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AGENDA

Pwyllgor PWYLLGOR CYNLLUNIO

Dyddiad ac amser y cyfarfod DYDD IAU, 16 MAWRTH 2023, 10.30 AM

Lleoliad YB 4, NEUADD Y SIR, CYFARFOD AML-LEOLIAD

Aelodaeth Cynghorydd Stubbs (Cadeirydd)
Cynghorwyr Humphreys, Ahmed, Hunt, Joyce, Michael, Naughton, Reid-Jones, Robson, Sattar a/ac Wong

1 Ymddiheuriadau am Absenoldeb

2 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

3 Deisebau

Mae deisebau wedi dod i law yn ymwneud â'r ceisiadau canlynol yn unol â Rheol 14.2 y Weithdrefn Cyfarfodydd Pwyllgor. Mae'r deisebwyr wedi cael gwybod bod ganddynt hawl i siarad, ac mae'r ymgeiswyr/asiantau wedi cael gwybod bod ganddynt hawl i ateb:

Rhif Cais 22/02231/RES , Tir i'r Gogledd-orllewin o Gaeau Chwarae Ysbyty'r Eglwys Newydd

4 Ceisiadau Rheoli Datblygu

a 22/02644/DOC, Tir i'r Gogledd-orllewin o Gaeau Chwarae Ysbyty'r Eglwys Newydd

b 22/02231/RES , Tir i'r Gogledd-orllewin o Gaeau Chwarae Ysbyty'r Eglwys Newydd

c 22/02634/DOC, Tir i'r Gogledd-orllewin o Gaeau Chwarae Ysbyty'r Eglwys Newydd

5 Ceisiadau a bennir gan Bwerau Dirprwyedig

- 6 Eitemau Brys (os oes rhai)
- 7 Dyddiad y cyfarfod nesaf - 6 Ebrill 2023

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
Dyddiad: Dydd Gwener, 10 Mawrth 2023
Cyswllt: Kate Rees, 02920 872427, krees@caerdydd.gov.uk

GWE-DARLLEDU

Caiff y cyfarfod hwn ei ffilmio i'w ddarlluedu'n fyw a/neu yn olynol trwy wefan y Cyngor. Caiff yr holl gyfarfod ei ffilmio, heblaw am eitemau eithriedig neu gyfrinachol, a bydd y ffilm ar gael ar y wefan am 12 mis. Cedwir copi o'r recordiad yn unol â pholisi cadw data'r Cyngor.

Ar ddechrau'r cyfarfod, bydd y Cadeirydd yn cadarnhau a gaiff y cyfarfod cyfan neu ran ohono ei ffilmio. Fel rheol, ni chaiff ardaloedd y cyhoedd eu ffilmio. Fodd bynnag, wrth fynd i'r ystafell gyfarfod a defnyddio'r ardal gyhoeddus, mae aelodau'r cyhoedd yn cydsynio i gael eu ffilmio ac y defnyddir y lluniau a recordiadau sain hynny o bosibl at ddibenion gwe-ddarlluedu a/neu hyfforddi.

Os oes gennych gwestiynau ynghylch gwe-ddarlluedu cyfarfodydd, cysylltwch â'r Gwasanaethau Pwyllgorau ac Aelodau ar 02920 872020 neu e-bost [Gwasanethau Democrataidd](#)

Mae'r dudalen hon yn wag yn fwriadol

PETITION

COMMITTEE DATE: 16/3/2023

APPLICATION No. **22/02644/DOC**

APPLICATION DATE: 07/11/2022

ED: Whitchurch and Tongwynlais

APP: TYPE: Discharge of condition

APPLICANT: Acorn Consortium

LOCATION: Land to the North-West of Whitchurch Hospital Playing Fields,
Cardiff

PROPOSAL: Discharge of Condition 16 (GIMS) of 17/01735/MJR

1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as the application is the subject of a petition of more than 50 signatures, which states as follows: -

We, the undersigned, are of the view that the above listed application will have a major effect on the immediate and wider community. We therefore request that the planning application is called before Cardiff Council Planning Committee to enable a thorough, transparent, public examination of the documentation and decision making, for the views of communities to be heard, and enable any concerns to be recorded and resolved.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The site comprises the land to the North West of Whitchurch Hospital Playing Fields, which is the subject of outline planning approval (ref. 17/01735/MJR) for a proposed new Velindre Cancer Centre (see Figure 1 below).



Figure 1: Site Location Plan

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks technical approval from the Local Planning Authority for the discharge of condition 16 (GIMS - Green Infrastructure Management Strategy) of planning application 17/01735/MJR, which reads as follows: -

16. *No Reserved Matters application shall be approved by the Local Planning Authority and no development and site clearance shall take place until a Green Infrastructure Management Strategy (GIMS) for the delivery, establishment and ongoing management, maintenance and monitoring of green infrastructure for the whole site, for both the establishment phase and long term, has been submitted to and approved in writing by the Local Planning Authority. The GIMS shall accord with the Landscape Masterplan and mitigation measures set out in the Environmental Statement and its addendum, and in the Environmental Mitigation Plan. The GIMS shall include the following details:*

a) Proposals for the retention, creation, enhancement and management and maintenance of ecosystems and their constituent habitats, including woodlands, hedgerows and trees, grasslands, water features and SuDs, highway trees/verges, and other habitat providing foraging, community and breeding opportunities for wildlife, and phasing of that provision, including a description of the habitats, their desired condition, key indicators to show when the desired condition has been achieved and management operations;

b) As part of a) details shall include: a plan and proposals for the retention, creation and enhancement of an ecotone of a minimum of 15m width along the edge of the Glamorgan Canal / Long Wood SSSI. The Plan and proposal of the buffer zone scheme shall be free from built development including lighting, gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone;*
- Details of proposed planting scheme for the buffer zone (the scheme should only incorporate local native species);*
- Details of how existing vegetation will be managed in the buffer zone;*
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management, if necessary*

c) Mitigation, compensation and enhancement measures to be delivered for protected species affected by the development. These measures shall relate to, but shall not be limited to,

- Bat roosts and bat habitat connectivity as outlined in Table 6.9 in Chapter 6 (Ecology) of the Environmental Statement dated October 2017*
- Precautionary methods of vegetation clearance to avoid harm to dormice if present*
- A contingency for the eventuality that dormice are detected during vegetation clearance*
- A contingency for the discovery of previously undetected Great Crested Newts in terrestrial habitats on site*
- Provision of bird nesting habitat, including within new buildings on site.*

Enhancement measures for bats and birds shall be in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof.

- d) Appropriate scheduling and timing of management and maintenance operations*
- e) Proposals for habitat and species monitoring, and updating of the GIMS*
- f) Treatment for the eradication of any invasive non-native species found at the site to be undertaken in accordance with Chapter 6 of the Environmental Statement (October 2017).*
- g) A lighting scheme and implementation plan to control light spillage to wildlife corridors and habitats. The scheme shall include, but not be limited to, details of the siting and type of lighting to be used, measures to control light spillage, drawings setting out light spillage in key areas for wildlife, measures to monitor lux levels and remedial action to be undertaken where problems are identified. The scheme shall include cross sections of roads, footpaths and cyclepaths and adjacent properties where they intersect with any identified sensitive receptors and those cross sections shall also show green infrastructure and lighting proposals*
- h) Approach to safety of any SuDs features for the general public.*
- i) A plan showing areas for adoption by the Council, any statutory undertaker and areas to be maintained by a private management company*
- j) Implementation programme.*
- k) A landscaping implementation programme.*
 - Scaled planting plans prepared by a qualified landscape architect.*
 - Proposed finished levels.*
 - Earthworks.*
 - Hard surfacing materials.*
 - Existing and proposed services and drainage above and below ground level.*

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.*
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.*
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.*
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect. The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme. The approved GIMS, and any subsequent amendments as shall be agreed in writing by the Local Planning Authority, shall be implemented in accordance with the approved details and programme for implementation. Should monitoring*

and/or surveys indicate a failure of the mitigation measures or a decline in population or distribution, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed. Reason: To protect and enhance the Green Infrastructure resource of the site and to protect priority habitats and species.

- 3.2 This application builds upon the partial approval the committee gave for the framework set under planning references 20/01481/MJR and the enabling works reference 22/00802/MJR. The combination of these 3 applications would, once fully implemented, allow the condition to be fully discharged.
- 3.3 The document New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating appendices has been amended to take into accounts comments received from technical consultees.
- 3.4 The submitted information provides a time for works to be completed on the main cancer site, this being June 2025.
- 3.5 The GIMS submission covers all the points of the condition.

Supporting Information

- 3.6 The approved outline development is EIA development and, therefore, the application to discharge the condition is treated as a 'subsequent application' under the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and therefore there is a need to consider whether the initial Environmental Statement is still sufficient for the purpose of testing environmental impacts.
- 3.7 It is considered that the environmental information set out in the Environmental Statement, submitted in support of the outline application, and the ES addendum submitted in support of reserved matters reference 22/02231/RES are adequate to assess the environmental effects.
- 3.8 The assessment below has had regard to all environmental information submitted within the ES and addendum along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.
- 3.9 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02644/DOC](#)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- **17/01735/MJR** - Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Approved
- **20/01108/MJR**: Proposed engineering works to longwood drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Approved;
- **20/01110/MJR**: Temporary construction access route for the construction of the approved velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first; approved
- **22/02280/FUL**: Temporary construction access route to the site of the approved Velindre Cancer Centre. The north-south connecting section is then proposed to be converted to provide a revised emergency access for the approved Velindre Cancer Centre. Approved
- **20/01481/MJR**: Partial Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved (partially discharged – enabling works Phase 1)
- **20/01515/MJR**: Partial discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey) (access and enabling works)) of 17/01735/MJR. Approved
- **20/00357/MJR**: Variation of conditions 1c and 1d of planning permission 16/01530/MJR to extend the timescales to submit a reserved matters application and commence development (Whitchurch Hospital site including the northern meadows). Approved.
- **22/02585/DOC**: Discharge of condition 11 (bus turning/loop and stop) of 17/01735/MJR; Awaiting determination.
- **22/02634/DOC**: Discharge of Condition 17 (CEMP): Reported concurrently to this Committee.
- **22/02635/DOC**: Discharge of condition 20 (Drainage) of 17/01735/MJR; approved.
- **22/02636/DOC**: Discharge of condition 21 (Gas Monitoring) of 17/01735/MJR; approved.
- **22/02637/DOC**: Discharge of condition 8 (Highways Details) of 17/01735/MJR: Awaiting determination.
- **22/02644/DOC**: Discharge of condition 16 (Green Infrastructure Management Strategy (GIMS)) of 17/01735/MJR. Reported concurrently to this Committee.

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.
- 5.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 ‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one

of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (March 2007)
- TAN 21: Waste (February 2017)
- TAN 24: The Historic Environment (May 2017)

5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

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

5.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans,

planning appeals and all other work directed by the development plan need to accord with Future Wales.

5.14 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

DETAILED POLICIES

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C6 Health

Supplementary Planning Guidance:

5.15 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)

- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)

6. INTERNAL CONSULTEE RESPONSES

- 6.1 **County Ecologist:** Recommends that the condition can be discharged
- 6.2 **County Tree Officer:** Recommends the condition can be discharged

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Natural Resources Wales:** has no objection to the discharge of condition 16 of 17/01735/MJR.

8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters and site notices. The application is a subsequent application under Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 8.2 Following receipt of additional information in support of the application, namely: dormouse mitigation, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site notice and neighbour letters providing an additional 30 day's consultation). The additional information related to dormice mitigation.
- 8.3 To date, no letters of representations have been received, although a petition has been received requesting the matter is brought to committee on grounds (see 1.1) that the application will 'have a major effect on the immediate and wider community'.
- 8.4 Ward Councillors have been notified: No comments received to date

9 ANALYSIS

Impact on Ecology

- 9.1 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.2 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to

mitigating the effects of climate change.

- 9.3 The submissions in respect of the discharge of this condition are significant and very technical and have been the subject of ongoing discussions with the Council's ecologist and NRW, with both now recommending that the condition can be discharged. The details are also inextricably linked with the significant work undertaken and associated technical reports in respect of the reserved matters, which is reported concurrently to this Committee.
- 9.4 Notably, it is considered that the "*Acorn Green Infrastructure Management Strategy Revision C January 2023*" has satisfactorily addressed Green Infrastructure (GI) ensuring 60% of the site provides connected and diverse green infrastructure following development. The diversity of habitats is considered appropriate to benefit species present at the site, and surrounding the boundary, and where applicable, i.e. for reptiles an appropriate translocation will take place, or mitigation for habitat loss for dormouse. The GIMS provides for the delivery, establishment and ongoing management, maintenance and monitoring of green infrastructure for the whole site, for both the establishment phase and long term, especially via the Landscape and Habitat Management and Maintenance Plan. Monitoring is provided for 5 years post planting, followed by a further 25 year concession period.
- 9.5 As per the condition, "Should monitoring and/or surveys indicate a failure of the mitigation measures or a decline in population or distribution, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed", and sufficient controls are in place through the condition to ensure this will be undertaken, given the monitoring arrangements indicated.
- 9.6 The document is also supported by several appendices applicable to protecting GI or ecological assets i.e. "RSK Biocensus, Reptile Mitigation Strategy Rev 02 11/01/2023", "RSK Biocensus Dormouse Mitigation and Management Strategy Rev 02 February 2023" and "RSK Biocensus Invasive Non-Native Species Management Plan rev 01 30th January 2023". All the documents above have been commented on several times, especially the "*Acorn. Green Infrastructure Management Strategy Revision C January 2023*" to ensure GI or ecological assets are protected/appropriately mitigated.

European Protected Species

- 9.7 As discussed on the reserved matters application, within the site there are European Protected Species and this is based upon the following:

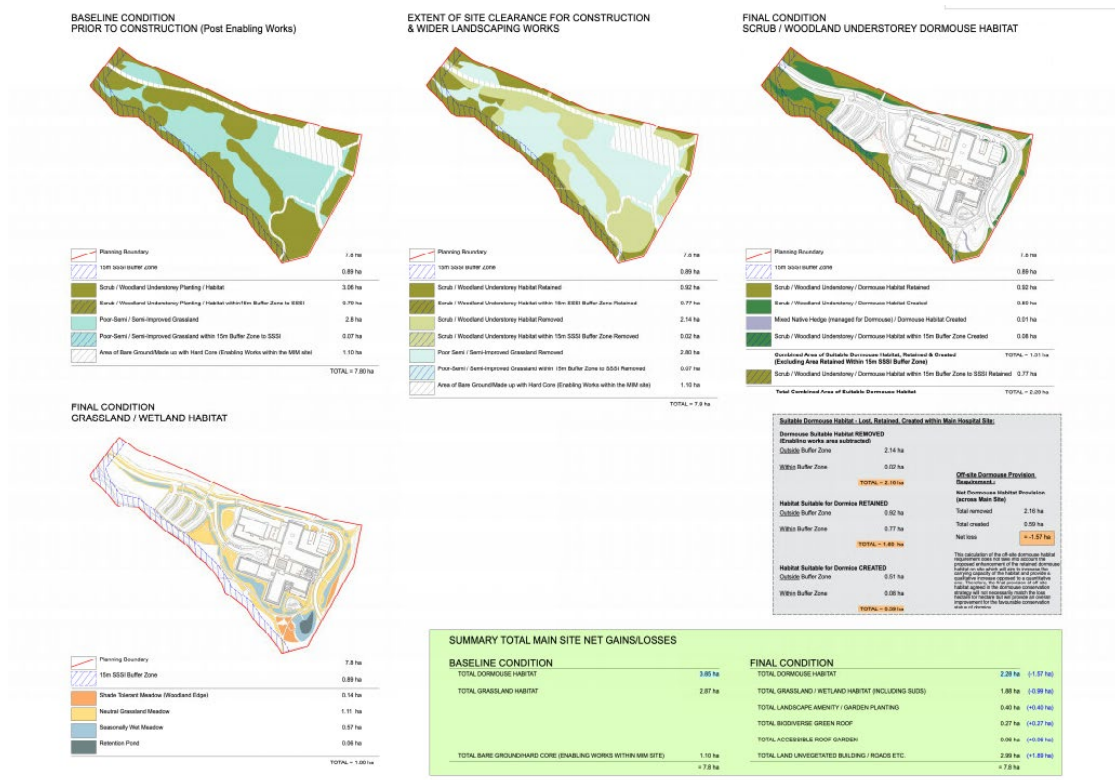
The 2016 survey involved the deployment of 150 dormouse tubes and returned likely absence of dormouse. Following the 2016 surveys a dormouse record adjacent to the wider Velindre site was made available by the South East Wales Biodiversity Records Centre (SEWBRc). Surveys conducted in 2019 involved the deployment of 155 tubes and 40 dormouse boxes and returned a single summer dormouse nest on the western boundary of the wider development site. An inactive winter nest was also found by an ecologist during vegetation clearance on the 28 October 2021, as part of the clearance activities completed

under the Enabling Works development licence for dormouse (ref. S089035-3). Therefore, as outlined in the reserved matters application, by law, we have to assume the site does benefit from a dormouse population

- 9.8 Dormice, otters, great crested newts and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.
- 9.9 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.
- 9.10 These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.
- 9.11 Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals.
- 9.12 Given the presence of dormouse, it will be necessary for the developer to apply for a development licence from the Welsh Government (relating to European Protected Species) before undertaking any development that affects such species, and the applicants are fully aware of such legislative requirements.
- 9.13 Before a licence can be granted the following 'three tests' specified in the Habitats Directive (below) have to be met:
 - (i) There is "no satisfactory alternative" to the derogation.
 - (ii) The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
 - (iii) The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- 9.14 While this is a requirement of the license (a separate Regulatory regime controlled by NRW) where a European Protected Species is found to be present on site, the Local Planning Authority should consult with NRW to seek their advice on whether test (iii) is met before the granting of a consent, while the

Local Planning Authority is required to ensure that tests (i) and (ii) have been satisfied.

