

**Item No 02:-**

**14/04879/REM (CD.4545/Y)**

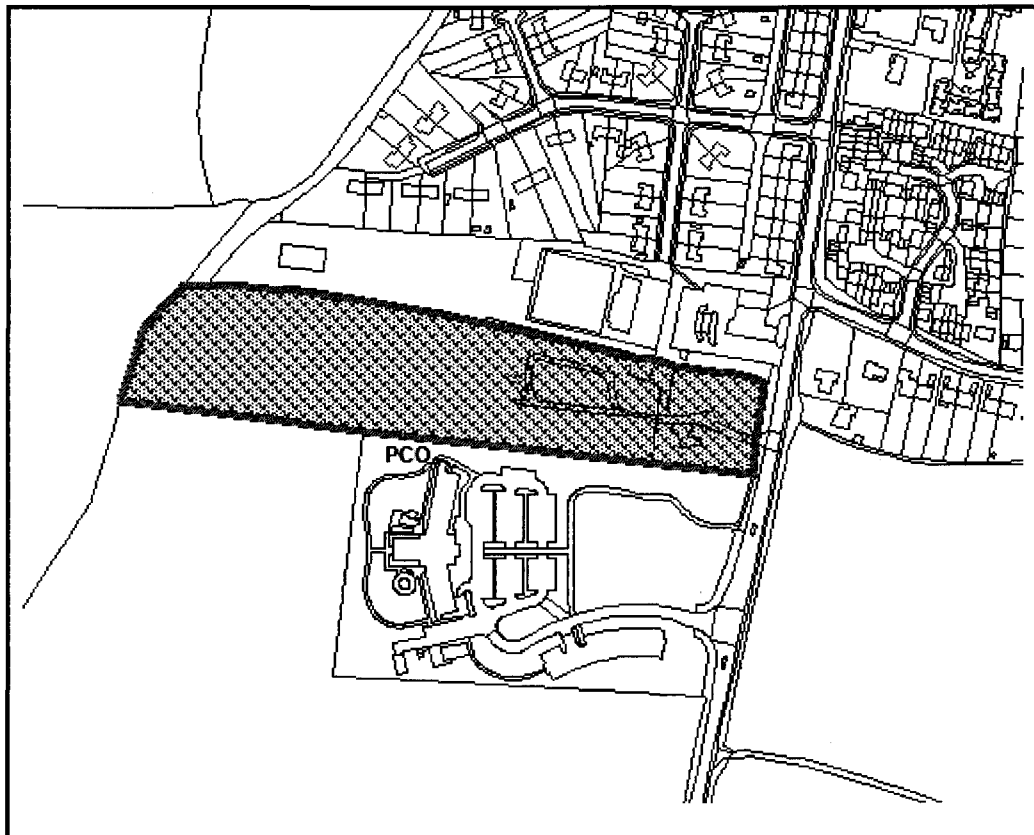
**Fosseway Farm  
Stow Road  
Moreton-In-Marsh  
Gloucestershire  
GL56 0DS**

## Item No 02:-

**Demolition of existing buildings and erection of food store with associated parking, landscaping and ancillary works (Reserved Matters details relating to Access, Appearance, Landscaping, Layout and Scale and Compliance with Conditions 16 (Landscape and Ecological Management Plan) and 18 (surface water drainage scheme) of development granted under permission 13/01971/OUT) at Fossey Farm Stow Road Moreton-In-Marsh**

<b>Approval of Reserved Matters 14/04879/REM (CD.4545/Y)</b>	
Applicant:	Mr Adam Simpkin
Agent:	Alder King Planning Consultants
Case Officer:	Martin Perks
Ward Member(s):	Councillor Alison Coggins
Committee Date:	10th June 2015

## Site Plan



© Crown copyright and database rights 2011 Ordnance Survey, SLA No. 0100018800

**RECOMMENDATION: PERMIT**

**Main Issues:**

- (a) Design and Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty
- (b) Access and Highway Safety
- (c) Flooding and Drainage
- (d) Noise and Disturbance

**Reasons for Referral:**

This application has been referred to Planning Committee at the request of Cllr Dutton and former Cllr Hooper due to the history of the site and concerns over the proposed access arrangements. The request was made prior to the recent elections.

**1. Site Description:**

The application site is located on the southern edge of Moreton-in-Marsh and extends to approximately 2.3 hectares (5.7 acres) in size. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is linear in form and extends in a roughly east west direction. The site measures approximately 70m in a north south direction by approximately 345m east to west.

The eastern part of the application site is currently occupied by a post war detached dwelling which provides Bed and Breakfast accommodation. Land to the west of the dwelling is used as a touring caravan site. The eastern boundary of the site abuts the A429. The northern boundary adjoins a petrol filling station, bowls club and public amenity space. The western boundary lies alongside an agricultural field. The southern boundary lies adjacent to the recently constructed North Cotswolds Hospital.

The application site lies outside the Development Boundary for Moreton-in-Marsh as designated in the Cotswold District Local Plan 2001-2011. The aforementioned Development Boundary lies between 40-60m to the north of the application site. The north eastern part of the application site lies approximately 15-20m to the west of the Development Boundary.

A Public Right of Way extends in a north south direction along the western edge of the application site.

**2. Relevant Planning History:**

12/00527/FUL Development of a continuing care retirement community comprising the erection of a two-storey 48 bed residential care home and 49 assisted living dwellings (Use Class C2) with associated car parking, landscaping, sustainable drainage scheme and ancillary works - Refused July 2012

13/01573/FUL Development of a continuing care retirement community comprising the demolition of existing buildings and erection of a 48 bed care home and 58 assisted living units (use class C2) with associated car parking, landscaping and ancillary works - Refused September 2013

13/01971/OUT Demolition of existing buildings and erection of food store with associated parking, landscaping and ancillary works Granted December 2013

**3. Planning Policies:**

LPR45 Landscaping in New Development  
 NPPF National Planning Policy Framework  
 LPR09 Biodiversity, Geology and Geomorphology  
 LPR10 Trees, Woodlands and Hedgerows  
 LPR19 Development outside Development Boundaries

LPR25 Vitality & Viability of Settlements  
 LPR38 Accessibility to & within New Development  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code

#### 4. Observations of Consultees:

Gloucestershire County Council Highways: No objection - see attached response

Environment Agency: No objection

Environmental Health: There is a noise assessment attached to the original outline planning file. From the calculations carried out in this survey, it is unlikely that disturbance would be caused by the delivery vehicles, but it makes no mention of the need to reverse in the yard ( and the subsequent noise from the reversing alarms). As discussed, given the sensitive receptor of the Hospital, I would ask that the yard be constructed so that delivery vehicles can turn with minimal reversing. Other than this, I am happy with the existing conditions regarding delivery times and the need for further noise assessments and mitigation.

Drainage Engineer: No objection

#### 5. View of Town/Parish Council: Object

The Town Council's comments over the course of the application are:

9th December 2014

- Design
- Highway access and parking
- Other
- Privacy light and noise

Comment: The Town Council's planning committee strongly objects on a number of measures:-

1) The applicant has provided an application which is heavily weighted and bears material consideration to Waitrose. As per dialogue with CDC in recent weeks, it has been confirmed that Waitrose are not the secured operator at this time and therefore the application is both misleading and inaccurate. Upon review of the feedback from CDC that the application should not be determined on the operator and the branding/signage will be covered under a Separate Advertisement Consent, we do not agree that the operator is not relevant to the determination.

With the applicant putting a large emphasis and material consideration to the operator in the application, we do not agree that the differences are purely in branding and therefore object on the basis that another operator would propose designs specific to their construction guidelines.

2) The application is significantly different to the outline planning permission. We believe the differences are so great that Reserved Matters cannot be granted in any form.

3) The change in layout results in the development extends beyond the established building line to the west of the town. This is a key point and on this point alone, this application must be refused. When outline planning was granted, the concurrent proposal for a care home (13/01573/FUL) was refused by CDC officers with one of the key considerations highlighting that the development proposed far more building across the site, including on the western part of site. This material change versus the outline planning permission causes us a great concern as the positioning further to the west encroaches into the open countryside and is therefore more harmful and damaging to the local environment and AONB.

4) There are continued concerns over the entranceway and traffic. As per recent correspondence from Bancroft Consulting that MTC were cc'd on, there is a potential for visibility splays to be blocked and there is a lack of assessment regarding increased dwell time. We still consider (as we did with the original outline plan and the application for the care home) that the entrance is dangerous and would lead to further congestion on a stretch of the Fosseway which is already under great strain at peak times throughout the week.

Couple with the concerns over the main entranceway, the Reserved Matters application is a larger development which now has the goods delivery access running to the South of the site. This runs directly adjacent to the North Wing of the North Cotswolds Hospital, where patients will be convalescing. Deliveries will often take place during evening hours and we do not think the change in plans under Reserved Matters should be approved with such a significant change of traffic flow.

5) The entrance to the supermarket now occupies the entire width/frontage of the site. This was not the case with the original outline plan and is therefore a significant change. There is no soft landscaping proposed in the car park and the whole application has a very different feel. This revised plans, are more intrusive, of industrial nature and not in keeping with the surrounding area.

6) Overall, the outline planning application indicated a more subtle scheme blending in with the sensitive area of the AONB.

In summary, the reserved matters application is both misleading with such a large material consideration on Waitrose, is considerably different from the outline planning permission that was granted and doesn't comply with some parameters that were set out and is has far more of an impact on the local environment and the AONB. We urge CDC to reject this application.'

#### 11th February 2015:

'This revised application for reserved matters remains significantly different from the original outline planning application. We stand our belief that a new full application should be submitted.

Whilst it is acknowledged there has been some attempt to address details i.e. drainage and biodiversity, access to and from the site and a relocated loading bay, the thrust of our objection remains the same in so far as we do not believe the main issues have been addressed.

Part of the food store and all of the service area extend west of the hospital beyond the towns development boundary line encroaching into the ANOB and the open countryside, this is unacceptable and was given significant consideration by the officer when establishing the proposed feasibility in relation to the positioning of the supermarket on the plot.

Traffic issues are still a major consideration, since the application was granted the Drs Surgery is now fully operational taking increased traffic to and from the busy hospital entrance. Residents of Fosseway Avenue, a development of 300 houses, have already experienced further delays at the junction with the A429 throughout the day. There is a considerable concern of the safety of this junction by local residents. The increased traffic generated by people within the town and those of outlying settlements within the proposed supermarket catchment area puts enormous pressure on the existing traffic management system on this part of the Fosseway, which is already a major safety concern.

In total, all the above leads to the need for an updated traffic survey, to test the feasibility of the many entrances that converge on what is fast becoming a traffic pinch point.

The northern end of the hospitals north wing will be subjected to constant noise pollution from lorries as they change gears to take the corner into or out of the service yard. This will be coupled with the noise from loading and unloading. There is also an issue of light pollution from the overall

effect from lighting within the development. The hospital is for convalescing patients who are often elderly and this is unacceptable.

There are still concerns that the entrance is unsafe. Highways should give consideration to safety with regards to lorries stopping and turning to and from the development site from the far carriageway. It appears that the proposed visibility splays remain dangerous.

The Council are concerned with regards to flooding issues of the site and would request that the District Council's engineers are consulted on this application and any recommendations they make are included as a condition if the application is approved'

7th April 2015:

'The Council acknowledges the planting is better and does mitigate some of the impact of the building to the A429. Any entrance at this point is untenable with the present state of traffic and the existing 3 converging junctions of Fosseyway estate, the petrol station and hospital/Dr surgery. Adding a further junction in this area is unworkable.

Objections submitted on 11th February still stand. '

11th May 2015:

'The bus shelter has been moved back from the pedestrian footpath, however the bus stop is directly at the mouth of the entrance to the proposed site which is an inappropriate and potentially dangerous location with site lines being obstructed by buses that pull into the stop.

The shelter is now further from the stop. When one considers the high percentage of elderly and infirmed people that use this particular bus stop they will be inconvenienced, it will lead to longer bus wait times at the bus stop as people mount the bus. This bus stop is quite simply in the wrong location from a common sense perspective.

Increased traffic to and from the development will have a 'knock on' effect at the entrances to the town and the town centre and will contribute to unsustainable congestion to the A429 which has been identified in the 'Gloucester Local Transport Plan Consultation' as a main freight route. This will contribute to compromising local and national business and local and regional tourism with Moreton as the gateway to the Cotswolds from the North, indeed it might well lead to Moreton being bypassed as a tourist destination on which our local economy is based.

The convergence of three exits at this point is untenable. Presently the entrance to The Fosseyway estate and Esso petrol station converge onto the A429 causing congestion not just at peak times. We stand by our belief that the supermarket entrance will cause further congestion and unacceptable wait times.

Congestion will also occur whilst travelling South away from the town centre as vehicles need to cross the nearside lane of a main freight route.

Within the site, on the plans there is an acute bend of over 90 degrees which occurs just after the zebra crossing as one is entering in a vehicle as a customer, could this not be made less acute as it seems most cramped.

In short we would like highways to investigate the feasibility of what is already a traffic pinch point before anymore development is considered.'

**6. Other Representations:**

14 letters of objection, 4 general comments and 6 letters of support received.

The above includes the correspondence received on behalf of Warners Retail (Moreton) Limited. Due to the length of the respective correspondence it has been attached in full to this report.

