

PETITION

COMMITTEE DATE: 11/01/2017

APPLICATION No. **16/02783/MNR** APPLICATION DATE: 30/11/2016

ED: **RIVERSIDE**

APP: TYPE: Variation of conditions

APPLICANT: Inroads

LOCATION: INROADS, 96-98 NEVILLE STREET, RIVERSIDE, CARDIFF, CF11 6LS

PROPOSAL: REMOVAL OF CONDITION 2 (OPENING HOURS) OF 12/00327/DCI TO OPERATE 24 HOURS 7 DAYS A WEEK

RECOMMENDATION : That planning permission be **GRANTED** for use of the premises in accordance with planning permission no. 12/00327/DCI, without compliance with the previously imposed condition 2 but subject to the following conditions:

1. C01 Statutory Time Limit
2. If at any time the use of the premises is to involve the preparation and cooking of hot food, then all fumes from the food preparation area shall be mechanically extracted to a point not less than one metre above the eaves of the main roof and the extraction system shall be provided with a deodorising filter; all fans and pumps shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food.
Reason: To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks permission to remove condition 2 of planning permission 12/00327/DCI to allow a class D1 non-residential recovery centre for people suffering from drug/alcohol abuse to open 24 hours a day 7 days a week, to provide a crisis sanctuary for vulnerable people with mental health and/or learning disabilities being taken into police custody.
- 1.2 The Police & Crime Commissioner for South Wales and Cardiff and Vale University Health Board commissioned a project which identified that Friday, Saturday, Sunday and Monday nights from 6pm until 2:30am were the significant times when individuals were being taken into police custody, emergency unit and/or mental health services. The main reasons identified were bereavements, relationship difficulties, debt, issues related to

housing/benefits, anniversaries of incidents and alcohol related issues. One of the report's recommendations included a Crisis Sanctuary, which would be open when other services were not available, with the following aims and objectives:

- To provide one to one support to people in acute mental health crisis, at the point of crisis;
- To provide a non-health / police based facility to reduce stigma, and de-medicalise and de-criminalize mental health crisis;
- To provide sanctuary to people in acute mental health crisis, at the point of crisis, in a welcoming and homely environment;
- It will cater for people who have had a drink or used substances but will not accept people who are extremely intoxicated;
- To provide support during times at which most other mental health services are closed;
- To provide on-going support to people who are often in crisis and are frequent users of this service and other crisis services;
- Transport will be provided for individuals to attend and to be taken home once they feel calmer;
- The Sanctuary will be staffed by individuals with a lived experience of either mental health or drug and alcohol issues under the supervision of a manager. There will be 4-5 members of staff on duty each night;
- The Sanctuary will not provide a needle exchange.

1.3 Condition 2 was imposed on permission 12/00327/DCI as follows

2) No member of the public shall be admitted to or allowed to remain on the premises between the hours of 20:00 and 09:00 Monday to Saturday. Premises are to remain closed to the public on Sundays and Bank Holidays.

Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

2. **DESCRIPTION OF SITE**

2.1 The premises occupy a three storey terraced building on the corner of Neville Street and Neville Place at the junction of Neville Street, lower Cathedral Road, Clare Street and Neville Place. It is adjoined by a barber's shop at no. 94 Neville Street and a vehicle repair workshop at Neville Place. There are residential dwellings further along Neville Street and Neville Place and a convenience food store/café on the opposite corner of Lower Cathedral Road/Clare Street with residential accommodation above.

3. **SITE HISTORY**

3.1 12/01746/DCI – planning permission granted and implemented for complete renovation alteration & first floor extensions of existing property including new roof structure to rear.

3.2 12/00327/DCI – planning permission granted and implemented for change of use from backpackers hostel to a non-residential recovery centre for people

suffering from drug and alcohol abuse.

- 3.3 97/00612/W – planning permission granted for the provision of budget tourist accommodation.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Welsh Office Circular 16/94 “Planning Out Crime”

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy EN13 (Air, Noise, Light Pollution and Land Contamination)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Neighbourhood Services (noise & air) – no objection.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police – no objection.

7. **REPRESENTATIONS**

- 7.1 The application was publicised by letter and site notice. A petition of objection has been received, signed by 111 residents with addresses in Cardiff, 87 of which are within the vicinity who could reasonably be affected by the matter.