- 9.15 In considering test (i), it is notable that the site already has the benefit of outline planning permission for the new cancer care hospital, such that it is accepted for all the reasons expanded upon in this report that there is no satisfactory alternative to the site / development. Similarly in relation to test (ii), it is considered that the scale and nature of the application, and its acknowledged economic, social and other benefits, together with the significance of the mitigation and positive enhancements proposed by the proposal, mean that there are overriding reasons why this test is met.
- 9.16 The issue of dormouse compensation / mitigation has been the subject of detailed discussions with the County Ecologist and NRW, as part of the condition 16 (GIMS) details and, notably, the primary reserved matters application. NRW have noted that they welcome the submission of the following revised information:
- New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating (amongst other appendices);
 - Appendix H: INNS Management Plan by RSK Biosensus dated January 2023;
 - Appendix I: Dormouse Mitigation and Management Strategy by RSK Biocensus dated February 2023.
- 9.17 NRW also note that section 3.2.2 of the Landscape and Habitat Management and Maintenance Plan (LHMMP) submitted in support of the Reserved Matters application (22/02231/RES) sets out the management prescriptions for the dormouse habitats on site. A detailed *Habitat Monitoring Form* in Appendix B to the Dormouse Conservation Plan-Update Report, by WSP dated February 2023 (which forms Appendix I to the Dormouse Mitigation and Management Strategy by RSK dated February 2023) also addresses the desired/target condition for relevant habitats.
- 9.18 The overall loss of dormice habitat is 1.58ha that would need to be mitigated off site is identified on the image below:



9.19 In terms of specific dormouse mitigation, the proposals rely more heavily on habitat enhancement than creation, which is proposed to the north of the site, in areas of suboptimal dormouse habitat. Enhancement is being achieved through 20% canopy thinning, understorey planting and invasive species removal along with other matters. There will also be pockets of purely habitat creation for use by dormouse, surrounding a retained meadow area. Further to the north of the site, a dormouse bridge is proposed across Longwood Drive, with partial enhancement of vegetation either side of the M4 (but also retaining connectivity in this area), to which this dormouse bridge would connect. A dormouse bridge is also proposed beneath the M4 to link the site to the north of the M4. This will further connect to habitat enhancements adjacent to the Coryton Roundabout.

9.20 Within the site itself, scrub and woodland enhancement for dormouse will take place, along with areas of creation. This provides connectivity around the entire site, with breaks connected via multiple dormouse bridges. The lighting has been controlled to ensure minimal spill on the boundaries and specific higher quality habitats. Further dormouse boxes will be provided and log piles, for use by dormouse throughout the year. The scrub will be tailored towards providing resources for dormouse.

9.21 NRW have confirmed that they have no objection to the discharge of condition 16 of 17/01735/MJR (with details of necessary off site mitigation to address the identified 1.58Ha deficit addressed through the reserved matters, satisfying test (iii) above).

Bats

- 9.22 With regards to specific mitigation regards bats, all woodland within the boundary will be retained, including buffering of the Glamorgan Canal SSSI to the west. Connectivity will be retained around the site for commuting and foraging bats, with a broad range of habitats created, including a pond, that will provide foraging opportunities during the active season. The lighting has been controlled to ensure minimal spill on the boundaries and specific higher quality habitats. A range of bat boxes will be erected on trees and the building.

Reptiles

- 9.23 Reptile mitigation strategy (appendix J) provides a comprehensive assessment, including the expansion of the existing reptile fencing on site including 200 article refuges to be placed across the site.

Figure 3: Permanent Style Reptile Fencing

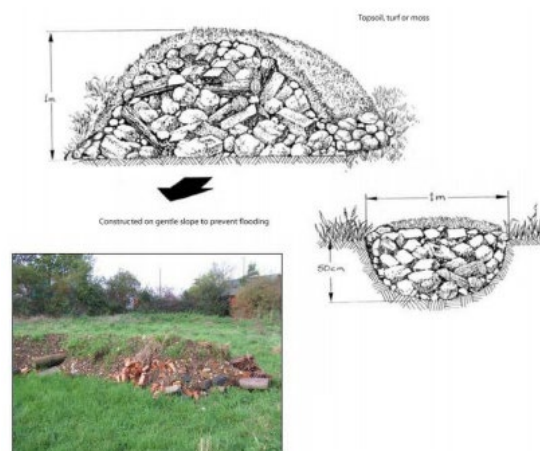


Figure 4. Example hibernacula (from English Nature, 2016)

- 9.24 Translocation will be undertaken March- June 2023 to receptor sites B,C,D and F, that have been agreed with the Council's Ecologist and Parks Department.



Lighting

- 9.25 Given the protected species light levels and location have to be carefully controlled. The plan below identifies the proposed light spill and lux level which vary across the site between 0.5 -100 which is considered acceptable to NRW and the County Ecologist, in providing an appropriate balance between ecology and public safety.



Conclusion

- 9.26 The requirements of the various parts of the condition have been submitted and updated based upon technical consultees responses. The revised documents and appendices are considered acceptable to discharge the condition. It is considered that having regard to the submitted information, including the amended ES addendum submitted in support of reserved matters reference 22/02231/RES that the proposal would not have a significant impact upon the environment for the LPA to refuse to discharge the condition.

10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 10.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The

Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

- 10.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 10.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:
- (a) Diversity between and within ecosystems;
 - (b) The connections between and within ecosystems;
 - (c) The scale of ecosystems;
 - (d) The condition of ecosystems (including their structure and functioning);
 - (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

11 RECOMMENDATION

11.1 RECOMMENDATION 1:

Having taken the environmental information into consideration on this subsequent application, that the details below are approved in FULL discharge of condition 16 (Green Infrastructure Management Strategy) of planning permission 17/01735/MJR, granted on 27/03/2018, subject to implementation and completion in full accordance with the approved details outlined below

1. New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating appendices dated January 2023

PETITION

COMMITTEE DATE: 16/3/2023

APPLICATION No. **22/02231/RES**

APPLICATION DATE: 23.09.2022

ED: WHITCHURCH

APP: TYPE: Reserved Matter

APPLICANT: Acorn Consortium

LOCATION: Land to The North West of Whitchurch Hospital Playing Fields

PROPOSAL: Application for the approval of Reserved Matters pursuant to Outline Planning Permission reference 17/01735/MJR for the delivery of the new Velindre Cancer Centre, parking, landscape works, pedestrian infrastructure and all other ancillary works.

1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as the application is the subject of petition of more than 50 signatures, which states as follows: -

We, the undersigned, are of the view that the above listed application will have a major effect on the immediate and wider community. We therefore request that the planning application is called before Cardiff Council Planning Committee to enable a thorough, transparent, public examination of the documentation and decision making, for the views of communities to be heard, and enable any concerns to be recorded and resolved.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The site comprises the land to the North West of Whitchurch Hospital Playing Fields, which is the subject of outline planning approval (ref. 17/01735/MJR) for a proposed new Velindre Cancer Centre (see Figure 1 below).
- 2.2 The site is 14.5 hectares in area and was formerly undeveloped land (prior to commencement of works at the site) characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs.
- 2.3 The boundary of the application site (established at outline stage) includes the main site for development of the hospital facility, and those areas required to facilitate access from the Coryton Gyrotory and the emergency access route from the Hollybush Estate¹.

¹ See para 2.8

- 2.4 The land is gently undulating former pastoral farmland (the highest point of the main site area is the north-west boundary which ranges between 51m AOD (Above Ordnance Datum) and 57m AOD with the site sloping down to the south-east boundary where the ground level is between 41m AOD and 43m AOD). The site is subdivided into a network of fields of varying scales. The site is no longer grazed by horses but is crossed by informal and formal footpaths. The site has a non-statutory designation as a Site of Importance for Nature Conservation (SINC) for its neutral grassland.



Figure 1: Site Location Plan

The Site Boundaries

- 2.5 The vegetation is particularly dense along the north-east and south-west boundaries where it continues beyond the site to form woodland. The woodland to the north includes the former railway cutting, while the woodland to the south includes the Glamorganshire Canal/ and Longwood SSSI. The vegetation along the north-west boundary separates the site from a further field that is also framed by vegetation.
- 2.6 The vegetation along the south-east boundary separates the site from the Whitchurch Hospital grounds and is dissected by an adopted highway. This route contains dilapidated fencing, and is overgrown with surrounding vegetation.

Access to the site

- 2.7 Vehicular access to the site (for construction traffic) is via the Temporary Construction Access Route(s), while the bridge from Asda (which will facilitate the primary access as approved by the outline consent) is currently in the process of being constructed.
- 2.8 The southern access point from the Whitchurch hospital site that is being used as a temporary construction access for the enabling works and cancer centre has recently been approved to be converted into a permanent southern emergency access. Although the plans before Committee still include the bridge to the Hollybush Estate (which was approved by the outline consent and is currently *required* to be built by a condition), the developer has no intention of proceeding with such a bridge as a consequence of the new southern access. Accordingly, following the positive determination of this current reserved matters application, further submissions will be made to delete that element and amend the relevant condition to require delivery of the revised southern access instead.
- 2.9 Other than the above construction traffic, the site is not currently accessible by vehicle from the local highway network, but is accessible via the footpath network surrounding the site. The site is accessible from the north-west and south-west boundaries by a Public Right of Way (PRoW) (reference: Whitchurch 12) which follows approximately halfway along the south-west boundary before becoming an informal route. The PRoW is connected to a series of other PRoWs which provide access north to Longwood Drive and south into the Long Wood Nature Reserve (reference: Whitchurch 13-16). The site is also accessible from the south-west and south-east boundaries by a PRoW (reference: Whitchurch 11). The PRoW does not enter the site, but is connected to the informal route connected to PRoW Whitchurch 12. The PRoW connects to Forest Farm Road located south of the site.
- 2.10 There are three footpaths crossing the site which have recently been recorded as Public Rights of Way and which are currently in the process of being diverted under Section 257 of the Town and Country Planning Act. These are still out for public consultation and not yet been confirmed.
- 2.11 An adopted highway (overgrown) provides access into the site at the north-east and south-east boundaries. The route is accessible from Park Road and approaches the site adjacent to the Hollybush Estate, where it crosses the former railway cutting. The route then dips gently and follows the entirety of the site's south-eastern boundary and connects to PRoW Whitchurch 11. A series of informal access routes cross the site from these main access points.

Cultural Heritage

- 2.12 The site is not part of a conservation area, world heritage site, historic battlefield site or archaeological priority area. There are no scheduled monuments, no grade I, grade II* or grade II Listed Buildings nor any Locally Listed buildings on the site. There is low potential to encounter buried remains on the site.

- 2.13 The Whitchurch Hospital Campus and Historic Park and Garden is located to the southeast of the development site, which is Grade II Listed on the Register of Landscape Parks and Gardens of Special Historic Interest in Wales.
- 2.14 The Historic Park and Garden includes the core of the Whitchurch Hospital grounds and includes eight Grade II Listed Buildings. The closest Listed Building to the site is the Grade II Listed Whitchurch Hospital chapel (180m from the site). A large car park is located to the front of the chapel.
- 2.15 Coryton House Historic Park and Gardens (converted into a children's school) is located north of the site and will abut the proposed main access road. The House is a large Edwardian town house. Extensive gardens surrounded the house and include an orchard, walled garden, glasshouse and pond. Most of the formal and informal gardens remain undeveloped from their original layout as commissioned by Cory. The gardens consist mainly of woodland, made of tall, dense trees and smaller areas of grass lawn. The house is Grade II Listed and gardens are Grade II Listed on the register of Landscape Parks and Gardens of Special Historic Interest in Wales.

Residential Developments

- 2.16 Clos Coed Hir is located to the east and sited circa 50 metres from the main application site but will abut the proposed new access route from Coryton railway station. The site is also adjacent to the Whitchurch recreational fields. It is a private residential estate that consists of detached properties (two storey) and a terrace of town housing (three storey), accessed from Park Road.
- 2.17 The Hollybush Estate is a residential development located to the north-east of the application site, on the eastern side of the railway cutting. The residential estate includes four ten-storey tower blocks that are prominent features on the local townscape and landscape, and four other smaller residential blocks (two-four storeys). One of the smaller blocks includes commercial units. Access to the estate is provided from Pendwyallt Road. Coryton Primary School is located north of the Hollybush Estate and sited circa 42 metres at its nearest point from the proposed emergency access road.
- 2.18 Whitworth Square, a modern residential development is located to the north of Coryton Primary School and to the north east of Coryton House and sited approximately 100m from the application boundary at its closest point
- 2.19 The Asda retail store is located to the north of the application site. The store is accessible from Longwood Drive and is served by a large car park (as noted earlier, the main access to the proposal will be from this site). A McDonald's outlet is located in the west of the Asda site and is accessible from the same access that serves the superstore. The Village Hotel is located to the east of the Asda site.

Former Railway Cutting

- 2.20 A former railway cutting is located adjacent to the development's north-east boundary. The wooded sides of the former railway cutting fall within a Local Nature Reserve designation. The cutting is very steep and wooded. Public access is available along the floor of the cutting. Access into the cutting is provided from the south via the adopted highway / footpath that connects to Pendwyallt Road or from the north via a steep flight of steps that connect to the masonry bridge near Asda.

Other Statutory and Local Ecological Designations

- 2.21 Other Statutory and Local Ecological Designations adjoining the application site include:

Glamorgan Canal / Long Wood SSSI

- 2.22 The SSSI is located south-west and north-west of the site and is legally protected under the Wildlife and Countryside Act 1981 (as amended). The SSSI falls steeply away from the application site. The SSSI is an artificial wetland ecosystem adjoining a river terrace woodland of considerable antiquity. Beech is a major constituent of the woodland. A range of habitats from open-water, Alder Carr, scrub and deciduous woodland are included within the designation. The Glamorganshire Canal is located within the designation, the eutrophic water from which supports a characteristic flora and fauna that includes a range of macrophytes and a number of macro-invertebrates that are locally important.

Glamorgan Canal Local Nature Reserve (LNR)

- 2.23 The LNR is managed by Cardiff Council and includes the SSSI and land south-west of the SSSI, the former railway cutting north of the site, and the remaining area of open meadowland to the north-west of the site. The LNR was formed in 1967.

Coryton Heronry Wood Site of Importance for Nature Conservation

- 2.24 The Coryton Heronry Wood Site of Importance for Nature Conservation is sited in close proximity to the existing ASDA car park and is located some 100 metres north of the main site area, but adjacent to a section of the proposed northern access. The site is designated for birds and includes mixed woodland containing conifers and ornamental trees.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Following the grant of outline planning permission (including detailed approval of access matters) under ref. 17/01735/MJR for a new Velindre Cancer Centre (and associated development) this application seeks approval of all detailed design matters reserved by condition relating to layout, scale, appearance and landscaping.

Access

- 3.2 The principal access to the site is from the NW corner via the existing Asda superstore and new bridge that was approved under planning application reference 17/01735/MJR then continuing along the main spine road (currently the haul road), that will link into the approved southern access road, with a spur road to a landscaped 149 space surface car park with a covered walkway to the main entrance, and turning circle to the 'front' entrance. The front entrance will be used for dropping off patients and will benefit from an overhanging roof to provide shelter.
- 3.3 Service vehicles, ambulances, cars and cyclists would continue along the spine to the service yard located in the NE corner of the site and then into the underground car parking facilities.
- 3.4 The building itself is split into 2 main blocks with various heights of between 2-5 storeys linked by a 2 storey glazed reception area. Within the building will be community areas as well as the 48 bed ward and outpatients facilities including scanners.
- 3.5 There is a 'secondary' entrance located to the south, which has been designed as a deliberate concept to 'pull' the building and uses towards the community of Whitchurch. There are number of features, including communal gardens, orchard and café area that are sited to allow easy access for the community.

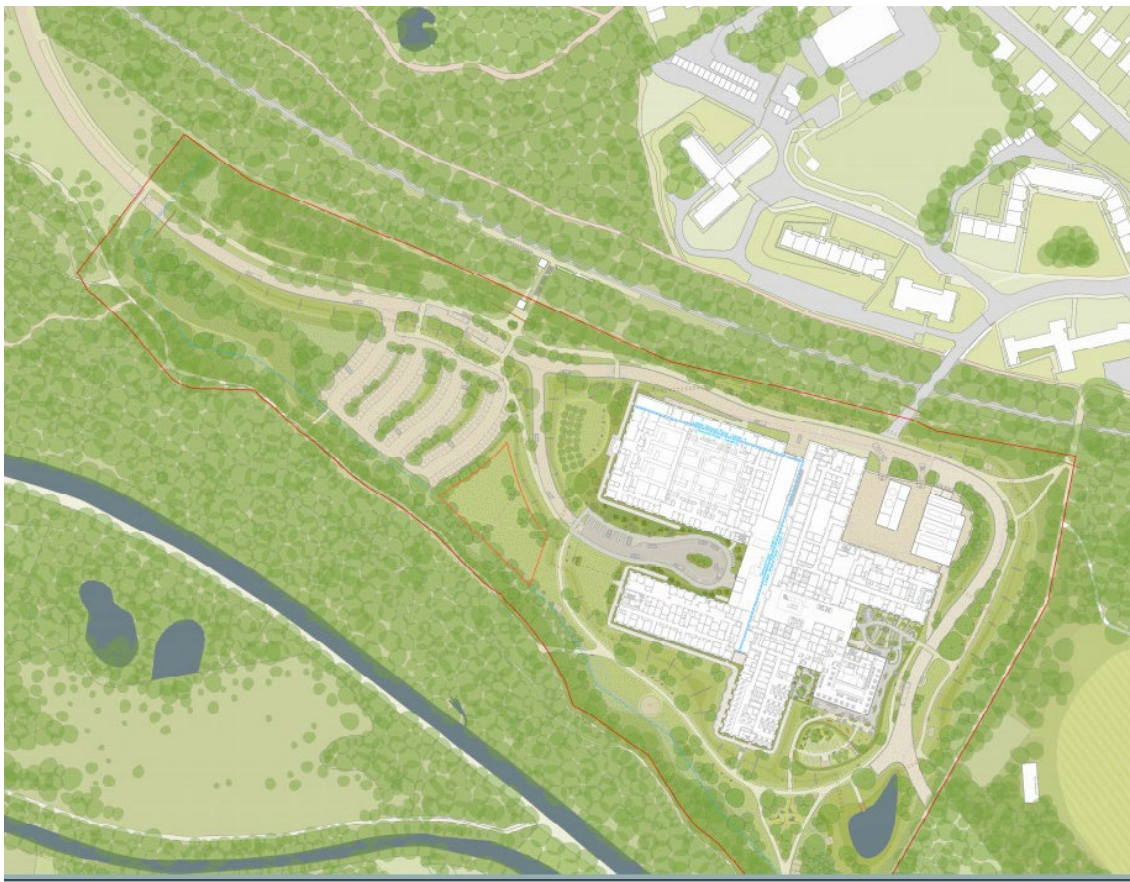


Figure 2: Site Layout

- 3.6 The materials are a mixture of stone, wood and metal that have been designed and located to weather naturally to allow the building to harmonise with the site. The DAS suggest these will be sourced 'locally' to ensure the carbon footprint is reduced