Main grounds of objection raised (other than those made on behalf of Warners Retail (Moreton) Limited attached) are:

- i) Do not believe that there is a need for this store. Waitrose generally serves more affluent middle classes and believe that large numbers of the town's population will not be able to shop there. Moreton is very largely a working class town that needs an ordinary everyday supermarket;
- ii) Feel that High Street of Moreton has sufficient shops for food shopping as there is already Budgens, Tesco and Co-op. Stow Road is also getting very busy with hospital and surgery;
- iii) Development is wholly unnecessary and a further blight on the AONB. The aspect from the ridge way (Longborough to Bourton on the Hill) will be further degraded;
- iv) Traffic situation is already bad at this point. To allow this will cause traffic mayhem;
- v) No need for any further out of town retail development. High Street trading is fragile enough without facing this unnecessary challenge. Just because precedents of appalling architectural design of the hospital and doctor's surgeries was allowed does not mean those blights should be compounded by this further carbuncle;
- vi) Trying to get of Fosseyway Avenue now is a problem it will be hopeless if this is allowed to go ahead;
- vii) Feel that the building lacks the design quality of the new hospital, Budgens or Tesco at Stow-on-the-Wold. Design is better suited to an industrial estate than the gateway to a historic market town;
- viii) Application for Reserved Matters is way different to the original outline permission;
- ix) Scale of development is much bigger than on the original plan and is in a different location and goes past boundaries that were put in place. Would have a hugely negative impact on the AONB;
- x) Traffic impact- at times in the morning and late afternoon and evening traffic is at a standstill. How is the Fosse and infrastructure of Moreton going to cope? Highway safety concerns. Glos County Council must do a full independent report on how they are going to change the road structure to make sure it keeps moving and keeps everyone safe;
- xi) Moreton-in-Marsh needs assistance from the Council to maintain its identity, not give up on the town and allow large conglomerates to bully their way in and make our town into yet another characterless urban sprawl. There are three supermarkets within the existing High Street. Another supermarket is an unnecessary build which would leave Moreton becoming just a toilet/coffee stop for coaches;
- xii) Increased traffic, delivery trucks, noise and light pollution alongside the hospital and surrounding properties;
- xiii) The A429 at proposed entrance is too narrow with an existing junction 30 yards to the north where there are already access difficulties;
- xiv) Severe congestion that happens on market day will be an everyday occurrence.;
- xv) The build and car parking areas will create further flooding problems;
- xvi) Plans make no mention of access onto Fosseyway Avenue. Existing volume of traffic on A429 is already very heavy, making exiting onto it from Fosseyway Avenue extremely hazardous;
- xvii) Noise and disturbance to the hospital. Loading bay activity can start very early and be noisy with pallets, metal and glass being unloaded and think this would have a very negative impact being next to a geriatric unit where disturbance could cause problems with the patients.

#### General Comments:

- i) Due to increased traffic, use of vehicles going in and out of site, plus vehicles entering and leaving the petrol station, will severely hinder traffic leaving Fosseyway Avenue. If supermarket is approved I would like improvements made to the junction of Fosseyway Avenue and the Fosseyway, either traffic lights or yellow hatching;
- ii) Think design has far exceeded my expectations and is in keeping with that of a town like Moreton. Would have preferred a larger store but the size is probably correct for Moreton. The car park is an excellent design. Waitrose sign on top of the roof is a bit of an eye sore. Recommend that it is lowered in height. Would give design 9 out of 10. Access is best described as adequate and perhaps the best design given the limited frontage. Would be good if applicant could work with garage to have a single access point but I guess this is not possible;

iii) Moreton-in-Marsh Bowls Club wishes to ascertain that sufficient consideration has been given to impact on the bowling green in terms of surface water run off and flood risk. Would be reassuring to see some works to enhance the flow along the stream and under the Stow road. The trees on the development side of the stream already present a management problem through leaf drop and shade. Management plan should take account of impact on northern side of the stream. Also note that a 1.2m high drystone wall will be built on the development side of the stream. How is the tree line to be managed?

Main grounds of support are:

- i) We travel to Stratford for a supermarket. We need choice and now we can have it. With all the new houses this is really needed. We need to think at least 20 years ahead;
- ii) Will provide much needed jobs for all ages. Young people will have a rare opportunity to find employment in the town;
- iii) It will greatly improve entrance into the town and will provide a much needed modern up to date asset and save many journeys to other supermarkets. Proposed design and landscaping will fit in well with existing hospital and improve the existing site in a modern eco friendly area fit for purpose.;
- iv) Will offer much needed resource for the town and surrounding villages;
- v) Much needed and welcome facility. Population of Moreton has increased and will continue to grow, so improved facilities are necessary;
- vi) Moreton would benefit from the provision and competition of a supermarket. Budgens has a monopoly;
- vii) The site is an existing development which in its present state adds little to the area. The development will be discrete and applaud the nature area at the rear of the store.

County Cllr Moor: See attached

## **7. Applicant's Supporting Information:**

Design and Access Statement  
 Tree Quality Survey and Assessment  
 Transport Statement  
 Flood Risk Assessment and Surface Water Drainage Soakaway Assessment  
 Landscape and Ecological Management Plan

## **8. Officer's Assessment:**

### **Site History and Proposed Development**

Planning permission was granted in December 2013 for the erection of a new foodstore and associated development on the site. The permission was in Outline form with all Matters reserved for later detailed approval. This application is therefore seeking approval for the Matters reserved at the Outline stage. These Matters relate to Scale, Appearance, Layout, Access and Landscaping. The principle of introducing a new foodstore on the site has been established by the Outline permission.

In January 2014 Warners Retail (Moreton) Limited lodged a legal challenge over the validity of the Outline decision. The challenge was heard in the High Court in London in July 2014 with a judgment being issued on the 22nd of that month. The Judge dismissed the challenge thereby confirming that the Council's decision was sound. The Judge indicated that leave to appeal should be refused. Notwithstanding this, the Claimant submitted a written leave of appeal request which was subsequently rejected by a second Judge. The Claimant then requested an oral hearing which was granted. They were subsequently granted leave to appeal on a single ground relating to the validity of the Sequential Test undertaken by the Council. The Court of Appeal is expected to hear the appeal in July. The current Outline permission will remain sound unless the Court of Appeal quash the decision.



The proposed store will measure approximately 49m wide by 74m long by 6.45m high. The front of the store will be set back approximately 150m from the A429. The proposed building will have a flat roof. The front elevation will be comprise a mix of glazing and Cotswold stone feature walling. The side and rear elevations will consist of brickwork at lower levels with grey cladding above.

The proposed development will provide 170 car parking spaces. Access will be via the A429. The centre of the proposed access point is located approximately 40m to the south of the existing entrance serving the Esso petrol station to the north. Deliveries will be undertaken via a service yard located to the rear (west) of the proposed building.

The proposed store will have a gross internal floor area of 2655.8 sq metres of which 1742 sq metres will be utilised as retail sales area.

For clarification the proposal is speculative and no retail operator has formally committed themselves to the site at the present time.

### **(a) Design and Impact on character and appearance of Cotswolds Area of Outstanding Natural Beauty**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise the 'intrinsic character and beauty of the countryside and support thriving rural communities within it.'

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.

Cotswold District Local Plan Policy 42 states that 'development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, streetscene, proportion, simplicity, materials and craftsmanship.'

In terms of size, floorspace, height and position the proposed foodstore will fall within the parameters established at the Outline stage. The gross floor area and the retail floorspace will fall within the respective 2,736 sq metres and 1,742 sq metres established by Condition 5 of the Outline permission. The height of the proposed building will be 6.45m. This is below the 8m restriction set by Condition 6. It is also lower than the height of the building shown in the indicative scheme included with the original Outline application. The proposed building will be situated further to the west of the site than that shown at the Outline stage. However, it will still fall within the parameters set by Condition 19 which states that no building shall be set further west than the existing western boundary of the North Cotswolds Hospital. The position of the building shown at the Outline stage was purely illustrative with detailed matters relating to scale, layout and appearance reserved for later approval. Whilst the store now proposed is in a different position to that shown originally it still falls within all the parameters set out in the Outline permission. It is therefore considered that the proposal can reasonably be considered as a Reserved Matters application and does not constitute a materially different proposal that merits the submission of a Full application (as stated by the representatives of Warner's Retail (Moreton) Ltd).

The proposed foodstore will be set back approximately 150m from the A429. The indicative layout submitted at the Outline stage showed a store set back approximately 10m from the highway. The indicative scheme was also located adjacent to the southern boundary of the site and extended for approximately 90m in length along the aforementioned boundary. It was also 2m higher than

the building now proposed. The indicative scheme was therefore more visible from the A429 than the current scheme which is lower in height and set back further from the highway. It is noted that the store now proposed will measure 49m wide as opposed to the 28m shown at the Outline stage. However, the set back position of the building means that the eastern part of the site will be free from buildings and the foodstore less evident for road users using the A429 than that shown at the Outline stage. It is considered that the set back position of the proposed foodstore will create a more recessive development when viewed from the A429. There will also be no discernible change in land levels. The proposed building will be lower in height than the existing North Cotswolds Hospital which ranges from 9.8m to 12m in height. The proposed building does not encroach to the west of the hospital and therefore accords with the Outline permission in this respect. It does not fall within a part of the site where development was ruled out by the Outline permission.

To the east (front) of the proposed store will be located parking for 170 vehicles together with a service road running alongside the southern boundary of the site. To the rear of the proposed building will be located a service yard. The proposed customer car parking will be set back approximately 30m from the A429. Landscaping and flood attenuation measures (balancing pond) will be located at the front of the site adjacent to the main entrance.

The principal public view of the site will be from the A429 as it passes the eastern boundary of the site. The existing conifers that define the southern and eastern boundaries will be removed. The site will therefore appear more open than at present. The applicant is proposing to introduce new tree, shrub and wildflower planting along these boundaries to mitigate the loss of existing trees. New tree planting is also proposed for the new car park and along the site's northern boundary. The western part of the site to the rear of the proposed store will be planted with new trees and wildflower species. Following discussions the applicant has also introduced further tree planting across the car parking area.

Since the approval of the Outline permission in 2013 the doctors' surgery building at the North Cotswolds Hospital has been completed. This has increased the level of development adjacent to the site. New landscaping at the front of the surgery also provides a further degree of screening of the site from the A429 as you drive northwards past the hospital/surgery development. Views of the site for road users heading north along the A429 have been reduced as a result of the surgery development. This reduces the potential visual impact of the proposed development on the entrance into the town and its setting within the AONB.

Road users heading southwards out of the settlement along the A429 will see more of the site following the removal of existing boundary conifers. However, the south bound road users will also see the site in context with the adjacent hospital development. The hospital will provide a backdrop to the development when looking south west across the application site from the A429. The site is located between existing commercial and community development (hospital, bowls club and petrol station) and has the characteristics of an infill site rather than a site that encroaches out into the AONB landscape. The principle of retail development on the site has been established by the Outline permission. The retail use is considered to be of a character that is consistent with adjacent community and commercial development. In this respect the proposal is considered not to have an adverse impact on the character of this part of the AONB.

The removal of the roadside conifers will open up views of the site from the stretch of the A429 immediately to the east of the application. However, the applicant is proposing to introduce oak, field maple and alder in their place alongside shrub vegetation. In the longer term these species are considered to represent more attractive and sympathetic planting than the existing dominant row of conifers which in themselves have a rather urban character. The store and car park will be visible from the road to the east during the initial stages of the development as it will take time for the landscaping to develop. However, it is of note that landscape planting at the adjacent hospital site has successfully screened much of its car park from the A429. This has occurred over a relatively short period of a couple of years. The flat nature of the site means that roadside planting can successfully limit the impact of the car parking area. The set back position and single storey form of the proposed foodstore also means that it will have less visual presence than if it were

located towards the front of the site. The recessed position of the store will also reduce its visual and landscape impact when viewed from the A429 immediately to the east.

In terms of other public views the site is visible from a Public Right of Way that extends in a north south direction along the westernmost boundary of the site. The Right of Way lies approximately 130m to the west of the service yard located to the rear of the proposed foodstore. The applicant is proposing to introduce new tree and wildflower species planting in the existing grassed area. The proposed landscaping will soften the impact of the proposed foodstore when viewed from the Right of Way. At present the rear of the existing hospital is clearly visible from the public footpath. The presence of the hospital contributes to the developed character of the locality. The application site is also currently used as a caravan site and the grassed area is intensively managed which further adds to the semi urban character of the site. The introduction of new landscaping is considered to represent an enhancement of the western most part of the site. In addition, the single storey nature of the proposed building also limits its overall visual and landscape when viewed from the footpath. It is considered that the introduction of the proposed building and its associated service yard will not have an adverse impact on the character or appearance of the AONB when viewed from the Right of Way.

