

PETITION

COMMITTEE DATE: 6/4/2023

APPLICATION No. **22/02184/OUT**

APPLICATION DATE: 16.09.2022

ED: CAERAU

APP: TYPE: Outline

APPLICANT: Cardiff and Vale University Health Board

LOCATION: Land to the South West of Park View Health Centre
Adjacent to Ely and Caerau Community Hub, Treseder Way,
Caerau

PROPOSAL: Proposed Health and Wellbeing Hub and associated infrastructure works relating to access, parking, drainage and landscape

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.55 of this report and the conditions listed below in section 12.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

ALTERNATIVE RECOMMENDATION (following deferral at 2nd March 2023 Committee): -

That planning permission be REFUSED for the following reason:

1. The proposed development would result in the loss of approximately 0.21 Ha of public open space that has significant local functional and amenity value, the loss of which would not be outweighed by the benefits of the development, or the financial contribution proposed to contribute towards off-site provision of open space enhancement. The proposal is therefore considered to be contrary to Policy C4 (Protection of open space) and paragraph 4.1 - 4.6 of the Open Space Technical Guidance Note that forms part of the approved Green Infrastructure SPG (November 2017).
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1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as a petition over 50 signatures has been submitted “*opposing the loss of our green space for the building of the Health and Wellbeing Hub*”, and in line with the councils’ scheme of delegation the application has to be considered by the Planning Committee.
- 1.2 Members will recall that the application was presented to the 12th January 2023 Planning Committee, at which time Members resolved to undertake a site visit.
- 1.3 Following the 12th January Committee, Officers have further reviewed matters raised by the Community relating to legal covenants that seek to retain the open space, which were imposed as a result of a section 106 legal agreement when approving planning application 95/01480 for the original mixed use development of retail, community facilities, health facilities, residential and public open space.
- 1.4 Additional public consultation was undertaken, advising that matters raised as part of the previous consultation exercise regarding the legal covenant have been reviewed and will be considered when the matter is reported back to Committee, as will associated issues relating to the loss of public open space, and requesting any further comments. To date no further representations have been received.
- 1.5 The original report has been updated, including from 9.13 to 9.15 to address such matters, together with the recommendation (requirement for section 106 agreement).
- 1.6 This application was subsequently reported to the Planning Committee on 2nd March 2023, at which time a resolution was made to DEFER to enable officers to draft reasons for refusal based on the Committee’s objections to the proposal relating to the impact on / loss of public open space.
- 1.7 The following report is largely that which was presented to the 2nd March 2023 committee, incorporating an alternative recommendation of refusal to respond to the concerns identified by Members. The report does, however, also include commentary at para 9.71 onwards in respect of additional representations made by the applicant since the previous committee (included in full at Appendix 1), who has stated that “having reflected on the discussions at the committee which led to that resolution, we feel that many of the issues raised can be addressed through greater clarification on the proposals, which we request be considered by Members prior to them confirming the refusal”.
- 1.8 Condition 13 (Landscaping) has also been amended to refer to the requirement for a survey plan and details of the proposed recontouring of the existing public open space to provide for a replacement kickabout area.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises 2 ha of land comprising existing car parks of the council’s Hyb and Park view Health centre and the adjoining Treseder Way Park / open space, including a children’s play park, serving the adjoining housing estate and locality.

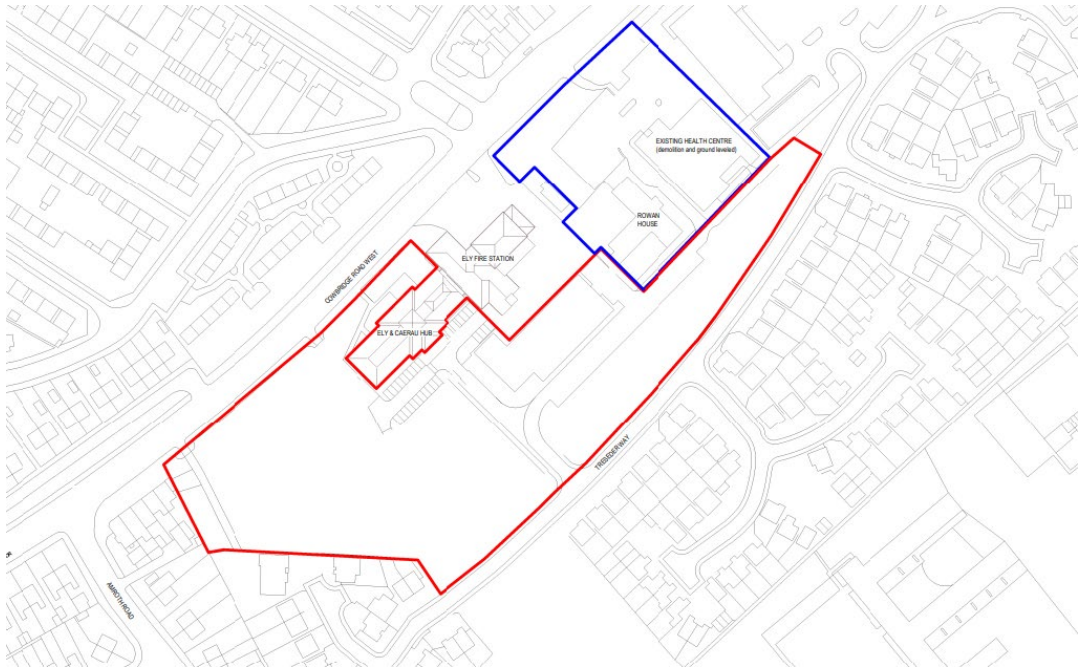


Figure 1: Site Location Plan

- 2.2 Vehicular access to the council's Hyb building and the car parking serving Park View Health Centre is via the adopted road known as Treseder Way.
- 2.3 Within the application site are a number of trees of which 3 that are directly affected by this proposal are protected under City and County of Cardiff (Ely Hospital, Cowbridge Road West) Tree Preservation Order (TPO) 1996 (T229/T02 (Holm Oak), T03 (Horse Chestnut), T08 (Yew).
- 2.4 The site is not located within a conservation area and no listed buildings are directly affected by this proposal



