

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON 29 MARCH, 2018**

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# MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 29 March 2018

<b>Application No.:</b> 2017/00395/FUL	<b>Case Officer:</b> Mr. Robert Lankshear
<b>Location:</b> Brooklands Retail Park, Culverhouse Cross	
<b>Proposal:</b> Proposed new Starbucks drive-through unit	

**From:** Ross Bowen, RPS agent

## Summary of Comments:

Raising concerns with regard to how the application has been determined including:

- Use of parking standards as maximum standards
- Reject assertion that the parking surveys are not adequately representative or robust
- Reject assertion that the proposals would result in highway safety issues and indicate that the circulation space within the car park would afford additional capacity
- Argue that the economic benefits arising from the development should be given significant weight by members in determination of the application

In conclusion therefore they argue that the reason for refusal is flawed arguing that adequate car parking will be maintained within the site and that there is no basis for concerns with regards to highway safety.

## Officer Response:

The report acknowledges the standards are maximum parking standards but nevertheless provide a guide for the expected level of car parking that would be required to serve units of this size in this particular location. Furthermore the LPA has exercised a significant degree of pragmatism in the use of these standards by acknowledging the possibility of linked trips. The 227 spaces to which the applicant refers is the maximum figure subjected to a 40% reduction and therefore the LPA has not stringently adopted maximum standards but used this as a guide to demonstrate, that along with other assertions made by the applicant, that the level of anticipated parking has not been adequately considered.

Within their letter the agent, indicates that users behaviour should be considered for instances where the car park is full and that people would not simply sit and wait if the car park is full. However, it must be noted that the car park is not fully visible from the adjacent road due to landscaping and a levels difference with the car park sat at a higher level. As such visitors would have to access the site to ascertain whether car parking spaces are available.

Applicant's suggestion that people will choose to visit a different retailer is not sound noting that the retail offer (including the proposed Starbucks) would not be exactly replicated on other sites and noting the position of the site, it is highly likely that people would have chosen specifically to drive to this park because of the particular shops on offer.



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Mr Robert Lankshear  
Dock Office  
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By Email

Dear Robert,

**Planning Application 2017/00395/FUL**  
**Proposed Starbucks drive-through unit, Brooklands Retail Park, Culverhouse Cross**

On behalf of our client, we write in respect of the above application which is being reported to the Planning Committee on Thursday 29<sup>th</sup> March 2018.

We are pleased to note that the officer confirms that the principle of the development is acceptable, as is the design and appearance of the unit, the tree/landscape impact, and the neighbour / environment impacts. We also note that there have been no objections from local residents or the general public.

However, the report takes issue with the 'traffic and parking provision' considerations which has led to the recommendation of refusal for a single reason:

*"The proposed drive-thru A3 unit would result in a significant reduction in the level of parking available to serve the existing retail park which would result in traffic congestion for vehicles entering, manoeuvring and exiting the site, resulting in highway safety implications within the retail park and on the highway network in the vicinity of the site close to the strategic junction Culverhouse Cross. The proposal is therefore contrary to the provisions of Policy MD2 'Design of New Developments' and the guidance contained within Planning Policy Wales (edition 9 2016)'.*

Whilst we will intend to address the Planning Committee at the meeting itself, we consider that it is helpful for us to explain in advance why we consider the recommendation to be incorrect.

**The Council's Parking Standards**

Much is referred to in the report about a 'deficiency' in car parking arising from the proposed development when assessed against the Council's Parking Standards. It is of course important to note that maximum parking standards, should not be treated as targets – yet they repeatedly appear to be in the Officer's report, contrary to National Planning Guidance and sustainability objectives.

TAN 18 (1997) advises against 'turning minimum standards into maximum' and that maximum standards 'should allow developers the discretion to reduce parking levels'. Planning Policy Wales (Edition 9, 2016) states that "local authorities should ensure that new developments

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*provide lower levels of parking than have generally been accepted in the past. Minimum standards are no longer appropriate”.*

Notwithstanding, the report confirms the **maximum** number of parking spaces that would be permitted is 243 spaces. The application scheme provides 227 spaces, only 16 spaces (7%) short of the maximum. This is clearly not 'deficient' or grounds to refuse the application.