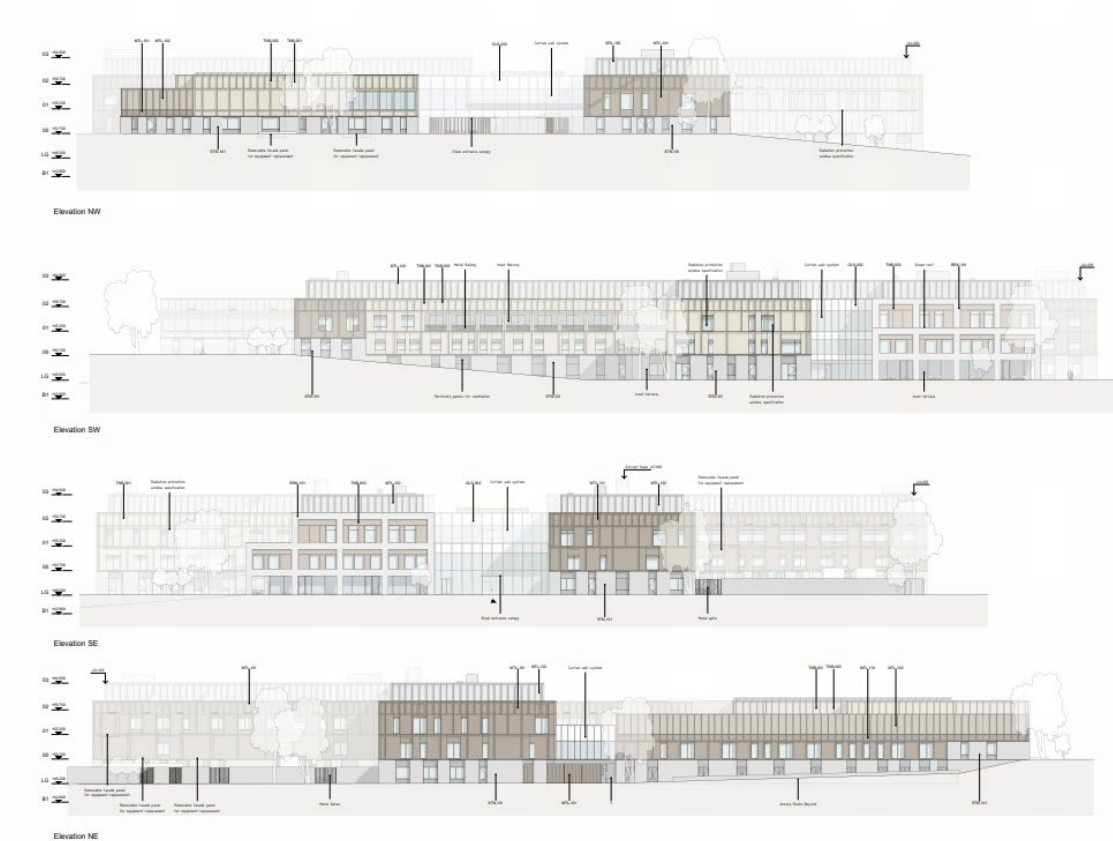


Figure 3: Building Elevations

- 3.7 In support of this application the following documents have been submitted:

- Planning Statement prepared by Turley;
- Design and Access Statement prepared by White Architects;
- Environmental Statement as prepared by Mott McDonald (also submitted in support of undetermined application reference 22/01345/MJR);
- Landscape Strategy (and detailed landscaping/planting plans as listed on the attached schedule);
- Landscape Habitat Maintenance and Management Plan prepared by Camlins;
- Transport Statement Update prepared by Arup;
- Travel Plan;
- Updated Drainage and Surface Water Management Strategy prepared by Arup;
- Ecological Assessment Update prepared by Arup;
- External Lighting Strategy prepared by Arup;
- Energy Statement prepared by Arup;
- Flood Consequences Assessment prepared by Arup;

- Arboricultural Impact Assessment (including Method Statement and Tree Protection Plan) prepared by Mott McDonald and WSP;
- Updated Arboricultural Impact Assessment prepared by Arb TS;
- Noise Assessment prepared by Arup;
- Geo-Environmental Technical Assessment Update prepared by Arup;
- Air Quality Statement Document prepared by Arup;
- Utilities Strategy prepared by Arup; and
- Heritage Assessment prepared by Archaeology Wales.

3.8 In addition, the following additional information has been submitted: -

- *'New Velindre Cancer Centre. Landscape and Habitat Management and Maintenance Plan (V4)' by Camlins dated 31/1/23;*
- *'New Velindre Cancer Centre. Dormouse Mitigation and Management Strategy' by RSK Biocensus dated February 2023 (Rev 2);*
- *'Velindre Cancer Centre. External Lighting Strategy Memo (P02)' by Hydrock dated 1 February 2023;*
- Drawing VCC-CAM-ZZ-ZZ-DR-LA-0005 (Rev 5) *'Velindre Cancer Centre. General Arrangement. Soft Landscape Plan'* by Camlins dated 16/1/23;
- Drawing VCC-CAM-ZZ-ZZ-DR-LA-0010 (Rev 5) *'Velindre Cancer Centre. Tree Planting Schedule. Woodland/Meadow Ecotone'* by Camlins dated 12/1/23;
- Drawing VCC-CAM-ZZ-ZZ-DR-LA-0011 (Rev 5) *'Velindre Cancer Centre. Tree Planting Schedule. Dormouse Habitat and Woodland Trees'* by Camlins dated 12/1/23;
- Drawing VCC-CAM-ZZ-ZZ-DR-LA-0024 (Rev 5) *'Velindre Cancer Centre. Planting Schedule. Mixed Native Hedge'* by Camlins dated 12/1/23;
- Drawing VCC-CAM-ZZ-ZZ-DR-LA-0031 (Rev 4) *'Velindre Cancer Centre. General Arrangement. Ecological Enhancements Plan'* by Camlins dated 16/1/23;
- *'New Velindre Cancer Centre. Ecological Assessment'* by RSK Biocensus dated January 2023;

Supporting Information

3.9 The application has been identified as a subsequent EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) addendum has been provided that updates the ES submitted in support of the outline approval reference 17/01735/MJR. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.

3.10 The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) has identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:

- Assessment of Alternatives
- Biodiversity
- Cultural Heritage
- Landscape and Visual Impact
- Noise and Vibration
- Transportation
- Socio-Economics
- Cumulative impacts (to take account of the approved new southern access route)
- Air Quality
- Climate Change

3.11 The assessment below has had regard to all environmental information submitted within the ES addendum along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.

3.12 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02231/RES](https://www.barnet.gov.uk/council/council-agenda/22/02231/RES)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- **17/01735/MJR** - Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Approved
- **20/01108/MJR**: Proposed engineering works to longwood drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Approved;
- **20/01110/MJR**: Temporary construction access route for the construction of the approved velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first; approved
- **22/02280/FUL**: Temporary construction access route to the site of the approved Velindre Cancer Centre. The north-south connecting section is then proposed to be converted to provide a revised emergency access for the approved Velindre Cancer Centre. Approved
- **20/01481/MJR**: **20/01481/MJR**: Partial Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved (partially discharged – enabling works Phase 1)
- **20/01515/MJR**: Partial discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works

details), 13 (bridge finishes), and 14 (soil resource survey) (access and enabling works)) of 17/01735/MJR. Approved

- **20/00357/MJR:** Variation of conditions 1c and 1d of planning permission 16/01530/MJR to extend the timescales to submit a reserved matters application and commence development (Whitchurch Hospital site including the northern meadows). Approved.
- **22/02585/DOC:** Discharge of condition 11 (bus turning/loop and stop) of 17/01735/MJR; Awaiting determination.
- **22/02634/DOC:** Discharge of Condition 17 (CEMP): Reported concurrently to this Committee.
- **22/02635/DOC:** Discharge of condition 20 (Drainage) of 17/01735/MJR; approved.
- **22/02636/DOC:** Discharge of condition 21 (Gas Monitoring) of 17/01735/MJR; approved.
- **22/02637/DOC:** Discharge of condition 8 (Highways Details) of 17/01735/MJR: Awaiting determination.
- **22/02644/DOC:** Discharge of condition 16 (Green Infrastructure Management Strategy (GIMS)) of 17/01735/MJR. Reported concurrently to this Committee

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
 - A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales

- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 23: Economic development (2014)
 - TAN 24: The Historic Environment (May 2017)

- 5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.
- 5.12 Chief Planning officer letter: '[COP15, biodiversity deep dive, section 6 duty and the planning system](#)'

The Development Plan

- 5.13 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.14 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.15 Relevant Policies within Future Wales include: -

Policy 8 – Flooding

Opportunities for multiple social, economic and environmental benefits must be maximised when investing in flood risk management infrastructure. It must be ensured that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being

5.16 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP10 Central and Bay Business Area
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

DETAILED POLICIES

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Transport

- T1 Walking and Cycling

- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network

Community

- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C6 Health

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

5.17 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Public Art (June 2006)
- Residential Design Guide (January 2017)
- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

6.1 The **Operational Manager (Traffic and Transportation)** advises as follows:

I have no objection to the proposal and a number of the technical details as shown in this submission have been agreed through discharge of conditions 5 (cycle provision), 8 (layout details) and 11 (bus turning area). I note that the bridge and road will not form part of the adopted highway and as a result the lighting provision is a matter for the applicant having regard to ecological and safety matters. PROW and Parks colleagues are keen to ensure that PROW routes remain non-cyclist routes for which I have no objection to in principle but if the opportunity for them to be shared can be taken then I would be keen to do so. The proposed layout allows emergency vehicles a second access point through the Whitchurch hospital site and could subject to agreement from all parties allow for greater public transport options at a later date.

I am pleased to see the parking provision reduced from 773 spaces and support this reduction

- 6.2 The **Operational Manager (Waste Management)**: raises no objection but reminds the applicant that recycled waste and business waste needs to be stored separately.
- 6.3 **County Tree Officer**: Based upon the updated plans raises no objections
- 6.4 **County Ecologist**: No objections subject to conditions
- 6.5 **Conservation Team**: Raise no Objections
- 6.6 **Parks Department**: Raise no objections to the proposal but like PROW officer wish to ensure that the existing PROW are not used for cycling.
- 6.7 **Public Rights of Way Officer (PROW)** advises as follows:

In general, the network of pedestrian paths being provided within the site will accommodate a diverse range of access which is welcomed and expected for the type of facility. There are three footpaths crossing the site which have recently been recorded as Public Rights of Way and which are currently in the process of being diverted under Section 257 of the Town and Country Planning Act. These are still out for public consultation and not yet been confirmed.

The three paths are recorded as Public Footpaths which means no other rights of access will be permitted on them, however it is noted that the cycle movements document shows all of the paths within the site and the wider surrounding areas providing shared use/cycling. Where cycling is agreed in principle, would still require a legal order to be confirmed under the Cycle Tracks Act 1984. This Legal Order is applied for and submitted to Cardiff Council Highways, costs apply and is open to public consultation. The applicant can consider all or part of a Public Footpath for converting to allow cyclists to use it. Further information can be provided if needed.

We would not support cycling on the existing adopted footpath which runs between Whitchurch Hospital and the new development. The preference is that this footpath remains in its current condition as an historic pedestrian only path.

The existing Public Footpaths in Forest Farm would not be appropriate for cyclists due to steep gradients, narrow routes and impact on protected trees. These routes should not be shown on the plan as potential routes as it is considered misleading and may create unnecessary concerns for proposals that wouldn't be supported by PROW or Parks.

Overall, the new upgrades from Asda and Park Road are welcomed and new access into Whitchurch Hospital as these are all considered strategic links to amenities and communities.

6.8 **Shared Regulatory Services (Air Quality)** advise as follows:

Modelling results demonstrate that changes in NO₂, PM₁₀ and PM_{2.5} concentrations at nearby human health and the changes in NO_x concentrations, nitrogen deposition rates and acid deposition rates at ecological receptors as a result of the construction and operation of the proposed development are 'not significant'.

The predicted concentrations at the new receptors at the proposed development site are well below the air quality objectives and therefore the site is considered suitable for the introduction of new receptors.

I agree with the findings of the operational assessment that the likely impact of construction traffic the operation of the Development on local air quality would be negligible.

In conclusion, using all the information provided in the air quality assessment, I make no objection to the development regarding air quality

6.9 **Shared Regulatory Services (Noise)** raise no objections as matters are addressed through existing conditions

6.10 **Building Control:** No objections

7. EXTERNAL CONSULTEE RESPONSES

7.1 **Dŵr Cymru Welsh Water:** Raise no objection to the proposal

7.2 **Natural Resources Wales:** Continue to have concerns with the application as submitted. In summary raise the following: -

Dormice

The presence of dormice at this site was confirmed following discovery of nests in 2019 and 2021. Additional information on the impacts upon dormice resulting from this development has been submitted in a piecemeal manner as part of the various planning applications associated with this development

They note the latest Dormouse Mitigation and Management Strategy (DMMS) provides the strategy and proposals for mitigating and compensating the impacts from Phase 2 of the development on dormice. It is to be read in conjunction with the Dormouse Conservation Plan – Update Report (REF, prepared by WSP) which provides an overview of the overall development proposals (Phases 1 and 2). The Dormouse Conservation Plan (DCP) is appended to the DMMS.

Welcome the clarification provided by the applicant that 0.52ha of new broadleaf woodland and scrub shall be created for dormice on the application site; and the revised Drawing VCC-CAM-ZZ-ZZ-DR-LA-0005 (Rev 5) 'Velindre Cancer Centre. General Arrangement. Soft Landscape Plan' by Camlins dated

16/1/23 which shows the distribution of these habitats on the application site.

Acknowledge considerable effort has gone into designing the development site to include as much new and existing dormouse habitat on-site as far as possible. However, there remains an overall net loss of 1.58ha of dormouse habitat. As such, they maintain earlier advice that the strategy needs to create more extensive areas of new habitat for dormice located outside of the planning application site boundary:

- where it offers good connectivity to existing dormouse habitat
- where the aims of management are not compromised by other purposes such as habitat management for wayleaves, utilities; and
- where its long-term management for the benefit of dormice can be assured.

We note that off-site land has been put forward within the DMMS as options to address the overall net loss of habitat, although note that the proposals for each area are, in the main, based on existing habitat enhancement, such that at this stage, the DMMS and overall strategy does not include the detail needed to understand what the individual enhancement measures can contribute to the compensation package.

The proposals to reduce invasive non-native species (INNS) such as Laurel are welcomed. However, what they can add to the compensation package will hinge on the extent and distribution of the laurel and the extent of the improvement in habitat condition for dormice resulting from its removal.

NRW has since received a Joint Land Ownership Plan which is accompanied by a letter signed by the applicant – Velindre NHS Trust – countersigned by Welsh Government and Cardiff and Vale University Health Board. The Plan shows land ownership in the vicinity of the application site. The letter sets out high-level proposals, stating that 1.58 hectares of newly created dormouse habitat land with connectivity to the established dormouse population shall be made available by one or more of the landowners above for the re-provision of habitat suitable for dormice. This comprises additional land to what is identified in the DMMS and DCP. Specifically, we understand the former Whitchurch Hospital grounds shall be available for dormouse conservation proposals to fulfil the compensation deficit for this planning proposal. This land is shown as purple on the Plan and owned by the Cardiff and Vale university Health Board.

New and enhanced habitat within the former Whitchurch Hospital grounds would be better connected to existing dormouse habitat and improve the resilience of the green corridor that extends northwards. Compensation proposals in this general area would need to be informed by an assessment of the existing habitat and its current value to dormice, along with details of the proposed habitats. There are likely to be areas within the former Whitchurch Hospital grounds that would allow for appropriate, newly created dormice habitat which can connect to existing habitats and managed long-term.

Whilst welcome that additional land has been proposed on which compensatory habitats could be provided in respect of dormice, the detail as to how this will be delivered and secured is not yet adequate. Therefore, in addition to the proposed enhancement(s) set out in the DMMS and DCP, we advise it is necessary to demonstrate that mitigation and compensation measures can be secured to deliver habitat enhancement and creation, and long-term management within appropriate timescales. Suggest this information could be submitted and appropriately secured as part of the reserved matters application approval, via a planning condition. In the event that this is not possible, we suggest consideration is given to securing such information by way of an alternative legally enforceable mechanism, for example a planning obligation. Such an obligation securing off-site land for long-term dormouse conservation purposes is a sufficient mechanism to demonstrate no detriment to the maintenance of the favourable conservation status (FCS) of the local dormouse population.

Ultimately, you should be satisfied that the proposed development either would not impact adversely on any EPS on the site or that, in your opinion, all three tests for the eventual grant of a licence are likely to be satisfied. As you're aware, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third (FCS) test only.

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice. Please note that the granting of planning permission does not negate the need to obtain a licence.

Bats

Welcome the clarification in the updated Ecological Assessment report that no bat roosting habitats will be directly affected by the proposed development.

Lighting

We note the updated Hydrock Lighting Memo submitted in support of this application, particularly that it has been amended to include the lighting plan and proposals that are also included with the Green Infrastructure Management Strategy (GIMS). We confirm that we are satisfied with these proposals and that they shall be secured through the (GIMS) application.

Habitat Management Plan (HMP)

We welcome the changes to the Landscape and Habitat Management and Maintenance Plan (LHMMP) to include the latest planting specification drawings. Our concerns in this respect have been addressed. We advise that the mechanism for delivery of the HMP is secured through the reserved matters application approval. Specifically this should secure the delivery of financial resources and specialist expertise for undertaking the agreed habitat management and monitoring, and dormouse population monitoring.

Land Contamination and Controlled Waters

At outline consent stage we requested a condition relating to unforeseen contamination given the close proximity of the former railway corridor; this was attached to the outline consent granted (condition 22). The information submitted for this reserved matters application does not alter this.

Flood Risk

We note a Flood Consequences Assessment (FCA) has been prepared. This confirms the application site is outside Flood Zone C of the Development Advice Map (DAM) contained in TAN15. In addition the application site is outside Flood Zones 2 and 3 of the Flood Map for Planning. We therefore have no comment to make with regard to flood risk.

