

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/02632/MJR** APPLICATION DATE: 18/12/2020

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Non Material Amendment

APPLICANT: Velindre University NHS Trust

LOCATION: LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL,  
PARK ROAD, WHITCHURCH, CARDIFF

PROPOSAL: VARIATION OF PART C OF CONDITION 1 TO EXTEND THE  
TIME LIMIT FOR THE SUBMISSION OF RESERVED  
MATTERS BY 18 MONTHS TO 27/09/22 AND VARIATION OF  
PART D OF CONDITION 1 TO BE: THE DEVELOPMENT  
HEREBY PERMITTED SHALL BE BEGUN BEFORE THE  
EXPIRATION OF 5 YEARS FROM THE DATE OF THIS  
PERMISSION - PREVIOUSLY APPROVED UNDER  
17/01735/MJR

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**RECOMMENDATION** : CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby APPROVES the non-material amendment to the original consent reference number 17/01725/MJR provided condition 1 is amended as follows:

1.
    - A. Subject to condition 2 below approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development, bar the approved access roads and their enabling works, is commenced.
    - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the siting, design and external appearance of any buildings to be erected, 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 the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 27/09/22
    - D. The development hereby permitted shall be begun by 27/03/2023
- Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.2 This non-material application seeks to vary condition 1 of planning approval reference 17/01735/MJR to extend the period for the submission of reserved matters by up to 18 months, whilst the 5 year date by which development must commence remains as outlined in approval reference 17/01735/MJR (27/3/2023). The reason provided for this delay is due to COVID restrictions

## 2. **DESCRIPTION OF SITE**

- 2.1 The planning application site is 14.5 hectares in area and is an undeveloped land that is characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs. The boundary of the application site includes the main site for development of the hospital facility, and those areas required to facilitate access from the Coryton Gyrotory and the emergency access route from the Hollybush Estate. The land is gently undulating former pastoral farmland (The highest point of the main site area is the north-west boundary which ranges between 51m AOD (Above Ordnance Datum) and 57m AOD with the site sloping down to the south-east boundary where the ground level is between 41m AOD and 43m AOD). The site is subdivided into a network of fields of varying scales with some overgrown field hedgerows remaining in private ownership. The site is no longer grazed by horses, but is crossed by informal and formal footpaths. The site has a non-statutory designation as a Site of Importance for Nature Conservation (SINC) for its neutral grassland.

### 2.2 **The Site Boundaries**

The vegetation is particularly dense along the north-east and south-west boundaries where it continues beyond the site to form woodland. The woodland to the north includes the former railway cutting, while the woodland to the south includes the Glamorganshire Canal/ and Longwood SSSI. The vegetation along the north-west boundary separates the site from a further field that is also framed by vegetation.

The vegetation along the south-east boundary separates the site from the Whitchurch Hospital grounds and is dissected by an adopted highway. This route contains dilapidated fencing, and is overgrown with surrounding vegetation.

### 2.3 **Access to the Site**

The site is not currently accessible by vehicle from the local highway network, but is accessible via the footpath network surrounding the site. The site is accessible from the north-west and south-west boundaries by a Public Right of Way (PRoW) (reference: Whitchurch 12) which follows approximately half way along the south-west boundary before becoming an informal route. The PRoW is connected to a series of other PRoWs which provide access north to Longwood Drive and south into the Long Wood Nature Reserve (reference: Whitchurch 13-16). The site is also accessible from the south-west and

south-east boundaries by a PRoW (reference: Whitchurch 11). The PRoW does not enter the site, but is connected to the informal route connected to PRoW Whitchurch 12. The PRoW connects to Forest Farm Road located south of the site.

An adopted highway (overgrown) provides access into the site at the north-east and south-east boundaries. The route is accessible from Park Road and approaches the site adjacent to the Hollybush Estate, where it crosses the former railway cutting. The route then dips gently and follows the entirety of the site's south-eastern boundary and connects to PRoW Whitchurch 11. A series of informal access routes cross the site from these main access points.

## 2.4 Cultural Heritage

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

## 2.5 Surrounding Area:

### Whitchurch Hospital Campus and Historic Park and Garden

The Whitchurch Hospital Park and Garden is located to the southeast of the development site. It is grade II Listed on the Register of Landscape Parks and Gardens of Special Historic Interest in Wales.