Figure 2: Aerial Photo of Site

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks outline planning permission for the construction of a Health and Wellbeing Hub of up to 3500sqm with associated public realm, landscaping, access, parking, and public open space.
- 3.2 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (known as "the reserved matters") are to be submitted through subsequent application(s). This application, therefore, seeks the LPA to agree to the principle of the development and set parameters to inform the reserved matters application(s).
- 3.3 The proposed development is a partnership project between Cardiff Council and CAVUHB to create an integrated public service health and wellbeing hub that will be available to all residents in Cardiff West.
- 3.4 The hub will replace the existing Park View Health Centre located between Cowbridge Road West (A48) and Treseder Way in Caerau, and will incorporate a number of services from general medical services, a community dentist, several community health services such as nursing and mental health support as well as staff accommodation. The new building will be directly linked to the existing community hub, which will allow for an effective integration with wider community services and will create a focus for health and wellbeing within the community. See [Design and Access Statement](#) for further details.
- 3.5 The development consists of the following:
- A proposed Health and Wellbeing Centre
 - A new shared car parking area and new pedestrian access
 - A Sustainable Urban Drainage System (SuDS) provision
 - the replacement and relocation of the existing play area (which on site inspection has become dilapidated over time) with a higher-quality modern play area on land adjacent to the existing facility. The play area will be the same size as the current play area and over 30 metres from nearby residential boundaries;
 - new improved lighting and footpaths around the play area;
 - a new walking trail along the inner section of POS beside Treseder Way;
 - additional tree, shrub, and wildflower planting within the POS; and
 - additional natural play features.



Figure 3: Indicative Site Layout

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

- Topographical survey;
- Building parameter
- Parameter plan land use;
- Scale parameter
- Open space parameter;
- parameter elevations south & north
- parameter elevations west & east
- external works masterplan- Treseder way
- arboriculture report
- Drainage strategy;
- Framework- Travel Plan
- Transport statement
- Bat activity
- Ground investigation report
- PAC report

3.7 The applicant has served certificate B on the landowner (Cardiff Council). The Council has, separate to the planning process, disposed of part of the land as public open space to allow the development and have undertaken the necessary legal process, which includes public notification

3.8 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link [22/02184/OUT](#)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- 19/02986/DEM Demolition of Park view Health Centre. Prior approval granted
- 03/00436/R Refurbishment, extension and alteration to existing fire station. construction of new community enterprise centre attached to fire station. Approved 24.3.2003
- 98/01933/R Reserved Matters for Redevelopment of former hospital grounds from 103 residential units and footpaths pursuant to Outline Planning Permission 95/1480/R. Approved 26.4.1999.
- 95/1480/R Outline Planning Permission for Development of former hospital grounds. Section 106 dated 31 July 1998 as varied on 23 July 2001 and 25 March 2002

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 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 21: Waste (February 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

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP13 Responding to evidence of social need
- KP15 Climate Change
- KP16 Green Infrastructure
- 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:

5.15 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)
- Public Art (June 2006)
- 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:

Has no objections to the use of Treseder Way being the main point of vehicular access and wishes to seek conditions to ensure that is achieved along with car/cycle provision to accord with the council's adopted parking standards along with an updated active travel plan.

6.2 The **Operational Manager (Waste Management)**: No details on waste have been provided

- 6.3 **Trees Officer:** the tree report should inform the design rather than the design inform the tree report so far as I can see only 'C' category trees are likely to be impacted. Indicative landscape proposals incorporate significant tree planting, so there is likely to be a significant net gain in the tree population locally. Reserved matters details should include landscaping details and should be conditioned.
- 6.4 **Contaminated land Section:** No objections
- 6.5 **Parks Department:** Notes the loss of public open space and the reduced area of flat land to play football. Are pleased to see that children's play area will be replaced at the developers expense and are keen for a condition to seek this is achieved along with a maintenance regime before handing the playground to the council.
- 6.6 **Regeneration** (runs the adjoining hub building) supports the co-location of the centre to provide the community with wider benefits that co-location can provide.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Dŵr Cymru Welsh Water:** Raise no objection to the proposal but highlight that no surface water shall enter the existing drainage system and that the proposed development is in an area where there are water supply problems for which there are no improvements planned within their current Capital Investment Programme. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

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 In total 1 letter of representations have been received to date, on the following summarised grounds:
- The height of the building being 3 storeys will not integrate into the immediate area as it is too high;
 - The proposal would be too close to existing residential properties resulting in an un-neighbourly form of development
 - There is a covenant on the land that seeks to retain the open space and was imposed by the council when approving the residential development. If this application is approved the objectors will seek legal recourse;
 - The replacement playground will take the only space available for playing football as the rest of the site is not flat;
 - Introducing health provision so close to the park would allow undesirables to be in close proximity to children who use the park 'stranger danger';
 - The proposal would create parking difficulties for residents within the area
 - Why can't the health provision go on the existing health care site

8.3 The application has also been the subject of a 183 signature petition which objects to the “*loss of our green space for the building of the Health and Wellbeing Hub*”.

8.4 Ward councillors have been notified of this application and wish the committee to note the following:

We would have rather this be a Full Planning Application and we note this is an outline Planning Application (which means this is only talking about the principle of development) so therefore detailed plans will come at a later stage however we are writing with our comments at this early stage. Whilst being genuinely supportive of the scheme and wanting the Wellbeing Centre to go ahead we are concerned at the site plan. We feel that the plans for 3 story buildings towards Treseder Way should and can be scaled back and/or moved towards the front of Hub or make use of the existing Parkview site. We feel that the Health Board should be looking to take control of Rowan House and look to link to the Hub from the East side of the Hub. This would mean a much reduced loss of Green Space that my constituents value.

On traffic we feel that this would be a good opportunity for a full scale review of the road network in this area. Far too much traffic is diverted up Vincent Road, Treseder Way and nearby Arles Road. We feel that this development should be conditioned upon the redesign of the road network in this area.

We also reiterate our previous comments that a brand new children’s park is needed as part of this development for the residents of Treseder Way.

We have always supported the scheme due to the need for more GP space and supporting the integration of health facilities and the Hub, but we do believe that our comments reflect the views of residents adjacent to the Hub. This has the potential to be a very exciting scheme which would benefit all of our residents.

We hope these comments are taken on board at this early stage.

