

Item No 02:-

16/04611/FUL (CD.1647/Y)

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

Demolition and removal of existing buildings, and the erection of a Class A1 foodstore (1,918sq m gross floor area) with associated access, car parking and landscaping at Land At Fossey Farm Stow Road Moreton-in-Marsh Gloucestershire GL56 0DS

Full Application 16/04611/FUL (CD.1647/Y)	
Applicant:	ALDI Foodstores Limited
Agent:	Planning Potential
Case Officer:	Martin Perks
Ward Member(s):	Councillor Alison Coggins
Committee Date:	10th May 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Retail Development Outside a Development Boundary
- (b) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty
- (c) Impact on Highway Safety
- (d) Impact On Flooding and Drainage
- (e) Impact on Ecology and Protected Species
- (f) Impact on Residential Amenity
- (g) Arboricultural Impact

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Coggins for the following reasons - 'I have decided to bring this to committee mainly because it is contentious and needs to be dealt with in a public forum. Also lack of landscaping to western elevation and incongruous design language within the AONB.'

1. Site Description:

The application site is located on the southern edge of Moreton-in-Marsh and extends to approximately 0.8 hectares (2 acres) in size. It forms part of a larger parcel of land measuring approximately 2.3 hectares (5.75 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 150m east to west.

The eastern part of the application site is currently occupied by a post war detached dwelling which until recently provided Bed and Breakfast accommodation. Land to the west of the dwelling has historically been used as a touring caravan site and consists of a mown grassed area. 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 a grassed area historically used as a caravan site. To the west of the former caravan site lie agricultural fields. The southern boundary lies adjacent to the recently constructed North Cotswolds Hospital and GP surgery building.

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.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

A Public Right of Way (HMM7) extends in a north south direction along the western edge of the field approximately 180m to the west of the building now proposed.

Two oak trees and an ash tree located in the northern boundary of the application are subject to Tree Preservation Orders (TPOs).

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

14/04879/REM 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) Approved 2015

Permission 13/01971/OUT was the subject of a High Court challenge. The Court of Appeal upheld the Council's decision in their judgment dated the 24th June 2016 (case number: C1/2014/2608). The aforementioned permission is therefore extant.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR05 Pollution and Safety
 LPR09 Biodiversity, Geology and Geomorphology
 LPR10 Trees, Woodlands and Hedgerows
 LPR19 Develop outside Development Boundaries
 LPR24 Employment Uses
 LPR25 Vitality & Viability of Settlements
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development

4. Observations of Consultees:

Gloucestershire County Council Highways: No objection subject to conditions

Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions

Environmental Health Noise: No objection subject to conditions

5. View of Town/Parish Council:

No objection

'The following comments were made during the Extra Ordinary Council meeting held on 19th December 2016. 44 members of the public were present.

Traffic:

Many comments were made about the problems of traffic and congestion in the town. Concerns raised on planning applications about increased traffic are not addressed.

Shoppers would drive to the proposed store thereby generating additional traffic on the A429 in a location where there are already a confusing number of junctions, bus stops and traffic calming measures. London Road was suggested as a more appropriate location.

It was asked whether anyone was looking at the overall plan for the town with regard to infrastructure. Joined up thinking was asked for e.g. considering the traffic implications of this application and Dunstall Farm (Spitfire) together.

Flooding

GCC have objected that the proposals do not satisfy the runoff requirements. It was suggested that a porous surface, similar to the hospital was used for the carpark rather than tarmac.

AONB - Design.

This site is in the Area of Outstanding Natural Beauty. Aldi should acknowledge the fact in their design.

Comments made:

- The render is too bright
- A panel of fake Cotswold stone is an inadequate reflection of the area's character.
- The windows are shiny and will reflect light
- No landscaping has been proposed for the western boundary to shield the view from Bourton on the Hill.
- Safety concerns were identified with delivery lorries needing to reverse into the delivery area via the public carpark.

