



## Appeal Decision

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by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 17.08.2023

Appeal reference: CAS-02598-Q6Y5L0

Site address: Trehafod, Waunarlwydd Road, Swansea, Cockett, SA2 0GB

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by the Ministry of Justice against the decision of the City and County of Swansea.
  - The application Ref 2022/1230/FUL, dated 20 May 2022, was refused by notice dated 5 October 2022.
  - The development proposed is the demolition of existing extensions and the construction of a two-storey side extension & change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works.
  - A Hearing and site visit took place on 10 August 2023.
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### Decision

1. The appeal is allowed and planning permission is granted subject to the conditions set out in the schedule to this decision.

### Main Issues

2. The main issues are the impact of the proposed development on:
  - the character and appearance of the area
  - the living conditions of the local community with regard to glare and the fear of crime and anti-social behaviour.

### Reasons

Character and appearance

3. The appeal site is located off Waunarlwydd Road at the entrance to Cefn Coed Hospital. The Kids Cancer Charity occupies a building on the opposite side of the entrance to the hospital. There are houses facing the site on Waunarlwydd Road and a residential property, Badger House neighbours to the east. The site comprises a substantial 3 storey building in a 1930s suburban domestic style, originally a dwelling but with later extensions and used most recently as a clinic. Access is via the hospital entrance. A second access to the Waunarlwydd Road would be closed. The extensions would be demolished and replaced with a two storey extension to the side of the original building. The buildings sit above Waunarlwydd Road and behind a thick, dense belt of

mature trees. A 1.8m concrete panel fence encloses part of the site along Waunarlwydd Road.

4. The Council takes no issue with the design of the proposed extensions. Although large, the resultant building would be domestic in scale and would not be out of keeping with the surrounding buildings. A utilitarian concrete panel fence lines this side of the road. The proposed 2m fence would be largely hidden behind and dwarfed by the existing trees, be finished in a recessive colour and would blend in to the development and buildings behind. The access to Waunarlwydd Road would be closed off with a new fence, the details of which and other fencing is subject to agreement by condition.
5. External lighting for the proposed development would comprise one column light, set within the site to light the car park and low level bollard lights and wall lights. In winter, when the trees within the site are not in leaf, the appellant's Fencing and Lighting Technical Note shows light spill to properties on Waunarlwydd Road would be minimal and probably not noticeable over the light emitted by the street lights on the road. This can be secured by condition.
6. Planning permission to change the use of the site to residential was granted in 2019. Whether the site is redeveloped for housing or retained as a medical facility, it would need to be lit. The lighting scheme has been designed to achieve operational needs in a way that would not have an unacceptable impact on the character and appearance of the area or the living conditions of nearby residents.
7. The site lies in the grounds of and adjacent to the entrance to Cefn Coed Hospital with another care establishment nearby. Cefn Coed Hospital is allocated for residential development in the Swansea Local Development Plan 2010 – 2025, adopted 2019 (LDP). I heard the Health Board has plans to redevelop the site as a hospital. Whatever the hospital's future, the appeal site lies in an area of mixed land use. Albeit a specialist facility with a particular purpose, the proposed development would be residential in character. I conclude that the proposed development would not have an unacceptable impact on the character and appearance of the area and complies with Policy PS2 of the LDP.

#### Fear of crime and anti-social behaviour

8. Public concern regarding the behaviour of the occupants of a development is a material consideration. The introduction into an area of a facility for offenders is an understandable and reasonable cause of concern to a community with low levels of recorded crime. The appellant's attempts to assuage these concerns have not been successful and I acknowledge the depth of feeling locally. However, as established by caselaw cited by the appellant and not disputed by the Council, to be given significant weight, fear of crime and anti-social behaviour must be well founded and evidenced.
9. The proposed Residential Women's Centre would support women currently involved with the justice system by addressing their needs and assisting them in moving back to safe and appropriate accommodation in their home community. The Centre would not be a prison but a facility providing holistic support for vulnerable women already living within the local community. The Centre would house up to 12 women guilty of low level offences, providing specialist support to address their issues and their reasons for offending. The women would be vetted to ensure they do not present a risk of harm to the public and I heard the Prison and Probation Service has tried and tested procedures in this regard. It would also provide day services for other local women in the community. Pre-approved visits by family (also vetted) would be by appointment.