8.5 Ward Councillors for Ely have been notified of the application.

8.6 All public representations made on the application are available to view in full on the Council’s website at: - [22/02184/OUT](#)

9 ANALYSIS

9.1 The key material considerations in the determination of this application concern:

- The principle of development (including impact on public open space)
- Impact on the Character of the Area
- Transportation / Highway Impacts
- Impact on Residential amenity
- Impact on Trees / landscaping
- Ecology; and
- Sustainability

Land Use / Principle of Development

- 9.2 Policy C1: Community Facilities encourages proposals for new and improved community facilities, including health facilities where the facility would be readily accessible to the local community it is intended to serve by public transport, walking and cycling; the facility would not unduly prejudice the amenities of neighbouring and nearby residential occupiers; the facility would not detract from the character and appearance of a property or the locality; the facility would not lead to unacceptable parking or traffic problems and; the facility is designed with the greatest possible flexibility and adaptability to accommodate additional community uses without comprising its primary intended use.
- 9.3 Assessed against this policy framework, the new Health and Wellbeing Hub will be located adjacent to and directly linked to the existing community hub in the residential community which it serves and it is considered to be a highly accessible and central location which will enable linked trips and access to facilities by walking and cycling, being well connected to surrounding residential areas via a network of pedestrian routes.
- 9.4 Assessed against Policy C1, the principle of accommodating a new integrated health and wellbeing hub to serve the immediate community is considered to be a wholly appropriate land use.

Impact on Public Open Space

- 9.5 The primary issue in terms of the principle of development concerns the impact on public open space, and in addressing such matters (and LDP Policy C4), the application has been accompanied by a Public Open Space (POS) Assessment which sets out the approach to providing mitigation and compensation for the proposed loss of Public Open Space (POS)
- 9.6 The assessment identifies that the Council's Open Space Assessment states that the ward of Caerau has 33.44 ha of recreational open space (formal, informal, and children's play) and a requirement of 29.05 ha, leaving a surplus of 4.38 ha. The ward of Ely, which is located to the immediate north of the site, has 15.96 ha of recreational open space and a requirement of 37.52 ha, leaving a deficit of 21.56. Collectively, therefore, the ward of Caerau and Ely have a deficit of 17.8 ha according to the Cardiff Council calculations.
- 9.7 As shown on figure 4 below, parts of the site for the proposed building are open space - different parts of the site have differing designation with the majority being informal (light green). This proposal would see an overall loss of approximately 0.21 Ha of informal open space. The existing playground will be relocated within the remaining park.



Figure 4: Open Space

- 9.8 Given the impact on POS, LDP Policy C4 and approved Green Infrastructure SPG Technical Guidance Note (TGN) relating to Protection and Provision of Open Space in New Developments (November 2017) are relevant.
- 9.9 Policy C4 seeks to protect open space that has significant functional (including land that can accommodate formal/or informal recreational uses), conservation, environmental or amenity value through only allowing proposals where:
- They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - The open space has no significant functional or amenity value; and
 - The open space is of no significant quality; or
 - The developers make satisfactory compensatory provision; and in all cases
 - The open space has no significant nature or historic conservation importance.
- 9.10 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).
- 9.11 The site is classified as a mixture of informal recreational open space and a formal children's play area. Having regard to the above criteria the following points have been considered:
- The existing open space, while notably valued by the community, is not considered to have significant functional or amenity value, or be of significant quality such that its loss would be unacceptable in principle (subject to other criteria, notably the requirement for compensatory provision).

- To mitigate the impacts on the POS, new and improved facilities for children and young people are to be provided, as well as enhancements to the remaining open space. This will include the replacement and relocation of the existing play area (which on site inspection has become dilapidated over time) with a higher-quality modern play area on land adjacent to the existing facility. The play area will be the same size as the current play area.
- In addition there will be new improved lighting and footpaths around the play area, a new walking trail along the inner section of POS beside Treseder Way, additional tree, shrubs and wildflower planting within the POS and additional natural play features.
- It is noted that the overall figures for recreational open space set out in the open space survey show that the Caerau ward overall has a surplus of 4.38 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard). Therefore, this proposal would not result in an unacceptable loss of open space within the Caerau ward.
- Although there is a combined deficit of recreational open space across the wards of Caerau and Ely, the proposal will enhance the public space and make it more useable. Given the proximity of Trelai Park (located approximately 402 metres to the SE), the qualitative improvements proposed are considered sufficient to mitigate the loss of public open space across the two wards in this instance.

9.12 While accepting that the development will result in the loss of approx. 0.21Ha of POS, taking the enhanced play area and improvements to the wider landscaping of the public space into consideration, it is concluded that the loss of POS is acceptable in this instance when considered against Policy C4, with the proposal providing a net benefit to the quality of the open space within the ward. A pre-commencement condition has been imposed to ensure a suitable playground has been designed and delivery programmed before works start on site.

9.13 Notwithstanding the above, since the January meeting further consideration has been given by Officers to the issues raised by objectors who have commented that the s106 agreement which relates to outline planning permission 95/1480/R contained an obligation that the transfer of the Open Space to the Council shall contain a restrictive covenant against the use of such land for any purpose other than as a public amenity open space or as a local equipped area for play and ancillary uses except with the prior approval of the Developer.

9.14 Legal advice confirms that the s106 obligations have been discharged on the basis that the transfer of the Open Space contained the required covenant. Whilst not a material consideration, we understand that the Applicant has appropriated the Site for planning purposes in accordance with separate statutory procedures for the purpose of facilitating development with the intention of overriding covenants affecting the land.

- 9.15 Nevertheless, it is clear that the original intention of the legal agreement was to protect access to open space to serve the original development. Accordingly, while the development will mitigate for the loss of the open space through the qualitative improvements described earlier, further negotiations with the applicant have focussed on the provision of a financial contribution to compensate for the loss of the open space. The applicant has thus agreed to contribute the amount of £93,935, based on the calculation within the POS/open space SPGs, thus ensuring that having further regard to the legal covenant issue, the proposed development would be wholly compliant with Policy C4 (4).

Impact on the Character of the Area

- 9.16 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.
- 9.17 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.
- 9.18 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.
- 9.19 Although submitted in outline form, the indicative layout and parameter plans suggest that the proposal would be prominent within the area, with the indicative proposals relating to a flat roof three storey block which is similar in height to the of the nearby fire station tower. It is not unusual for public/civic buildings to be the dominant feature within the area and this proposal would meet that 'traditional' hierarchy. It must also be noted that the proposal is not considered to be a tall building as defined within the council's approved 'Tall Buildings' SPG and therefore the proposal would, in principle, sit comfortably within the context of this residential area
- 9.20 Whilst it is acknowledged that the surrounding residential area is 2 storey in form, this proposal would be seen within the context of the building fronting Cowbridge Road West and there is a sufficient visual separation to ensure that the two distinct elements are read separately. The detailed design and appearance of the proposal would be considered at reserved matters stage, however subject to suitable materials and detailing it is considered that the site would be able to accommodate a building of the proposed scale without having an unacceptable impact on the character of the area. In addition it is considered that the siting of the building would help frame the remaining open space to ensure that it is welcoming to future users.