Amenity

To the north of the site lies the Bowls Club. The tall hedge of conifers and shrubs cast long shadows over the green and which damages the grass. The club request that the trees are cut down to approx. 3m.

Parking

As the proposed store is smaller could some of the carpark be used for town parking.

Shopping

Aldi is offering a limited choice and not meeting the needs of local people. The town already has two top-up shops. What is wanted is a proper supermarket, more choice and quality.

The Town Council resolved to not objection to the application but the clerk was instructed to pass comments made during the meeting onto CDC.'

6. Other Representations:

40 Letters of objection and 39 letters of support and 1 general comment received.

Main grounds of objection are;

- i) The Fosseway is already at capacity along many stretches and particularly going through Moreton in Marsh. The traffic is often backed up to the Longborough turn. A supermarket in this position is only going to make matters worse. Queuing to turn into and out of the Doctors/Hospital and Garden Centre as well as Fosseway Avenue will be made substantially worse. I'm sure it will be argued that people can walk to this proposed supermarket, but that is just not going to happen, everyone will drive. With many more houses built and about to be built east of the railway line, surely a site there would be more convenient.
- ii) With the low lying position of Moreton, any new, modern development is very visible from the AONB west, up the hill towards Bourton on the Hill, Longborough and Sezincote. In my opinion the Fire College, the Garden Centre and the new Hospital have all had a highly negative effect on the view from the many footpaths that run along the hillside. Whilst I understand that more shops may be needed, this site does not strike me as the right one for these reasons.
- iii) We do not want this there are plenty of so called cut price supermarkets around and the Road is not suitable it's hard enough now to get in and out of garden centre and garage and with houses being built opposite it will make Road impossible why not get one on land around Moreton park area that's where a shop is needed.
- iv) I think this development will add nothing to Moreton in Marsh and damage the current High Street traders. The A429 through Moreton is already congested; adding more traffic will be disastrous. There is already a new Aldi supermarket in Chipping Norton 6 miles away. Perhaps Aldi could fund a free bus service rather than build another supermarket.
- v) Any local people needing to shop at Aldi already have perfectly good access to the Chipping Norton Store. They do not need this oversized addition.
- vi) The volume of traffic along the A429 is a serious concern. It is the main north/south route through the Cotswolds. It is very often congested with traffic backing up to the Longborough turning. There is no alternative route for HGVs which is a serious consideration with this scheme set to increase traffic volumes in an already congested area. New store could attract 1400 vehicle movements per day. The site sits between the hospital, two GP surgeries, garden centre, Fosseway Avenue and a petrol station. Congestion and the potential for a fatal accident are both greatly increased by the addition of supermarket to this already busy area.
- vii) The somewhat complex junction at the entrance to the hospital combines with traffic entering and leaving the petrol station and garden centre to create a difficult driving experience as it is. To introduce a new, massive retail unit in the same stretch would be absolute folly. It would be a self-imposed logjam and I am convinced there would be a significant increase in traffic accidents.
- viii) Moreton does not actually need a new store which would be significantly larger than Tesco, Co-op and Budgens combined. There is a genuine concern that existing businesses in the town would be forced out of business with a corresponding effect on local jobs. In my view there is little local support for this application. People are concerned that it represents the thin end of the wedge and further ill-conceived developments are likely to follow if it is successful. Finally, Moreton needs to retain its individuality. Our town would not be well served with an Aldi 'boundary marker' as an entry point, particularly set in the midst of an area of outstanding natural beauty. We do not need to follow the herd; we should be cherishing our local area and its traditional businesses.
- ix) It is too large for the area. Building all these large building ruin our gorgeous views. This will just make it worse. I understand we might need another supermarket but not at that scale and on that main stretch of road. It will cause more problems than solutions.
- x) If this goes ahead local shops will suffer and our beautiful market town will never be the same again.
- xi) There are already 3 supermarkets in the town does it really need another?

