

**YSTAFELL YR AELODAU
MEMBERS ROOM
Fy Nghyg / My Ref: MJP/WTC**

Dyddiad / Date: 5th May 2020



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Justin Jones
Principal Planner
Planning, Transport and Environment
Cardiff Council
Room 212
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CARDIFF CF10 4UW

Dear Mr Jones,

**Re: Renewal of planning permission on land at Whitchurch Hospital
(20/00357/MJR)**

We respectfully request that you examine whether the renewal of permission should be summarily granted as per the application made on 13th February 2020. The renewal application cover letter states:

On behalf of the Cardiff & Vale University Health Board ("the applicant"), WYG write to formally submit a planning application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1C and 1D of the planning permission 16/01530/MJR granted 8th September 2017. The application aims to:

- *extend the period for the application for approval of reserved matters by a further three years; and*
- *extend the period for the commencement of the development by a further five years, or by a further two years from the date of the last of the reserved matters to be approved, whichever is the later.*

These permissions refer to the 'mixed use development of hospital, residential, leisure, employment, community and retail facilities with playing fields' and are separate to subsequent applications on part of the site for the Velindre Cancer Centre development.

The covering letter refers to Section 73 of the Town and Country Planning Act 1990, in order to seek to vary conditions 1C and 1D, of the planning permission 16/01530/MJR granted 8th September 2017, but of course relates to an extension of the time limits imposed. These conditions were set at the outset of this application's journey some 20 years ago.

In this letter we will explain our objection due to the huge change in planning and environmental policy since the 1999 decision, and how the changes are such the case that policy has overtaken the decision and therefore any extension should be rejected.

Original appeal decision

Whilst we cannot question the original decision to uphold the appeal, we must recognise that much of the compensations presented in support of the decision will not actually be realised should the site be developed as we now know it is intended.

References to amenity (5.22), conservation merit (5.28) and nature compensation (5.29) either have a very different level of consideration today, either by people's attitudes or via numerous progressions of articles such as Planning Policy Wales, Local Development Plans, and the Well-being of Future Generations (Wales) Act 2015, and not least the climate emergency that has been declared by Cardiff Council and the Welsh Government.

This application must be considered in line with today's requirements and values, as the Welsh Government Development Manual states '*...as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.*'

Planning Policy Wales

Planning Policy Wales (PPW) sets out a far more progressive, sustainable and environmentally aware framework for assessing planning applications, than was applied at the time of the appeal decision in November 1999.

We respectfully request that officers rigorously, as we know and would expect would happen, review the application against the latest planning policies. And although we expect a considerable technical response, we would like to raise the following broad points.

The authority is required to produce a Local Development Plan (LDP). From PPW, '*Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making.*' This site is not included in the adopted LDP and is not an identified strategic housing development site. This site, and this application does not address the needs of the City as set out in the LDP. Furthermore, it says '*Planning applications **must** be determined in accordance with the adopted plan...*'

Separately PPW says, '*Where **must** is used in the document it reflects a legislative requirement or indicates where action is needed now to make changes in practice over the long term to achieve strategic outcomes.*'

Sustainable Management of Natural Resources and Green Infrastructure

3.30 to 3.33 refer to The Environment (Wales) Act 2016 and specifically considers how planning decisions must positively impact on bio-diversity, halting loss, enhancing green space, moving towards decarbonisation and so on.

At 6.2.1 it says '*Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.*'

The appeal decision stated the site has limited amenity as it was a private site with only one footpath across it. In fact, for many years, before the original application and now, it has been, and continues today, to be a natural space forming part of the network this section seeks to protect.

The current pandemic restrictions leading to increased need for green space and use of natural environments, have only served to highlight how essential it is for us to maintain

and improve this network of green space for Cardiff's residents. 6.2.2. refers to The Environment (Wales) Act 2016 sets the context by which authorities must make its decisions: *Under section 6 of the Environment (Wales) Act 2016 public authorities that exercise their functions in relation to Wales have a duty to maintain and enhance biodiversity and promote the resilience of ecosystems. Whilst our protected sites and species are important the s6 duty is about taking steps to protect nature in our towns, cities, public places and wider landscape, both through practical action on the ground, and in the way all public functions are carried out.*

To help achieve this, and to comply with the duty, public authorities should embed the consideration of biodiversity and ecosystems into their day to day activities, policies, plans, programmes and projects. It is about changing the way we think about acting for biodiversity.

That private spaces (6.2.1.) fall under PPW and the authority has a duty (6.2.2. and The Environment (Wales) Act 2016), surely requires the authority to consider this application differently now, to the appeal in 1999.

This is a natural resource that more than merits protection under Section 6, to secure and enhance our green infrastructure and address the spirit and aspirations of the Well-being of Future Generations Act, which is threaded throughout Planning Policy Wales.

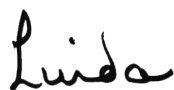
In summary we feel this application should be rejected. If it is not, we are giving no credit to the positive and progressive changes made to planning policy in the last two decades, and certainly it renders meaningless any declaration of a climate emergency.

Please note Councillor Mike Jones-Pritchard is not a signatory to this letter, as he is a member of the planning committee.

Yours faithfully,



Cllr Mia Rees



Cllr Linda Morgan



Cllr Mike Phillips

Councillors for Whitchurch and Tongwynlais

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