9.21 At the January committee meeting there was discussion of placing the 3 storey mass along Cowbridge Road West but to accommodate such a mass would require the potential loss of higher categorise trees that forms an important 'soft frontage.

Transportation / Highway Impacts

9.22 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.

9.23 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;

9.24 The submitted Transport assessment notes that the proposal is the relocation of existing services that currently operate from the former Park View Health Centre (located approximately 50 metres to the northeast of the site). That centre has a floorspace of approx. 2.400sqm, and while the proposed centre is larger (up to 3500 sq.m. but expected to be just over 3000 sq.m.) therefore the majority trips to the area would be no different than currently. The assessment notes that the proposal is a slightly bigger centre, and has reviewed the potential, additional trips which is likely to be between 11-18 two way vehicular trips more than the former Park View Health Centre during typical commuter peak hours; which equates to an increase of one vehicular trip every three and half minutes approximately.

9.25 Whilst concern has been raised by ward councillors in relation to the level of traffic accessing this area, the transport assessment has considered this and concludes that the existing road network can accommodate the proposal. In addition, the assessment has also considered that site accessibility by walking, cycling and public transport and concludes that the site is highly accessible by these modes of transport and the design of the building, along with the draft travel plan, will ensure that these sustainable modes of transports are promoted.

Parking provision

- 9.26 The proposal indicates 79 parking space, six spaces (8%) would be designated as accessible bays and further six spaces (8%) would be provided with Electric Vehicle Charging Points (EVCP). The proposed level of car parking provision is below the maximum allowed under the council's parking standards (96).

Cycling provision

- 9.27 A covered and secure cycle store is proposed, accessed via Treseder Way, and two additional covered cycle shelters are proposed adjacent to the existing Ely & Caerau Hub. As per Cardiff City Council's parking standards, a minimum of 124 cycle parking spaces would be provided. Out of these, minimum of 39 spaces would be long stay spaces, and further 39 would be short stay spaces – allocated to the proposed consulting rooms. A minimum of 20 spaces would be allocated to the proposed multi-purpose rooms and the remaining 26 would be allocated to the existing community hub.
- 9.28 The council's Highway's Officer has considered the submitted transport assessment and agrees with its conclusions. However, as the application is in outline form a number of conditions in relation to access (off Treseder Way) and to ensure an acceptable level of parking provision and active travel are sought by the Highways Authority.

Impact on Residential Amenity

- 9.29 Concern has been raised that the proposal would by virtue of its siting, height and design result in an overbearing and unneighbourly form of development that would harm the residential properties sited to the south of the application site. In considering such matters, Policy KP5 of the adopted LDP seeks, amongst other matters, to ensure that any development does not have any undue effect on the amenity of neighbouring occupiers.
- 9.30 The proposal would be sited approximately 33 metres to the north of the existing residential properties with a maximum height of 13.6 metres and a maximum length of 40 metres. Given the separation, orientation and height, the proposal is not considered to be an overbearing and neighbourly form of development that would unreasonably harm the amenities of the existing residential properties.
- 9.31 The indicative plans suggest that there will be windows overlooking the residential properties, and whilst there are no standards in relation to privacy between residential and non-residential uses it is considered reasonable and appropriate to consider the residential design guide standard of 21 metres between windows. While such matters would be fully dealt with at reserved matters stage, the site layout indicates that the separation distances would exceed the minimum privacy distances, and taking into account the three storey element the privacy of the existing residents is considered acceptable.
- 9.32 During construction there will be disruption from construction activity and to reduce these impacts it is considered reasonable and necessary to impose a construction and management plan which will seek, amongst other matters, to define the construction hours, access to the site, site compounds and noise and dust levels.

Impact on Trees / Landscaping

- 9.33 All trees have been assessed within the submitted arboricultural report that concludes that all trees are rated Category C1 which means these trees have a limited life span. LDP Policies KP5 (Good design), KP15 (Climate Change), KP16 (Green infrastructure) and EN 8 seek to retain existing trees. Those trees that should be retained are outlined in the council's Green Infrastructure SPG - these being 'A' (high quality and value) or 'B' (moderate quality and value).
- 9.34 The proposal would see a 5 number of trees removed, 3 of which are protected by a TPO. While the loss of TPO trees is always regrettable, the council's Tree Officer has considered the submitted information and is satisfied that the indicative plans would provide for an acceptable provision of compensatory landscaping to mitigate their loss, and has requested conditions to ensure this level of provision is delivered in the final design.

Impact on Ecology

- 9.35 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.
- 9.36 The Minister in her letter dated 20 December 2022 titled '[COP15, biodiversity deep dive, section 6 duty and the planning system](#)' highlights the key considerations the LPA must consider in discharging their duty under Section 6 Environment (Wales) Act 2016. In complying with the duty public authorities must take account of the resilience of ecosystems, in particular the following aspects (known as the DECCA Framework):
- diversity between and within ecosystems;
 - the connections between and within ecosystems;
 - the scale of ecosystems;
 - the condition of ecosystems (including their structure and functioning); and,
 - the adaptability of ecosystems.
- In relation to the duty public authorities must also have regard to:
- the list published under Section 71 ;
 - the State of Natural Resources Report (SoNaRR) published under Section 8;
 - any Area Statement published under Section 11 for an area that includes all or part of an area in relation to which the authority exercises functions;
 - to any guidance given to it by the Welsh Ministers.
- 9.37 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

- 9.38 The submitted phase 1 habitat survey report has considered the ecological value of the site to ensure that the final design is informed by any ecological constraints the site may possess. The assessment concluded that the site has low ecological value other than the hedgerows (which will be retained). However, Future Wales Policy 9 seeks all development to enhance ecological resilience of a site and the submitted report has considered this point. The report recommends the introduction of bird boxes within the new building and wildflowers to benefit pollinators, including short & long tongued bumble bees these recommendations have been conditioned to ensure that the final proposal can enhance the ecology of the site.

