxes (ecological enhancement), as well as a timetable for their installation, shall be submitted to and agreed in writing with the Local Planning Authority. The ecological enhancement measures shall thereafter be installed in accordance with the agreed details and approved plans, and maintained as such for the lifetime of the development.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

- 13 The development shall be carried out in full accordance with the Arboricultural Impact Assessment received on 29th July 2022, and Appendix C Tree Protection Plan contained within.

Reason: In the interest of trees and the visual character of the local area.

- 14 The proposed junction/ access improvements, and installation of a passing bay within the site shall be carried out in accordance with the approved plans: 01 proposed access works and SWEPT path analysis, 02 refuse vehicle tracking site layout, TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan received on 29th July 2022 and shall be completed prior to the beneficial occupation of the development and maintained as such thereafter.

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

- 15 The car parking and bike storage area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved, and be made available for the approved use only for the lifetime of the development.

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

- 16 No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
- b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimize any impact on the adopted highway;
- c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

## **Informatives**

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS1, PS2, RP2, SDF, ER2, ER6, ER8, ER9, SI8, ER11, T1, T2, T5, T6 & T7.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 5 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
- o Kill, injure or take a badger;
  - o Damage, destroy or obstruct access to a badger sett; and
  - o Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

- 6 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

- 7 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