The site is also visible to a limited extent from a Public Right of Way that extends in a north south direction across the field located to the east of the A429. The Right of Way is located approximately 470m to the east of the site. Views west from the Right of Way show the A429 and North Cotswolds Hospital development in the foreground with the higher ground around Bourton-on-the-Hill and Sezincote in the distance. The site is partially visible between the existing hospital development and landscaping forming the southern edge of Fosseway Avenue. The proposed building will be lower than the hospital. The combination of distance and the single storey height of the proposed foodstore means that it will not appear as a particularly obtrusive or prominent feature when viewed from this footpath. The associated car parking will not be readily visible given existing roadside vegetation. In terms of cumulative impact it is considered that the single storey nature of the development means that it will have a very limited visual presence when viewed from the Right of Way. It is considered not to result in a readily discernible increase in the mass or bulk of development lying alongside the A429 when viewed from this vantage point. The proposal is considered not to have an adverse impact on the setting, character or appearance of the AONB when viewed from the footpath.

The site and its surroundings are visible from a number of limited vantage points on higher ground to the west. Views of the southern edge of Moreton-in-Marsh are available from Bourton-on-the-Hill and near Sezincote. The roofscape of the proposed building together with car parking will be evident to a limited degree as part of a wider landscape view encompassing the southern edge of the town and beyond. However, the views available are distant, at around 2.5km, and place the site in context with the existing settlement and adjacent commercial and community development. The proposal will therefore be seen in conjunction with the existing urban environment rather than as an obvious encroachment of development into the wider landscape. The site lies between existing development and represents an infill development rather than an encroachment of the settlement into the open countryside. The site forms a small component of a wider landscape view and as such it is considered that the introduction of the proposal will have a minimal impact on the character or appearance of the AONB when viewed from the west.

It is considered that the proposed development will not have an adverse impact on the character or appearance of the AONB and is in accordance with Paragraphs 17, 109 and 115 of the NPPF and Local Plan Policy 42.

In terms of design the building is contemporary in form. However, it also seeks to reflect traditional Cotswold building forms by utilising natural stone walling in its principal elevation. The building as a whole has a simple functional appearance that reflects the character of existing buildings in the locality. The site lies in an area that is characterised by post war development rather than traditional building forms. A contemporary design approach is therefore considered appropriate in this instance. This is supported by the Cotswold Design Code which advises that 'the introduction of a modern interpretation of the Cotswold style will, in some instances, be

perfectly acceptable, in fact desirable.' The use of grey cladding along its sides and rear will introduce a neutral colour to these elevations thereby helping to reduce its visual presence. The use of natural stone in the principal front elevation will add interest to the main façade and provide a visual and architectural connection with the local area. The use of a flat roof is considered appropriate in this instance as it will allow for the overall mass and visual impact of the development to be reduced. The proposed foodstore will therefore appear as a low rise development that responds successfully to its context and as such accords with Local Plan Policy 42.

### **Major Development within AONB**

Paragraph 116 of the NPPF advises that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. The issue of whether the retail development of the site does constitute major development in the context of Paragraph 116 was dealt with at the Outline stage. It was considered that the proposal was not major development having regard to the size and form of the proposal, the existing characteristics of this particular part of the AONB and the proximity of the site to the existing settlement. The current Reserved Matters proposal falls within the parameters established at the Outline stage. It does not raise any substantive new issues that would give cause for the original opinion to be changed. Having regard to the local characteristics and distinctiveness of this part of the AONB it is still considered that the proposal does not constitute major development in the context of Paragraph 116.

### **(b) Access and Highway Safety**

The Outline permission establishes the principle of a retail foodstore on the site. In considering the Outline application Gloucestershire County Council Highway Officers were satisfied that the local road network could accommodate the level of traffic that would be generated by a foodstore. They advise that foodstores typically generate trips from people already utilising the highway network and as such they were satisfied that the local road network could accommodate the level of traffic that would be generated by the foodstore.

As the principle of development has already been established this current application relates to the technical details relating to those matters reserved for detailed approval. In respect of highway matters this primarily relates to those details relating to means of access and site layout.

The applicant is proposing to create a new entrance onto the A429. The entrance will cater for both customer and service traffic. Once in the site customer vehicles will be directed northwards into a customer car park providing space for 170 vehicles. The number of spaces is above the 150 shown at the Outline stage and is considered to be of a level appropriate for the size of the proposed store. For comparison, the approved Budgen's extension scheme, which would result in a development with 2097 sq metres of gross floor space (1541 sq metres net retail space), to the north of the town centre has provision for 115 parking spaces. A parking accumulation survey submitted by the applicant indicates that sufficient car parking spaces are available to accommodate peak demand (150 parked vehicles at midday on a Saturday) plus an extra 15%.

Delivery vehicles will be directed along a dedicated service/delivery lane that will run along the southern boundary of the site. The service lane will extend to the rear (west) of the store where there will be delivery/unloading yard. Pedestrian access will be via pavements located on either side of the proposed entrance road leading into the site. A central pedestrian walkway will extend through the centre of the site to the front of the proposed store. Cycle parking will be provided at the front of the store. Delivery and customer access roads will separate shortly after vehicles enter the site thereby reducing potential conflict between the two sets of road users.

The proposed access will consist of a priority T junction which will measure 6m in width with a 15m radius. The proposed access and service/delivery roads will be a minimum of 6m in width. Visibility from the proposed entrance will be 2.4m by 70m in both directions. The proposed entrance will lie on a stretch of the A429 which is subject to a 30mph speed limit.

As part of the proposed development an existing bus shelter located on a pavement adjacent to the A429 outside the North Cotswolds Hospital site will be relocated. The shelter will be re-positioned approximately 10m to the north of its current position. It will be placed within the application site and will therefore no longer be sited on the roadside footway. The relocation of the bus shelter will remove it from the visibility splay serving the entrances to the North Cotswolds Hospital to the south and the current application site to the north. GCC Highway Officers have examined the proposal and consider it to be acceptable. The arrangement accords with recommendations in a Road Safety Audit. As well as enabling the provision of suitable visibility at the proposed entrance it will also improve visibility from the existing hospital entrance. The revised position will also ensure that the bus shelter remains within close proximity of the hospital. It will therefore still afford reasonable access to healthcare facilities for public transport users. In addition, the bus stop cage marked on the highway will also be moved northwards so it lies alongside the relocated bus shelter.

With regard to the design of the access the applicant has submitted a swept path analysis showing that a 16.5m HGV can access and egress the site in a safe manner. The access can therefore accommodate the largest vehicles allowed on UK roads. Gloucestershire County Council Highway Officers have looked at the access, layout, parking and servicing arrangements. They have also been forwarded copies of the correspondence submitted on behalf of Warner Retail (Moreton) Ltd and Moreton-in-Marsh Town Council. Having regard to all the information provided to them they consider that the proposed access and layout arrangements are acceptable and that the scheme can be undertaken without having an unacceptable highway impact and in accordance with Local Plan Policies 38 and 39 and guidance contained in Section 4 of the NPPF. A copy of the response from Gloucestershire County Council Highways is attached to this report.

With regard to the comments of Moreton-in-Marsh Town Council and County Cllr Moor it must be noted that Outline planning permission exists for the creation of the foodstore. The principle of such development has therefore already been established. It is not within the remit of this application to re-visit the principle of a foodstore development. The impact of such a development on highway capacity and the functioning of junctions in the town was dealt with at the Outline stage. Notwithstanding this, the applicant has submitted a further updated Traffic Statement which includes assessments that demonstrate that the local highway junctions have capacity in the peak hours to accommodate the traffic impact resulting from the proposed development. It is also of note that foodstore peaks do not necessarily coincide with residential or other employment peaks. GCC Highway Officers have looked at the details, including objections from other parties, and are satisfied that the Reserved Matters details, and in particular the access and layout arrangements, are acceptable.

The Transport Statement referred to by County Cllr Moor relates to a 2009 application for 300 dwellings at the Fire Service College (09/04440/OUT). As part of the aforementioned permission the applicant made a financial contribution to GCC so that a transport strategy for the town could be developed. The resultant Moreton-in-Marsh Transport Strategy (MTS) considered a number of highway related issues in a holistic manner including measures for improving cycling and walking, public transport and highway infrastructure. GCC Highway Officers have regard to the strategy when making their recommendations. Their response to this application has also had regard to recent approvals for 140 dwellings on land off Todenham Road (14/00948/OUT) and for 250 dwellings and employment development at the Fire Service College (14/01483/OUT and 14/01484/OUT). Contributions from the aforementioned developments are to be used to fund geometric improvements to the town centre mini roundabouts and to widen the carriageway over the railway bridge. These improvements were requested having regard to the extant permission for the foodstore. Consideration has therefore been given to other extant schemes when reaching this recommendation.

With regard to the bus shelter it appears that there would be third party issues of relocating it onto NHS land. It is not in the applicant's control to re-site the shelter onto the hospital site. Moreover, an existing drainage ditch runs along most of the eastern boundary of the hospital site where it

adjoins the A429. There is therefore very limited space to create a lay by adjacent to the A429 outside the hospital site.

With regard to visibility the existing bus shelter requires buses to stop in the visibility splay of vehicles leaving the hospital site. However, this is classed as a temporary moveable hazard and as such can be acceptable from a highway safety standpoint. The revised bus shelter position will be outside the visibility splay of the hospital entrance and should therefore offer improved visibility in this respect. Whilst a stopped bus will restrict visibility to the south from the foodstore entrance it will also have a positive influence by restricting the speeds of vehicles behind it. A stopped bus should allow easier egress from the site onto the A429 as the bus will hold up traffic heading northwards. It must also be noted that the bus service operates on an hourly basis and as such the number of occasions that a bus will stop within the visibility splay during the course of each day is considered to be very limited.

Overall, it is considered that the proposal is acceptable in terms of highway impact and highway safety.

### **(c) Flooding and Drainage**

The applicant has provided drainage details with the application. These have been submitted to satisfy the requirements of Condition 18 of the Outline permission. They have provided a Flood Risk Assessment (FRA) and surface water drainage strategy which seeks to incorporate Sustainable Drainage Systems (SUDs). The FRA states that the 'management of surface water runoff at the site will closely mimic the existing drainage regime by managing the development's surface water runoff through infiltration to the permeable subsoil. Post development runoff rates will be managed at source within the confines of the site for up to and including the critical 1% annual probability storm event incorporating climate change allowances over the lifetime of the development. Additional runoff generated by climate change impacts and from the uplift in impermeable areas post-development will be negated by the incorporation of SuDS in the form of an infiltration and detention basin located within the green infrastructure and landscape areas towards the north eastern corner of the site. Further SuDS infiltration measures, in the form of permeable surfaces (with subterranean filter media and storage) across selected car parking and external hardstanding areas, will also be provided on site to control and manage additional surface water runoff generated by the proposed development.'

The proposed attenuation basin will be located at the eastern end of the site. It has been designed to provide on-site storage during heavy rainfall events. It will allow for the slow release of surface water thereby preventing run off from the site at levels above existing (plus 30%). In combination with other SUDs measures such as permeable surfaces and underground storage as well as green infrastructure it is considered that a range of measures are in place to address surface water drainage. The proposed drainage scheme has been assessed by the Council's Drainage Engineer who is satisfied that the proposed arrangements are acceptable. He is satisfied that the proposals meet the requirements of Condition 18. The details are therefore considered acceptable and to accord with guidance in Paragraphs 100 and 103 of the NPPF.

### **(d) Noise and Disturbance**

The proposed store and car park will be located approximately 60-70m from the nearest residential dwellings. The site is also separated from nearby dwellings by either the A429, the bowls club or public open space. The proposed store and car park are considered to be sited sufficiently distant from existing dwellings so as not to have an unacceptable adverse impact on the amenities of existing occupiers.

The proposed store will be located alongside the North Cotswolds Hospital. The site of the store will be located approximately 25m to the side of the northern end of the hospital. A service road will run to the side of the proposed store and will be located approximately 20m from the northern side of the hospital. As part of the Outline permission conditions were attached requiring the submission of a noise mitigation scheme and limiting delivery hours to 0730 to 1800 Monday to

Saturday and at no time on Sundays or Bank Holidays. These conditions will reduce potential disturbance to the hospital. Following discussions the applicant has also amended the rear service yard elevation so that the turning/manoeuvring area for delivery vehicles is pushed further to the north away from the hospital. A projecting rear delivery range has also been positioned so that it will lie between the turning area and the hospital. This will provide an extra buffer between the two areas. Plans also indicate that delivery vehicles should be able to turn on site without having to reverse. In light of these changes, the restrictive conditions and the comments of the Environmental Health Officer it is considered that the proposed development can be undertaken without having an unacceptable adverse impact on patients in the hospital and in accordance with Local Plan Policy 5.

### **Other Matters**

The applicant has submitted details to satisfy the requirements of Condition 16 of the Outline permission which required the submission of 10 year Landscape and Ecological Management Plan (LEMP). The details have been provided at this stage so that ecological mitigation and enhancements can be incorporated with the landscaping proposals in a holistic manner. The design of the proposed surface water drainage attenuation basin has also been designed to have landscape and ecological benefits. The submitted plan proposes new tree and landscape planting around all the boundaries of the site together with new tree and wildflower planting in the grassed area to the west of the proposed store. Following discussions additional tree planting is also proposed within the car park. The LEMP sets out how the proposed landscape and ecological measures will be managed for a 10 year period. It states that the site will be managed for the benefit of wildlife as well as for its landscape benefit. The management plan clearly sets out a management regime for the various landscape and ecological measures proposed as part of the scheme. It will also provide for the management of retained features. This includes mowing, pruning and a management schedule for each of the various species of plants together with measures for improving the ecological value of existing and proposed landscape features. The submitted details have been assessed by the Council's Biodiversity and Landscape Officers. They raise no objection to the proposed details.