Sustainability / Energy

- 9.39 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.
- 9.40 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.41 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.
- 9.42 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.
- 9.43 It is recognised that the site cannot achieve a localised heat network however, no feasibility assessment has been undertaken to see how the final design can reduce heat and power consumption through the use of renewable energy and low carbon technology as required by the above policy. It is considered that linking into the existing hub building could also provide benefits to the running of this existing building, which should also be considered. Therefore a condition has been imposed for the submission of an energy strategy that will consider the building and running of the new build over the lifetime of the building, this will also help to inform the design strategy for the reserved matters submission.

Economic Impact

- 9.44 PPW 11 places a duty on the LPA the need to improve the social economic of Wales’ disadvantaged areas. Chapter 5 ‘Productive and Enterprising Places’ covers the economic components of placemaking and states that “*a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.*”

- 9.45 PPW11 also recognises (in chapter 4) the need to “realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present.” TAN 23 (Economic Development) also states economic generation is a material consideration.
- 9.46 The proposal would create/retain the existing employment within the existing health centre and along with co-location with the hub advice centre can provide socio-economic wellbeing through joined up advice due to health condition of patients.

Drainage and Flooding

- 9.47 The site is not located within a defined flood zone, as outlined within TAN15. However, the proposal would be subject to surface water discharge which is regulated by the council’s drainage section. It is clear from the indicative design that the surface water runoff and compliance with SAB legislation is being considered as part of the overall design strategy and therefore, at this stage, there is no conflict with TAN15 and for surface water run off to be dealt within the site.
- 9.48 In terms of foul water discharge, the submitted stage 2 assessment states that the existing foul drains will be used. Welsh water has considered the above information and raise no objection. However, as this assessment has been based upon indicative plans a drainage and water supply condition has been imposed to ensure the final design can be served by both fresh water and foul provision. The need for a water supply is noted and a pre-commencement condition has been imposed to ensure that a sufficient water supply can be provided to the site.

Section 106 Matters

- 9.49 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.
- 9.50 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 9.51 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 9.52 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly

related to the development; and (c) fairly and reasonably related in scale and kind to the development.

- 9.53 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations are considered below.
- 9.54 In this context the requirement for a new playground can be achieved through the imposition of a condition rather than through a legal agreement (as the site and all POS is included in the red line boundary). This is line with the advice above which states that where there is a choice between a legal agreement or a condition then the condition should be chosen.
- 9.55 The additional sum of £93,935, secured to further offset the loss of the open space (having regard to the covenant imposed through the 1995 consent) would be used to enhance public open space facilities within the ward such as the skate park within Trelai Park (or other facilities identified in discussion with ward councillors). The amount meets the calculation outlined in the council's Planning Obligations/ open space SPG and meets the policy and legal tests outlined above.

Other matters not assessed above

- 9.56 At the January Planning committee meeting concern was raised by the Councillor Kaaba (Ely Ward) that patients have not been consulted as part of this application. The publicity requirements are set by Welsh Government which required site and press notices along with neighbour letters, which has been undertaken. It is the role of the health board to ensure its development meets the needs of its patients, the planning system considers the land use implications.
- 9.57 Concern was expressed by both Ely and Caerau ward councillors regarding accessibility and highways capacity to meet the enlarged facility. As outlined in paragraphs 9.20-9.26 of this report the submitted transport assessment clearly demonstrates that the road network can accommodate the potential increase in traffic and footfall. It was suggested that access from Ely to the centre required alteration to Cowbridge Road West but the existing facility is currently located approximately 50 metres to the east of the proposed site and given this context it would be *Wednesbury* unreasonable to require conditions or financial contribution to improve matters for which there is no objective evidence of harm.
- 9.58 The agent in his submission has highlighted the investment the health board are making into upgrading the council's hyb centre to ensure it meets the needs of its future users.
- 9.59 The concern over children safety is noted but the existing health centre is located approximately 50 metres to the east and the centre will serve the same patients as a result there is no objective evidence to suggest children playing in the park are at any greater risk than currently exists.

9.60 The duty of the LPA is to consider the application before them, in land use terms, it is not the role of the LPA to consider suitable alternative locations or question the future use of the land the serves the current health centre. As outlined above it is considered that the proposal meets policy test and is acceptable subject to conditions.

Overall Assessment – ‘The Planning Balance’

9.61 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

9.62 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

9.63 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.64 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.65 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of

costs and benefits over the lifetime of development to be taken into account.

- 9.66 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 9.67 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.
- 9.68 The proposal provides a number of significant benefits by providing a modern and enlarged health centre that can serve the community of Caerau and Ely and being linked into the council's hub building can also provide a seamless customer focus to health and related matters within the one building. The site is in close proximity to the former health centre so existing patients would already know where to access the new facility. In addition the submitted transport assessment identifies that the site can be accessed by bus (there is a bus top 50 metres to the north with a regular bus service) and would promote walking and cycling to the site with appropriate cycle provision.
- 9.69 However, the proposal would result in the loss of open space and would alter the relationship of the amenity that open space provides to the existing residential properties but as outlined within the report this proposal does provide the opportunity for an updated children's playground and enhancements (through paving and lighting) to the existing pathways. In addition, the siting of the building does provide the opportunity for passive surveillance of the park to ensure the safety of the future users.
- 9.70 Taking into account the above it is considered that the loss of some public open space is considered acceptable in meeting a modern health provision and to allow the remaining open space to be enhanced, noting also the financial contribution that is to be made towards improvement of open space in the locality.

Deferral for Reason for Refusal : 2nd March Planning Committee

- 9.71 At the 2nd March 2023 Planning Committee, Members resolved to defer the application to the next Committee to allow officers to prepare a draft reason for refusal, based on objection to the loss of public open space that has significant functional and amenity value to the community.
- 9.72 As noted in the 'Alternative Recommendation' at the start of this report, the following reason for refusal is put forward, reflecting the views expressed at the 2nd March Planning Committee: -
1. The proposed development would result in the loss of approximately 0.21 Ha of public open space that has significant local functional and amenity value, the loss of which would not be outweighed by the benefits of the development, or the financial contribution proposed to contribute towards off-site provision of open space enhancement. The proposal is therefore considered to be contrary to Policy C4 (Protection of open space) and paragraph 4.1 - 4.6 of

the Open Space Technical Guidance Note that forms part of the approved Green Infrastructure SPG (November 2017).