- xii) Traffic in Moreton coming in and out is already horrendous, the building works & the general traffic a new store would just cause further issues. The junction the proposed area is situated in a dangerous location and there is a concern that it will create accidents. Moreton is a thriving market town it should not be spoilt by a huge commercial supermarket.
- xiii) The building is not in keeping with the town. A disappointing design.
- xiv) As someone who works in Moreton-in-Marsh, I already find the traffic issues in the town incredibly frustrating. At times it can take over 40 mins to get from one end of the high street to the other. Adding another junction onto this road will only add to the problems, let alone the increased amount of traffic that will be using the road due to the new homes being built. I don't believe that Moreton-in-Marsh is in need of another supermarket as the town is well served by Budgens and Tesco is only a few miles away. Aldi already have a store that is located nearby that local residents will travel to if they wish to shop at Aldi.
- xv) I feel it would kill the high street shops.
- xvi) There are 5 junctions in direct conflict with the proposed access a) The petrol station access immediately adjacent, b) The hospital/ doctors surgery, c) Fossey Avenue which often has queues to get on to the A429 d) Holly House opposite and e) Fossey Garden Centre. Add to this the 2 bus stops and traffic calming measures this creates a very confusing and dangerous accident black spot that would be made significantly worse by potentially an additional 1500 traffic movements a day.
- xvii) This is in contravention of NPPF para 115 and 116 and would have a detrimental impact on the landscape and views in and out of the AONB, particularly from elevated surrounding areas. The site would form the gateway to Moreton which has already been compromised by the Hospital and Doctors Surgery development and add insult to injury by adding yet another ugly box at the entrance to the town.
- xviii) At just under 2000 sq m this development is completely out of scale for a town of only 4000 residents already served by a supermarket and independent retailers. The design has made no attempt to be sympathetic to the Cotswold AONB and is the bog standard box design that is rolled out by Aldi. The landscaping proposals are woeful and poor quality and makes no attempt to blend in to the environment.
- xix) The flood resilience measures are inadequate. This site and the road and other local properties are already at risk of flooding and concreting / tarmac over a green field site will only exacerbate the surface water run off in to the FRD. The FRD cannot cope with the existing capacity for the whole of the town and cause issues further down Fossey Avenue where the gardens of some houses are often impacted by this flood risk. To permit further development will only cause further flood risks.
- xx) The town is already served by a supermarket and other independent retailers and for a town of 4000 feel a development of this size could have an adverse impact on the success and survival of town. This proposal is totally out of scale for the town and there are other large supermarkets in nearby towns such as Evesham and Chipping Norton where Aldi are already represented. This could also impact the already much diminished weekly market, for which the town is so well known. If this were to be lost this would have a very detrimental impact on the viability of Moreton.
- xxi) The design and style of this supermarket is what one would expect to see on an industrial estate and is not worthy of its prestigious position at the entrance gateway to an historic Cotswold market town within the AONB. The materials chosen are not in keeping with this area, the render is too light, and this building will be too conspicuous when viewed from Bourton on the Hill, having serious adverse visual impact on the AONB. Careful consideration also needs to be given to the roofs cape to ensure that it is not of a reflective material.
- xxii) The landscaping proposals are minimal and non-existent to the west of the site offering no screening as the building is viewed from Bourton on the Hill. The neighbouring hospital development has set the bar and standard of landscaping very high and the proposed scheme for the Aldi Store is seriously inferior.
- xxiii) I have seen this site flooded at least 3 times since the serious floods of 2007 when the whole campsite was under water. It is paramount therefore that the vast expanse of hard standing provided for car parking should be of a porous/permeable nature to allow surface water to penetrate, similar to the hospital parking areas. Otherwise, rather than this site