The original Outline application was subject to a Screening Direction by the Secretary of State. It was determined that the proposal was not EIA development. The Reserved Matters application has also been considered against the requirements set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is considered that the proposal is not for development of more than local importance, does not have a significant effect on an environmentally sensitive or vulnerable location or raise unusually complex and potentially hazardous environmental effects. The proposal is considered not to be EIA development requiring the submission of an Environmental Statement.

### **9. Conclusion:**

Overall, it is considered that the submitted details satisfactorily address the matters of Access, Layout, Appearance, Scale and Landscaping. It is therefore recommended that the application is approved.

### **10. Proposed conditions:**

The development hereby approved shall be implemented in accordance with the following drawing number(s): 03738.00001.16.002 0, 14182 0002 G, 14182 0004 B, 14182 0005 A, 14182 0006 A, 14181 0007 A, Landscape and Ecological Management Plan Ref 402.03738.0000, 03738.00001.16.001 2, 03738.00001.16.002 2, 005 A, 006 A, Flood Risk and Surface Water Drainage Strategy SLR Ref: 402.03738.00001, 007 0 008 0

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Prior to the construction of any external wall of the development hereby approved samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the erection of any external walls of the development hereby approved a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

No plant or machinery shall be installed, positioned or sited on the roof of the foodstore hereby approved.

**Reason:** To ensure that the development is completed and retained in a manner appropriate to its location within the Cotswolds Area of Outstanding Natural Beauty and in accordance with Local Plan Policy 42.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45.

The development hereby permitted shall not be occupied until details of secure and covered cycle storage for customers at the front of the store has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. 0002 Rev G, and those facilities shall be maintained available for those purposes thereafter.



14/04879/REM

55



THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS INFORMATION IS PROHIBITED AND IS A VIOLATION OF THE APPLICABLE LAWS.

04/01/14: Issues arise with the site plan. 1:10 scale.  
 04/02/14: Working with the client on the site plan.  
 04/03/14: Client has indicated the site plan is not approved.  
 04/04/14: The client has indicated the site plan is not approved.  
 04/05/14: Working with the client on the site plan.  
 04/06/14: Working with the client on the site plan.  
 04/07/14: Working with the client on the site plan.  
 04/08/14: Working with the client on the site plan.  
 04/09/14: Working with the client on the site plan.  
 04/10/14: Working with the client on the site plan.  
 04/11/14: Working with the client on the site plan.  
 04/12/14: Working with the client on the site plan.  
 04/13/14: Working with the client on the site plan.  
 04/14/14: Working with the client on the site plan.  
 04/15/14: Working with the client on the site plan.  
 04/16/14: Working with the client on the site plan.  
 04/17/14: Working with the client on the site plan.  
 04/18/14: Working with the client on the site plan.  
 04/19/14: Working with the client on the site plan.  
 04/20/14: Working with the client on the site plan.  
 04/21/14: Working with the client on the site plan.  
 04/22/14: Working with the client on the site plan.  
 04/23/14: Working with the client on the site plan.  
 04/24/14: Working with the client on the site plan.  
 04/25/14: Working with the client on the site plan.  
 04/26/14: Working with the client on the site plan.  
 04/27/14: Working with the client on the site plan.  
 04/28/14: Working with the client on the site plan.  
 04/29/14: Working with the client on the site plan.  
 04/30/14: Working with the client on the site plan.

MINYON GROUP

PROPOSED FOOD STORE  
 MERTON MARSH

PROPOSED SITE PLAN  
 OPTION 2

Client	Minyon Group	Date	08.08.2014
Drawn	AI	Scale	1:1000
Checked	AI	Project No.	14102
Drawn	AI	Sheet No.	01

**CORSTORPHINE  
 + WRIGHT  
 ARCHITECTS**

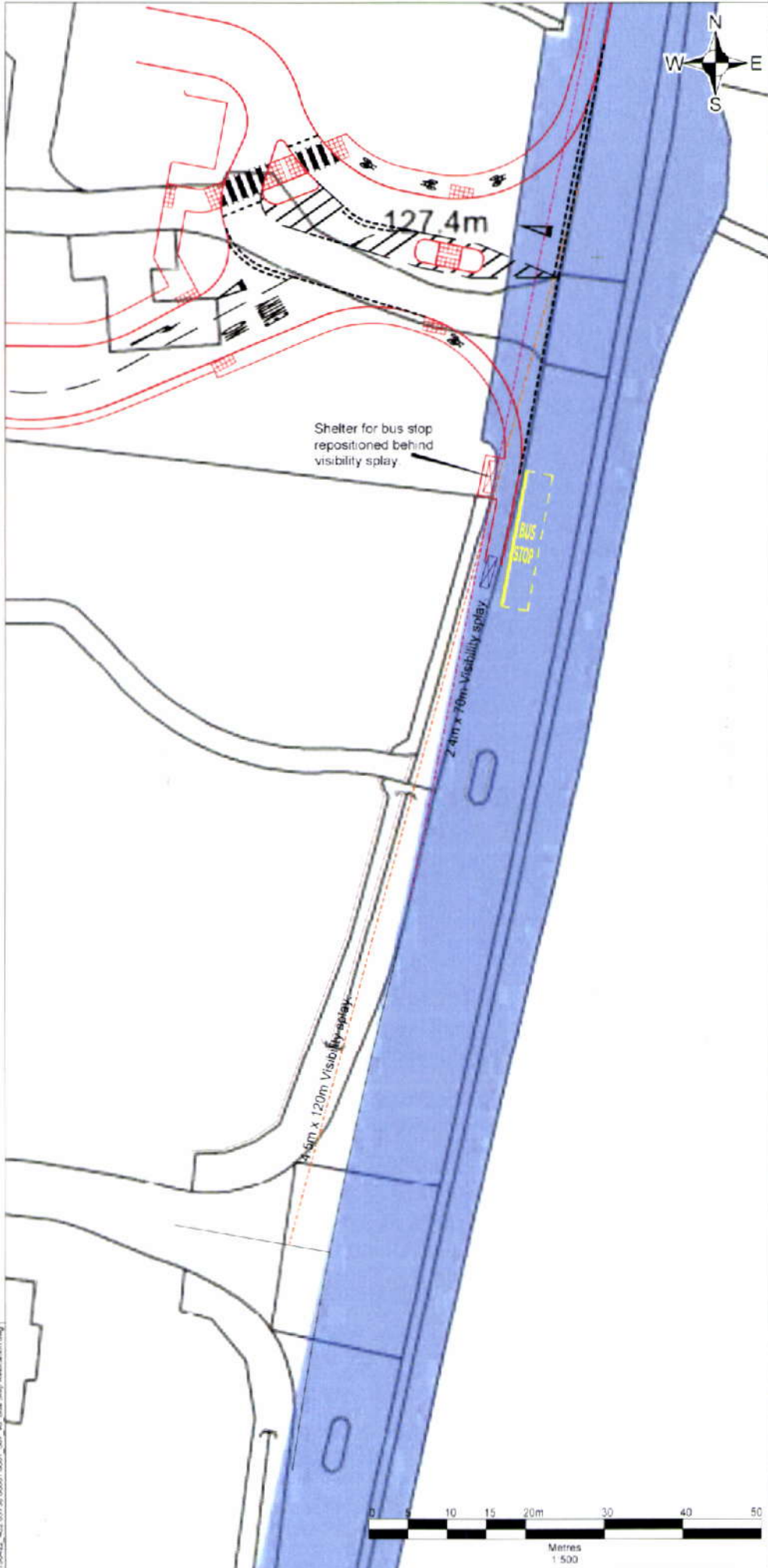
Block 1, 2 & 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Block 1, 2 & 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100




101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

14/04879/REM





**LEGEND**

-  Approximate position of existing Bus Stop.
-  Approximate position of relocated Bus Stop.
-  Confirmed Highway Boundary as advised by Glos. County Council plan dated 02/04/15.

Note: Proposed Bus Stop location to be positioned outside of application site access junction visibility splay and hospital site access junction visibility splay. The bus stop is also now positioned outside of the cycleway removing the existing obstruction.

Revision	By	Chkd By	Date	Comments
0	DP	AH	04/15	

**SLR** 

TREENWOOD HOUSE  
ROWDEN LANE  
BRACFORD-ON-AVON  
WILTS BA15 2AJ  
T 01225 309400  
F 01225 309401  
www.slrconsulting.com

Site  
FOSSEWAY FARM  
MORETON IN MARSH

Project  
PROPOSED FOOD STORE

Drawing Title  
**SITE ACCESS JUNCTION  
BUS STOP RELOCATION**

Scale  
AS SHOWN @ A3

Date  
APRIL 2015

Drawing Number  
**007**

Revision  
**0**

**FINAL**

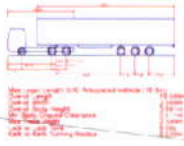
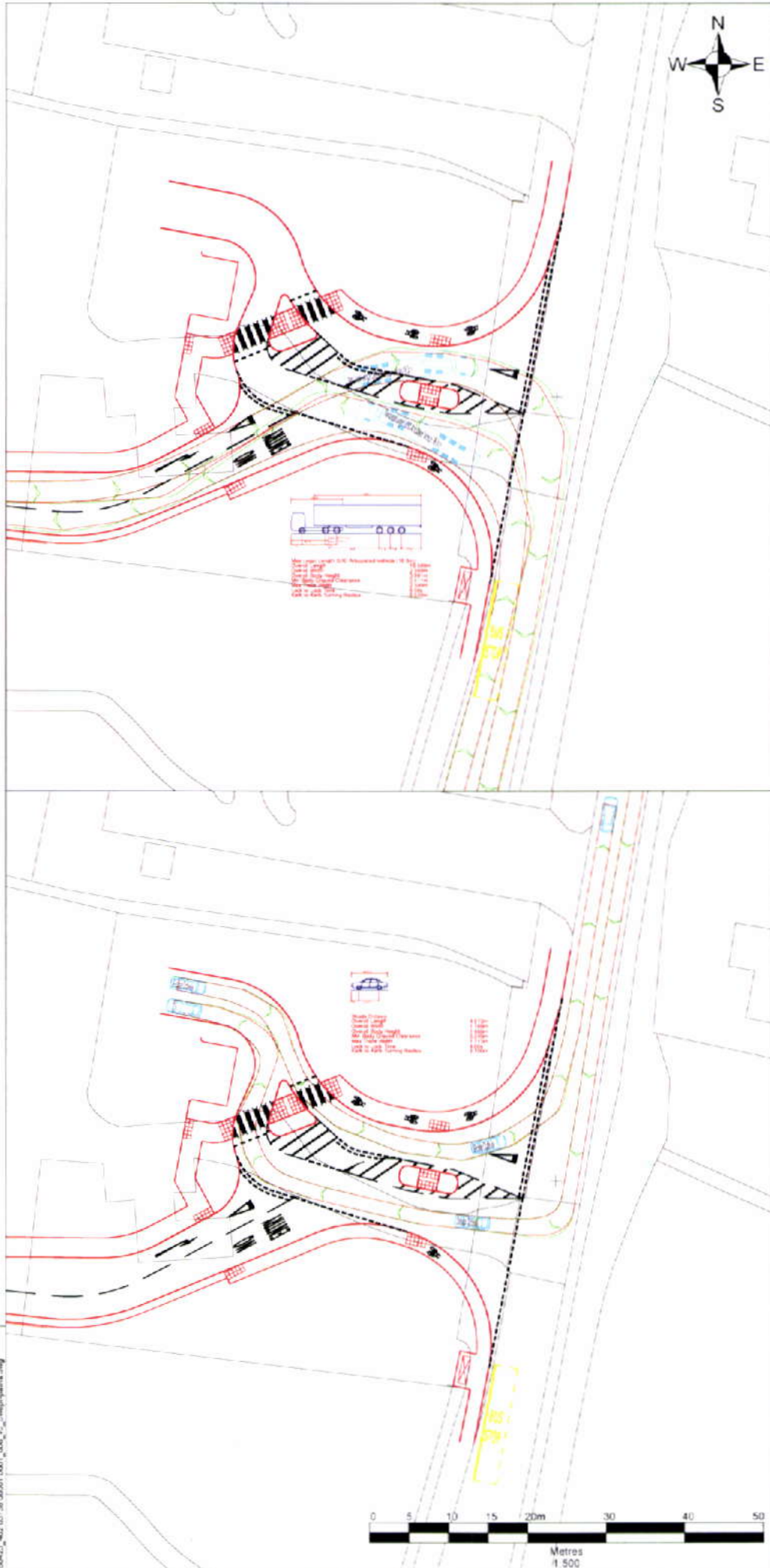
150422\_402 03734 00001 0001\_007\_00 Bus Stop Relocation.dwg





LEGEND

Note: This drawing is based upon the access design detailed within drawing number 402.03738.00001.0001\_007 v0.