Full details are viewable online, their comments are summarised as follows:

- a) *Communication of the proposal has been extremely poor, no communication has been made either in writing or by email to local residents;*
- b) *Increasing visibility of used needles in the area, many needles are disposed of in the children’s parks directly opposite the centre. 24 hour use will only compound this issue;*
- c) *South Riverside has become a highly concentrated area for social services for vulnerable people with serious addiction issues including a number of wet houses, addiction centres, probation and criminal community services. Riverside is a family based residential area;*
- d) *The planning application suggests that the local councillors are in favour of the proposal, this is not the case;*
- e) *There is a lack of clarity on how the charity wishes to operate in terms of the exact service the charity proposes to offer 24 hours a day and how will individuals under the influence of drugs or alcohol get to the centre.*

7.2 Objections have been received from the following addresses:

- 4, 8 & 9 Clare Gardens
- 11, 14, 27, 28, 29, 49 & 69 Plantagenet St
- 7, 25A, 48, 50, 56, 62, 64 & 70 Beauchamp St
- 3, 14, 21, 25A, 28, 74, 86 & 92 Neville St
- 2, 4, 6 & 16 Neville Place.
- 32, 36, 54, 65 & 66A Lower Cathedral Road
- 8, 11, 31, 33, 37, 39, 40, 41, 43, 49, 51, 57, 60, 61, 67, 69, 72, 73, 75, 77, 79A, & 80 De Burgh Street
- 5, 27B, 41, 75 Despenser St
- 8 & 9 Despenser Gardens
- 37 Clare St,
- 4, 12, 21, 25 & 33 Rawden Place
- 3 Rawden Mews
- 97 Cowbridge Rd East
- 1, 10, 11, 13 Mandeville St
- 17, 33 Smeaton St
- 3, 11, 12, 14, 23, 24A, 29 & 34 Gloucester St
- 6 & 39 Brook St
- 3 Brunel St
- 89 Ninian Park Rd
- 3 Machen Place
- 97 Craddock St
- 9 Picton Walk
- 83 Severn Road
- 77 Mardy St
- 24 Penghend St

Full details are viewable online, their comments are summarised as follows:

- a) *It will raise crime rates in the area. Racial abuse has been suffered from a few of their clients. Riverside already houses the probation service, alcoholics, wet houses and this service. A place like this shouldn't be in a residential area;*
- b) *Large numbers of used needles, foil etc. found in the parks, rear lanes, streets, telephone boxes around the building, including places where children play. There are a lot of undesirable characters hanging around the area emanating from this building. 24/7 opening will increase used needles being dumped in Riverside and undesirable characters committing undesirable acts;*
- c) *The use of the premises do not conform with the Health & Safety Act at Work 1974. Services like these should be where there are community hospitals where specialist facilities are readily available, not near residents and children;*
- d) *No-one in the surrounding vicinity of the centre has received written notification of the application;*
- e) *The application too vague to be considered.*

7.3 The applicant has clarified the remit of their service provision, summarised as follows:

Two years ago Inroads core contract which included the provision of a needle exchange scheme went out to competitive tender and the contract was won by a national charity CGL a Brighton based provider with a turnover of 98 million. The local area planning board insisted that they provide the service from our new premises which Inroads owns. We have been in the locality for 20 years and feel a strong affinity with the people of Riverside. We have been closely involved with Communities First and supported the Riverside Festival every year. We "patrolled" the parks on a daily basis to ensure that if there were discarded syringes, they would be disposed of swiftly and safely. Unfortunately when the contract went over to CGL they did not continue to do what we had done. The issue with discarded needles has nothing to do with Inroads as this is not a service that we provide. Anti-social behaviour is an issue for the police and at a recent meeting we questioned why they hadn't made any complaints about discarded needles as we would have made them aware of the new provider so that they could raise their concerns. We work with people on improving health and wellbeing and provide structured activities to enable people to recover from a wide range of problems including drug and alcohol, mental health, anxiety and depression and bereavement. We offer complementary therapies, counselling, healthy eating courses, art therapy, sewing classes and photography classes. The Sanctuary service would help people at the time of need and also make them aware of the services that can help them take control of their lives.

7.3 Cllr Iona Gordon objects to the application, as follows:

- *Residents in the neighbourhood feel there is already a proliferation of services for people with addiction and mental health issues. I wish to support their concern that this application would allow wider access through the night and at weekends to widen the scope of support for vulnerable people in a crisis. In south Riverside I am aware of several projects managed by Cardiff wide social welfare, housing and health charities including; Dyfrig House, a 'dry' house for about 32 homeless people fighting alcohol dependency, the Wallich night shelter for 12 people who would otherwise be sleeping rough, two 'wet' houses accommodating 16 people with alcohol issues, a residential probation hostel in Lewis Street, a project base for the Probation task group - providing training and 'pay back' work for people on probation from across the city. In addition to these part of the Inroads building is used by the NHS for needle exchange and the charity Inroads is based in the main part of 96 / 98 Neville Street. Inroads provides counselling, support and outreach for people leaving destructive lifestyle behaviours. Riverside residents feel there are enough services for people with such problems of addiction and mental health and that this planning application should be rejected because there are already more than enough agencies looking after people who could cause a nuisance by disturbance and present a visible bad influence in the local community.*

7.4 Comments of support has been received from the following addresses:

- no. 46 Beauchamp St, 2 Edward House Plantagenet and two volunteers.