- 9.73 Following the decision to defer for reasons for refusal, Members are advised that the applicant (the Cardiff and Vale University Health Board) has submitted a letter which notes that:

Having seen the debate in relation to the application at the last Planning Committee, we are aware of the concerns raised in respect of the proposals which ultimately led to the resolution to refuse. Having reflected on the discussions at the committee which led to that resolution, we feel that many of the issues raised can be addressed through greater clarification on the proposals, which we request be considered by Members prior to them confirming the refusal.

- 9.74 Members are requested to read a copy of their letter which is attached in full at Appendix 1. However, in summary the letter advises as follows: -

- Cardiff & Vale University Health Board's plans for the partnership Health and Wellbeing Hub will join and integrate with the Council's existing Ely Hub. Both organisations are committed to the integration and modernisation of health and community services and shared use of public sector assets, as set out in Cardiff's Wellbeing Plan.
- The provision of local health and wellbeing hubs is central to the integrated service model, as they provide a comprehensive range of health and wellbeing services that extend beyond the services provided in a traditional surgery or health centre, locally within the communities that they serve.
- Also critical to the service model is the integration of those health and wellbeing services alongside other key public and community services that contribute to health and wellbeing.
- Locating the proposed development directly adjacent to and connecting to the existing Hub would strengthen the existing Hub and ensure that the local community has access to a range of health and wellbeing services in one integrated facility. It would also provide the opportunity to share key facilities and brand new, fit for purpose spaces, for example meeting rooms, large function rooms, a new library area and café.
- This is a correlation between the health needs of patients and other important service which can impact on their wellbeing, such as being able to easily access help with money worries, housing issues and to have a welcoming warm space to meet with friends or make new friends, important in tackling social isolation, or to access social prescribing support provided in partnership with our third sector partners.
- The proposed development is a partnership between the Health Board (as project lead) and Cardiff Council (key partner). Should the development be granted consent then the Hub would be strengthened with a community dentist, nursing services, and mental health services in addition to traditional GP surgery services.

- The proposal sees an investment of around half a million pounds into the existing Ely Hub to refurbish and remodel areas of the existing building to form one large joint health and wellbeing hub with a new shared entrance and a seamless customer experience. The development of the hub will provide enhanced local access to the Caerau and Ely communities, one of the communities with the highest health needs.

Community Benefits

- The project is of vital importance to the Southwest Cardiff Primary Care Cluster and there is growing evidence of the need for the Wellbeing Hub @ Park View which has been magnified by the impact of lockdowns, COVID 19 and more recently the cost of living crisis.
- The development will promote and support people's physical, mental and social health and wellbeing through local collaborative service delivery, including: -
 - close integration with existing Cardiff Council wellbeing and social care services provided from the Caerau and Ely Hub;
 - the planned relocation of Westway Surgery from their current location in Wilson Road Ely, CF5 4LJ;
 - a range of locally delivered clinics to meet the health and wellbeing needs of the local population. This will include the provision of clinics formerly delivered from Park View Health Centre e.g. sexual health, community wound, stop smoking and dietetics clinics, podiatry, child health services, community dental and mental health, community nursing and other services;
 - range of wellbeing group and community sessions delivered in partnership with third sector partners; and
 - health and wellbeing education, advice and signposting areas;

9.75 The letter emphasises that a standalone health building elsewhere on the wider site is not feasible because it would fail to deliver a seamless integrated health and wellbeing development, which is the principal driver for the partnership project.

9.76 Members should also note, however, that the letter also provides clarity in respect of the existing health centre site (in the process of being demolished), which has been identified (subject to planning permission) as the location for a new Police Station serving the local community and further enhancing access to public sector services for its residents. It also states that as part of the design and planning process the Health Board and South Wales Police Authority will continue to explore opportunities to increase or enhance further POS.

9.77 The funding for the project also appears at risk should members proceed to refuse the planning application, with the submissions noting that

The project is at an outline business case stage and if the project were to stall or require significant amendment then the likelihood of securing funding is highly uncertain and would also result in a very significant delay. It is also likely to add significantly to the cost of the development.

9.78 The applicant's letter concludes as follows: -

We ask that Members consider the above prior to confirming refusal as reaching such a conclusion would have a devastating effect on the creation of an integrated health and wellbeing community facility which is central to council and Welsh Government strategies to better meet the needs of local people close to where they live.

Finally, to be clear, should members continue to refuse this planning application, it will not result in the applicant re-applying for a similar proposal close-by, the absence of alternative suitable sites means refusal would result in the loss of this state-of-the-art facility in this part of Cardiff. As such, we politely ask Members to carefully consider the concerns raised against the wide-ranging community benefits the proposals would deliver for the people of Caerau and Ely.

9.79 Having previously identified that the loss of the open space would be harmful, and contrary to Policy C4, in reaching a final conclusion on the application and the proposed reason for refusal drafted above, Members are advised that they should consider these additional clarifications as part of their assessment of the 'planning balance', as set out in paragraphs 9.61-9.70 of this report.

9.80 Having regard to the above, and notwithstanding the conclusions above that the proposal complies with Policy C4 (which includes enhancements to the remaining open space, together with a financial contribution towards off site enhancement of POS, and a commitment to the creation of the new level playing area), Members are advised that Officers are of the view that the benefits of the development relating to the significant improvements that would result for the communities of Caerau and Ely from the significant investment in this integrated health and wellbeing Hwb, would outweigh any objection to the loss of this area of open space.

10 CONCLUSION

10.1 The decision to recommend planning permission 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 the Cardiff Local Development Plan (2011–2026) adopted January 2016.

10.2 The proposal provides community benefits through a modern replacement health centre that is linked to the council's advice centre. This approach allows for a patient centred approach within a deprived ward. However, the proposed building would be built on public open space but this provides opportunity for a modern playground and a secure overlooked area from the new health centre. Matters of transport capacity have been considered and are considered acceptable. The proposal has the ability to increase bio-diversity and increase tree coverage with an appropriate designed landscape scheme. Identified impacts arising from the scheme are in any event considered to be outweighed by the clear benefits to the community arising from the development.