- 7.3 **Fire Service:** Raise no objections but request that a comprehensive fire strategy is provided to meet Building Regulations.
- 7.4 **Welsh Government (Transportation):** Raise no objections
- 7.5 **CADW:** No objections
- 7.6 **South Wales Police Designing out Crime Officer:** No objections but highlights the need for the proposal to meet 'secured by design' will require a good overall standard of security for buildings and the immediate environment. It attempts to deter criminal and antisocial behaviour within hospital grounds by introducing appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of the development. These features include secure vehicle parking, adequate lighting of common areas, control of access to individual and common areas, defensible space, and a landscaping and lighting scheme, which when combined, enhances natural surveillance' Secured by Design Hospitals 2005. These include installing boundary fences to define public/private spaces, brighter lighting on well used paths, CCTV on entrance/exit points and areas where the public would congregate, and dog litter bins.

8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press.
- 8.2 Following receipt of additional information in support of the application, namely: updated ecology and landscaping, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation) and this expired on 11/3/2023.

8.3 260 letters (x2) were sent to residents and others who had made comments on the application. In total 40 letters of representations have been received to date, all objecting on the following summarised grounds:

- The proposal would not provide the necessary cancer care and should be located next to a general hospital;
- The council and Welsh Government have declared a nature emergency and the loss of this SNIC is not justified;
- The loss of the green lungs of north cannot be replaced and their loss will have a significant impact on everyone;
- The loss of habitat for protected species of bats and dormice cannot be replaced;
- The submitted assessment fail to consider bats that will be affect by this developed, including the *soprano pipestrelle* located within the listed chapel located on the Whitchurch Hospital site (bat survey Whitchurch hospital bat survey Report December 2020)
- The proposal will have an unacceptable impact upon the forest farm SSSI site and the Glamorganshire canal and dock feeder
- The destruction of 23 acres will result in the flooding of homes
- The loss of the meadow and additional traffic will result in increase cancer, depression and illness rates
- The proposal does not comply with the parameters set at outline and exceeds the maximum building height outlined in 011282-HSL-00-ZZ-DR-A-PL 31-A;
- The plans does not meet the promises made to us by Anna McMorrin and Julie Morgan in the 60% of the meadow will not be built on
- The plans are inconsistent in that they show the Hollybush bridge which both the applicant and the planning officer have confirmed will not be built;
- The drainage strategy is not based upon green run off rates;
- The foul network is already over capacity and will lead to additional raw sewage discharged into the local rivers and the Severn Estuary;
- To bring new electrical supply from such distance from the site needs much more consideration at this stage in terms of environmental impact, further disruption to the local area and value for money;
- The environmental screening does not meet the regulations;
- The proposal to reduce car travel relies on a Metro line up to Velindre but there is no guarantee that this will be delivered
- The additional traffic cannot be catered for on the existing network. Asda which will be the main access point is already a nightmare to access and this development will make it worse to the extent it will be dangerous;
- The building design will not be a delight but is blocky, ugly on the eye
- There needs to be an independent enquiry into this project over why large amounts of tax payers money has been misspent and the local community lied to

- The proposal fails to consider the safety of children going to school. Children within the community already feel afraid to walk & cycle to school due to the enabling works
- The proposal will have an adverse impact on the health of the children who will have no where to play and will inhale the toxic fumes from the construction traffic and cars using the site- please think of the future generations
- The construction will result in unacceptable noise and vibration to vulnerable resident of the Hollybush estate
- The emergency diesel back up generators are located in close proximity to residential properties and will result in unacceptable noise and air pollution.
- The proposal fails to have regard to the listed buildings and gardens on the Whitchurch hospital site.
- The objectors have lost confidence in the planning department to consider this scheme objectively as demonstrated by them not even enforcing the existing planning conditions;
- The community feel their concerns are being ignored and it feels we are living in a dictatorship.
- The local community has already been victimised by the project. An increase in air pollution caused by cars idling from J32 to Llandaff North, Whitchurch Village, and Rhiwbina due to poor traffic management has caused a worsening of asthma for many.
- The application is being considered prematurely, the report is in the public domain before the consultation process has closed

8.4 As noted above, the application has also been the subject of a petition that objects on the ground that this decision shouldn't be made by officers as there are significant impact upon the area and any decision should through, transparent, public examination and decision making and for the views of the communities to be heard and enable any concerns to be recorded and resolved.

8.5 All public representations made on the application are available to view in full on the Council's website at: - [22/02231/RES](https://www.llandaff.gov.uk/22/02231/RES).

9 ANALYSIS

Land Use / Principle of Development

9.1 The principle of the development has been approved through the application reference 17/01735/MJR (as amended) and whilst national planning policy has been updated the committee cannot question, or seek to reconsider, the principle of the development. Instead, consideration of the application is limited to an assessment of the reserved matters relating to layout, scale and appearance.

- 9.2 In this respect it is emphasised that an application for reserved matters approval is not the same as an application for planning permission. Matters completely outside the scope of the original permission cannot be introduced at this stage. Further conditions may be applied to reserved matters approval but these should not derogate from the permission already granted. i.e. the only conditions which may be imposed when the reserved matters are approved are conditions which directly relate to those matters.
- 9.3 When a planning authority receives an application for approval of reserved matters, regardless of whether an EIA was carried out at the outline stage (as was the case with this development), it should screen the development again to determine whether all of the likely environmental significant effects had been considered. Members will note that the application is accompanied by an addendum which seeks to update the supporting environmental information. Again this does not mean that the principle can be reconsidered (it must not) however the Courts have found that if environmental effects are not identifiable until the approval of reserved matters, the assessment should be carried out then. In this respect, this report considers all such matters, although Members attention is specifically drawn to the issue of dormice/ European Protected Species, which is addressed in chapter 11 of the Environmental Statement (ES) and the information submitted in support of discharging condition 16 (GIMS) which is reported to Committee concurrently.

Conformity with the Outline Planning Permission

- 9.4 Members will be aware that, when granting outline planning permission, a set of maximum and minimum parameter plans form part of the approval, which any reserved matters application needs to conform to. These are outlined in condition 2 of the outline permission, and include plan ref. 011282-HSL-QQ-ZZ-DR-A-PL 11-A (see figure 4 below), 011282-HSL-00-ZZ-DR-A-PL31-A (figure 5), 011282-HSL-00-ZZ-DR-A-PL31-A (figure 6), 011282-HSL-00-ZZ-DR0L-0802-SO.P05 (Figure 7) The submitted DAS provides commentary on how the proposal meets the parameters and this is explored further below.



Figure 6 indicative site sections



Figure 7 Illustrative Master plan

Impact on the Character of the Area

- 9.5 As noted earlier, the Welsh Government publication [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 9.6 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.7 PPW11 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Layout

- 9.8 The above parameter plan shows that the outline planning permission proposed (in illustrative form) a *finger* design for the main building, together with a two storey covered car park, *Maggie's Centre* and energy centre.
- 9.9 The submitted detailed layout has, however, while reflecting the approved maximum parameters, proposed a significant change from the earlier concepts, all driven by a proposal which seeks to place sustainability at its heart. This means that the siting of the building is much more compact within a smaller space, which results in much more of the surrounding site being retained free of built development.

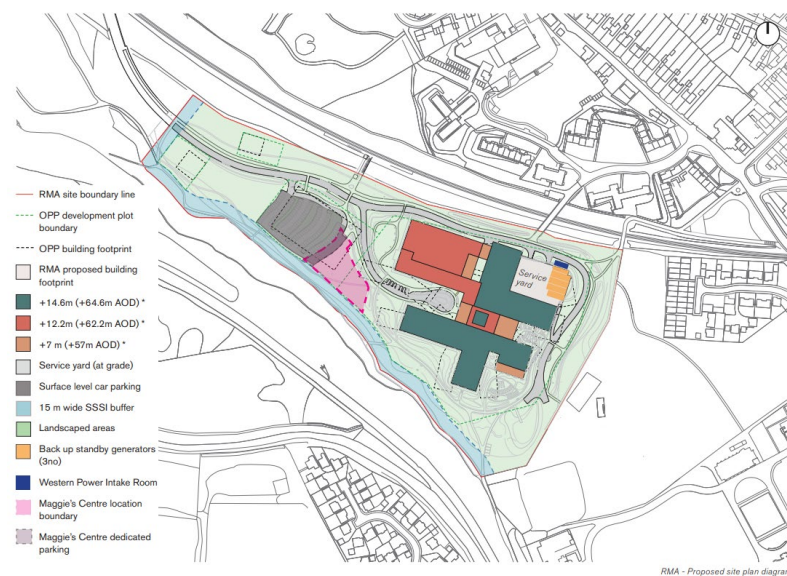


Figure 8: Heights / Scale of new Buildings

9.10 Critically, the massing of the proposed building is also reduced, as shown in figure 9 below.

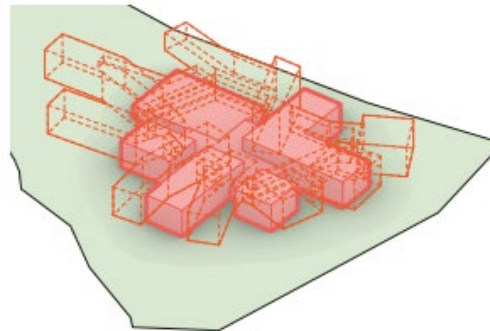


Figure 9: Overlay with approved (outline) massing

9.11 It is clear that the layout is informed by the need to reduce land take, so car parking is tucked under the building and is accessed from the main road. A surface only car park (149 spaces) for use by visitors and located further away. The proposed Maggie's centre (details not forming part of this application) is now proposed to be located in an area between the surface car park and the cancer centre, rather than sited on the periphery. This new location is considered a significant improvement in accessibility which, given the important function the Maggie's centre will play in the journey for cancer patients. At the front door the turning area is designed for drop off of disabled and ambulance taxis. The use of hardscape reinforces this hierarchy (see figure 10 below) and places active travel within the layout philosophy.

9.12 Whilst the layout is different to the indicative plans it is clear, through the DAS, that regard has been given to the outline approval and that the proposal before the council is considered a better solution for clinical and planning needs. Moreover, the revised layout concept allows the building to sit within a much greater landscaped setting (compared with the earlier indicative scheme), and enhancing the opportunities for landscaping, ecological benefit and enhanced movement through the site.

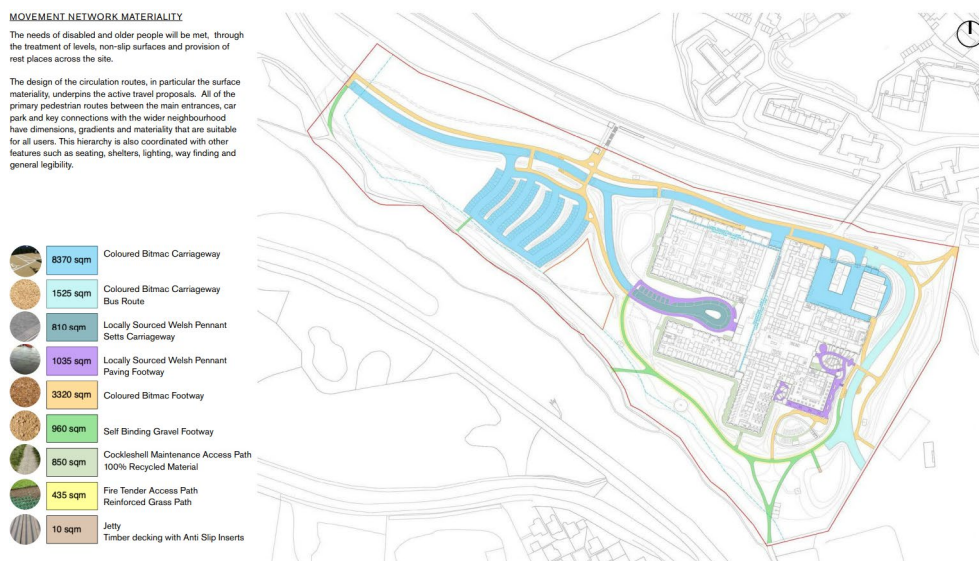


Figure 10: Movement (Materials)

9.13 In terms of such movement, the pedestrian network across the site has been designed to accommodate existing informal routes where practical and deliver new connections to all surrounding neighbourhoods, main public transport links and local community amenities. An extensive network of footpaths and shared-use paths with different characters (see figure 10) will be provided across the site. The majority of these paths are separated from the road network by greenery and trees, creating a comfortable and safe environment for pedestrians. Crossing points at vehicular roads will be realised as raised tables, which will provide a consistent footway height for pedestrians and encourage drivers to give way to pedestrians. The design is also robust enough that any future metro expansion has been figured into this layout as the map below explains (figure 11)

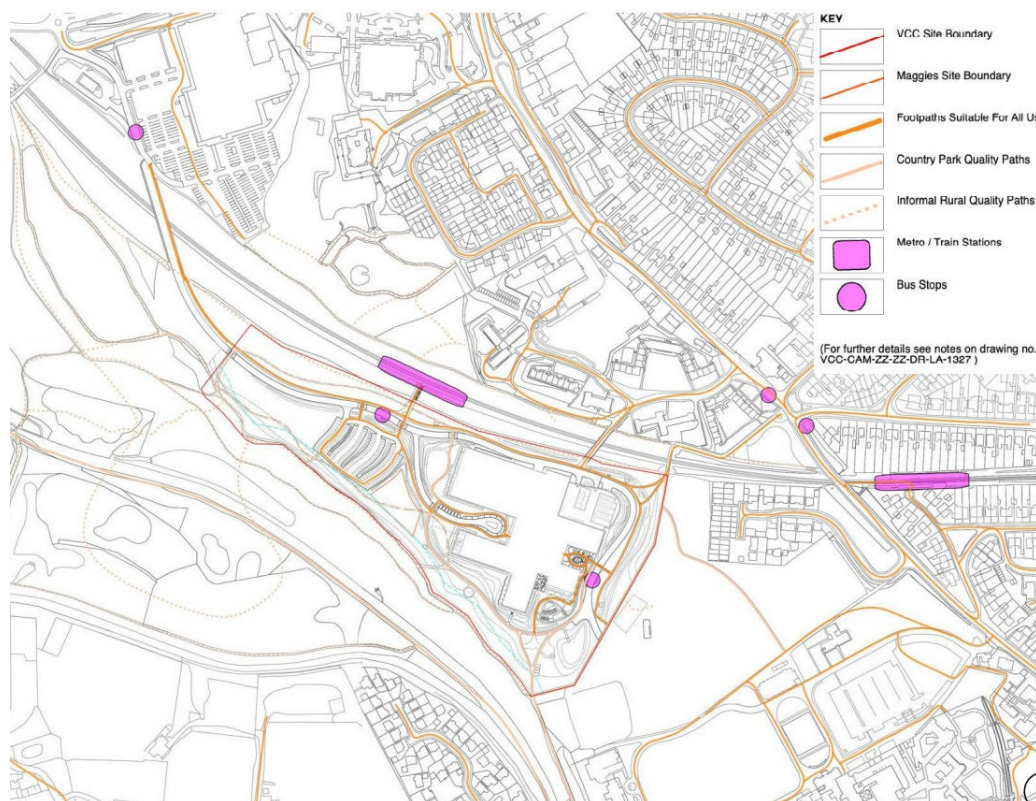


Figure 11 Movement (Materials)

Impact on Public Rights of Way (PRoW)

9.14 While the impact on PRoW was considered at outline stage, Members should note that since that consent was granted, three footpaths crossing the site have recently been recorded as Public Rights of Way (following an Inquiry considered by Planning Environment Decisions Wales). These footpaths cross the site of the proposed building (which has outline permission) and thus are currently in the process of being diverted under [Section 257](#) of the Town and Country Planning Act. These are still out for public consultation and not yet been confirmed.

9.15 The Council's PRoW Officer has confirmed that the network of pedestrian paths being provided within the site will accommodate a diverse range of access which is welcomed and expected for the type of facility. Overall, the new

upgrades from Asda and Park Road are also welcomed and new access into Whitchurch Hospital as these are all considered strategic links to amenities and communities.

- 9.16 They note that the above three paths are recorded as Public Footpaths which means no other rights of access will be permitted on them, however it is noted that the cycle movements document shows all of the paths within the site and the wider surrounding areas providing shared use/cycling. Any shared/ cycling would require a legal order to be confirmed under the Cycle Tracks Act 1984. However, they would not support cycling on the existing adopted footpath which runs between Whitchurch Hospital and the new development. The preference is that this footpath remains in its current condition as an historic pedestrian only path.

Design and Scale

- 9.17 The scale, mass, content and layout of the building are informed by the various functions of the hospital and their necessary adjacencies, so that patients and staff have the best experience whilst gaining treatment or working. These internal requirements in some respects inform how the building appears externally, and how the accesses and mass of the building are arranged across the site.
- 9.18 The scheme makes very careful use of the topography of the site to limit digging, as part of an explicit sustainability strategy. This can be seen in the sections and in how basement parking has been accommodated to also reduce the visible impact of parked cars in a very sensitive area. This careful accommodation of underground parking is a key feature of the scheme, allowing the building users otherwise to be adjacent to nature. The position of the building on the slope of the land allows the overall scale of the building to be hidden a little within the slope, so that a building that is essentially 5 storeys in height at its tallest, appears to be only 2 or 3 storeys from the west, as shown in the southwestern elevation.
- 9.19 Maximum development height varies across the site but as shown above and in the cross section below, the proposed maximum heights are achieved across the site.