The Historic Park and Garden includes the core of the Whitchurch Hospital grounds and includes eight Grade II Listed Buildings. The closest Listed Building to the site is the Grade II Listed Whitchurch Hospital chapel (180m from the site). A large car park is located to the front of the chapel.

### Residential Developments

Clos Coed Hir is located to the east and sited circa 50 metres from the main application site but will abut the proposed new access route from Coryton railway station. The site is also adjacent to the Whitchurch recreational fields. It is a private residential estate that consists of detached properties (two storey) and a terrace of town houses (three storey). It is accessed from Park Road.

The Hollybush Estate is a residential development located to the north-east of the application site. On the eastern side of the railway cutting

The residential estate includes four ten-storey tower blocks that are prominent features on the local townscape and landscape, and four other smaller residential blocks (two-four storeys). One of the smaller blocks includes commercial units. Access to the estate is provided from Pendwyallt Road.

Coryton Primary School is located north of the Hollybush Estate and sited circa 42 metres at its nearest point from the proposed emergency access

road.

Whitworth Square, a more recent residential development is located to the north of Coryton Primary School and to the north east of Coryton House and sited approximately 100m from the application boundary at its closest point

#### Coryton House Historic Park and Gardens

Coryton House (converted into a children's school) is located north of the site and will abut the proposed main access road. The House is a large Edwardian town house. Extensive gardens surrounded the house and include an orchard, walled garden, glasshouse and pond. Most of the formal and informal gardens remain undeveloped from their original layout as commissioned by Cory. The gardens consist mainly of woodland, made of tall, dense trees and smaller areas of grass lawn. The house is Grade II Listed and gardens are Grade II Listed on the register of Landscape Parks and Gardens of Special Historic Interest in Wales.

#### Asda supermarket

An Asda retail store is located to the north of the application site. The store is accessible from Longwood Drive and is served by a large car park (the main access to the proposal will be from this site). A McDonald's outlet is located in the west of the Asda site and is accessible from the same access that serves the superstore. The Village Hotel is located to the east of the Asda site.

#### Former Railway Cutting

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

## 2.6 Other Statutory and Local Ecological Designations adjoining the application site:

#### Glamorgan Canal / Long Wood SSSI

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

#### Glamorgan Canal Local Nature Reserve (LNR)

The LNR is managed by Cardiff Council and includes the SSSI and land

south-west of the SSSI, the former railway cutting north of the site, and the remaining area of open meadowland to the north-west of the site. The LNR was formed in 1967.

#### Coryton Heronry Wood Site of Importance for Nature Conservation

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

### 3. **SITE HISTORY**

#### 3.1 Within the last 5 years:

17/01735/MJR: Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Granted 27/03/2018.

20/01108: Proposed engineering works to Longwood Drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Granted

20/01110/MJR- Temporary construction access route for the construction of the approved Velindre cancer centre, or a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first- Resolved to grant, awaiting WG decision to call in the application;

20/01481/MJR: Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved

20/01515/MJR: Discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey (access and enabling works)) of 17/01735/MJR. Approved

#### 3.2 Current/undetermined applications on adjoining land:

20/00357/MJR: Variation of conditions 1c and 1d of planning permission

### 4. **POLICY FRAMEWORK**

#### 4.1 National Planning Policy

- Planning Policy Wales (10<sup>th</sup> Ed, 2018)

## Planning Policy Wales Technical Advice Notes:

- Technical advice note (TAN) 5: Nature conservation and planning (September 2009);
- Technical advice note (TAN) 10: Tree preservation orders (October 1997);
- Technical advice note (TAN) 11: Noise (October 1997);
- Technical advice note (TAN) 12: Design (March 2016);
- Technical advice note (TAN) 18: Transport (March 2007);
- Technical advice note (TAN) 24: The Historic Environment (May 2017);

Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement

Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and Covid 19 recovery (July 2020)

Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission July 2014

## 4.2 Cardiff Local Development Plan 2006-2026:

### KEY POLICIES

KP5 (Good Quality and Sustainable Design);

KP6 (New Infrastructure);

KP15 (Climate Change);

KP16 (Green Infrastructure);

KP17 (Built Heritage).