10.3 Accordingly, the proposed development is in accordance with Policies KP5 (Good Design), KP8 (Sustainable transport), KP15 (Climate Change), KP16 (Green Infrastructure), EN8 (Trees, Woodland and Hedgerow), EN10 (Water sensitive Design), C1 (Community Facility), C4 (Protection of Open Space), C5 (Provision for Open Space Outdoor recreation, Children Play and Sport)

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.

- 11.5 Environmental Impact Assessment - The applicant has not submitted a screening or scoping request to accompany this application. However, the duty to consider if a development has a significant impact on the environment rest with the Local Planning Authority. Whilst the application is in outline form, sufficient information has been submitted to allow the LPA to undertake a screening exercise in line with The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.
- 11.6 The development does not exceed relevant thresholds for urban development projects (Cat 10(b)) nor is it in a sensitive area, such that it has been concluded that the development is not EIA development,

12 RECOMMENDATION

12.1 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.55 of this report, and the conditions listed below.

12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & / or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

12.3 CONDITIONS

Time Limits

- 1. A. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.

B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

Approved Plans

2. The reserved matters shall not exceed the following plans:

- PVWH-IBI-XX-XX-PL-A-100004 REV P05 – Parameter plan scale;
- PVWH-IBI-XX-XX-PL-A-100002 REV P05-Building Parameter Plan;
- PVWH-IBI-XX-ZZ-EL-A-200022 REV P1- Parameter Elevations South & North;
- PVWH-IBI-XX-ZZ-EL-A-200023 REV P1- Parameter Elevations West & East

Reason: In the interests of clarity in defining the approved outline parameter plans.

Pre-Commencement Conditions

3. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development in accordance with Policies KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026)

4. No development shall take place until a scheme for water supply to the building has been submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented prior to beneficial occupation

Reason: To ensure an orderly form of development in accordance with Policies KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026)

5. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:

- i. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas

(of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;

ii. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use with particular attention of Safe Storage of Oil regulations;

iii. Traffic Management: details of site deliveries, highways/footway closures, plant on site, wheel washing facilities and hoardings;

iv. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

iv. Details of how trees on site will be protected with an updated Tree protection plan and arboriculture method statement including how monitoring on site during the works will be undertaken

v. A dust and noise assessment with measures to monitor and control the emission of dust and dirt and noise during demolition and construction;

Reason: In the interests of highway safety and public amenity, in accordance with policies T1, T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006-2026)

6. Prior to the commencement of any development works the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced.

7. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;

(ii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

8. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

Action Conditions

9. The existing children's playground shall not be removed until details of the relocated playground have been submitted to and improved in writing with the Local Planning Authority. The details shall include, but not limited to the following: Location of the new playground, full details of the design and layout of the children's playground (including proposed play equipment) and natural play features, timetable for installation of playground and natural play areas, post installation inspections and maintenance by the developer before handover to the council.

Reason: To ensure an acceptable public open space in accordance with Policy C4 of the adopted Cardiff Local Development Plan (2006-2026)

10. No above ground works shall be undertaken until an energy strategy has been submitted to and approved in writing with the Local Planning Authority. The strategy shall undertake a feasibility study to demonstrate how energy and heat will be generated with low carbon and renewable technology, where feasible. The submitted reserved matters submission will provide full details of the siting and design of the low carbon and renewable technology.

Reason: To ensure a sustainable form of development in accordance with Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026)

11. No above ground works shall be undertaken until details of the proposed cycle and car parking provision has been submitted to and approved in writing with the Local Planning Authority. The parking provision shall accord with the councils' Managing Transportation Impacts (Incorporating Parking Standards) adopted in July 2018 (as amended) and the cycle provision shall be designed to accord with chapter 14.8 (cycle parking) of Welsh Government Active travel guidance July 2021. The approved details shall be implemented on site before beneficial use and thereafter be retained.

Reason: To ensure appropriate level of parking provision in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026)

12. Prior to first beneficial use a full Travel Plan (TP) shall have been submitted to and approved in writing by the Local Planning Authority. The TP shall include setting out vision, objectives, targets, measures, appointment of a Travel Plan Co-ordinator and baseline travel survey (within three months of first opening) and then yearly follow up travel surveys with recommended improvement in active travel measures. The approved details shall be implemented on site and therefore retained.

Reason: To enable and maximise use of sustainable and active modes of transport and encourage and promotes healthy lifestyles associated with the existing staff/students/residents/visitors in accordance with KP8, KP14, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026)

13. The reserved matter submission for landscaping shall include the following details:

- Topographical survey plans of the existing public open space, and detailed plans identifying the proposed recontouring of the land to form a kickabout area, together with a timetable for implementation of such works.
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (i.e. Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

Development shall be undertaken in full accordance with the approved details and implementation timetable.

Reason: To ensure an acceptable form of development in accordance with Policies KP5, KP16, EN8 of the adopted Cardiff Local Development Plan (2006-2026)

14. The reserved matters in relation to layout, design and landscaping shall have regard to the recommendations outlined in chapter 4 of the submitted bat report dated 26/8/2022 from Sylvan Ecology and chapter 8 of the submitted phase 1 habitat survey report dated 19/7/2021 from Sylvan Ecology.

Reason: To ensure that the proposal has regard to ecological consideration in accordance with Policy 9 of Future Wales and EN8 of the adopted Cardiff Local Development Plan (2006-2026)

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must

stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

16. The remediation scheme approved by condition 8 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Regulatory Conditions

17. The use of the building hereby approved shall be D1 (healthcare) as defined in the Use Classes Order 1987 (as amended).

Reason: For the avoidance of doubt

ADVISORY NOTE 1

Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

ADVISORY NOTE 2

To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

ADVISORY NOTE 3

The highway works required by planning condition(s), and any other works to the existing or proposed adopted public highway to be undertaken by the developer, are to be subject to agreement(s) under Section 38 and/or Section 278 of the Highways Act 1980 between the developer and Council. Any works to the Coryton Interchange will require an agreement under Section 278 of the Highways Act 1980 between the developer and the Welsh Government.



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Caerdydd a'r Fro
Cardiff and Vale
University Health Board

Ty Coeitr
Woodland House

Maesycod Road
Cardiff, CF14 4HH
Phone 029 218 36337

Ffwrdd Maesycod,
Caerdydd, CF14 4HH
Ffôn 029 218 36227

Justin Jones Senior Planner
Cardiff Council
Room 212
County Hall
Atlantic Wharf
CARDIFF
CF10 4UW

22 March 2023

Dear Justin

Application 22/02184/OUT: Proposed Health and Wellbeing Hub and associated infrastructure works relating to access, parking, drainage and landscape

Having seen the debate in relation to the application at the last Planning Committee, we are aware of the concerns raised in respect of the proposals which ultimately led to the resolution to refuse. Having reflected on the discussions at the committee which led to that resolution, we feel that many of the issues raised can be addressed through greater clarification on the proposals, which we request be, considered, by Members prior to them confirming the refusal.