Revision	By	Chkd By	Date	Comments
0	AT	AH	04/15	



TREENWOOD HOUSE  
ROWDEN LANE  
BRADFORD ON AVON  
WILTS BA15 2AU  
T 01225 306400  
F 01225 309401  
www.slrconsulting.com

Site  
FOSSEWAY FARM  
MORETON IN MARSH

Project  
PROPOSED FOOD STORE

Drawing Title  
**SITE ACCESS JUNCTION  
SWEPT-PATH ANALYSIS**

Scale  
AS SHOWN @ A3

Date  
APRIL 2015

Drawing Number	<b>008</b>	Revision	<b>0</b>
<b>FINAL</b>			

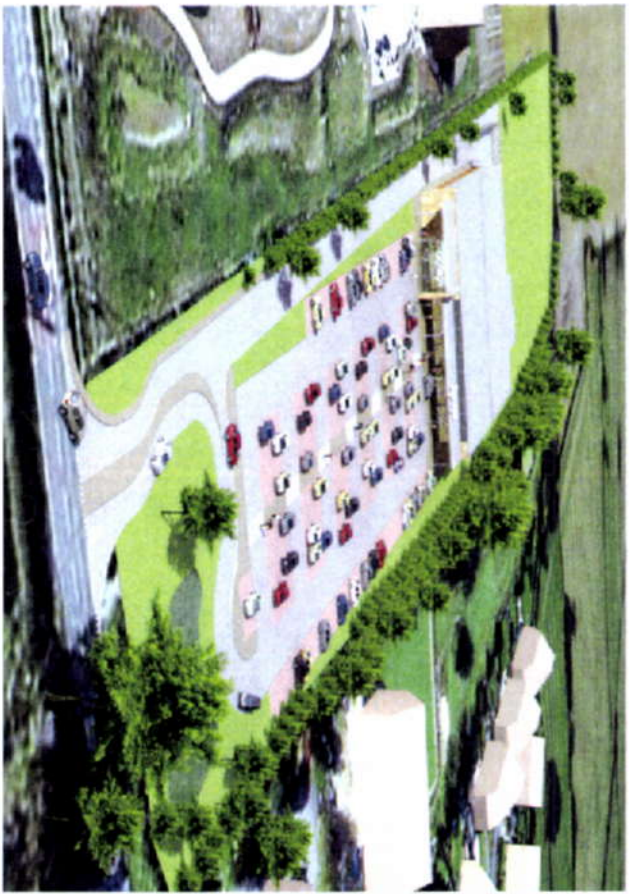


I:\04\02\_402.03738.00001.0001\_007\_v0\_swept-path.dwg





CORSTORPHINE  
+ WRIGHT  
ARCHITECTS



PROPOSED NEW FOOD STORE, MORETON-IN-MARSH | DESIGN & ACCESS STATEMENT | NOVEMBER 2014





Above and Below: View north west from A429





Above: View west from A429

Below: Existing bus stops









NO.	DATE	BY	CHKD BY	DESCRIPTION
2	20.08.24	SLR	SLR	Final Landscape Proposals
1	18.08.24	SLR	SLR	Final Landscape Proposals

**SLR**  
 LANDSCAPE ARCHITECTS  
 100/102, Market Street, Adelaide, SA 5000  
 T: 08 8462 1000  
 F: 08 8462 1001  
 www.slrlandscape.com.au

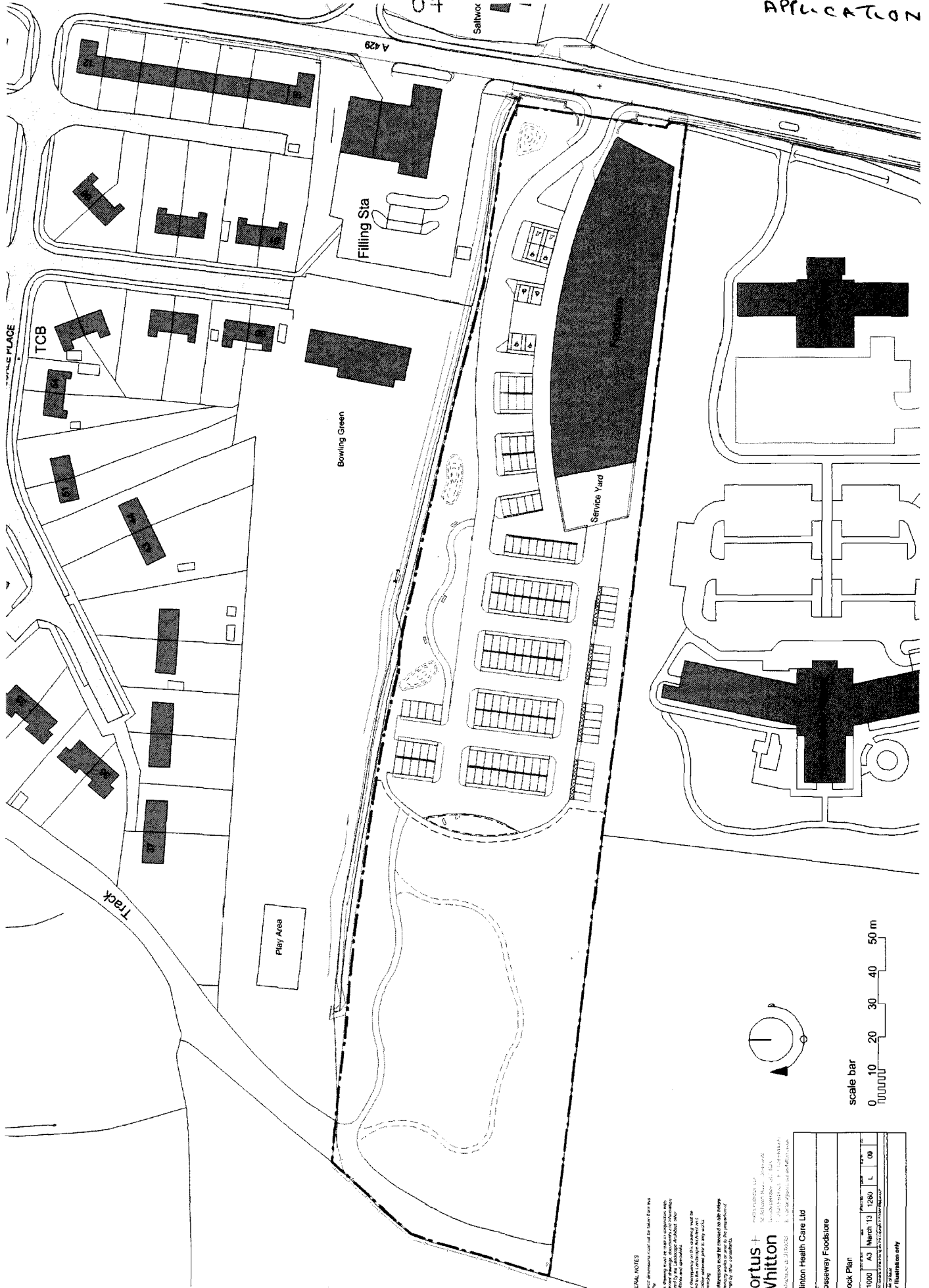
**SLANTON GROUP**  
 FOOD STORE  
 100/102 MARKET STREET  
 ADELAIDE SA 5000

**SOFT LANDSCAPE PROPOSALS**

Project No: 2024/000116/002  
 Date: 20.08.24

- LEGEND**
- [Symbol] SITE BOUNDARY
  - [Symbol] VEGETATION TO BE PLANTED
  - [Symbol] VEGETATION TO BE REMOVED
  - [Symbol] PROPOSED TREES
  - [Symbol] PROPOSED SHRUBS
  - [Symbol] PROPOSED MULCH/COMPOST
  - [Symbol] PROPOSED BENCH/MULCH/COMPOST MATS
- NOTES:**  
 1. REFER TO PLANT SCHEDULE FOR SPECIES, SIZES AND QUANTITIES.  
 2. ALL PLANTING MUST BE INSTALLED WITH PROTECTION OF RETAINED VEGETATION.

64

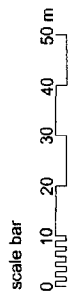
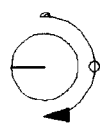


GENERAL NOTES

1. Refer dimensions and all to the latest approved drawings.
2. The survey used to create this application was prepared by the Landmark Planning, Survey and Engineering Ltd.
3. All dimensions are in metres unless otherwise stated.
4. All dimensions shall be rounded up to the nearest millimetre.
5. All dimensions shall be rounded up to the nearest millimetre.

Portus + Whitton  
 Architects  
 110000 A3 March 13 1960 L 08  
 Minton Health Care Ltd

Fosseway Foodstore	
Block Plan	
1:1000	A3 March 13 1960 L 08
For illustration only	





**Concerns expressed by Cllr Dr Nigel Moor in respect of the application for the proposed foodstore at Fosseway Farm, Moreton in Marsh, Reserved Matters Application 14/04879/REM**

- The latest Transport Assessment provided by the applicants records at para 7.1 that the existing mini-roundabout junctions ( A44 Bourton Road/A429 junction and A44 Oxford Street/A429 ) are currently operating over capacity, and these will become further congested when subject to forecast traffic growth. The Transport Assessment relies on the junction improvements proposed as part of the Fire Service College planning application (09/04440/OUT) significantly improving the operation of the network during all scenarios.
- Examination of the Transport Assessment December 2009 produced by the Peter Evans Partnership that accompanied this latter application explains these improvements at para 4.9.2. These are : a) Provision of left turn lanes on the Bourton Road and High Street south approaches to the southern min-roundabout and right turn lane on the northern approach, and b) On the northern roundabout junction left and right turn lanes would be provided on the north and south approaches to the junction. As a result of the road widening footways will be repositioned and some limited on – street car parking removed.
- I am aware of concerns that these improvements may not be feasible and with this in mind , and also reflecting on planning permissions granted recently for additional residential and employment development in Moreton that similarly rely on these improvements, any additional development that will cause additional delays at these junctions is not acceptable. Clearly the material considerations relied on by the applicants at the outline stage have not materialised and this is a matter that the planning committee must be advised on together with the consequences for this application.
- The proposed repositioning of the bus shelter is noted but this still requires passengers – some of whom are likely to be elderly and or infirm – to board the bus positioned on the highway with approaching and overtaking traffic. The bus shelter should be relocated within the hospital site and a bus lay bay off provided off the highway. Furthermore a bus positioned where shown on the drawing provided by the applicant Ref : SLR 007 April 2015 will block visibility for drivers emerging from either the hospital site ( particularly emergency vehicles) or the proposed foodstore site which on the busy Fosse is not acceptable in terms of safety or convenience to other road users. These are matters on which members may have legitimate concerns and a wish to express these at committee so that members of the public can be assured that they are being given due consideration.

Senior Planning Officer  
Development Management  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

*FTAO: Mr Martin Perks*

Your Ref: 14/04879/REM  
Our Ref: APA/MASSA/13/1239

26<sup>th</sup> November 2014

Dear Mr Perks

**RE: APPROVAL OF RESERVED MATTERS SUBMISSION REF. 14/04879/REM: DETAILS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AND COMPLIANCE WITH CONDITION 16 (LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN) AND CONDITION 18 (SURFACE WATER DRAINAGE) OF DEVELOPMENT GRANTED UNDER OUTLINE PLANNING PERMISSION REFERENCE 13/01971/OUT - FOR DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FOOD STORE WITH ASSOCIATED PARKING, LANDSCAPING AND ANCILLARY WORKS AT FOSSEWAY FARM, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE, GL56 0DS - APPLICANT: MR ADAM SIMPKIN**

We write on behalf of Warner's Retail (Moreton) Limited to **OBJECT** to the Application for Approval of Reserved Matters (ARM) by Mr Adam Simpkin pursuant to Outline Planning Permission Ref. 13/01971/OUT (granted on 12<sup>th</sup> December 2013) for the Demolition of Existing Buildings and Erection of Food Store with Associated Parking, Landscaping and Ancillary Works at Fosseyway Farm, Stow Road in Moreton-in-Marsh.

Our reasons for objecting are as follows:

1. The ARM proposes a scheme which is substantially and materially outside the parameters of the outline planning permission and should be the subject of a new planning application accompanied by a full suite of validation documents, so as to allow the Council to properly assess the spatial planning merits of the proposal;
2. Further and in particular, the layout and design of the scheme and the traffic that it would generate would have a more significant, detrimental impact on the Cotswolds Area of Outstanding Natural Beauty, on Moreton-in-Marsh and on the local road network, thereby going beyond what was anticipated and considered by the Council when it granted the Outline Planning Permission and meaning that the proposals should be refused in any event; and

3. Given the extent to which the current proposals differ from the parameters of the Outline Planning Permission, it would be appropriate for them to be subject to a screening under the Town and Country Planning (Environmental Impact Assessment) Regulations.

### **The Parameters of the Outline Planning Permission**

The Outline Planning Permission expressly provides that *"the Council...permits the...development in accordance with the details given on the application form and submitted plans, which are subject to the following conditions..."*

The conditions to which the permission is subject include:

- Condition 4, which provides that *"this decision relates to drawing numbers: 1260 L 04 A, 1260 L 05, 1260 L 09, 1567-0001 A, 1567-101 A, 1567-102 A, 156-103 A, 1567-104 A, 1567-105 A, 1567-110 A"*; and
- Condition 19, which requires that *"no buildings shall be erected on any part of the application site located beyond the existing western boundary of the North Cotswold Hospital"*.