### 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).

#### TRANSPORT

T1 (Walking and Cycling);

T5 (Managing Transport Impacts);

T6 (Impact on Transport Networks and Services)

#### COMMUNITY

C3 (Community Safety/Creating Safe Environments);

C6 (Health).

## WASTE

W2 (Provision for Waste Management Facilities in Development).

- Supplementary Planning Guidance:

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).

### 5. **INTERNAL CONSULTEE RESPONSES**

5.1 N/A

### 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 N/A

### 7. **REPRESENTATIONS**

7.1 Interested properties have been notified. 437 representations have been received, a number of which are duplicates. A summary of those representations (excluding repeated submission) are:

7.2 320 letters of support have been received. It is noted that the majority of these in support live outside the Cardiff area but are users/supporters of the Velindre centre. The reasons for supporting the new centre are summarised below:

- The current centre is not fit for purpose and this is recognised within the Nuffield report;
- The centre cannot cope with the expected number of patients
- The use of NHS land for a hospital is supported;
- The site is located in an accessible location for the area it serves;
- There will still be land available for the public to use.

7.3 101 letters of objection have been received. A summary of these objections are outlined below:

- The application does not provide adequate reasoning for requesting the extension, only vague iterations regarding Covid. In reality, the Nuffield Trusts advice requires significant changes to the Cancer Centre plans, and therefore the material conditions applied in 2018 are now unworkable, meaning the applicants are seeking more time to enact these

changes. As such, the passage of time, and the changes required to make the centre workable make this application a material application;

- The community as a third party is disadvantaged by the application and decision, as we will be required to spend more time uncertain of when building works will begin, or even what will be built on the site;
- There has been no community consultation regarding this proposed change. The application was also submitted over the Christmas period and the beginning of a new lockdown. Both events have prevented adequate opportunity for the public to scrutinise the application. Therefore, the consultation period should be extended;

This application does not consider the impact of the 'Building Better Places' nor Planning Policy 10, and as such does not reflect the required standards of the latest legislation.

- Contend the material issues of use, area, scale, location, or magnitude of impacts have changed as a result of the Nuffield Trusts Advice, and plans now require significant material change.
- It is an insidious strategy to propose this, among so many amendments to the original proposal, without any consultation with residents. It is also disingenuous to propose for the planning Committee to make decisions upon them as isolated amendments, when it is clearly inconclusive that the proposed development can actually transform future cancer services and merely provide more of the same, albeit in a different environment

7.4 Ward Councillors have been notified: Councillor Rees objects on the following grounds:

*Since the original proposal the situation has changed*

- The model of the proposed Cancer Centre has been questioned and feedback from an independent review by the Nuffield Trust outlined a number of areas of concern and deficiency
- Pushing ahead with this applications extension is against the advice received by an independent report and medical professionals

*The timeline extension reason is not adequate and appears disingenuous*

- I appreciate that COVID-19 has presented challenges but timeline extension requested to make these substantive changes is above and beyond this

*The effect of the building works related to this site on the community*

- The community have raised a number of objections to the effect that building works, including large vehicles on a main, but narrow, road will have on their quality of life

*Lack of engagement with the community*

- Although the applicants have previously engaged with the community on this application this has not been the case
- The application was also submitted over the Christmas period seriously reducing the communities ability to engage and inform residents of the plans

*Value to the local community*

- This land and that around it is very important to the local community, its history and well-being
- More development in this already busy, built up area with declining green spaces is not good for the resident nor the wider community

I appreciate that this application (and others connected to it) have brought a large amount of comment from residents and those beyond with an interest in the Cancer Centre.

Local people who love and understand this part of the city know its value to our community and care passionately about its future.

It is a terrible shame that VCC will not relook at the other sites suggested and continue to pursue this against the medical advice

7.5 In addition, Councillor Linda Morgan and Councillor Philips, object to this proposal on the following grounds:

Whilst this appears to be a technical matter relating to the applicant's ability to progress the project, principally due to Covid-19, we suggest that there is more that needs to be considered. Not least is that delays have been caused by the extended negotiations between the applicant and ASDA, a requirement to procure a review of the clinical model and that no business case for the project has yet been signed off.

We are already aware of the application to increase the access route time limits to four years which was successful at planning in November.