Full details are viewable online, their comments are summarised as follows:

- a) *Mental illness is a serious condition people who suffer from it will have a place to go to and get professional help and counselling;*
- b) *This extension of opening hours will enable Inroads in partnership with Gofal and Hafal to provide a sanctuary for people who would normally be taken by police on section 136. The provision of a safe space for those who are found to be suffering with mental illness in public places will ensure the service users have a positive experience in a calm, neutral but welcoming environment as opposed to being transported by police to a custody suite where the environment can engender negative emotions and behaviour, especially in someone who is distressed because of mental illness;*
- c) *Riverside community is diverse and the area is populated with people from varied demographics. There are several fast food outlets that remain open late into the night, the town centre is close by and the area is often used as a thoroughfare, so the extended opening hours of Inroads won't make a difference to those of us who live in the area, but will make a positive difference to those in need of specialist help;*
- d) *Having a service that takes care of people in mental distress will be a constructive addition to the community. A lot of families who worry about their loved ones would be put at peace by the fact that their relatives/friends are at least safe in a supportive non-threatening environment. This service could also take the strain off the emergency services and mental health teams. It could be the difference between a person in mental distress either being supported in a comfortable environment with someone to talk to, or spending the night on suicide watch in a police cell because there is no alternative available until the following morning.*

7.5 Canton & Riverside Grows Wild Community Group support the application, summarised as follows:

- *The Sanctuary is a much needed alternative to current measures used to deal with people suffering mental distress. Inroads have been hugely supportive of the work we have been delivering. We often engage with and work with people who have suffered mental distress and it is important that we are able to protect and support people who are coping with mental illness.*

8. **ANALYSIS**

8.1 **Residential Amenity Considerations**

The site is located at a main road junction between a vehicle repair garage and a class A1 unit, the junction is busy with traffic day and night. Prior to use as a non-residential recovery centre for people suffering from drug and alcohol

abuse the premises was used as a Backpacker's accommodation hostel with no restrictions on opening hours. Condition 2 was imposed on planning permission 12/00327/DCI at the request of the Council's Neighbourhood Services section to restrict the opening hours to 09:00 – 20:00 Monday to Saturday as they were the times specified within the application and considered at that particular time in terms of residential amenity. However, Neighbourhood Services have considered the current proposal and have no objection. Having regard to the above it is not considered that 24 hour opening 7 days a week would have any adverse impact upon residential amenity of the locality in terms of noise generated by persons entering or leaving the premises.

8.2 Crime & Disorder Considerations

Welsh Office Circular 16/94 "Planning Out Crime" is relevant and, in paragraph 3 states, "Crime prevention is capable of being a material consideration when planning applications are considered". The Circular advises that local planning authorities should consult police architectural liaison officers when determining planning applications. Condition 2 was not imposed on planning permission 12/00327/DCI for any crime/disorder reason. South Wales Police have no objection to the application, and the scheme is supported by the Police and Crime Commissioner's Office. Having regard to the above it is not considered that 24 hour opening 7 days a week would have any unreasonable impact on anti-social behaviour and crime in the area.

8.3 Other Considerations

It is noted that condition 4 was imposed upon permission 12/00327/DCI requiring details of refuse storage to be submitted and agreed prior to beneficial use. However, this condition was not discharged prior to commencement of the use and refuse storage is accommodated within the premises as indicated on the application form of permission 12/01746/DCI, therefore it is considered reasonable for this condition not to be re-imposed.

8.4 Representations

The representations received from the neighbouring residents are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. Specific issues are addressed as follows:

- a) Increased crime: It is not considered that the proposed opening hours would have any unreasonable impact upon crime as detailed within the above analysis. South Wales Police have no objection to the proposal and the scheme is supported by the Police and Crime Commissioner's Office;
- b) Location within residential area: The use of the premises is not the subject of this application, the use was established by planning

- permission 12/00327/DCI and considered acceptable during determination of that application;
- c) Increase in discarded needles: It is not considered that 24 hour opening would specifically have any discernible increase in such behaviour, particularly as the night time sanctuary would be used by small numbers of people by referral only. The applicant has clarified that the sanctuary does not provide a needle exchange;
 - d) Notification procedure: Addresses adjoining application site in Neville Street and Neville Place were notified by letter on 6th December 2016 and a site notice was displayed outside the front of the premises on the same day. The Council cannot take responsibility for any letters allegedly lost by Royal Mail. Paragraph 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that: *the application must be publicised by giving requisite notice— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier.* The Council has therefore complied with the legal obligation to publicise the application by either displaying a site notice or sending the letters. The consultation period ended on 27th December.
 - e) Vague application details: It is considered that application includes sufficient details of the proposal, additional clarification has been provided by the applicant and supplementary details by the Police & Crime Commissioner's mental health project.

The representations in support are noted.

8.5 **Conclusion**

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

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12 / 00327 DC1 Location Map



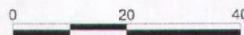
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