10. The women residing at the Centre would have agreed to engage with the opportunity and the Courts' decided that this is the best option for them. Residents may be subject to court orders placing conditions on their behaviour and would be required to sign an agreement which would include rules regarding behaviour off site. Residents would not be monitored off site but anyone breaking the terms of their residency would run the risk of this being reported to the Centre. Failure to comply could lead to places being withdrawn with a return to court and possibly prison. I consider this threat is likely to strongly discourage residents from breaking the terms of their residency. Further, residents would have a full timetable through the day and evening and weekend activities, which would limit the time available to spend elsewhere.
11. Probation Service staff with experience of working with women who have committed offences would be at the centre every day around the clock. Alcohol and drugs would not be permitted onsite. There would be a zero-tolerance approach to anti-social behaviour and a centre wide curfew. Some residents may be subject to bespoke curfews based on the terms of a court order. A number of the Police's Secure By Design standards have been included in the design of the centre. These include careful consideration of the location of CCTV, alarm systems, lighting and boundary treatments. These measures would safeguard residents, staff and the wider community.
12. The Police have a plan in place to address community tension anticipated should the Centre be built and would be prepared for any additional demand that may arise. One would expect nothing less but planning for possibilities does not mean they will happen. The measures in place to govern behaviour provide comfort residents' fears would not be realised and the liaison group suggested at the Hearing should help diffuse any anxieties the community has.
13. His Majesty's Prison and Probation Service has significant expertise and experience managing Probation Hostels (Approved Premises), where residents present a higher risk than the women who would attend the proposed Residential Women's Centre. Evidence submitted in relation to the operation of similar centres in England indicates that they can and are being run without complaint from the host community.
14. Section 17 of the Crime and Disorder Act 1998 requires authorities to have due regard to the effect of their decisions on, amongst other things, crime and disorder and reoffending in their area. I am satisfied that, subject to the implementation of a detailed operational management plan, the proposal would not result in an increase in crime or anti-social behaviour in the area. Further, undisputed evidence submitted by the appellant shows that women serving community sentences accessing residential women's centres have a low re-offending rate compared to women on short sentences in custody.
15. I acknowledge the fears and concerns of the local community. However, for the reasons given above, I do not consider they are sufficient to justify the withholding of planning permission in this case. I conclude that the proposal would not result in an increase in either crime or anti-social behaviour and complies with Policy SI 8 of the LDP.

### **Other Matters**

16. The Highway Authority acknowledge traffic generated by the proposed development would not be significantly greater than the lawful use of the site. There is also an extant planning permission for conversion to residential use which would generate vehicle movements. Subject to the imposition of conditions regarding, amongst other things, junction improvements and parking, the Highway Authority has no objections and I have seen no technical evidence to lead me to a different view.

## **Conditions**

17. I have considered the Council's suggested conditions in light of the advice in Circular 14/16. It was agreed at the Hearing that ensuring the design of the boundary treatment takes account of habitat connectivity can be covered through the landscape condition. Tree protection throughout the course of development is required under the standard landscape condition and could also be a matter for the Construction Environmental Management Plan (CEMP). As could measures to ensure animals do not become trapped overnight in excavations. Separate conditions are, therefore, unnecessary. The Circular warns against duplicating controls under other legislation and the Wildlife and Countryside Act 1981 protects nesting birds.
18. Times and places for deliveries during construction can be controlled by the CEMP. The proposed development would accommodate 12 residents and staff. I am not persuaded that the volume and type of delivery for food, day to day living essentials and other material to support the Centre's activities is such that a delivery and servicing plan is necessary to safeguard the living conditions of nearby residents or for reasons of highway safety. The swept path and refuse vehicle tracking details are incorporated into the approved layout and a separate condition is not necessary.