### **The Parking Surveys**

The retail park includes six units, including Burger King as detailed in the Officer's Report. All of the spaces within the retail park are therefore appropriate to consider in the calculation of spaces.

The inference that parking surveys cannot be carried out or relied upon in circumstances where there are vacant units is simply incorrect, illogical, and would be commercially unviable by effectively blocking the consideration of any development proposals. This clearly cannot be correct.

The submitted assessments include for the full occupation of the vacant Unit 1, based on a survey of its previous occupation, and therefore reflects the accessibility of the site, the likely mode choice, and the patterns of travel of people utilising Brooklands Retail Park. The forecast demonstrates a maximum parking demand, which would be short-lived, of 179 vehicles, which would result in 79% of the 226 spaces being occupied.

Unit 1 is to be occupied in coming months by B&M Bargains, a discount retailer with ancillary food offer. The assumptions applied in respect of Unit 1 are considered to be appropriate and robust in respect of the impending occupation by B&M Bargains. and the occupation of Unit 1 by B&M Bargains will not materially change the forecast level of parking demand across the retail park.

We therefore entirely reject the suggestion that the surveys are not sufficiently representative and adequately robust

### **Highway Safety**

The suggestion of the proposal will have a detrimental impact on the adjacent highway network has never been raised during extensive discussions with the highway authority. It is particularly disappointing and frustrating that the first time they appear is in a Committee Report. The suggestion of any impact on highway safety is refuted.

The layout of the car park also allows it to hold more than the 226 vehicles forecast at any one time. There is in excess of 500 metres of aisle space, a proposed drive through lane which can hold 12 vehicles, and an existing drive through lane serving Burger King. This additional space allows the car park to comfortably accommodate up to 290 vehicles without any blocking back onto the highway. This is 111 vehicles more than the forecast demand. This level of demand is unfeasible, and blocking back onto the highway would not occur. People will be aware when the retail park is at its busiest, and time their visit accordingly.

We also must consider user behaviour, an issue which is ignored in the Officer's Report i.e. what people would do should the car park be full – with over 100 vehicles waiting to park. People would not simply sit and wait. The level of retail choice in this area would allow people to choose to visit a different retail offer to complete their shopping.

The applicant is also willing to accept a condition provide enhanced signage to help direct customers to the available parking areas.



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From the above it is clear that the suggestion of highway safety implications simply does not stand up to scrutiny.

**Economic Benefits**

The proposal represents a significant investment in the Vale by a leading multinational operator. The capital investment alone is in the region of £750,000 - £1,000,000 and will lead to a number of construction jobs in the short term, but more significantly a significant number of good quality jobs with training opportunities and management positions.

The economic benefits arising from this investment are a material consideration in the determination of the application, and Members are quite entitled to afford weight to such considerations as they see fit.

**Conclusion**

The proposed reason for refusal is flawed.

Firstly, it is rejected that the reduction in car parking will result in traffic congestion within the site. The proposed levels will be ample to meet the demand arising from the proposal with allowance for the full occupation of the Retail Park. The application of parking standards as a minimum rather than a maximum is incorrect and contrary to national planning guidance and sustainability objectives.

Secondly, as explained above, there is no basis or evidence to back the assertion that this proposal will result in highway safety implications given the ample internal car park capacity/circulation space and when making allowance for user behavioural adjustment to 'real-world' conditions.

You are of course, fully entitled to reach a different view to that of your Officers, and we hope that the substantial economic benefits and job opportunities arising from the scheme will enable you, in applying the planning balance, to support the application.

Please do not hesitate to contact me should you wish to discuss the points raised above.

Thank you for your attention to this matter.

Yours sincerely,  
For RPS



**Ross Bowen**  
BSc(Hons) DipTP MRTPI  
Planning Director

cc. Mr Robert Lankshear, Case Officer

**MATTERS ARISING FOR COMMITTEE**

**COMMITTEE DATE: 29 March 2018**

<b>Application No.:</b> 2017/01263/FUL	<b>Case Officer:</b> Mr. Ceiri Rowlands
<b>Location:</b> Land off Gileston Road, St. Athan	
<b>Proposal:</b> Affordable residential development and associated works for 18 dwellings	

