

## **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, Waunarwydd 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 on-line.*

### **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**

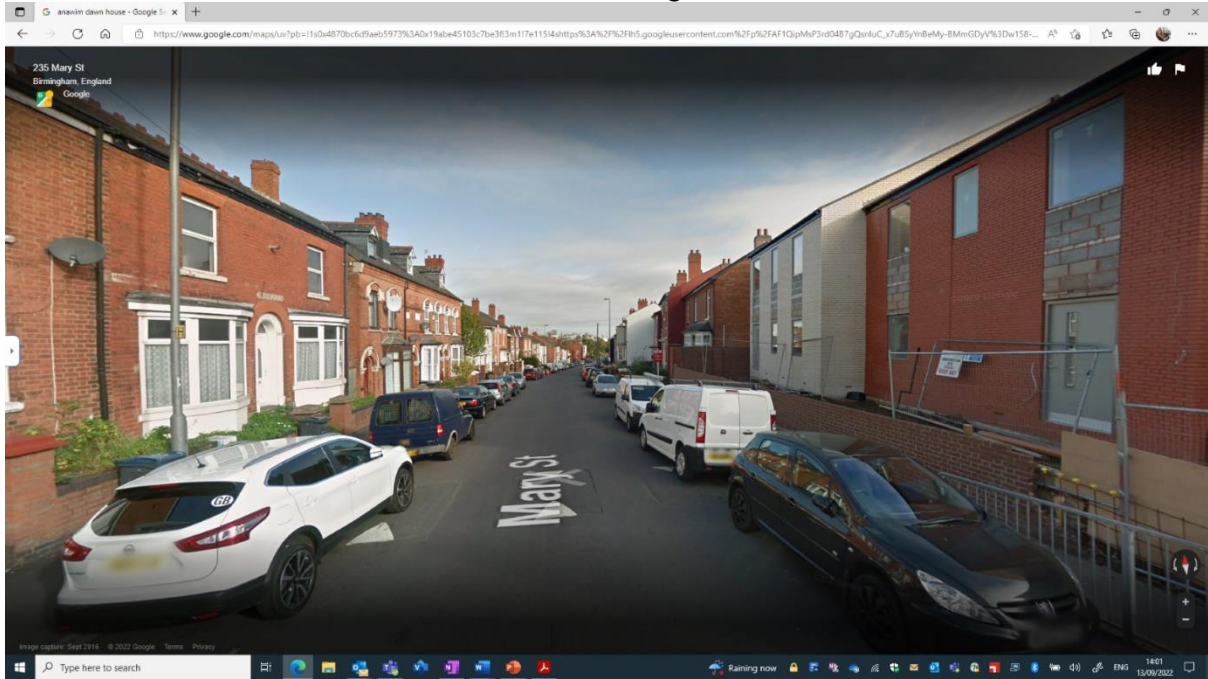


*Eden House (on the left with trees) is in the middle of residential area – houses of local residents are next to and directly opposite the Centre. The Residential Women's Centre team have visited Eden House and were pleased to hear that there are good relationships with the neighbours and that the Centre 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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