If this latest request is also granted it would mean that, the Planning Authority is potentially inviting a series of knock-on time extension applications; delayed reserve matters, will lead to delays to the construction, which would probably lead to a further request to extend the access road construction time period.

The authority would probably ordinarily be inclined to grant at that time, except that we know the issue of environmental protection is paramount. The decision meeting in November discussed the wildlife corridor and also dormice. If the access construction begins as planned, cutting the wildlife corridor as is approved planned, and then the project is delayed via this current application allowing time extension, it is inevitable that the wildlife corridor will be broken for longer than it should. This would be unacceptable.

Due to this we urge you to refuse this permission and direct the applicant to

get all its applications in line, at such time as they are in a position to progress and where all elements of the project are fully informed for planning to make robustly informed decisions across the whole project

7.6 Anna McMorrin, MP Cardiff North, no comments received;

7.7 Julie Morgan, MS Cardiff North, no comments received;

7.8 Neil McEvoy, MS South Wales Central- no comments received

## 8. **ANALYSIS**

8.1 The Material Planning factors for the committee to consider are:

### 8.2 **Can the application be considered a non-material amendment?**

Welsh Government have issued guidance: 'Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission July 2014'. Paragraph 24 of this guidance states:

*"There is no statutory definition of a 'non-material amendment'. This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be nonmaterial in one context may be material in another"*

Paragraph 26 of the above guidance also provides the following advice:

*"In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests".* These suggested tests are listed and considered below:

***(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?***

It is noted that the objectors have stated that given The Nuffield Trust Report the resultant scheme will be significantly different to that considered under the previous application. In response to this concern the outline permission provided maximum and minimum footprints and heights of the various buildings. Furthermore, the description of development was:

*" proposed velindre cancer centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from coryton interchange), emergency access (via hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and maggie's centre "*

The applicant in their supporting submission for this application do not indicate that the minimum requirements will not be met nor that the description of development would differ from the above. It is considered that this point is met

***(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?***

The approved hybrid application considered various material considerations, including visual and local amenity, resulting in appropriate conditions applied to that permission. This application does not seek to alter any of those conditions but merely alter the submission date for the submission of reserved matters. As all the subsequent conditions remain, it is considered that there will be no detrimental impact either visually or on local amenity arising from this application. It is considered that this point is met.

***(b) would the interests of any third party or body be disadvantaged in planning terms?***

It is noted that concern has been raised by objectors that they will be disadvantaged by the continual delay to this project and the time period to make representation. Whilst the period for submission of reserved matters will be extended, the time period for commencement of development remains as existing and once the reserved matters are submitted, interested parties will be given 21 days to comment upon the submission, as would be the case if the reserved matters were to be submitted within the currently approved timetable, therefore, it is considered that interested parties will not be disadvantaged and as such this point is met

or,

***(c) would the proposed change conflict with national or development plan policies?***

Objectors have raised this as a concern and raised particular policies that allowing this permission would conflict with, such as WG Building Better places post covid. However, there are two key points to consider, these being:

- a) the outline permission, does not expire until 27/3/2023 and this permission does not alter the back stop date, and
- b) the reserved matters will need to accord with pre-existing conditions.

Given the above, allowing this application would not conflict with policy.

**8.3 *Can a non-material amendment be made to conditions using this procedure?***

*The Welsh Government* guidance states, paragraph 2.24:

*“Section 96A of the TCPA 1990 enables new conditions to be imposed or existing conditions to be removed or altered providing the resultant effect is a non-material change.”*

The proposed change of condition 1 does not alter any considerations already assessed or prejudice any considerations that the reserved matters will need to address when the application is submitted. Crucially, the life of the existing outline permission will not be altered by this application and therefore the consideration already made remains valid.

#### **8.4 Who can make an application?**

Paragraph 2.9 of the WG guidance advises that an application can only be made by a person who owns or has a legal interest in the land to which the non-material amendment relates, or someone else acting on their behalf. These are:

- A freeholder.
- A holder of a lease with over two years remaining (whether as a head lessee, sub-lessee or tenant of an agricultural holding).
- A mortgagee.
- Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land)

The land is currently owned by the Cardiff and Vale University Health Board, who have given permission to Velindre to apply on their behalf. Velindre are in the process of acquiring the land. It is considered that this application meets the requirements outlined above.