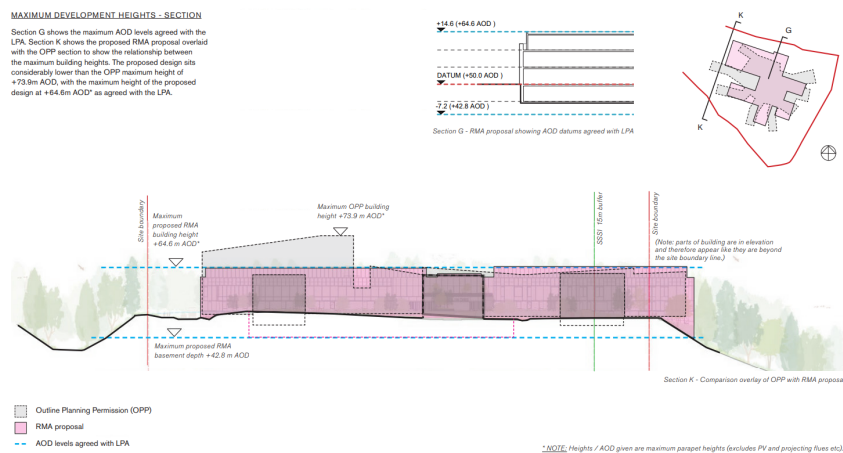


Figure 12: Conformity with Outline Parameters (height)

- 9.20 The building is compact, and its highest elements appear to be below the tree line. This is again a consequence of how the functions of the building have been accommodated on the profile of the land, with more floors sitting on the lower ground towards the east. From the highest point of the site, from the west, this large building will provide views across to the original Whitchurch Hospital tower, which helps to locate the scheme in its setting, by maintaining the visible links to this landmark. It was also a key goal of the scheme that it sits well in its context, and this is another aspect of that.
- 9.21 The hospital will have a main access facing west, towards the landscaped surface car park and bus stops, but also an entrance at the lower level facing east and providing access to people arriving from the Coryton station, Whitchurch and active travel routes from the south-east. The western entrance is framed by drop off and taxi facilities, but otherwise provides very legible pedestrian routes and an element of visitor cycle parking. The eastern access is up the slopes, through the Physic Garden, which is a landscape character area within the wider landscape design and also includes some cycle parking provision.
- 9.22 These points of access cut into the mass of the building and start to give the building its form. The idea is that people come straight into the main atrium and heart of the building and then can move up or down through the core of the building easily to gain access to the various wings. The lift and stair core extend directly to the basement car park so that people arriving by car, or staff parking a bike, also have direct access into the centre of the building. Each wing is then designed to appear as a discrete element externally, so that a very large building appears a little like a series of buildings side by side.

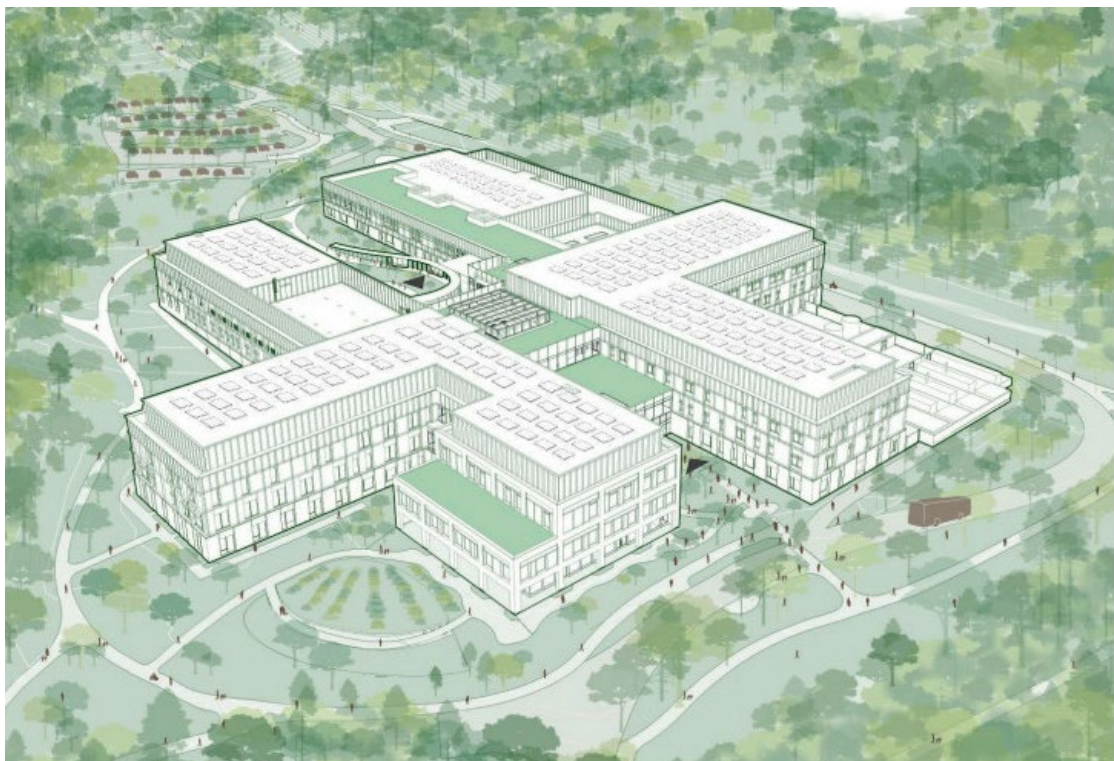


Figure 13: Taken from Chapter Scale of the DAS:

- 9.23 The southern elements of the building contain the treatments space for both in- and outpatients who benefit from the sunnier southern aspect and views out towards nature. The south-eastern wing also contains the hospital restaurant with direct views out to the landscape and gardens.
- 9.24 The northern wings then contain radiotherapy, imaging and nuclear medicine. These elements of the building accommodate waiting and meeting spaces around their periphery with views outside or into a small courtyard but also accommodate the specialist treatment areas at their core. The northern wing also accommodates the administration block and, at ground floor level, a service yard adjacent to the main vehicular access route.
- 9.25 Critically the compact plan limits the amount of movement any patient or member of staff might need to make through the building from any place to another, with few long and bland corridors. This space/time efficiency is a key part of the plan which may not be immediately evident from the drawings.
- 9.26 Externally the functions of the buildings are evident in the architectural expression, along with a material palette informed by a low carbon strategy, a concern for sense of place and also elevational design principles informed by passive design principles. Symbolically the design has tried to be very place specific and embrace its Welshness by using common materials from the region, using materials like copper to speak directly to that manufacturing heritage and also local stone and timber.

The building is conceptualised as a series of volumes, divided into two wings, each with its own material language, and interconnected by a transparent volume at the core (the Loffa) and by a gabion stone base that grounds the upper levels to the earth.

Drawing inspiration from both the local building and landscape contexts, the material palette for the exterior facades of the nVCC is in keeping with the overall low-carbon goals of the design brief. The external facade palette is indicated below.



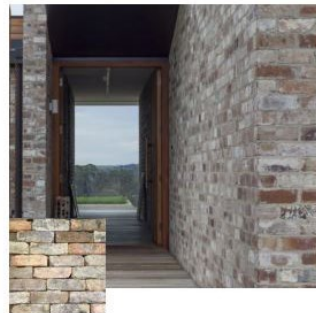
GABION
4mm gauge welded mesh cage with stone aggregate sourced from local quarry.



TIMBER CLADDING
Preferred: Thermowood or similar



COPPER METAL CLADDING
Preferred: recycled pre-oxidised copper or similar.



BRICK
Preferred: reclaimed and assembled with lime mortar to absorb CO₂.

Figure 14: Proposed External Material Palette

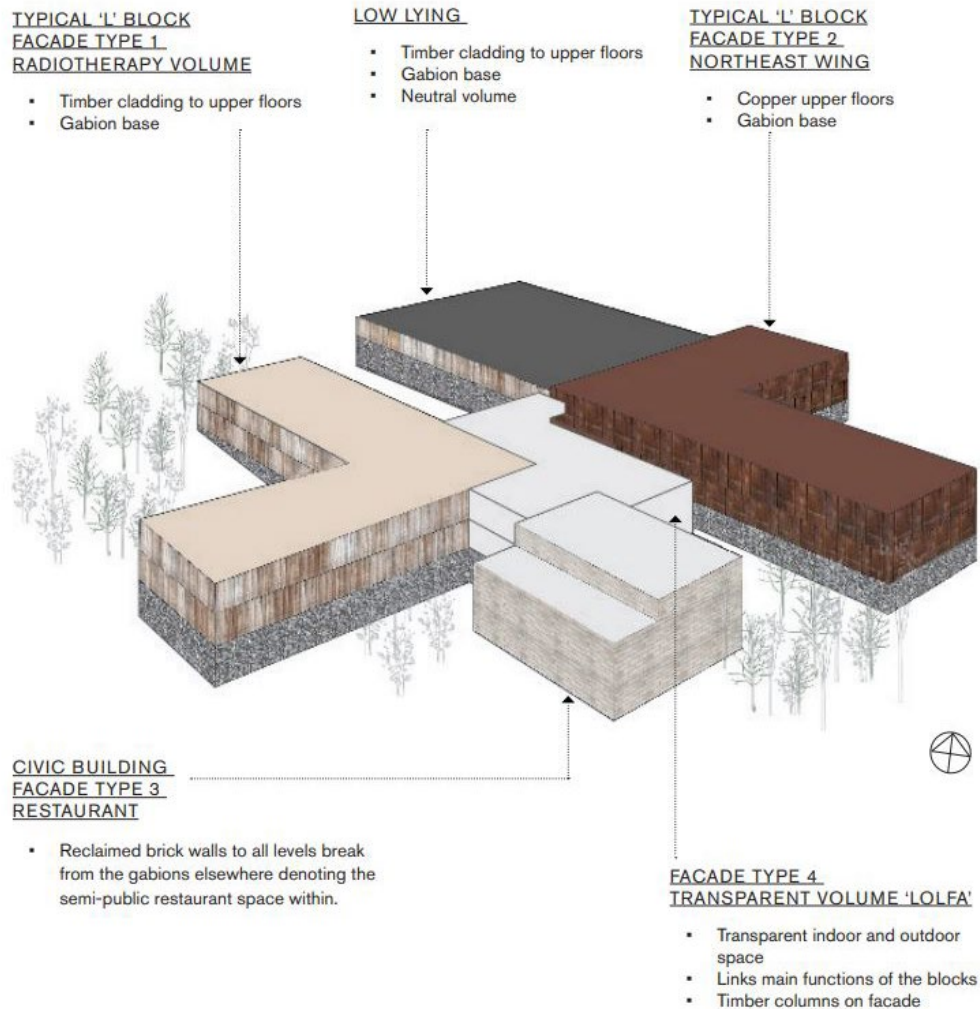


Figure 15: Building / Materials Composition

9.27 The above CGIs show the use of a variety of materials and give a clear sense of the interior and elevational designs and demonstrate that this will be a very attractive building. The core atrium or *Lolfa* will be of timber construction and aims to be transparent, providing vivid views from within the very heart of the building where possible out to the landscape to the west, south and east. The Lolfa brings everyone together in the building and allows for an architecturally striking space – a key feature of the building’s drama or “delight” - but as important is the fact that colleagues will see each other and have a chance to chat. This is a key aspect of life in the existing hospital where staff feel that they are part of a community. It is worth noting the staircase from the eastern entrance which is also a feature of the design, including seating spaces along the ascent which enjoy aspect out towards the east and towards the original Whitchurch hospital.

9.28 The south-eastern wing has a façade made up of a robust and ordered grid built from recycled bricks, or similar, with recessed timber that frames a generous disposition of windows. This is called the civic building, using a brick material common to the neighbouring Whitchurch Hospital and wider community of Whitchurch, but within mimicking how it is used stylistically.

- 9.29 The south-western and north-western wings combine local stone and timber to sit well in the landscape. The stone base suggests at a solidity, and the architects hope it will be read as a building that sits firmly on the land. The local timber is framed by metal and timber fins which provide order and richness and increase in frequency the higher up the façade they are used. The northern wings include copper (or similar) in a similar way to the timber used elsewhere. Compositionally the fins provide some unity across the building where they are used, with the recessive timber and copper materials and arrangement of windows creating variety between sections of varying mass.
- 9.30 Otherwise, prominent rooftop services will be positioned behind perforated metal curtain panelling which unifies the skyline of the building.
- 9.31 The design of the building is such that it tries to anticipate some aspects of how cancer treatments might evolve in the future and also how the building and wider estate might be adjusted and extended. This tries to overcome a common feature of hospital estates where their character is dominated by many new additions and alterations. The DAS explains how areas of the building can be converted to additional clinical space, and that the structure will be robust enough around its common core to accommodate extensions. In combination this is an effort to future proof the building.
- 9.32 The comments of the police are noted but it is a fundamental design philosophy that the site is open so that the public can enjoy the natural environment and that the building harmonises with nature. The erection of barriers would create a 'them and us' which this design seeks to avoid.
- 9.33 The suggestion of CCTV across the site is supported and conditioned. Access to the underground parking is via a control pad- patients with appointments will be given the code in advance, this is considered to ensure the security of patients and staff.
- 9.34 The Police make suggestions for internal security and this is a matter for the applicant to consider but are not matter the LPA can secure through the planning system
- 9.35 Having regard to the above, it is considered that the layout, scale and appearance of the building exemplifies a very high quality design, such that the proposal fully accords with Policy KP5 objectives of good design

Landscaping

- 9.36 Since the outline planning permission was approved, it is noted that dormouse are now seen to be present at the site (although there has not been an actual dormouse sighting on the site) and through the ES addendum the submissions have addressed such impacts notably through a fundamental shift in the landscaping concept and detailed design from one of a wild grassland meadow feel to a more scrub habitat for dormice, albeit ensuring a balance between the 2 elements.

- 9.37 A critical feature of the scheme is the commitment to the landscape design, and a desire to sit the building in a 'wild' or at least a 'relaxed' landscape. Again, this is achieved through the compact building footprint, and also a scheme which gives prominence to a natural setting, tying closely with the existing woodlands to the south and west. The landscape design includes a series of very distinct spaces, which vary in character and function but are well disposed and help to moderate how the building will be viewed from various positions.
- 9.38 They include the main entrance plaza in the west with wide verges and block pavements, the Physic Garden (medical herbal planting) to the east, the (SUDs) pond landscape to the south east, a small retreat garden near the restaurant, a kitchen garden/cafe terrace in the south east linked closely to the restaurant terrace, an orchard meadow of fruit trees to the west which help also shield the western elevation, and an area of outdoor classroom. There are also two roof gardens. The scheme also includes a commitment to landscape art (part of a wider art strategy) and also natural play in the vicinity of the restaurant. It is also notable that the much smaller outdoor car park also contains wide verges for planting to reduce the visible impact of cars between trees and other planting.

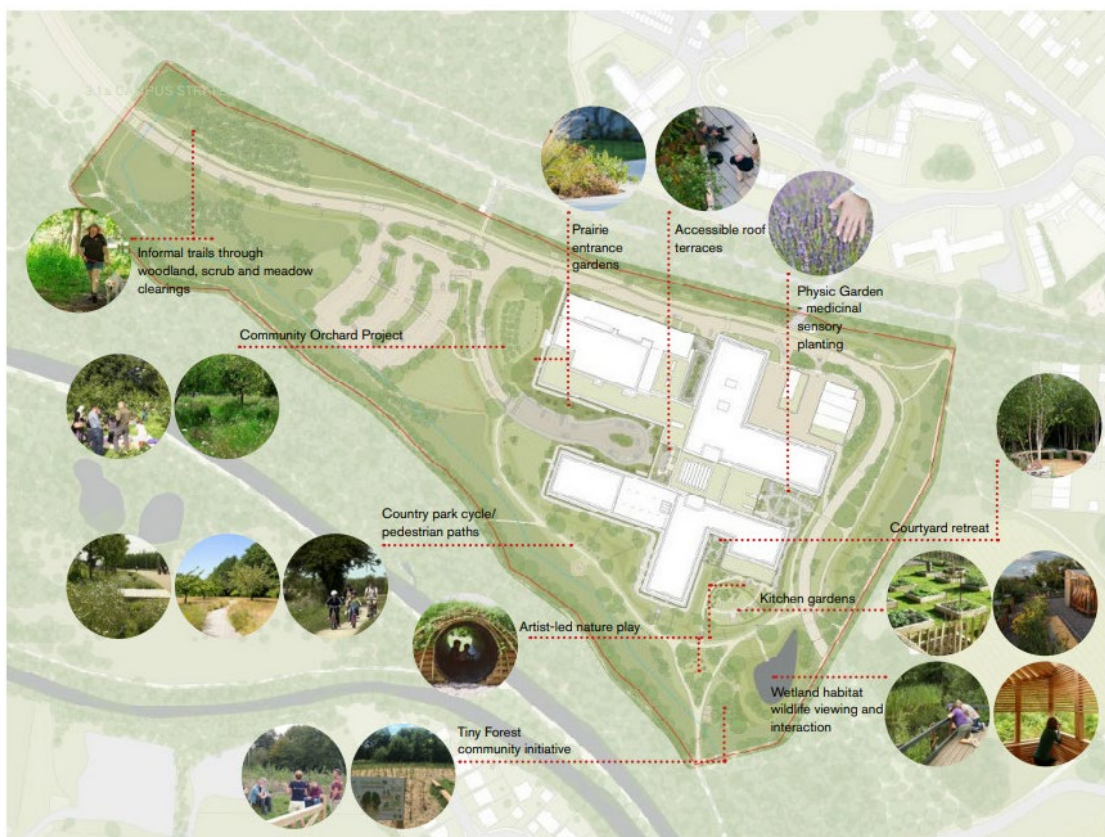


Figure 16 : Landscape Character

- 9.39 The majority of the remainder of the site is maintained with meadow or wildflower planting which sits well with the ecology strategy and character of the context. These areas will include a number of bespoke timber structures for public use, including a bird hide, some shelters and the outdoor classroom. These again provide useful spaces (shelter from rain for example) and demonstrate a commitment to public access.

9.43 LDP Policy EN 7 states Development proposals that would have a significant adverse effect on the continued viability of habitats and species which are legally protected or which are identified as priorities in the UK or Local Biodiversity Action Plan will only be permitted where:

- i. The need for development outweighs the nature conservation importance of the site;
- ii. The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and
- iii. Effective mitigation measures are provided by the developer. Where harm is unavoidable it should be minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area.

Where this is not possible compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species should be provided.

9.44 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.

9.45 The outline consent for the site has previously considered the environmental effects against Policies EN7 and EN8, and as identified earlier the principle of development is established and cannot be revisited. It has been noted earlier, however, that since the outline planning permission was approved additional dormouse surveys have been undertaken, following which both NRW and the County Ecologist advise that the LPA must take a precautionary approach and consider that the site does have dormice. Dormouse (and bats) are European Protected Species, such that the reserved matters have had to demonstrate that the impact on EPS is acceptable.