1. **An integrated health and wellbeing hub**

Cardiff & Vale University Health Board's plans for the partnership Health and Wellbeing Hub will join and integrate with the Council's existing Ely Hub. Both organisations are committed to the integration and modernisation of health and community services and shared use of public sector assets, as set out in Cardiff's Wellbeing Plan.

The proposed Health and Wellbeing Hub provides an excellent opportunity to deliver on this commitment. The provision of local health and wellbeing hubs is central to the integrated service model, as they provide a comprehensive range of health and wellbeing services that extend beyond the services provided in a traditional surgery or health centre, locally within the communities that they serve.

Also critical to the service model is the integration of those health and wellbeing services alongside other key public and community services that contribute to health and wellbeing. The existing Ely and Caerau Hub provides such services, offering a community library, providing access to training, money advice and support from a wide range of third sector partners.



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Cardiff and Vale
University Health Board

Ty Coeitr
Woodland House

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Phone 029 218 36337

Ffwrdd Maesycoed,
Caerdydd, CF14 4HH
Ffôn 029 218 36227

Locating the proposed development directly adjacent to and connecting to the existing Hub would strengthen the existing Hub and ensure that the local community has access to a range of health and wellbeing services in one integrated facility. It would also provide the opportunity to share key facilities and brand new, fit for purpose spaces, for example meeting rooms, large function rooms, a new library area and café. This is a correlation between the health needs of patients and other important service which can impact on their wellbeing, such as being able to easily access help with money worries, housing issues and to have a welcoming warm space to meet with friends or make new friends, important in tackling social isolation, or to access social prescribing support provided in partnership with our third sector partners.

The proposed development is a partnership between the Health Board (as project lead) and Cardiff Council (key partner). Should the development be granted consent then the Hub would be strengthened with a community dentist, nursing services, and mental health services in addition to traditional GP surgery services. The proposal sees an investment of around half a million pounds into the existing Ely Hub to refurbish and remodel areas of the existing building to form one large joint health and wellbeing hub with a new shared entrance and a seamless customer experience. The development of the hub will provide enhanced local access to the Caerau and Ely communities, one of the communities with the highest health needs.

2. Community Benefits

The project is of vital importance to the Southwest Cardiff Primary Care Cluster and there is growing evidence of the need for the Wellbeing Hub @ Park View which has been magnified by the impact of lockdowns, COVID 19 and more recently the cost of living crisis.

The development will promote and support people's physical, mental and social health and wellbeing through local collaborative service delivery, including: -

- close integration with existing Cardiff Council wellbeing and social care services provided from the Caerau and Ely Hub;
- the planned relocation of Westway Surgery from their current location in Wilson Road Ely, CF5 4LJ;
- a range of locally delivered clinics to meet the health and wellbeing needs of the local population. This will include the provision of clinics formerly delivered from Park View Health Centre e.g. sexual health, community wound, stop smoking and dietetics clinics, podiatry, child health services, community dental and mental health, community nursing and other services;
- range of wellbeing group and community sessions delivered in partnership with third sector partners; and
- health and wellbeing education, advice and signposting areas;



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3. Mitigation of the loss of Public Open Space (POS)

Planning committee have previously provided feedback on the initial proposed mitigation of the loss Public Open Space as a result of the development.

Mitigation has been enhanced through the planning process and the development now offers the following:

- a replacement and upgraded children's formal play facility.
- upgraded seating, footpaths and lighting within the remaining POS.
- informal play and landscaping features along the length of POS along Tresedar Way.
- creation of a level grassed area to facilitate ball games.
- landscaped garden and community garden area at the rear of the new building and a large amount of SUDs features/ planting and rain gardens
- a financial contribution of £93,935 towards an offsite POS enhancement, to be agreed with local ward members- initial suggestions for nearby Trelai Park.
- the existing Health Centre site has been identified to be redeveloped for a new Police Station serving the local community. As part of the design and planning process the Health Board and South Wales Police Authority will continue to explore opportunities to increase or enhance further POS

4. Scheme Design & options

The scheme has been in design development for over 5 years, partnership work between a wide range of local stakeholders, Cardiff Council and the Health Board has led to the scheme submitted for outline planning approval.

A range of other options were considered but were not progressed for a wide range of reasons including:

- Citing the building closer to Cowbridge Road West would lead to the unacceptable loss of category B value trees and more m² of POS being lost as a result of new highway access for ambulance drop-offs and service related vehicles to access the building.
- A lower level building would mean more m² of POS would be lost as all of the rooms would need to be spread out over a wider area.
- A standalone health building elsewhere on the wider site is not feasible because it would fail to deliver a seamless integrated health and wellbeing development. This is the principal driver for the partnership project.
- A standalone building on the existing health centre site would prevent the development of a new Police Station to serve the community and further enhance access to public sector services for its residents



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- Capital funding earmarked for the scheme is provided by Welsh Government. There has already been a significant investment made to bring this project forward which would have to be written off, should the scheme not progress.
- The project is at an outline business case stage and if the project were to stall or require significant amendment then the likelihood of securing funding is highly uncertain and would also result in a very significant delay. It is also likely to add significantly to the cost of the development.

We ask that Members consider the above prior to confirming refusal as reaching such a conclusion would have a devastating effect on the creation of an integrated health and wellbeing community facility which is central to council and Welsh Government strategies to better meet the needs of local people close to where they live.

Finally, to be clear, should members continue to refuse this planning application, it will not result in the applicant re-applying for a similar proposal close-by, the absence of alternative suitable sites means refusal would result in the loss of this state-of-the-art facility in this part of Cardiff. As such, we politely ask Members to carefully consider the concerns raised against the wide-ranging community benefits the proposals would deliver for the people of Caerau and Ely.

Yours Sincerely

Geoff Walsh
Director of Capital, Estates and Facilities

C.C. Simon Gilbert – Head of Planning
Rebecca Hooper – Local Authority
Abigail Harris – Executive Director of Service Planning