#### **8.5 Others matters not addressed above**

8.5.1 Concern has been raised that **insufficient time has been allowed for the interested parties to consider this application.** The Welsh Government Guidance states:

*“Where the local planning authority considers consultation is required, it is expected that the local planning authority will target specific third parties who may be affected by the amendment or may assist in determining if it is material. In consideration of who to consult on an amendment, the local planning authority may wish to consider those who were consulted on the original application. Notification of the application, via a site notice for example, is unlikely to be necessary.*

*If the local planning authority considers it necessary to seek the views of an interested party, anyone notified must be told that they have 14 days to make representations from the date of notification, after which their representations may not be taken into account.”*

The application has been publicised for 21 days which is above the minimum requirement.

**8.5.2 The submitting of this application during the latest lockdown is unfair on the community to engage with the process.**

The timing of the submission is a matter for the applicant. The Council has a duty to consider the application and determine within the prescribed timeframe (the guidance, paragraph 2.33, suggest that such applications should be determined within 28 days).

**8.5.3 The application does not consider the impact from surface water flooding.**

The existing conditions require all drainage details to be submitted and approved with the Local Planning Authority, including at construction stage. These conditions still apply. In addition, the proposal will now also be required to gain technical approval from the Council's SAB (Sustainable Drainage Approval Body) for the proposed method of dealing with surface water from the development as well as its future management.

8.5.4 There is a S106 legal agreement attached to the current approval, this non-material amendment does not effect that agreement as the LPA will not be issuing a new consent to application 17/01735MJR through this process.

8.5.5 Whilst the Nuffield report has considered the proposed cancer model and makes various recommendations, these are not material planning considerations i.e. the Local Planning Authority could not refuse planning permission based upon that report. The applicant, in this submission, has not suggested any new material information that would result in the authority arriving at a different view.

8.5.6 The proposal will deny local residents access to the 'meadow' which has helped their wellbeing and mental health. This matter was considered during the determination of the extant permission, 17/01735/MJR, the granting of this non-material application does not alter the previous assessment.

8.5.7 There is no legal requirement on the applicant to submit reasons why they are submitting the application but their reasoning is noted as are the objectors' responses.

8.5.8 The concerns from Councillor Philips and Morgan are noted and the potential knock on effect of the granting of this permission. However, the temporary construction traffic (reference 20/01110/MJR) has not been determined, as the Local Planning Authority are still awaiting correspondence from Welsh Government. In addition, each application is to be judged on its own merits and given that there is no indication that an extension of time will be submitted such assumptions are premature. If such applications were to be submitted they will be considered at the appropriate time and assessed in the appropriate manner.

**9. CONCLUSION**

Whilst the application has raised significant comments from interested parties, the matter for consideration, to extend the period for the submission of the reserved matters by an additional 18 months, can be considered a non-material amendment to the approved application reference 17/01735/MJR for the reasons outlined above.

## 10. **RECOMMENDATION**

That the non-material amended to amend Condition 1 of application reference 17/01735MJR is recommended for approval.

## 11. **LEGAL CONSIDERATIONS**

### ***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 under approval 17/01735/MJR and the approval of this application does not alter the previous evaluation. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### ***Equality Act 2010***

The Equality Act 2010 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. Having due regard to advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application.

It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh Language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the assessment of this application. It is considered that there would be no material effect upon the use of the Welsh Language in Cardiff as a result of the proposed decision.

### ***Wellbeing of Future Generations (Wales) Act 2015***

In reaching this recommendation officers have taken into account the requirements of Sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. Officers consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act. In this respect, it should be noted that the proposal retains accessible open space for the public, and the facility would create a 21st century cancer care treatment centre serving South East Wales.

### **Biodiversity and Resilience of Ecosystems Duty**

This recommendation does not alter the assessment made under planning approval 17/01735/MJR and therefore it is considered to discharge the Authority of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our 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 this duty we will have to take account of the resilience of ecosystems, in particular the diversity between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.

### **Environmental Impact Assessment) (Wales) Regulations 2016**

As required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 this report and recommendation has taken the environmental information and its amendments into consideration that was submitted under planning approval reference 17/01735/MJR and does not alter the previous assessment.

### **Flood and Water Management Act 2010**

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on Risk Management Authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the assessment of this application.