European Protected Species

9.46 Dormice, otters, great crested newts and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

9.47 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

- 9.48 These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009) and LDP Policy EN7. The planning authority should take them into account when considering development proposals where a European Protected Species is present.
- 9.49 Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals.
- 9.50 Given the presence of dormouse, it will be necessary for the developer to apply for a development licence from the Welsh Government (relating to European Protected Species) before undertaking any development that affects such species, and the applicants are fully aware of such legislative requirements.
- 9.51 Before a licence can be granted the following ‘three tests’ specified in the Habitats Directive (below) have to be met:
- (i) There is “no satisfactory alternative” to the derogation.
 - (ii) The derogation is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
 - (iii) The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
- 9.52 While this is a requirement of the license (a separate Regulatory regime controlled by NRW) where a European Protected Species is found to be present on site, the Local Planning Authority should consult with NRW to seek their advice on whether test (iii) is met before the granting of a consent, while the Local Planning Authority is required to ensure that tests (i) and (ii) have been satisfied.
- 9.53 In considering test (i), it is notable that the site already has the benefit of outline planning permission for the new cancer care hospital, such that it is accepted for all the reasons expanded upon in this report that there is no satisfactory alternative to the site / development. Similarly in relation to test (ii), it is considered that the scale and nature of the application, and its acknowledged economic, social and other benefits, together with the significance of the mitigation and positive enhancements proposed by the proposal, mean that there are overriding reasons why this test is met.
- 9.54 The issue of dormouse compensation / mitigation has been the subject of detailed discussions with the County Ecologist and NRW, with the plans within the site updated and a suite of amended documentation submitted in support

of the application, including (but not limited to):

- Landscape and Habitat Management and Maintenance Plan
- Dormouse Mitigation and Management Strategy
- External Lighting Strategy
- Tree Planting Schedule. Dormouse Habitat and Woodland Trees
- Ecological Enhancements Plan' 'New Velindre Cancer Centre.

9.55 The latest Dormouse Mitigation and Management Strategy (DMMS) provides the strategy and proposals for mitigating and compensating the impacts from Phase 2 of the development on dormice. It is to be read in conjunction with the Dormouse Conservation Plan – Update Report which provides an overview of the overall development proposals (Phases 1 and 2). The Dormouse Conservation Plan (DCP) is appended to the DMMS.

9.56 NRW have welcomed the clarification provided by the applicant that 0.52ha of new broadleaf woodland and scrub shall be created for dormice on the application site; and the revised *Soft Landscape Plan* which shows the distribution of these habitats on the application site. They further acknowledge considerable effort has gone into designing the development site to include as much new and existing dormouse habitat on-site as far as possible. However, there remains an overall net loss of 1.58ha of dormouse habitat.

9.57 As such, NRW maintain their earlier advice that the strategy needs to create more extensive areas of new habitat for dormice located outside of the planning application site boundary:

- where it offers good connectivity to existing dormouse habitat
- where the aims of management are not compromised by other purposes such as habitat management for wayleaves, utilities; and
- where its long-term management for the benefit of dormice can be assured.

9.58 Discussions have since focussed on the availability of other land (both in Council ownership and CAVUHB/WG land) necessary to ensure there would be no loss of habitat. Notably, NRW has recently received a Joint Land Ownership Plan which is accompanied by a letter signed by the applicant – Velindre NHS Trust – countersigned by Welsh Government and Cardiff and Vale University Health Board. The Plan shows land ownership in the vicinity of the application site, and sets out high-level proposals stating that 1.58 hectares of newly created dormouse habitat land with connectivity to the established dormouse population shall be made available by one or more of the landowners above for the re-provision of habitat suitable for dormice. This comprises additional land to what is identified in the DMMS and DCP. Specifically, the former Whitchurch Hospital grounds shall be available for dormouse conservation proposals to fulfil the compensation deficit for this planning proposal.

- 9.59 They further advise that in their view there are likely to be areas within the former Whitchurch Hospital grounds that would allow for appropriate, newly created dormice habitat which can connect to existing habitats and managed long-term.
- 9.60 Given the outline consent that exists already at the site, and the firm commitment by the developer and associated assurances from CAVUHB/WG to secure such compensation through the associated EPS license, it is considered appropriate in such exceptional circumstances for such matters to be controlled at EPS stage. However, it remains necessary in ensuring the development meets the above tests to ensure appropriate control at planning stage also.
- 9.61 In addition to the advisory note highlighting the need for a EPS license, and notwithstanding the advice in the [Chief Planning Officer letter dated 1st March 2018](#), in the circumstances above it is considered this requirement should also be the subject of a condition. Accordingly, in addition to the commitments through discharge of the associated conditions imposed on the outline consent (notably CEMP and GIMS), a condition would impose an additional control for an EPS license (incorporating additional land in control of the applicant through land agreement, see map below) to be issued ahead of any development in the areas incorporating existing dormouse habitat. This would be an enforceable condition, which along with the separate EPS Regulatory regime, would ensure the applicants have satisfactorily demonstrated that test (iii) would be met in that there will be no detriment to the favourable conservation status of protected species at the site.

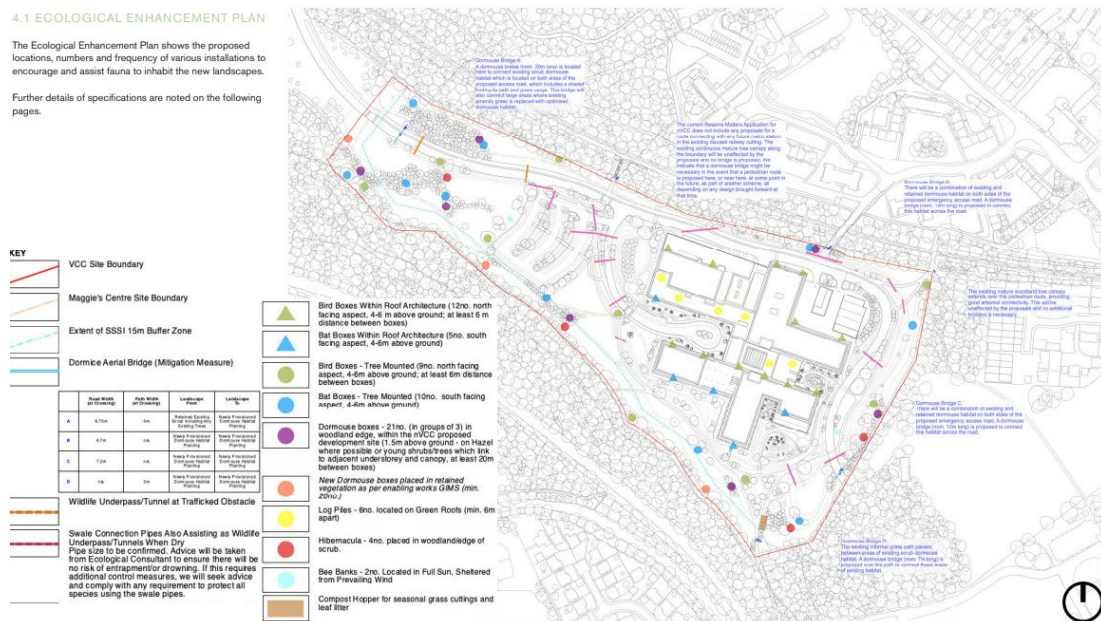


Figure 18: Ecological Enhancement Plan

Bats

- 9.62 The clarification in the updated Ecological Assessment report that no bat roosting habitats will be directly affected by the proposed development has been considered by NRW who raise no objection. It must also be noted that during the construction there will be an ecological watching brief to ensure that no bats roosting areas are affected. The ecology report post construction works that the landscape habitat will be suitable for bats through bat boxes and flora that would entice the insects that bats would feed on.
- 9.63 The police have raised the need for suitable lighting in areas the public are likely to use, which in this application are close to sensitive ecological area. The lighting strategy provides a sensible balance between public safety and ecological protection.
- 9.64 Beyond protected species national policy 9 of future Wales and EN8 seeks resilience of the existing ecosystem. The site has a local designation as a SINC for its wild grassland that supports reptiles and other invertebrates. The County Ecologist has raised the need to balance the need of protected species habitat against wider ecological considerations and based upon the proposed landscaping and proposed mitigation that the proposal would, over long term, ensure the resilience of ecosystem of the site. The proposed reptile translocation to Forest Farm is considered suitable habitat for the limited population on the site. It is considered that the proposal accords with Policy 9 (FW) and LDP Policies (EN7 & EN8).

Transportation / Highway Impacts

- 9.65 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *"new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions."* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.66 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
 - Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;

Parking Provision

- 9.67 The outline approval permitted up to 773 car parking places to be provided to serve the new cancer care centre. However, the parking provision forming part of the reserved matters has reduced to 653 (-16%) and the developer is seeking to reduce that further, if possible, which is fully supported.
- 9.68 All patient/staff traffic will enter the site from the north, with parking provided as follows: -

Surface Car Parking

- 145 general parking spaces and 4 Patient Transfer Service (PTS) vehicle parking spaces
- 7 blue badge disabled parking bays adjacent to main entrance (entrance Courtyard)
- 7 general patient drop off bays (taxi and private vehicles).

Basement Car Parking

- 462 car parking spaces in total, of which 436 are standard bays including electric vehicle charging bays, 27 are accessible
 - 13 motorbike parking spaces are provided.
 - 3 ambulance bays.
- 9.69 The application also notes the intention for the future application for the proposed 'Maggie's Centre' to include 8 general parking spaces and 4 accessible spaces.

Cycle Provision

- 9.70 Provision for cycle parking will be as follows:
- 40 cycle parking spaces within the landscape - Sheffield Stands.
 - 80 secure covered cycle spaces on semi-vertical bike racks with change facilities for staff.
 - 10 accessible cycle spaces in the dedicated basement staff-cycle store with additional space for ease of access.
 - An additional 24 covered cycle spaces located at the transport node in secure bike hangars/ secure bike shelter, outside of the site red line boundary) have been secured through the discharge of condition 5 of the outlined planning permission reference 17/01735/MJR
- 9.71 The layout seeks to promote active travel by creating access able user-friendly paths, connections to public transport, and readily available, secure cycle parking see figures 19 & 20.



Figure 19: Active Travel Routes

LOWER GROUND SECURE STAFF CYCLE STORE

1. Dedicated cycle paths along the north access road
2. Safe crossing of service road to north, raised crossing point to ensure cars slow down
3. Dedicated cycle store entrance separate from vehicles
4. 80 cycle parking spaces and 8 oversized/accessible bicycle parking stands for use by staff
5. Changing facilities and showers
6. Direct route from cycle storage to lower ground entrance
7. Direct access to all departments via lift cores



Dedicated cycle crossing point

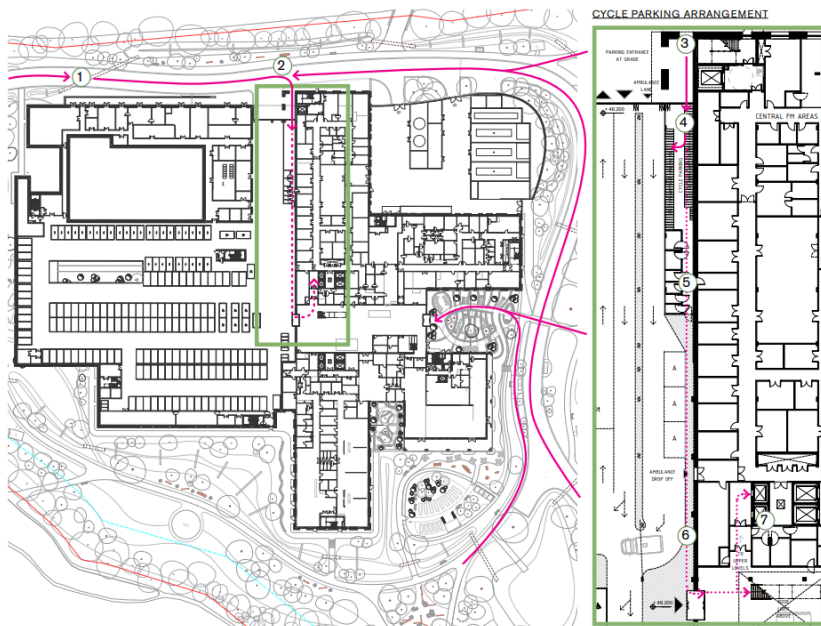


Figure 20: bicycle storage within the building:

9.72 Overall the approach to parking and active travel adopted through the reserved matters is fully supported.

Impact Upon Listed Buildings and Conservation Areas

- 9.73 LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.74 In addition to Policy EN9, for the nearby Listed Buildings there is also a statutory duty on the decision maker under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have *special* regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has stated this is an important consideration and not a balancing exercise with other planning considerations.
- 9.75 It is acknowledged that within adjoining areas there are a number of listed buildings and registered park and gardens (grade II). The impact on these assets has previously been considered at outline stage and found to be acceptable, having regard to the maximum scale parameters set out in that application.
- 9.76 In considering matters of detailed design subject to this reserved matters application, the DAS explain how the siting and height have been informed by these constraints, with the design deliberately lower than the tower on Whitchurch hospital site to ensure the key focal point of the area is respected.
- 9.77 It is considered that whilst the new southern access exposes the site from Whitchurch hospital and the upper part of the main building will be visible above the tree tops it is considered that given the materials and the angle of view that the special character of the buildings and park are respected through this application to ensure the duty under S.66 of the act is respected. This view is supported by the council's heritage team and CADW.

Impact on Residential Amenity

- 9.78 The residents of Clos Coed Hir are sited to the east at an approximate distance away of 88.15 metres, and the impacts of a building as set out in the approved parameters has already been considered at outline stage. Nevertheless, in considering matters of detailed design, it is noted that between these houses and the built form are existing mature trees that would screen the 4 storey (64.4 AOD) to ensure that the proposal would not amount to an unneighbourly form of development.
- 9.79 It is also noted that the open service yard is also located within this area and set within the yard is WPD powerhouse and the backup design generators. There is a condition on the outline consent that limits the noise to 37 dB(A). Officers have considered if there is a need to restrict delivery times but given the nature of the use and frequency of deliveries that, on balance, such a condition is not required.

9.80 Members will note that the plans still identify the Hollybush bridge. However, now that the Welsh Minister has removed their holding directive the LPA has now approved the southern access route, which is intended to be used as the sole emergency access. If this application is approved then the applicant will shortly submit an application (non-material amendment) to delete condition 12 of the outline planning permission which sought the delivery of the Hollybush bridge. It is considered that the removal of this bridge will ensure the residents of the Hollybush Estate have a greater degree of amenity beyond the approved outline scheme.

Sustainability / Energy

9.81 Future Wales Policy 16 emphasises that large scale mixed use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

9.82 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.

9.83 PPW (para 5.8.1) states that 'the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.

9.84 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.

9.85 The DAS demonstrates that sustainability is at the heart of this design, now and in the future, with significant detail having gone into this proposal to ensure its green credentials, from how the cancer centre will be oriented to ensuring the sustainable measures can be incorporated into the scheme. It is clear from the work in the DAS that significant efforts have been made to ensure that heat and shadowing have been used to reduce energy demand, with the building fabric designed to ensure that the building can breath and during the winter (where heat demand is greater) the additional insulation ensure that the uprating of demand can be managed. The image below shows significant use of solar panels. This approach to the design is supported on sustainability grounds.

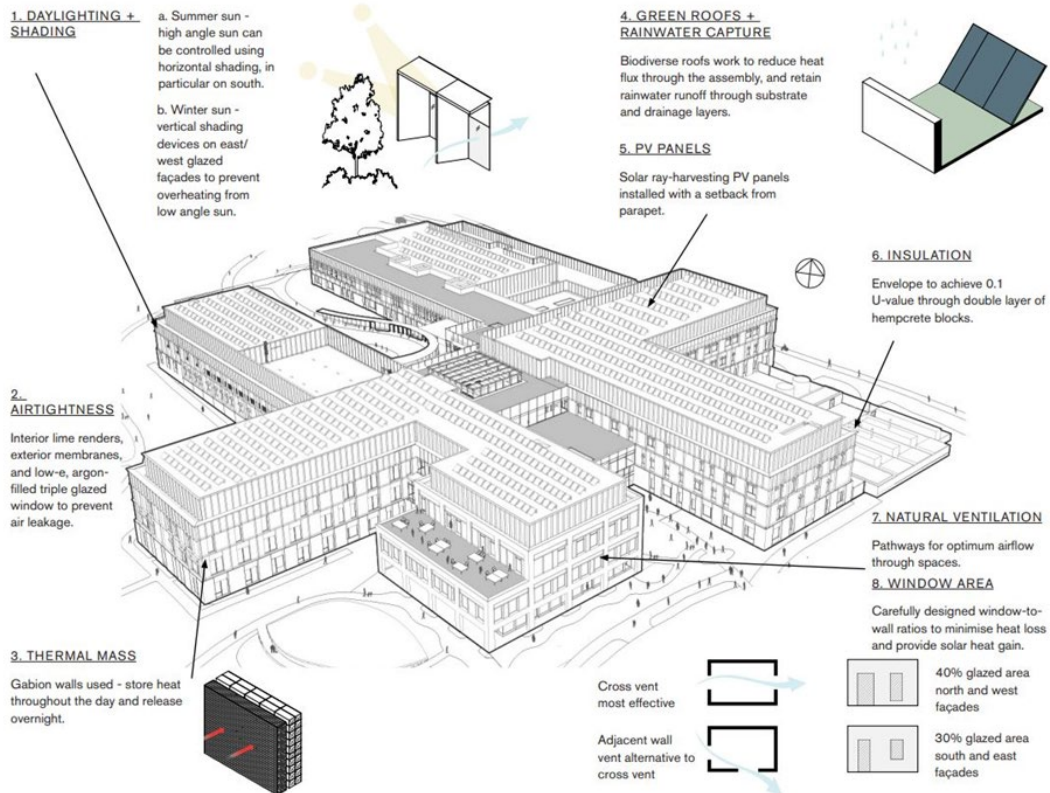


Figure 21: Sustainable Energy

- 9.86 The building incorporates air and ground source heat pumps in combination with the solar panels to power and heat the building. The design also seeks to reuse rainwater within the building and gardens, while on the roof there is significant green roofs to help with bio-diversity. There has also been detailed consideration into sourcing of material and supply chain to ensure that embedded carbon is reduced, while the building has been designed to be adaptable and this forms part of the whole life approach to the building.
- 9.87 In terms of Electric vehicle Charging, 130 car parking spaces are proposed to benefit from electric charging points. This equates to 20% of spaces, which comfortably exceeds the 10% set out in Future Wales.
- 9.88 Overall, it is considered that the proposed design is an improvement on sustainability grounds compared to the indicative submission and meets the aspiration of WG sustainability agenda.

Drainage and Flooding

- 9.89 The site is not located within a flood zone and the surface water drainage strategy has been approved by the council's drainage team as the SAB body. The surface water drainage strategy is to use the proposed landscape for the storage of water these green engineering features are integrated into the landscaping strategy to ensure that the SAB features can also act as biodiversity and amenity features as well. It is considered that these features would ensure that surface water can be controlled within the site



Figure 22: Site Drainage

9.90 Foul water will connect to the existing pipe in the south east corner of the site (the lowest part of the land) and would then flow into the existing network. Welsh Water has confirmed that there is capacity within the system to accommodate the agreed flow rate.