In this way, the Outline Planning Permission places limitations on the development, defining the parameters of what can be built by reference to the drawings submitted with the application for Outline Planning Permission. Importantly, the list of approved drawings includes plans showing the footprint and location of the foodstore within the site.

That the application included such parameters (and that the Outline Planning Permission should be granted subject to those parameters) is consistent with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (TCPO).

Paragraph 4(3), Part 2: *Applications* of the TCPO states that, for outline applications where layout is a reserved matter, the application for outline planning permission *"shall state the approximate location of buildings, routes and open spaces included in the development proposed"*.

Similarly, paragraph 4(4), Part 2 of the TCPO states that, where scale is a reserved matter, the application for outline planning permission shall *"state the upper and lower limit for the height, width and length of each building included in the development proposed"*.

Accordingly, although the drawings submitted in support of the application were indicative, the plans showing the layout and design of the scheme (including *Portus Whitton* Block Plan Drawing No. 1260 L 09 and *Yiangou Architects LLP* Proposed Site Plan Drawing No. 1567-101 A) represent the Applicant's intention as to the general location and scale (i.e. the parameters referred to in paragraphs 4(3) AND 4(4) of the TCPO) of proposed built form upon which the principle of development was established in the 2013 outline planning permission.

---

Moreover, on the evidence of the then Applicants' submitted Landscape and Visual Impact Assessment, the Officer Report to the Planning Committee and the Decision Notice, it is clear that the assessment of the landscape and visual impact of the development on the Cotswold AONB was based substantively upon that submitted material.

Although the Officer Report states that the submitted plans are "*purely indicative and are intended to demonstrate how a development of the size proposed could be accommodated within the application site*", an objective reading of the Officer's analysis, especially at Pages 81 to 83 of the Report (notably the fourth complete paragraph on Page 81, the second complete paragraph on Page 82 and the paragraph commencing at the bottom of Page 82 and running over to Page 83), under the subheading "*(b) Design and Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty*", makes clear that that analysis relied heavily on the submitted layout and design. Thus, in the fourth complete paragraph on Page 81 of the Committee Report it is stated:

*"The indicative layout also shows that the proposed store will lie adjacent to existing and ongoing development. The existing area forming the western part of the site is shown remaining free from development..."*

And the paragraph running over from Page 81 to 82 states:

*"The existing touring caravan site extends beyond the rear boundary of the north Cotswolds Hospital to the south of the application site by approximately 130 metres. The red line outlined on the site location plan includes this land within the application site. Notwithstanding this, the indicative plans shows the proposed development (buildings and car parking) extending no further west than the hospital....The restriction of the developed site minimises the landscape impact of the proposal and the perception of an encroachment of development into the surrounding landscape. The indicative layout shows that the development will be seen in context with the settlement rather than extending significantly beyond existing boundaries."*

The next paragraph states, inter alia:

*"A proposal for a residential care development on this site (13/01573/FUL) will also be placed before Members of the Committee.....The aforementioned development proposes far more building across the site as a whole, including on the western part of the Site, extending beyond the hospital. Officers have concerns about the potential landscape impact of this element of the proposal and the perception that it will extend urban development into the wider landscape."*

The final sentence in the paragraph running over from Page 82 to 83, in referring to design issues, states:

*"It is therefore considered that a final detailed scheme based on the indicative plans could be achieved in a manner that would accord with the guidance in Local Plan Policy 42 and guidance in the Cotswold Design Code."*

There is no evidence that any party, least of all the Officer drafting the Committee Report, undertook an objective landscape impact analysis based on *alternative* layout and design options.

The layout and design of the current proposals is significantly different from that of the outline scheme.

The ARM proposes to re-site the food store from the southeast corner (front) of the Application Site to the western boundary (rear), adjacent to the landscaped area. The proposed building is also of a materially *different* shape and mass and extends across the whole of the width of the Application Site in an area shown to be car parking in the Outline Application. Furthermore, the proposed developed area, including the service yard, extends further west than the customer car park shown on the Outline Layout and the large rectangular store building now extends further west than the Hospital building to the south. This latter relationship – the fact that the proposed development did not then extend further west than the curtilage of the Hospital - was held to be an important determining factor in the Officer analysis at the Outline stage (see citations from the Committee Report above).

It is also evident that the detailed design of access, car parking and service arrangements are significantly different from those submitted at the outline stage (which, incidentally, were strongly criticised by Bancroft Consulting in objections submitted on behalf of the local group MASS). The ARM scheme in its scale and *visual* impact is again materially different from the arrangements to which the Outline Planning Permission relates, with a larger and more intrusive junction, occupying the whole of the site frontage and admitting of clear visibility to the large customer car park now located in front of the proposed store and (together with the service access road) occupying the entire width of the Application Site. This impact is of a significantly adverse character and is harmful to the character and appearance of the area, especially the AONB.

We therefore submit that the proposed layout and scale of the development contained in the ARM represents a significant and material change compared to the Outline Planning Application/Permission and one which, crucially, will have a significantly greater impact upon on the Cotswolds AONB.

The details of layout and design submitted at the outline application stage, although indicative, clearly informed the analysis of the landscape and visual impact of the development both by the Applicant and the Council's Officers. The differences are of a scale and nature as to go to the validity of the present application as an approval of reserved matters. Notwithstanding this procedural issue, the development will clearly have a serious adverse impact on the landscape and scenic beauty of the AONB.



### Car Parking and Transport Impact

The ARM is accompanied by a Transport Assessment, which is expressed to build "upon the assessment work already undertaken in relation to the Outline Application".

In reality, it highlights that the current proposals will have a more significant impact on the highway network than was envisaged and assessed at the outline stage.

The following table compares the car parking and trip generation figures stated in the SLR Transport Assessments submitted in support of the outline application (dated April 2013) and reserved matters application (dated October 2014).

Car Parking Provision	Outline Planning Application	Reserved Matters Application	Difference
Total	153	170	+17
Disabled	8	10	+2
Child/Parent	0	5	+5

Trip Generation Calculation	Outline Planning Application	Reserved Matters Application	Difference
Typical Weekday Movements	2739	2592	-147
Typical Saturday Movements	2715	4015	+1300

Despite proposing an apparently minor increase in the total number of car parking spaces between the outline application and reserved matters submission, there is a *very significant* difference in the typical Saturday trips generated by the proposal. This difference is neither highlighted nor explained by the Applicant, although we consider it noteworthy that despite purporting to be an ARM and thus not normally requiring a fresh Transport Assessment, one has been volunteered in this case. Our inference is that this was done, at least partly, to 'fudge' the discrepancy between the outline and ARM proposals. Given the considerable disparity in traffic generation figures, it is contended that the reserved matters submission represents a materially different scheme to the outline planning application and that it should, therefore, be considered as a fresh planning application.

### The Drawings Submitted with the ARM

We would comment on the drawings submitted with the ARM as follows:

- *Proposed Site Plan Drawing No. 0002 Rev D* – This drawing is labelled Proposed Site Plan **Option 2** and we would emphasise that the submission of scheme options at the reserved matters stage is entirely inappropriate. It is not clear how the ARM has been validated and registered on this basis.

- 
- *Proposed Site Boundary Plan Drawing No. 0007* – This drawing clearly illustrates a different store car park entrance layout than that shown on other reserved matters drawings. This is related to the point raised above and we would request clarification as to which of the reserved matters alternative layout options the Applicant is asking the Council to consider.
  - *Ground Floor Plan Drawing No. 0005* - The ground floor layout contains no detail in respect of the internal layout of the proposed food store. As such, it is impossible for either third parties or the Council to satisfy itself that the development will meet the floor space restrictions imposed by Condition 5 attached to the Outline Planning Permission. If compliance is not secured by approved plans, it is not clear how otherwise the condition can be enforced.

### **Design and Access Statement**

We make the following comments on the submitted Design and Access Statement dated October 2014, prepared by Corstophine & Wright Architects:

- The aerial view map provided on Page 4 shows a blue-dotted, circular line marked as "Moreton-in-Marsh". This is an arbitrary line which bears no relation to any planning policy boundary or designation or defined area of political geography for the town. The Site remains outside the defined built-up area of Moreton-in-Marsh.
- Paragraph 1.1.3 makes the generalised assertion that the proposed scheme will "*reduce the number of vehicle trips undertaken by Moreton-in-Marsh residents to other locations*". This is a partial and disingenuous assertion because it fails to acknowledge the significant level of vehicle trips into the Town originating from outside that will be generated and which will, on the evidence, exceed by a substantial margin the relatively small number of trips by Moreton residents to other centres and free-standing convenience superstores that will be 'clawed back' by this development. Moreover, most of these trips, although shorter, will still be undertaken by car. In this context, consideration must also be given to the significant increase (as between the outline and reserved matters scheme) in the typical Saturday traffic that will be generated locally by the development, based on calculations provided in the 2013 and 2014 SLR Transport Assessments and which disparity has been discussed above in the Car Parking and Transport Impact section of this letter.
- Paragraph 1.1.4 claims that the development has been designed "*without encroaching into the open countryside*". As already noted above in the Objector's submission, the relocation of the store building from the south-eastern corner to the western edge of the Site and the change in its shape and massing will *increase* the impact of the development on the Cotswolds AONB and surrounding countryside, particularly as the site level rises from east to west by approximately two metres (see para 2.1.2 of the DAS).

- 
- Paragraph 2.2.1 asserts that the North Cotswold hospital "*has significantly pushed the extents of town boundary out to this area*". This statement is wholly inaccurate and misleading. The hospital and Application Site (together with the adjoining commercial uses referred to in the same paragraph) lie beyond the defined Moreton-in-Marsh town boundary and are, therefore, in an **out of town** location. The southern boundary of Moreton-in-Marsh is demarcated by residential development on the edge of the town. The proposed development, by virtue of its layout and scale will significantly increase the visual intrusion of the development compared to the outline scheme.
  - Paragraph 3.3.11 states that "*vehicular and pedestrian access has also been provided to the rear of the site, which is to be kept as a natural habitat, both of which run parallel to the service yard road...*". The utility of the retained natural area as open space will be severely impaired by the proximity of the large, overbearing store building and of the extensive service yard and by the comings and goings of large commercial vehicles thereto. Similarly, the proposed access to this area from Stow Road will be a very long one and shared over most of its length with the service yard access, including where it squeezes through the gap between the store building and the southern boundary. This arrangement is neither convenient nor commodious and it is intrinsically unsafe given the potential for conflict between service vehicles and visitors to the open space. These characteristics will seriously erode the value and use of this open space and therefore any benefit of retaining the natural habitat area is outweighed by the harm caused by the development.
  - The CGI images depicted on Page 11 show a junction and car park entrance which layout aligns with *Proposed Site Boundary Plan Drawing No. 0007*. As previously mentioned, this layout does not correspond to any other reserved matters drawings. We would look to your Council to seek clarification from the Applicant as to which of the two schemes represents the definitive layout to be considered in the approval of reserved matters.

#### **Removal of Waitrose as Joint Applicant**

We note that the planning application form and a number of drawings which made up the original reserved matters submission have now been substituted with amended documents which remove all reference to Waitrose as the prospective store operator. We would be grateful if you could confirm that Waitrose is no longer a joint applicant in this submission. It should be noted that if this was known at the time of the submission, then the application materials were clearly misleading.

---

### Summary and Conclusion

For all the reasons set out above, we contend that the approval of reserved matters submission is substantially and materially different from the Outline Planning Application in terms of its layout, traffic generation and impact on the amenity of the area, including the AONB.

In the circumstances, we suggest that the Council should urgently review its decision to accept this latest submission as an application for Approval of Reserved Matters pursuant to the 2013 outline and should, instead, treat it as an Application for Full Planning Permission. In so doing, the Council should require additional supporting material, including a full Landscape and Visual Impact Assessment, Flood Risk Assessment and Retail Impact Assessment *that are relevant to this scheme*.

Notwithstanding and without prejudice to these procedural representations, the current submission should be refused on its own merits because of its harmful impact on the landscape and scenic beauty of the Cotswold AONB, on the setting of Moreton-in-Marsh and on the free and safe flow of traffic in the vicinity.

Lastly, notwithstanding the screening directions that were issued in relation to the Outline Application, the Council should consider whether the current proposals should be subject to screening under the Town and Country Planning (Environmental Impact Assessment) Regulations.

Please acknowledge receipt of this letter at your very earliest convenience and advise what actions you propose to take in response to it.

In the meantime we reserve the right to make further representations on this matter, as necessary.

Yours faithfully,

PP

**ANTONY P. ASPBURY**  
Director

**Bancroft Consulting Limited**  
Jarodale House  
7 Gregory Boulevard  
Nottingham  
NG7 6LB

Antony Aspbury Associates  
Unit 20  
Park Lane Business Centre  
Park Lane  
Basford  
Nottingham  
NG6 0DW  
FAO: Mr Tony Aspbury

Our Ref: CJB/F13069/031214  
Date: 3 December 2014

Dear Tony

**PROPOSED FOODSTORE AT FOSSEWAY FARM, MORETON-IN-MARSH (MINTON GROUP)  
RESERVED MATTERS APPLICATION: 14/04879/REM**

In responding to the material submitted in support of the above-cited application I would refer to my letter of 31 May 2013, which set out our concerns regarding the access and off-site impact issues associated with the outline application for the above scheme (Cotswold District Council application reference: 13/01971/OUT). I understand that the latter application was granted conditional outline planning permission by Decision Notice dated 12 December 2013. I now write to update my position on this application in light of the significant amount of information that appears to have been submitted, and in particular the current application allegedly for Approval of Reserved Matters pursuant to the aforementioned outline planning permission.