**From:** Keith Stockdale, 14 Robert Street, Barry, CF63 3NX  
o.b.o. Friends of the Earth Barry & Vale

**Summary of Comments: Objection to planning application 2017/01263/FUL**

The grounds of objection relate to, in summary:

- The land is good agricultural land (Grade 3a)
- It is proposed to allow an affordable housing development without requiring it be restricted to local occupancy.
- The Officer’s Report states without evidence that the site does has close and reasonable access to St Athan. It does not, either by bus or active travel means.
- The Report fails to properly consider the Council’s duty under Habitats legislation in regard to Dormouse as a European Protected Species and misuses the Protected Species Tests. Specifically, in regard to Test i) the word ‘clear’ is not equivalent to imperative and overriding, and Test ii) ‘equally suitable’ does not exclude satisfactory alternatives.

**Officer Response:**

- The quality of the agricultural land is identified and assessed within the Officer’s Report, where the matter has been given appropriate weight in forming a recommendation.
- The delivery of the development and retention as affordable housing would be secured through a s106 agreement prior to determination. Furthermore, local lettings policies ensure that the new affordable homes are allocated to applicants with a genuine local connection.
- The proximity and relationship to St Athan are addressed within the Officer’s Report and the proposed development is policy compliant in this regard.
- The Officer’s Report has regard to Habitats legislation and the Protected Species tests are considered within the Officer’s report. The word ‘clear’ and ‘imperative and overriding’ are not mutually exclusive and Test i) is considered to be met for the reasons outlined in the Report. It is recognised that other land is also allocated for housing development in St Athan, however, in order to meet the affordable housing need identified within the Report, additional windfall development sites, such as this

proposal, are also required. In this regard, satisfactory alternatives have been considered and Test ii) met.

**Action required:** No further action



Late Reps to Planning Committee 29 March 2018

**Planning appln. 2017/01263/FUL Friends of the Earth Barry&Vale objection**

Keith Stockdale, 14 Robert Street, Barry CF63 3NX <greenkeith@virginmedia.com> March'18

Housing development in the countryside on good agricultural land grade 3a in Gileston, well separated from the settlement of St Athan. The officers propose to allow it under the exceptions policy for 'affordable housing' (100m outside the settlement boundary and across the railway line) but not require it to be for local need.

The Report asserts without evidence that the site has "close and reasonable access to the community services and facilities of St Athan". It does not, whether by bus or active travel means. The Report fails to consider the issue under the LDP standards and definitions.

The Report fails to properly consider the Council's duty under the Habitats legislation in regard to Dormouse as European Protected Species.

# The Report misuses the Protected Species tests (Planning Policy Wales PPW 5.5.12) in respect to dormouse habitat in the hedgerows.

Test i) - *The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.* As detailed previously there is an established and demonstrable requirement for the provision of affordable housing units within the St. Athan Area. The application would provide 18 affordable units which would provide a social benefit to the local populous on what is acceptable, in principle, for the proposed development. The provision of affordable housing units at this site is therefore considered to have a clear social benefit and a degree of economic benefit for local business.

Test ii) - *There is no satisfactory alternative* . It is considered that there is not an equally suitable site within the vicinity of St. Athan that could readily accommodate development of this type and meet the identified need outlined above, the refusal of permission would result in development pressure on other, potentially less suitable, sites.

#### **The reasoning is faulty**

On (i) clear social benefit - the word "clear" is not equivalent to *imperative* and *overriding*

On (ii) not equally suitable does not exclude *satisfactory* alternatives No evidence given on other sites in vicinity of St Athan that could be *suitable* and comply with provisions in the LDP, with or without resort to the exception policy. There are several housing sites accepts in the LDP to be "satisfactory", which appear to be more suitable on various criteria (access to facilities, protecting agricultural land etc.). No evidence is given on this; the officers should be challenged on their "*It is considered....*"

Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive; this amounts to disregard of the actual words in the legislation.

The proposed Section 106 Legal Agreement • *To secure the development as affordable housing in perpetuity* does not secure use for “local people”, particularly people local to Gileston and St Athan. Social housing providers offer such homes to people from far beyond the local area; even beyond the VoG in respect of asylum-seekers, ex-offenders and special needs. The LDP has made more than sufficient provision for housing sites for non-local people. Without a requirement to meet the “local people” criterion of the exceptions policy, this is unacceptable development in the countryside.