Other Matters Not Assessed Above

9.91 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Concerns raised that the cancer centre is not fit for purpose are not a material consideration in the determination of this application;
- It is noted that Welsh government and Cardiff council have declared a climate emergency but there is a lawful outline permission that can be implemented and as the report states the use of the land is not a material consideration in the determination of this application
- As noted within the report protected species and their habitat has been considered within the design. The proposal has been assessed by NRW and the county Ecologist neither raise objections to the proposal It is noted that a European protected species license is required and this will be considered separately by NRW;
- Concern raised by the impact on the SSSI is noted but the site is not within the SSSI and the submission accord with the principles set at outline stage. Furthermore, no objections has been raised by consultees

that the proposal would have an adverse impact upon the SSSI

- Concern has been raised about surface water flooding. As committee will be aware surface water is considered under SAB legislation and considered by the council as the SAB body. Drainage section (as the SAB body) have confirmed that the scheme before the council benefits from SAB approval. Therefore, it is considered the surface water flooding has been considered and is acceptable;
- The proposal 'pushes' the traffic from the Whitchurch village and into the site from ASDA. This principle has been supported by the committee through its approval of the outline permission. There are no technical objections on noise or air quality grounds. There is no objective evidence that this proposal would increase cancer rate or general illness;
- The concern raised that the scheme does not accord with the outline permission is noted but the submitted outline scheme were indicative plans to allow members to consider the principle for outline permission. Those plans do not have to be rigidly followed but the proposal does meet the parameter plans as approved;
- The 60/40 split was not a requirement of the planning permission but a political aspiration and is therefore not a material consideration of this application;
- The submitted ES and accompanying documents meet the requirements of Schedule 4 of the T&CP (Environmental Impact Assessment) (Wales) Regulations 2017. Furthermore, the assessed impact as outlined within the ES and appendices has been updated from the 2017 submission with, overall, conclusion that the proposal would not have a significant impact upon the environment. The assessment and information, as required by law, have been considered by officers in formulation this recommendation;
- The access to the site benefits from full planning permission and is not a material consideration for the determination of this application.
- Concern over the design being too blocky and out of character with the area is noted. It is recognised that the development would fundamentally alter the character of the space by virtue of the proposed use but officers believe that the material palette and weather effect would create a harmonise effect that would, overtime, blend into its surroundings. This would be reinforced through the landscaping that would fuse the softscape with the hardscape to successfully integrate with nature
- The landscape master plan indicates various formal and informal routes around the building for children to explore nature or walk that would allow children the opportunity for outdoor leisure.
- Concerns have been raised in relation to construction activity and whilst that is considered under condition 17 which is also before committee (application 22/02634/DOC) for completeness it is referenced here that whilst there will be disruption to residents this has been limited through the condition to which there have been no technical objections to discharging that condition.
- The proposed back up generators located within the service areas located by Cloe Coed Hir. These generators would only be used due to a major failure of power but there is a condition on the outline permission

that ensures no plant or machinery should exceed the 37dB(A). The submitted information confirms that the machinery will meet this requirement as a result the council noise team raise no objections to the proposal;

- Concern has been raised that the proposal fails to have regard to heritage assets within the area. The updated ES has considered heritage assets and confirms that the proposal would not have an adverse impact upon the buildings or settings. This conclusion has been considered by CADW and the council's heritage officer;
- The planning system has to consider competing interest and come to a rationale decision. Incoming to this view the council tries to do this in a fair, impartial and open manner but it is recognised that the decisions made are not always welcomed;
- Whilst officers may not agree with the objections raised those objections are considered and assessed against the evidence presented and policy, as required by law. Residents are never ignored.
- As committee will be aware there is regular air monitoring of the construction route and monthly reports that are available to the public and considered by the council air quality section (see link [Your Questions - Velindre University NHS Trust](#)). To date there is no indication that air quality would exceed legal limits
- Concern of prematurity is noted but the consultation was extended to allow consideration of dormouse mitigation all other matters remain the same. All material matters have been considered, including any late representation.

10 CONCLUSION

- 10.1 The decision to recommend reserved matters approval has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales: The National Plan, and the Cardiff Local Development Plan (2011–2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.
- 10.2 The proposal meets the parameters set by the outline permission with the design, scale, massing and materials considered acceptable in this location. The landscaping strategy is well considered and has regard to the natural environment and is considered, over the life of the development, to compliment the area. Significant detail has gone into making the proposal sustainable and adaptable for the use of the cancer centre and for the local community. Impacts upon protected species can be mitigated in the wider area, and through appropriate conditions. It is considered that having regard to the submitted information, including the amended ES addendum that the proposal would not have a significant impact upon the environment for the LPA to refuse the application.

11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 11.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 11.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 11.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:
- (a) Diversity between and within ecosystems;
 - (b) The connections between and within ecosystems;
 - (c) The scale of ecosystems;
 - (d) The condition of ecosystems (including their structure and functioning);
 - (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

12 RECOMMENDATION

RECOMMENDATION 1:

That reserved matters for design, layout, scale and landscaping are APPROVED subject to the conditions listed below.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/Or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions, subject to consultation with the Chair of Planning, up to the point where planning permission is issued.

CONDITIONS

1. The development hereby approved shall be undertaken in accordance with the following plans and documents:

SITE PLANS

VCC-WAB-ZZ-XX-DR-A-300001-Site Location Plan-28/11/2022

VCC-WAB-ZZ-XX-DR-A-300002-Site Boundary Plan-28/11/2022

VCC-WAB-ZZ-XX-DR-A-300003-Site Layout Plan- 28/11/2022

GENERAL ARRANGEMENT PLANS

VCC-WAB-ZZ-00-DR-A-301001-Basement Plan-28/11/2022

VCC-WAB-ZZ-01-DR-A-301002-Lower Ground Floor Plan-28/11/2022

VCC-WAB-ZZ-02 -DR-A-301003-Ground Floor Plan-28/11/2022

VCC-WAB-ZZ-03-DR-A-301004-First Floor Plan-28/11/2022

VCC-WAB-ZZ-04 -DR-A-301005-Second Floor Plan-28/11/2022

VCC-WAB-ZZ-RF-DR-A-301006-Roof Plan-28/11/2022

GENERAL ARRANGEMENT SECTIONS

VCC-WAB-ZZ-XX-DR-A-302001-Sections A-A, B-B, C-C & D-D-28/11/2022

VCC-WAB-ZZ-XX-DR-A-302002-Sections E-E, F-F, G-G & H-H-28/11/2022

VCC-WAB-ZZ-XX-DR-A-302003-Sections I-I, J-J & K-K-28/11/2022

VCC-WAB-ZZ-XX-DR-A-302004-Sections L-L & M-M-28/11/2022

GENERAL ARRANGEMENT ELEVATIONS

VCC-WAB-ZZ-XX-DR-A-303001-Elevations-28/11/2022

VCC-WAB-ZZ-XX-DR-A-303002-Elevations-28/11/2022

LANDSCAPE DRAWINGS

General Arrangement Plans:

VCC-CAM-ZZ-ZZ-DR-LA-0001-Landscape Masterplan(Wider Context)-29/11/2022

VCC-CAM-ZZ-ZZ-DR-LA-0002-Masterplan-29/11/2022

VCC-CAM-ZZ-ZZ-DR-LA-0003-Landscape Levels Plan-29/11/2022

VCC-CAM-ZZ-ZZ-DR-LA-0004-Hard Landscape Plan-29/11/2022

VCC-CAM-ZZ-ZZ-DR-LA-0005-Soft Landscape Summary-16/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0006-Landscape SUDS Infrastructure-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0007-Soil Management Plan-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0008-Growing Medium Plan-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0040-Masterplan Roof Level-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0050-Proposed Trees-12/09/2022

Tree Planting Schedules:

VCC-CAM-ZZ-ZZ-DR-LA-0010-Woodland/Meadow Ecotone Trees-
12/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0011-Dormouse Habitat and Woodland Trees-
12/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0012-Garden Trees-12/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0013-Orchard Trees-12/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0014-Roof Garden and Atrium Trees-12/01/2023

Planting Schedules:

VCC-CAM-ZZ-ZZ-DR-LA-0015-Neutral Grassland Wildflower Meadow-
16/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0016-Seasonally Wet Wildflower Meadow-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0017-Frequently Wet Wildflower Meadow-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0018-Shade Tolerant Wildflower Meadow-
16/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0019-Retention Pond With Aquatic Planting-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0022-Prairie Perennial, Herbaceous & Shrub-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0023-Physic Garden-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0024-Mixed Native Hedge-12/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0025-Biodiverse Green Roof-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0026-Roof Garden-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0027-Atrium-29/11/2022

Strategy Plans:

VCC-CAM-ZZ-ZZ-DR-LA-0030-Habitat Retention & Management Plan-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0031-Ecological Enhancement Plan-16/01/2023
VCC-CAM-ZZ-ZZ-DR-LA-0035-Irrigation Strategy-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0037-Façade Maintenance Access Plan-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0038-Landscape Parking Provision Strategy-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0039-Hierarchy of Space-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1320-Travel and Movement Diagrams - Public
Transport Links-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0051 revision 3 Proposed Detailed Tree Planting
Plan- 13/02/2022

VCC-CAM-ZZ-ZZ-DR-LA-1321-Travel and Movement Diagrams - Cycle Links-1
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1322-Travel and Movement Diagrams - Pedestrian Movement-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1323-Travel and Movement Diagrams - Private Cars, Taxi & Mini-bus-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1324-Travel and Movement Diagrams - Ambulance Access-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1325-Travel and Movement Diagrams - Servicing Access-
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1326-Travel and Movement Diagrams - Emergency Access - Fire Tender-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1327-Travel and Movement Diagrams - All Modes-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1328-Travel and Movement Diagrams - All Vehicular-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1329-Travel and Movement Diagrams - All Green Travel-1
29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-1352-Key Plan Landscape Pavilions and Structures-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-9002-Masterplan- Option B (TCAR2 with Hollybush Bridge Omitted)-29/11/2022

Sections:

VCC-CAM-ZZ-ZZ-DR-LA-0100-Section Key-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0101-Section A-A-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0102-Section B-B-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0103-Section C-C-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0104-Section D-D-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0105-Section E-E-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0106-Section F-F-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0107-Section G-G-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0108-Section H-H-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0109-Section I-I-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0110-Section J-J-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0111-Section K-K-29/11/2022
VCC-CAM-ZZ-ZZ-DR-LA-0112-Section L-L-29/11/2022

Details:

VCC-CAM-ZZ-ZZ-DR-LA-9004-Typical Tree Planting Details-30/11/2022

Documents

Updated Design and Access Statement prepared by White Architects (dated November 2022).

Transport Conformity Statement dated 30 November 2022 prepared by Steer.

Planning Statement (REVISION A) prepared by Turley.

Environmental Statement as prepared by Mott McDonald
Desk Based Heritage Assessment prepared by Archaeology Wales.
Geo-Environmental Technical Assessment Update prepared by Arup.
Arboricultural Impact Assessment (including Method Statement and Tree Protection Plan) prepared by Mott McDonald and WSP.
Updated Arboricultural Impact Assessment prepared by Arb TS.
Updated Landscape Strategy prepared by Camlins dated January 2023.
Updated Landscape Habitat Maintenance and Management Plan prepared by Camlins dated January 2023
Flood Consequences Assessment prepared by Arup
Drainage Strategy prepared by Arup (Reference VCC-ARUP-ZZ-XX-RPC 0004).
Dormouse Mitigation and Management Strategy.
Updated Ecological Assessment Update prepared by RSK BioCensus dated January 2023.
External Lighting Strategy Update prepared by Hydrock (VCC-HYD-XX-XX-RP-E-074002) dated January 2023.
Noise Compliance Statement prepared by Hydrock (VCC-HYD-XX-XX-RP-O-555002 - Back-up Generators - Preliminary Noise Assessment).
Air Quality Compliance Statement prepared by RSK Report No.: 445158 01 (03).

2. Prior to the beneficial use of the Cancer centre hereby approved the proposed pathways as shown on plan reference VCC-CAM-ZZ-ZZ-DR-LA-0004 shall be constructed and useable by the public.

Reason: To ensure acceptable public access around to the site in accordance with Policies T1 & KP5 of the adopted Cardiff Local Development Plan (2006-2026)

3. The proposed curtilage structures, as shown on plan number VCC-CAM-ZZ-ZZ-DR-LA-1352 Rev 1- Landscape Pavilions and structures, shall be submitted to and approved in writing with the Local Planning Authority prior to their erection on site. The approved details shall be implemented and thereafter be maintained.

Reason: To ensure an acceptable form of development in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006-2026)

4. All planting, seeding, turf-laying and paving shown on the approved plans shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their

death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity in accordance with Policy KP5 of the adopted Cardiff Local Development Plan 2006-2026)

5. No development shall be undertaken in any area as shown on Appendix I of New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 submitted in support of application 22/02644/DOC that will require a European Species licence until such licence has been provided to the Local Planning Authority. Thereafter, the hospital shall not be brought into beneficial use until the 1st phase of the agreed works of the ESPL have been implemented on site.

Reason: To ensure protected species habitat is retained on the site in accordance with Policy 9 Future Wales, Policy EN6 & EN7 of the adopted Cardiff Local Development Plan (2006-2026)

6. Prior to their application on site samples of materials shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site and thereafter be retained.

Reason: To ensure an acceptable finish that harmonises with the character of the area. In accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

7. If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the most recent ecological surveys and "RSK Biocensus, New Velindre Cancer Centre Ecological Assessment January 2023" the approved ecological measures secured through other planning conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of habitats and species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement and or recommencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the site, habitats or species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with Local Development Plan Policies EN5 ,EN6, EN7 & EN8 (designated sites to trees) and KP16 (Green Infrastructure)

8. Prior to the beneficial use of the Cancer centre hereby approved details of CCTV cameras, their location across the site and storage policy shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented and retained.

Reason To ensure the safety and security of the public and staff in accordance with Policy C1 of the adopted Local Development Plan (2006-2026).

Informative 1: The applicant is advised that grassland seed mixes/green roof seed mixes of native provenance, please contact Parks to arrange possible seed collection from Grangemoor Park SINC. It is also possible seed could be collected from Pengam Green SINC which is believed to be in Welsh Government ownership

PETITION

COMMITTEE DATE: 16/03/2023

APPLICATION No. **22/02634/DOC**

APPLICATION DATE: 04/11/2022

ED: Whitchurch and Tongwynlais

APP: TYPE: Discharge of condition

APPLICANT: Acorn Consortium

LOCATION: Land to the North-West of Whitchurch Hospital Playing Fields,
Cardiff

PROPOSAL: Discharge of Condition 17 (CEMP) of 17/01735/MJR

1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as the application is the subject of a petition of more than 50 signatures, which states as follows: -

We, the undersigned, are of the view that the above listed application will have a major effect on the immediate and wider community. We therefore request that the planning application is called before Cardiff Council Planning Committee to enable a thorough, transparent, public examination of the documentation and decision making, for the views of communities to be heard, and enable any concerns to be recorded and resolved.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The site comprises the land to the North West of Whitchurch Hospital Playing Fields, which is the subject of outline planning approval (ref. 17/01735/MJR) for a proposed new Velindre Cancer Centre (see Figure 1 below).



Figure 1: Site Location Plan

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks technical approval from the Local Planning Authority for the discharge of condition 17 (Construction Environmental Management Plan - CEMP), which reads as follows:

17. *Prior to the commencement of any site clearance, construction works or development (except for demolition), a Construction Environmental and Management Plan (CEMP) for the whole site shall be first submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Landscape Masterplan and mitigation measures set out in the Environmental Statement and its addendum, and in the Environmental Mitigation Plan. The CEMP shall include:*

- a. An implementation programme;*
- b. A Construction Traffic Management Plan, to include but not limited, to the management of site access, parking (to be within the main body of the site) and wheel washing facilities;*
- c. Details of site hoardings (including the erection, maintenance, security and any decorative displays) and means of enclosure to prevent unauthorized access during construction;*
- d. Details of the storage of plant and materials (including any oils, fuels and chemicals), construction compounds, any temporary facilities for construction staff;*
- e. Dust Management Plan and measures to control the emission of dust and dirt from construction and minimise sediment loading*
- f. A Noise Management Plan and measures to control and monitor noise, the details to be submitted shall include the suggested information (including phasing) outlined in Chapter 9: Noise and vibration Environmental Statement dated October 2017;*
- g. Measures to control cementitious materials;*
- h. A Site Waste Management Plan for the recycling and/ or disposal of all waste resulting from construction works;*
- i. A Construction Drainage Scheme indicating how surface water and land drainage run off will be dealt with to prevent contamination, nuisance, subsidence or flooding;*
- j. a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SuDs resource during clearance and construction, including those existing elements proposed for retention and translocation, and those proposed to be created or enhanced as part of the application. The GICPS shall comply with the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan and the approved Soil Resource Survey and Soil Resource Plan for that site/ land and shall include but shall not be limited to:*
 - an assessment of the impacts*
 - a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing*
 - a plan showing protection zones for the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SUDS*

resource for the construction phase, which shall include but not be limited to a 15m wide buffer zone alongside the Glamorgan Canal / Long Wood SSSI precautionary measures to avoid harm to previously undetected dormice and badgers;

- *pre-construction checks Mott MacDonald | new Velindre Cancer Centre Construction Environment Management Plan 347168-MML-028-XX-RPT-CIV-2000-001 | 14 October 2020 2*
- *details of site clearance and construction methods and measures to be taken to minimize the impact of any works*
- *phasing / timing of works*
- *a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors.*

k. List of on-site contacts and their responsibilities and arrangements for ecological site inductions for contractors working on site; the details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied within in full throughout the construction period.

l. Details of the remediation and timescale of the triangular piece of land to the east of the Hollybush Estate.

m. The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied within in full throughout the construction period

Reason: To manage the impacts of construction in the interests of highway safety, and protection of the environment and public amenity in accordance with Policy KP16 of the adopted Cardiff Local Development Plan (2006-2026

- 3.2 This application builds upon the partial approval the committee gave for the framework set under planning references 20/01515/MJR and the enabling works reference 22/00802/MJR. The combination of these 3 applications would, once fully implemented, allow the condition to be fully discharged.
- 3.3 The plans have been amended to take into accounts comments received from technical consultees.
- 3.4 The submitted information provides a time for works to be completed on the main cancer site, this being June 2025.
- 3.5 The CEMP submission covers all the points of the condition. A point of interest to the committee will be use of 3 tower cranes of heights of 45.5m, 36.6 and 25m)

Supporting Information

- 3.6 The approved outline development is EIA development and, therefore, the application to discharge the condition is treated as a 'subsequent application' under the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and therefore there is a need to consider whether the initial Environmental Statement is still sufficient for the purpose of testing environmental impacts.