Firstly, to recap, my letter of 31 May 2013 (copy attached) raised significant concerns with the proposed scheme and the extent of information that had been submitted to support the application. This covered the following areas:

1. Site access layout (visibility, form of junction, HGV turning manoeuvres).
2. Off-site impact (defined study area, extent of accident study).
3. Sustainable transport (linked pedestrian trips with Local Centre, scope for non-car journeys).
4. Compliance with current policies and best practice guidance.

Since issuing my letter it is evident that the outline planning application was supported by further detailed technical submissions by the applicant, in the form of the following:

- Transport Assessment Scoping Report (May 2013)
- Transport Assessment Addendum (June 2013)
- Access Appraisal (August 2013)

The above documents should have formed the basis of the decision to approve the outline planning application, which included 19 conditions. Of these, the following relate to highways and transport matters:

**Condition 3** - "The development shall not be started before approval of the details relating to Access, Appearance, Layout, Landscaping, and Scale have been given in writing by the Local Planning Authority."

**Condition 5** – "The foodstore hereby approved shall be subject to the following floorspace restrictions:

- i) The total gross internal floorspace of the foodstore hereby permitted shall not exceed 2,736 sq metres including any mezzanine floorspace.
- ii) The total retail sales area of the foodstore hereby permitted (excluding checkouts, lobbies, concessions, cafes, customer toilets and walkways behind the checkouts) shall not exceed 1,742 sq metres.
- iii) The total retail sales area for the sale and display of convenience goods shall not exceed 1,394 sq metres including any mezzanine floorspace.
- iv) The total retail sales area for the sale of and display of comparison goods shall not exceed 348 sq metres including any mezzanine floor space."

**Condition 9** – "No works shall commence on site until full engineering details of the following have been submitted:

- i. pedestrian crossing facilities to be provided along the western edge of Fosse Way (A429) between the site access and existing footway to the north of the Petrol Filling Station;
- ii. pedestrian crossing facility between Fosse Way Avenue and the western edge of the Fosseway (A429) carriageway (to the north of the site access);
- iii. pedestrian crossing facilities at eh Fosseway Avenue/A429 junction and Redesdale Place/A429 junction;

The details are to be submitted to and agreed in writing by the Local Planning Authority, and the footway and crossing facilities shall then be constructed in accordance with those agreed details before occupation of the development."

**Condition 10** – "No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction (*to be approved*) [my emphasis] with the existing public road and associated visibility splays, has been completed to at least binder course level."

Subsequently what is claimed by the applicants to be an application for Approval of Reserved Matters (ARM) has been submitted with a further report to address Condition 3: Reserved Matters: Access / Transport (SLR, October 2014). Given that the scheme now has outline planning permission, this letter focuses on the details presented within the 'report accompanying the so-called ARM application.

On reading the October 2014 submission, the suggestion is that Condition 3 is the critical condition for pre-commencement works at the site, where Section 1 states "We trust that CDC will confirm in writing that this document fulfils the requirements of the pre-commencement aspects of Condition 3". The report then goes on to provide further clarification of the current scheme details and its corresponding parking demand, traffic generation, off-site impact, and access layout. However, it is clear from the Decision

Notice that Conditions 9 and 10 each require specific improvements to be identified in detail before any works can commence on site. Moreover, Condition 10 clearly states that despite the significant amount of work already submitted, the access junction has yet to be approved. I can see no evidence within the report that the proposed access layout has the approval of the Local Highway Authority, which is contrary to the statement made in Section 6 of the assessment, which claims "As a consequence of the above, the general principle of providing a proposed food store access off the A429 Stow Road has already been assessed and approved". My letter of 31 May 2013 clearly explained how the methodology for identifying visibility splays was in my opinion flawed and will underestimate approaching vehicle speeds/splay requirements. In addition, the form of junction arrangement does not include a right turn lane, as is evident in the recently constructed hospital access, which could lead to a serious highway safety concern at this location.

A Stage 1 Road Safety Audit has been undertaken for the proposed scheme and the details of this are included within the current submission. However, this is merely a single organisations review of the proposals and is not intended as an assessment of the design principles. Notwithstanding this, the audit does pick up on the potential for visibility splays to be blocked, which also highlights how the Audit Team were not supplied with the full extent of available information covering the speed survey and predicted turning movements at the access. Given this situation, I remain of the view that there are still outstanding issues with the proposed access arrangement that are likely to lead to serious highway safety concerns in the future. This would be in direct conflict with Paragraph 32 of the National Planning Policy Framework and should warrant refusal of the application in its own right.

Having read through the latest submission I would also express concern at the level detail within the assessment of parking demand at the store. Whilst I am generally content that the provision of 170 car parking spaces should just about cover the predicted demand associated with the foodstore, there is no assessment of how the increased dwell time would impact on the total accumulation levels. This point was also set out clearly within my letter of 31 May 2013 and failure to provide the appropriate amount of on-site car parking could lead to indiscriminate parking in and around the site, with significant highway safety implications along with potentially blocked HGV routes for service vehicles.

Section 7 of the October 2014 submission sets out the predicted impact of development traffic at key junctions within the local highway network, including the site access. In my opinion the adopted study area does not address the potential full extent of impact and I remain concerned at the assumptions used in the trip reduction exercise. I would also note that the turning count results presented within the 2013 Transport Assessment Addendum clearly shows queues of up to 40 vehicles at the Fosse Way (south) arm of the Bourton Road junction during both the weekday morning and evening peak periods.

Inspection of the ARCADY results within the Addendum (Appendix G) indicates that a serious error has occurred in the output data, where each of the scenarios has the same turning movement data. It is not clear how this affects the summary results presented within the October 2014 assessment, but clearly the matter must be addressed before a full check of the results can be undertaken. In any event, I note that the summary presented within Section 7.2 of the October 2014 assessment provides only a broad brush review of vehicle delays, highlighting only the results of the 'A429 High Street'. The survey results have shown a clear problem with the A429 (south) arm and I would expect additional movements to simply sit at the end of this queue unless significant junction improvements are undertaken.

Given the above, I remain extremely concerned at the true impact of development traffic through the surrounding network and how excessive delays at the various junctions could lead to serious highway safety problems for all users.

The October 2014 submission includes no mention of how Condition 9 of the Decision Notice would be addressed. In this instance, the term 'Access' must be deemed to cover all modes and the need for safe pedestrian movement to and from the site is essential for compliance with the NPPF. Without any detail to address this Condition works cannot commence on-site. Whilst this is also true for Condition 10, I believe that the outstanding issues are far more significant with the access design and sufficient evidence has yet to be provided demonstrating how a safe and satisfactory arrangement could be achieved. In light of the above, I would question how the Reserved Matters application could proceed without formally resolving these issues.

I trust that the above details are clear and satisfactory for your purposes. Please keep me updated with any progress on this application and, if required, I would be happy to provide any further detailed explanation of the above issues.

Yours sincerely

Chris Bancroft  
Director  
**Bancroft Consulting**



Mr M Perks  
 The Senior Planning Officer  
 Development Management  
 Cotswold District Council  
 Trinity Road, Cirencester  
 GLOUCESTERSHIRE  
 GL7 1PX

1st Floor  
 Witan Gate House  
 500-600 Witan Gate West  
 Milton Keynes  
 MK9 1SH  
 DX 729360 Milton Keynes 15

Your Ref 14/04879/REM  
 Our Ref MJS.HG.M-0035611  
 Date 18 December 2014

Delivered: by post

Dear Sir

**APPLICATION FOR APPROVAL OF RESERVED MATTERS REF. 14/04879/REM**

We act for Warners Retail (Moreton) Limited.

We refer to the Application for Approval of Reserved Matters reference 14/04879/REM (the "Application") which has been submitted in relation to the outline planning permission 13/01971/OUT (the "Outline Permission").

We also refer to the letter of Anthony Astbury Associates dated 26<sup>th</sup> November 2014 and of Bancroft Consulting dated 3<sup>rd</sup> December 2014, which object to the Application on behalf of our client.

The above mentioned letters raise a number of critical concerns about the planning merits of the submitted details, including in relation to the impact of the development on the Cotswold Area of Outstanding Natural Beauty (AONB) and the affect of development on the local highway network. These matters were key considerations for the Council in granting the Outline Permission, and the fact that the development now proposed in the reserved matters application will have a significantly more detrimental impact than was anticipated at the outline stage is reason enough to refuse the application.

However, it is also clear that the scheme that is now proposed is materially different from the scheme for which Outline Permission was granted. We concur with the analysis in Anthony Astbury Associates' letter that clear and binding parameters for the layout of the development were fixed in the Outline Permission. In accordance with Article 4(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 the application for the Outline Permission included a plan showing the approximate location of buildings, routes and open spaces included in the development proposed. This plan (albeit headed as an indicative layout) sets the parameters for the layout of the development. It is therefore specifically referred to in the list of drawings in Condition 4 of the Outline Permission.

The reason for such parameters being required is to ensure that any potentially significant environmental effects of development are screened, considered and assessed at the outline stage following the judgement in *R v Rochdale MBC ex parte Tew* [1999] 3 PLR 74.

For the retail store to now be proposed in an entirely different location to that shown on the indicative layout is plainly inconsistent with, and outside the scope of, the Outline Permission. The divergence from the indicative layout is, of course, all the more significant in this case because of the impact of the development on the AONB and the local highway network.

We concur with Anthony Astbury Associates that the submitted details are substantially and materially different from what is permitted by the outline planning permission in terms of its layout, traffic generation and impact on the amenity of the area, including the AONB. Accordingly, the Application should be rejected as invalid irrespective of the planning merits of the proposal.

The submitted details comprise an entirely different scheme to that which was granted Outline Permission, and should be the subject of an application for full planning permission complete with full litany of supporting documents necessary in order to fully and properly assess the impact of the development.

In this respect the development now proposed should also be the subject of fresh screening for environmental impact.

If the Council were to proceed to approve the reserved matters as submitted, we consider that such a decision would be *ultra vires* and open to challenge by way of judicial review.

We would therefore be grateful if you would confirm by return that the application will be rejected as invalid for the reasons set out in this letter and the letters to which it refers.

Yours faithfully

**SHOOSMITHS LLP**

Senior Planning Officer  
Development Management  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

*FTAO: Mr Martin Perks*

Your Ref: 14/04879/REM  
Our Ref: APA/MASSA/13/1239

16<sup>th</sup> February 2015

Dear Mr Perks

**RE: APPROVAL OF RESERVED MATTERS SUBMISSION REF. 14/04879/REM: DETAILS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AND COMPLIANCE WITH CONDITION 16 (LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN) AND CONDITION 18 (SURFACE WATER DRAINAGE) OF DEVELOPMENT GRANTED UNDER OUTLINE PLANNING PERMISSION REFERENCE 13/01971/OUT - FOR DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FOOD STORE WITH ASSOCIATED PARKING, LANDSCAPING AND ANCILLARY WORKS AT FOSSEWAY FARM, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE, GL56 0DS**

We refer to the above Application for Approval of Reserved Matters (ARM) pursuant to Outline Planning Permission Ref. 13/01971/OUT for the Demolition of Existing Buildings and Erection of Food Store with Associated Parking, Landscaping and Ancillary Works at Fosseway Farm, Stow Road in Moreton-in-Marsh.

We have now reviewed the additional and revised materials submitted by the Applicant to Cotswold District Council in January 2015 and write to maintain our original **OBJECTION** to the ARM Application on the basis that the amendments submitted appear insignificant and minor in nature and do not address any of the concerns as set out in our letters of objection dated 26<sup>th</sup> November and 3<sup>rd</sup> December 2014.

Firstly, we remain firmly of the view that the scheme for which the so-called reserved matters approval is sought is something quite different from what was envisaged at outline stage and which was incorporated into the permission through Condition 4 attached to the Outline Planning Permission. If anything, the latest material submitted by the Applicant reinforces this conviction. The submitted details have a greater impact both on the AONB and the local highway network than the scheme envisaged at outline stage and which is illustrated in the masterplan to which Condition 4 of the OPP refers.

---

The significance of the impact is a matter of judgement for the Council. However, we contend that it is a compelling reason for refusing the reserved matters application and it also goes to the validity of the Application to the extent that it is a determinant of the degree to which the reserved matters scheme is outwith the scope of the outline permission.

Notwithstanding the foregoing, it remains our view that the proposal should be refused on the basis that it would result in a significant, detrimental impact on the Cotswolds Area of Outstanding Natural Beauty, on the setting of Moreton-in-Marsh and on the local road network, by virtue of the scheme layout, design and traffic generation.