## **Conclusion**

19. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to protect, re-build and develop our services for vulnerable people.

*A Thickett*

Inspector

## **SCHEDULE**

### **CAS-02598-Q6Y5L0**

The appeal is allowed and planning permission granted for the demolition of existing extensions and the construction of a two-storey side extension & change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works at Trehafod, Waunarlwydd Road, Cockett, SA2 0GB, in accordance with the terms of the application, Ref 2022/1230/FUL, dated 20 May 2022, subject to the conditions set out in the schedule to this decision.

1. The development hereby permitted shall begin no 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:

TREHAF-3277-NMA-TRE-GF-DR-A-0002-S2-D0100 REV 3 proposed ground floor plan,

TREHAF-3277-NMA-TRE-XX-DR-A-0001-S2-D0100 REV 4 site location plan,

TREHAF-3277-NMA-TRE-01-DR-A-0002-S2-D0100 REV 3 proposed first floor plan,

TREHAF-3277-NMA-TRE-02-DR-A-0002-S2-D0100 REV 2 proposed second floor plan,

TREHAF-3277-NMA-TRE-R1-DR-A-0002-S2-D0100 REV 2 proposed roof plan,

TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan,

TREHAF-3277-NMA-TRE-ZZ-DR-A-0005-S2-D0100 REV 3 existing and proposed north elevation

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-ZZDR-A-0008-S2-D0100 REV 3 existing and proposed west elevation

Reason: To reduce concerns regarding crime and anti-social behaviour and to accord with LDP Policy SI 8.

3. The premises shall be used for a Residential Women's Centre operated solely in accordance with the operational management plan agreed under Condition 4 below 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 or 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 in accordance with LPD Policy SI 8.

4. The development hereby permitted shall not be occupied until an operational management plan has been submitted to and agreed in writing by the local planning authority. The operational management plan shall include:
  - i. How the Residential Women's Centre hereby permitted will operate and be managed,
  - ii. Staff to client ratios (day and night),
  - iii. How visitors will be managed,
  - iv. Measures for community and police liaison.

The Residential Women's Centre shall operate and be managed in accordance with the approved operational management plan for as long as the development hereby permitted remains in existence.

Reason: To reduce concerns regarding crime and anti-social behaviour and to accord with LDP Policy SI 8.

5. No development or site clearance shall take place until a landscaping scheme including boundary treatments has been submitted to and approved in writing by the local planning authority. 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 occupation of the development hereby permitted 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: To safeguard the character and appearance of the area in accordance with LDP Policy PS2.

6. No development or site clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The construction of the proposed development shall be carried out in accordance with the approved CEMP.

Reason: To safeguard biodiversity and the living conditions of local residents in accordance with LDP Policies ER 8 and PS2.

7. Felling of all trees categorised as having low suitability for bats (as indicated in the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. If bats or any evidence of bats is recorded during the works, work will cease until the ecologist has advised how and when the works can re-commence.

Reason: To safeguard biodiversity in accordance with LDP Policy ER 8.

8. No development shall take place until a lighting strategy site has been submitted to and approved in writing by the local planning authority. The approved strategy shall be adhered to for as long as the development hereby permitted remains in existence.

Reason: To safeguard biodiversity and the living conditions of local residents in accordance with LDP Policies ER 8 and PS2.

9. No development or site clearance shall take place until an Invasive Nonnative Species Management Plan has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard biodiversity in accordance with LDP Policy ER 8

10. No development shall take place until details of bat and bird boxes including a timetable for their installation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To enhance biodiversity in accordance with LDP Policy ER 8.

11. The development hereby permitted shall not be occupied until the junction/ access improvements, and installation of a passing bay within the site as shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan have been completed.

If the existing in and out access to the site is to be blocked during construction, the junction improvements and passing bay shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan shall be laid out during construction works.

Reason: In the interests of highway safety in accordance with LDP Policy T 1.

12. The car parking and bike storage areas shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan, shall be laid out prior to the occupation of the development hereby permitted, and retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety in accordance with LDP Policy T 1.