- 3.7 It is considered that the environmental information set out in the Environmental Statement, submitted in support of the outline application, and the ES addendum submitted in support of reserved matters reference 22/02231/RES are adequate to assess the environmental effects.
- 3.8 The assessment below has had regard to all environmental information submitted within the ES and addendum along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.
- 3.9 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02634/DOC](#)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- **17/01735/MJR** - Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Approved
- **20/01108/MJR**: Proposed engineering works to longwood drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Approved;
- **20/01110/MJR**: Temporary construction access route for the construction of the approved velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first; approved
- **22/02280/FUL**: Temporary construction access route to the site of the approved Velindre Cancer Centre. The north-south connecting section is then proposed to be converted to provide a revised emergency access for the approved Velindre Cancer Centre. Approved
- **20/01481/MJR**: Partial Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved (partially discharged – enabling works Phase 1)
- **20/01515/MJR**: Partial discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey) (access and enabling works)) of 17/01735/MJR. Approved
- **20/00357/MJR**: Variation of conditions 1c and 1d of planning permission 16/01530/MJR to extend the timescales to submit a reserved matters application and commence development (Whitchurch Hospital site including the northern meadows). Approved.
- **22/02585/DOC**: Discharge of condition 11 (bus turning/loop and stop) of

17/01735/MJR; Awaiting determination.

- **22/02634/DOC:** Discharge of Condition 17 (CEMP): Reported concurrently to this Committee.
- **22/02635/DOC:** Discharge of condition 20 (Drainage) of 17/01735/MJR; approved.
- **22/02636/DOC:** Discharge of condition 21 (Gas Monitoring) of 17/01735/MJR; approved.
- **22/02637/DOC:** Discharge of condition 8 (Highways Details) of 17/01735/MJR: Awaiting determination.
- **22/02644/DOC:** Discharge of condition 16 (Green Infrastructure Management Strategy (GIMS)) of 17/01735/MJR. Reported concurrently to this Committee.

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.3 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.4 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.5 Well-being goals identified in the Act are:
 - A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.6 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities

must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.7 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.8 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.9 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.10 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 24: The Historic Environment (May 2017)
- 5.11 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.12 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both

direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

- 5.13 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.14 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.15 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

KP5 Good Quality and Sustainable Design

- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

DETAILED POLICIES

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C6 Health

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

5.16 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)

6. INTERNAL CONSULTEE RESPONSES

- 6.1 The **Operational Manager (Traffic and Transportation)** raises no concern and advises that the condition can be discharged
- 6.2 **Shared Regulatory Services (Air Quality):** Recommends the condition can be discharged
- 6.3 **Shared Regulatory Services (Noise):** Recommends the condition can be discharged
- 6.4 **County Tree Officer:** Recommends the condition can be discharged
- 6.5 **Public Rights of Way Officer:** The timescales for these phases are substantially understandable, however, that is on the basis that the public are not able to access any of the new footpath diversions if they are confirmed. The new routes do not come into effect until they are physically constructed and we have signed them off. This needs to happen prior to the construction of the site being substantially completed otherwise the legal order is not valid. Every 6 months a temporary closure notice has to be applied for and approved by Welsh

Government therefore it is expected that we should be able to provide the southern routes early on in the development phase and the northern route may be provided later.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Natural Resources Wales:** Has no objection to the discharge of condition 17 of 17/01735/MJR
- 7.2 **Cadw:** No response received.

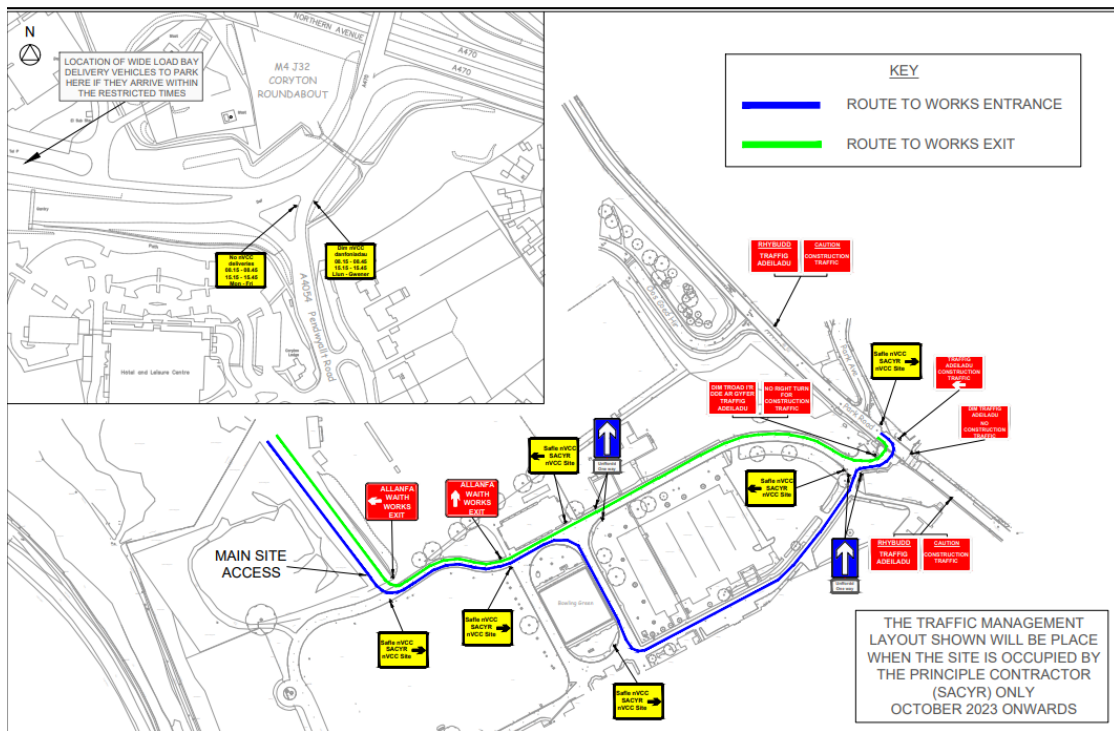
8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters and site notices. The application is a subsequent application under Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 8.2 Following receipt of additional information in support of the application, namely: dormouse mitigation, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site notice and neighbour letters providing an additional 30 day's consultation). The additional information related to dormice mitigation.
- 8.3 To date, no letters of representations have been received, although a petition has been received requesting the matter is brought to committee on grounds (see 1.1) that the application will 'have a major effect on the immediate and wider community'.
- 8.4 Ward Councillors have been notified: No comments received to date

9 ANALYSIS

Transportation / Highway Impacts

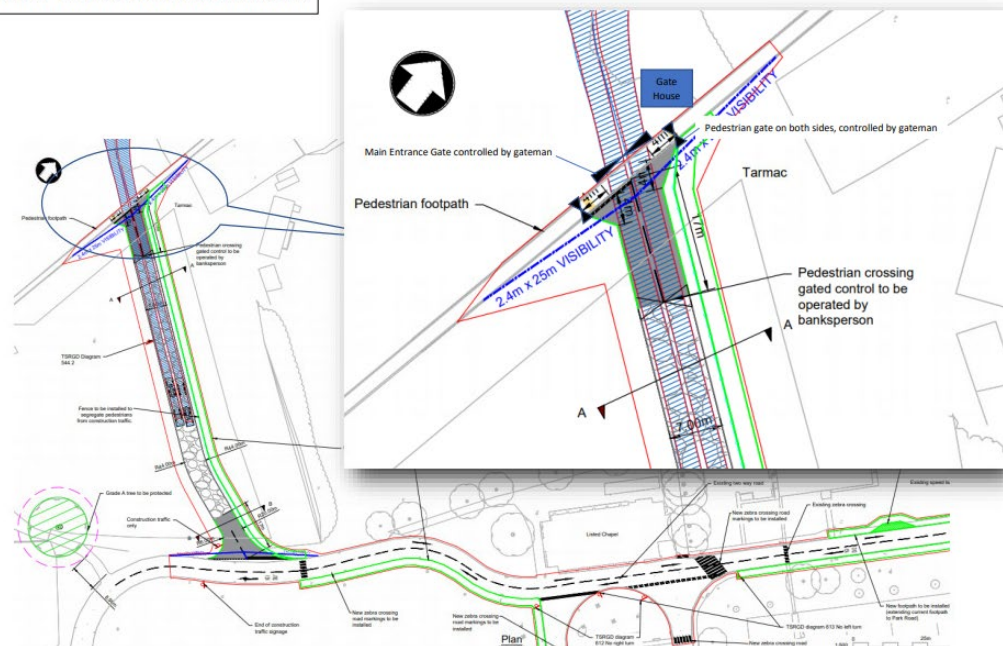
- 9.1 Construction route - The amended Traffic Management Plan (TMP) dated January 2023 (& appendix 3) show the route to the application site from the Coryton Gyratory via the enlarged Whitchurch hospital entrance and via the grade II listed chapel. Appropriate signage will be provided (see below).



9.2 Members will recall that this route has recently been approved by the Planning Committee (January 2023) for construction access for the next 4 years, as part of the southern access route proposals (ref. 22/02280/FUL). Therefore, the principle of this route has already been accepted.

9.3 The TMP confirms that banksmen will be located where the southern access crosses the adopted highway and at the Whitchurch entrance with priority given to pedestrians. See image below

SKETCH 1 – DETAILS OF CONTROLLED SITE ENTRANCE



- 9.4 The TMP re-confirms that during school terms there will be a traffic embargo for HGV between the hours of 08.15-08.45 & 15.15-15.45. This is consistent with other recent approvals and is therefore acceptable.

Impact on Public Rights of Way (PROW)

- 9.5 Since the outline application was approved and the discharge of conditions for the enabling works a number of new paths have been confirmed through the site and will need to be diverted before works commence in these area. The PROW team have confirmed that the diversions are acceptable to them but will require legal confirmation and that process is currently ongoing.

Impact Upon Listed Buildings and Conservation Areas

- 9.6 Construction vehicles would be access and egressing via the southern access which will be close to the Grade II chapel and within the registered park and garden. Previous concern has been raised upon the impact of these historic assets but sufficient safeguards (Heras fencing and vibration monitor within the building) have been provided through the extension of time of the southern access routes to ensure this submission would not cause detrimental impact.

Impact on Residential Amenity

- 9.7 Construction hours will be Monday - Friday 08:00 - 18.00 and 08:00 - 13:00 on Saturday. These are in line with the current operations on site and are in line with the Control of Pollution Control Act 1974.

Vibration

- 9.8 Paragraph 7.4.2 of the CEMP confirms that Sacyr UK Ltd. have replaced piling with a cut and fill alternative to minimise the risk of vibration from piling operations. In addition the statement also states that they will undertake an appropriate risk assessment for construction vibration to ensure that adverse levels of vibration are not experienced at any residences. The assessment will be undertaken prior to commencement of works on site.

Noise

- 9.9 Paragraph of the CEMP states as follows:

“The sampling methods detailed will include regular sampling throughout the whole period (e.g.15 min across every 2 hours, over the working period). Construction noise will be measured in terms of the A-weighted equivalent continuous sound pressure levels (LAeq,T). It is proposed to install two long term sound level meters close to the most sensitive receptors. One will be situated close to the George Thomas Hospice to monitor construction traffic and works passing by the southern access road. It is anticipated to maintain this long-term monitoring position until the southern access route is replaced by the northern access through Asda. A second sound level meter is proposed to be moved around the site, at the closest points to nearby sensitive receptors, to capture where the noisiest works are taking place.”

Predicted levels will be calculated prior to works commencing for each method of works. These predicted levels for each activity will be shared with the local authority to agree a trigger level which should not be breached by any of the works. Where trigger levels are likely to be breached, Sacyr UK Ltd. will discuss this with the EHO as well as further mitigation and noise reduction requirements.”

- 9.10 The Noise officer in SRS has confirmed that the above is acceptable.

Privacy

- 9.11 The proposal will introduce 4 tall cranes within the site at heights of 45.5m, 36.6m and 25metres. Given these heights, these would be new features within the landscape such that those living or walking within the area may feel they are being watched but given their operation and temporary nature (4 year) it is considered that the cranes would not result in the loss of privacy

Air quality

- 9.12 Paragraph 6.3.6 of the CEMP report provide comprehensive checks and monitoring within the site, these conditions are the same as that approved by committee through the other CEMP conditions. As committee will be aware and discussed on monitoring air quality from construction traffic air quality monitors have been secured through the development phase through approval of the southern access route application and they will monitor this construction activity.

Impact on Ecology

- 9.13 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.14 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 9.15 The CEMP and appendices 5 (Dormouse mitigation and management strategy), 6 (Reptile mitigation and management strategy), 7 (ecology site manual) provides detailed compliance on management of protected species that would be monitored by their ecologist RSK. The proposals and process have been considered by the County Ecologist and NRW who raise no objections to discharging the condition. It must also be remembered that for the habitat of bats and dormice, which are protected species, will require a license from NRW. A failure to gain or not comply with a license is a criminal act.

Reptiles

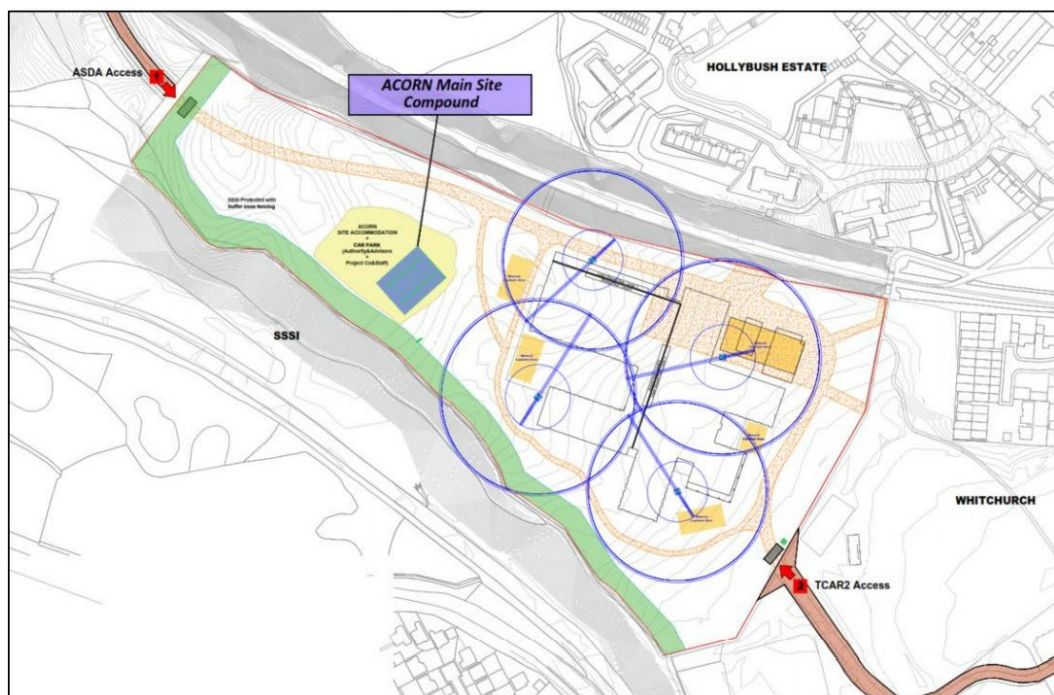
- 9.16 Reptiles are not protected under the European legislation but have protection under the Countryside and Wildlife Act 1981 (amended). Chapter 10 of the CEMP and Appendix 6 'Reptile Mitigation and Management Strategy' have considered the presence of reptiles, including an Adder snake. The toolbox (appendix 7 of the CEMP), which would be issued to all employees identifying the key signs to look for and what to do in the event of identification. This information has been considered by the County Ecologist and believes the detail and mitigation is appropriate to the development. The updated submission and Appendix 6 show the location of translocation of reptiles to Forest Farm, which given the potential low numbers is acceptable.

Dormice and bats

- 9.17 The CEMP appendices have considered acceptable lighting to ensure there is no unacceptable impact upon the protected species. The clearance and protection measures outlined within appendices 2 & 5 are considered acceptable and would likely be built upon at EPSL stage. Given that neither the County Ecologist nor NRW object to this application there is a realistic prospect of the licence being issued and as such allows the LPA to favourably determine this application.

Compound

- 9.18 The updated CEMP acknowledged that for period of time the MIM contractor (the applicant for this submission) and the enabling works 'Walters' will be both working the site. As a result the MIM contractor compound will be located on the area proposed for the surface car park. The image below also shows the location of the proposed 4 cranes.



Surface water and Forest Farm SSSI

- 9.19 Paragraph 6.3.5 of the report recognises the importance of ensuring no surface run off to the adjoining SSSI site. Section 10 of the GIMS submission (reference 22/02644/DOC, reported concurrently) identifies the mitigation proposed has been considered and accords with the general principles agreed by the committee in application reference 20/01515/MJR.

10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 10.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 10.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 10.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the

resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

11 RECOMMENDATION

11.1 RECOMMENDATION 1:

Having taken the environmental information into consideration on this subsequent application, that the details below are approved in FULL discharge of the condition 17 (Construction Environment Management Plan) of planning permission 17/01735/MJR, granted on 27/03/2018, subject to implementation and completion in full accordance with the approved details outlined below

1. Construction Environmental Management Plan (CEMP) new Velindre cancer centre (nVCC) Response to Reserved Matters Planning Condition 17 (17/01735/MJR) February 2023 (V5 final)
 - Appendix 1 – Implementation programme
 - Appendix 2 – Phasing of Habitat and Species Clearance
 - Appendix 3 –Traffic Management Plan
 - Appendix 4 – Pre-Construction Site Waste Management Plan
 - Appendix 5 – Dormouse Mitigation and Management Strategy
 - Appendix 6 – Reptile Mitigation and Management Strategy
 - Appendix 7 – Ecology Site Manual and Toolbox Talks
 - Appendix 8 – INNS Management Plan

Mae'r dudalen hon yn wag yn fwriadol