### **Landscape Consultation Response**

As part of the additional materials submitted, the Applicant has included a Landscape Consultation Response dated 29<sup>th</sup> January 2015 and we would comment on the same as follows:

#### **Bullet Point 1**

*"The layout of the site and car park at the outline application stage was notional [our emphasis]. We now have to make it work for s [sic] specific operator [our emphasis] both in terms of the internal store layout and car park functionality and size. Hence the difference in layouts."*

This statement is breathtakingly disingenuous and unprofessional and palpably misleading. Whatever the purpose of the material submitted at the Outline Planning Application stage, it *purported* to represent a viable and deliverable scheme and to inform the assessment of that scheme, including its impacts. The Local Planning Authority and other stakeholders were entitled to take it at face value and to assume that the Applicant was sincere in tendering it. That is clearly what the parties did. The Applicant is now playing fast and loose with the process and with semantics to serve their own purposes. The Council would be well advised not to be drawn into this web of deceit and should look to its statutory obligations in this process or face the legal consequences.

Notwithstanding the procedural considerations, it remains a matter of fact that the Application Site lies within the Cotswolds AONB and that such designation is afforded the highest status of protection in relation to landscape and scenic beauty. Paragraph 115 of the National Policy Planning Framework reinforces that great weight should be given to such designations, whilst paragraph 116 states that consideration of major applications in such areas should assess any detrimental effect on the landscape and the extent to which that could be moderated. Furthermore, paragraph 61 states that, in addition to securing high quality design, decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

As set out in our previous objection, the Council's assessment of the landscape and visual impact of the development of the Site on the Cotswolds AONB was based substantively upon the LVIA evidence and layout submitted in support of the outline application. Due to its location in the AONB and the significant differences in the layout and landscaping between the outline and ARM schemes, it remains our view that the Council should request that the Applicant now undertakes an appropriate and robust assessment of the impact of the proposed ARM scheme upon the Cotswolds AONB and surrounding area.

---

### **Bullet Point 3**

*"The likely operator [our emphasis] of the food store does not wish to have trees within the car park."*

The above statement suggests that a store operator has not yet been secured (contradicting bullet point 1 referencing a 'specific operator') and that the Applicant has designed the car park for the purposes of attracting a particular operator to the store in due course. Crucially, however, in attempting to meet the preferences of a specific operator, the Applicant has disregarded the detrimental effect of the proposed ARM scheme design and layout on the AONB landscape setting and the extent to which such harm could be moderated.

### **Transport Assessment - Addendum Report**

The Addendum to the Transport Assessment submitted in support of the ARM has been reviewed by *Bancroft Consulting Ltd Transport Consultancy Services* and a copy of their correspondence dated 10<sup>th</sup> February 2015 is attached hereto for your consideration. You will note from the comments provided that the Applicant continues to use a flawed approach in assessing the proposed ARM scheme, without any regard for the serious highway safety concerns that were highlighted in our earlier objections. Accordingly, we respectfully request that Cotswold District Council should refuse planning permission for the ARM application on highway safety grounds.

### **Revised ARM Drawings**

We would comment on the revised drawings submitted with the ARM as follows:

- The drawing label of *Proposed Site Plan Drawing No. 0002 Rev E* still shows the plan as "**Option 2**" and we would re-emphasise that the submission of scheme options at the reserved matters stage is entirely inappropriate; and
- *Proposed Elevations Drawing No. 0004 Rev B* includes an arrow marker with text stating "*Dock shelter and insulated roller shutter door to unloading bay*" on the South Elevation, however, no opening exists in that location.

Notwithstanding the minor comments above, the amended ARM scheme clearly still proposes a layout and design which is substantially and materially outside the parameters of the Outline Planning Permission. Therefore, we uphold our earlier view that it should be the subject of a new Full Planning Application accompanied by a full suite of validation documents, so as to allow the Council to properly assess the spatial planning merits of the proposal.

---

**Summary and Conclusion**

For all the reasons set out above and in our previous objections, we respectfully submit that Cotswold District Council should refuse the Approval of Reserved Matters Application on the basis that the scheme layout, design and traffic generation will have a significant and harmful impact on the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty, on the setting of Moreton-in-Marsh and on the free and safe flow of traffic in the area.

Please acknowledge receipt of this letter at your very earliest convenience and advise what actions you propose to take in response to it.

In the meantime, we reserve the right to make further representations on this matter, as necessary.

Yours faithfully,

pp. **ANTONY P. ASPBURY**  
Director

Enc.

**Bancroft Consulting Limited**  
Jarodale House  
7 Gregory Boulevard  
Nottingham  
NG7 6LBAntony Aspbury Associates  
Unit 20  
Park Lane Business Centre  
Park Lane  
Basford  
Nottingham  
NG6 0DW  
FAO: Mr Tony Aspbury**COPY**Our Ref: CJB/F13069/100215  
Date: 10 February 2015

Dear Tony

**PROPOSED FOODSTORE AT FOSSEWAY FARM, MORETON-IN-MARSH (MINTON GROUP)  
RESERVED MATTERS APPLICATION: 14/04879/REM**

I refer to my letters of 31 May 2013 and 3 December 2014, each in respect of the highways and transportation details submitted in support of the above application. I have since had a brief opportunity to review the most recent details submitted in support of the application, namely the Addendum report for the Transport Assessment dated January 2015. My comments are as follows.

My immediate concern is that the scheme appears to be progressing without any regard for the serious concerns I have previously expressed in the earlier submissions. Paragraph 32 of the National Planning Policy Framework clearly explains how

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

My previous submissions raise many serious issues over the approach adopted by the applicant in identifying key technical elements in particular visibility splays, the need for a right turn lane, and potential service vehicle conflict both on-site and at the access itself. Despite this, nothing appears to have been improved and I note that the most recent submission continues to promote the 70 metres splay distance, not only at the proposed access but also at the adjacent hospital access (where a right turn lane and splays of 4.5 x 120 metres were shown on plans

submitted as part of their own road safety audit). Stow Road is a classified 'A' road that forms a key strategic link, with its width and straight alignment generating high traffic speeds and heavy traffic flows. Failure to get this access right will almost certainly result in a safety problem and I fail to see how the local highway authority has been provided with sufficient information to determine that the proposals are fully compliant with the requirements of the National Planning Policy Framework and specifically Paragraph 32.

Notwithstanding the above, I note that the recent submission of this additional information continues to present a flawed approach to supporting this major development scheme. For example, the Highway Authority clearly states that they cannot provide a positive recommendation on the scheme without the full agreement of the auditor. Despite this, not only has this agreement not been presented within the report, there is no evidence of the Road Safety Audit and Design Team Response on which to verify the concerns raised.

Moving on from the concerns regarding the Road Safety Audit, I also note that the applicant has positioned the relocated bus stop to the south of the proposed access at a point that avoids conflict with 70 metres splays from both adjacent junctions (existing hospital and proposed foodstore). I have already explained why I feel that 70 metres is not an appropriate splay distance at this location, but would also reiterate that the hospital access appears to have been agreed based on splays of 4.5 x 120 metres. By allowing for this splay, the bus stop simply cannot be located at the position shown and the applicant must be asked to reconsider their position on this matter. The splay to the right also reflects the 'critical direction' in terms of visibility so this matter must be addressed to ensure a safe arrangement can be achieved.

Section 3 of the Addendum report helpfully shows how a maximum articulated vehicle and large rigid goods vehicle could satisfactorily manoeuvre within the service yard. However, it is my experience that these yards are typically used as open storage and, particularly for larger stores, have multiple vehicles loading and unloading at any one time. The plans provided show that there is no tolerance within the vehicle manoeuvre and in the event that this is blocked the system would fail. This could lead to large goods vehicles reversing back along the service road and into the main junction, which is approximately 25 metres from the Stow Road junction. Any obstructions at the service road access junction would quickly lead back to Stow Road and could cause a serious incident.

I trust that the above details are clear and satisfactory for your purposes. Although the limited timescales have only permitted an initial review of the latest submission, I am still of the opinion that this scheme is being supported by a flawed assessment and presents a serious risk to highway safety. Please keep me updated with any progress on this application and, if required, I would be happy to provide any further detailed explanation of the above issues.

Yours sincerely

 Chris Bancroft  
Director  
Bancroft Consulting





87

## Highways Development Management

Shire Hall  
Gloucester  
GL1 2TH

Martin Perks  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

Please ask for: Alison Curtis

Our Ref: C/2014/032988

Your Ref: 14/04879/REM

Date: 1 May 2015

Dear Martin,

### TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

**LOCATION: Fosseway Farm , Stow Road, Moreton-In-Marsh, Gloucestershire, GL56 0DS**

**PROPOSED: Demolition of existing buildings and erection of food store with associated parking, landscaping and ancillary works (Reserved Matters details relating to Access, Appearance, Landscaping, Layout and Scale and Compliance with Conditions 16 (Landscape and Ecological Management Plan) and 18 (surface water drainage scheme) of development granted under permission 13/01971/OUT)**

This reserved matters application is pursuant to the outline permission 13/01971/OUT granted on the 12<sup>th</sup> December 2013. The principle of a food store on this site and the associated highway impact has been established with the grant of outline planning permission. The outline permission was granted with all matters reserved.

In order to establish that the principle of a food store at this location is acceptable, the issue of traffic generation was considered at the Outline stage. The current application relates solely to detailed matters relating to Access Design, Landscaping, Layout, Appearance and Scale. In terms of Access Design the applicant simply has to demonstrate that a satisfactory means of access can be established to and from the application site. The Outline permission established that the surrounding highway network has capacity to accommodate the proposed development. The impact on Fosseway Avenue was also considered at the Outline stage. In contrast, this application simply focuses on the design of the proposed access and whether it is acceptable from a highway safety standpoint.

In order to demonstrate that the proposed access is of a suitable design the applicant has undertaken additional traffic studies. The results of these studies are set out in the submitted Transport Statement. Appendices B and C provide detailed traffic survey data for the A429 and adjacent roads, including Fossey Avenue. Traffic flows from the A429 have been considered by the applicant during the access design process.

#### Site Access and Internal Layout

The site access is proposed from the A429 in a similar location to the existing access as a simple priority (T) junction, 6m in width with a 15m radius. The access road is 6m in width with widening on bends to accommodate all vehicle requirements. The service road is also 6m in width with a 15m entry radius, to prevent HGVs from entering the car park and becoming stuck. Small exit radii are proposed combined with 'right turn only' signage.

Vehicular visibility of 2.4m by 70m has been demonstrated on Drawing 7, the level of visibility was agreed in principle at the Outline stage. The relocation of the bus stop to a location outside of the visibility splay in accordance with the recommendation from the Road Safety Audit is also shown on this drawing. The bus stop is still within good proximity of the health facilities and therefore remains suitable for the level of use. In accordance with Condition 10 of the outline permission the bus stop will be relocated before works commence on site other than those required to construct the access.

A Swept Path Analysis has been undertaken demonstrating that the largest vehicle legally permitted on the UK's roads can access and egress the site in a forward gear. Drawing numbered 008 illustrates that HGVs can enter and exit the site, albeit that there will be a degree of give-way between two HGVs simultaneously accessing and egressing at one point along the service road, however, the risk of this occurring is anticipated to be low and professional drivers will be aware of this and give way. There is sufficient space available to provide for this give way movement, if it is required, inside the site without causing detriment to the local highway network.

Drawing numbered 0002 Rev G illustrates HGV turning within the service yard with clearance between the turning vehicle and the canopies and cycle shelter.

The junction design has been subject to a Stage 1 Road Safety Audit undertaken in accordance with current guidance. The Designers Response has addressed the problems raised by the Audit Team.

The internal layout is arranged such that shoppers and delivery vehicles are separated at the earliest opportunity. Shoppers are guided to the store via the car park where 170 spaces are proposed. Zebra crossing facilities are provided throughout the site for access by pedestrians. A pedestrian refuge is proposed to assist pedestrians crossing the site access. Pedestrian facilities are provided throughout the site to provide safe access to the store.

#### Parking

Cycle parking is provided to the front of the store, full details have not been submitted, but this can be covered by condition. Separate facilities for long term cycle parking for staff including lockers and changing areas within the main building will be required to be demonstrated.

In order to justify the level of car parking proposed a parking accumulation survey has been undertaken using data from the TRICS database. This demonstrates that there is sufficient car parking provision to accommodate the peak demand (150 parked vehicles at midday on a Saturday) plus 15%. 170 car parking spaces are proposed in total.

#### Vehicular Impact

The issue of vehicular impact on the local highway network was considered, agreed and permitted at Outline planning stage.

The capacity of the proposed site access has been assessed using the computer software modelling programme PICADY (via Junctions 8). The proposed junction geometry is entered into the model along with the base traffic flow and the predicted traffic flow. The purpose of this is to determine whether the junction design is the most appropriate in capacity terms, i.e. will the junction design lead to queues forming on the A429.

The PICADY model shows that for the future year of 2020, to include back ground growth and committed development, during the peak hours on Tuesday (market day) that the junction will operate well within capacity with average queues of less than one vehicle. The ratio of flow to capacity (RFC) value is slightly higher during the Friday peak hours but a queue of less than one vehicle is predicted. The Saturday peak hour again has a higher RFC value, although still below half of the theoretical capacity of the junction, predicted queues remain at less than one vehicle and a maximum delay of 21 seconds.

I refer to the above planning application received on 17th November 2015 with Plan(s) Nos: 0002 Rev G, 7 & 008. I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:

The development hereby permitted shall not be occupied until details of secure and covered cycle storage for customers at the front of the store has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. 0002 Rev G, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Yours sincerely,

Alison Curtis  
Development Co-ordinator