- offering a large soakaway as it currently does, all the water accumulated on the carpark will run off to surrounding areas making the neighbouring properties even more vulnerable to flooding than they are already.
- xxiv) Since outline consent reference 13/01971/OUT was granted in 2013 the volume of traffic using this route has increased significantly and I understand that no detailed highways report was submitted at that time.
 - xxv) The site of the proposed store is located between the hospital/doctors' surgeries and a very busy petrol station and opposite Fosseway Avenue which is home to several hundred cars which can only exit one-at-a-time. It is going to be chaotic and dangerous. The speed limit of 30mph is regularly exceeded as there are no traffic calming measures in place. Vehicles turning right across oncoming traffic into any of these entrances are going to cause serious delays. This route out of town to the doctors' surgeries/hospital attracts many pedestrians, many with buggies and young children, and also some quite elderly, and this is a further cause for concern and potentially very hazardous to pedestrians as there is no crossing proposed.
 - xxvi) Another concern is the configuration for deliveries to the store by lorries. The unloading bay is on the northern side of the site and there is no separate provision for lorries entering/leaving the site. Indeed lorries have to pass through the carpark and reverse into the loading bays which is very dangerous. This suggests that deliveries will predominantly be made at night which is going to be noisy for neighbours.
 - xxvii) I appreciate that this site already has outline consent for this facility and can recognise that as Moreton has grown significantly there may be a need for another supermarket but this is definitely not the best place. Surely this facility would be better placed closer to where all the new houses are being built, rather than forcing all these residents to travel through the town via an already over capacity roadway system which regularly backs up in all directions.
 - xxviii) Already there are long queues into town as far back as Longborough turn caused by traffic volumes at peak times and weekends caused by a narrowing of the main road at this point, compounded by an inexplicably daft place to locate a bus stop. The road is used by a lot of elderly people accessing the hospital and surgery. The proposed access is close to the access for the garden centre, hospital and surgeries and the addition of say 2 to 3000 extra vehicle movements daily can only make this worse and more dangerous. The extra traffic will also cause a general loss of amenity to the town environs. Moreton suffers from severe traffic delays caused by the narrow bridge to the north immediately followed by the Batsford turn and Budgens/Post Office entrance, immediately followed by the side access road and the parking along the main road. Compounded by the traffic lights followed by 2 mini roundabouts. Add 2- 3000 more daily movements and gridlock and pollution for long periods will surely follow. To place a substantial supermarket along this road does not make sense.
 - xxix) Many other supermarkets have tried and failed better places in Moreton for it say by the fire college better access and less congestion.
 - xxx) The A429 Fosseway though Moreton in Marsh is a heavily congested road. The proposed location of this foodstore is inappropriate as it will severely impact upon and further degenerate the road traffic situation on the approaches to Moreton from Stow, and the general flow of traffic through the town itself. Already there are significant traffic tailbacks on either side of Moreton using the A429, every evening during rush hour, many mornings and also at weekends, especially in summer. Traffic also queues on the A44 through the town. The foodstore would attract (car based) custom from within Moreton and the outlying towns and villages. A better site away from the busy A429 should be identified.
 - xxxi) The area is in an area of outstanding natural beauty, the proposed structures are inappropriate in style and purpose and not in-keeping with the culture of the area or NPPF guidance. The area around the proposed development is prone to flooding. Removal of grassed land and replacement with hard surfaces will lead to a drastic increased in flood risk to the local residents and the main A429 road. Given the geography, surface water will flow into the A429 itself or the adjacent brook.
 - xxxii) There is no suitable crossing provision for customers to reach the proposed site, ESSO garage or hospital. Hospital patients travelling on foot will now be a significant danger while making their way to the hospital. Furthermore the increased traffic on the A429, and

queuing traffic waiting to leave Fosseway Avenue will caused increased noise and air pollution for residents living in the vicinity of the junction and along the A429. This will severely deteriorate their standard of living. Increased HGV traffic turning into/out of the site will be a specific hazard as well.

- xxxiii) Moreton-in-Marsh already has three 'top up' sized store which are more conveniently located for encouraging mixed shopping in the central area of the town. The store is unnecessary and is located where traffic will cause considerable additional congestion. The Fosseway is already very busy and a top up store that generates multiple frequent visits will add to the volume of traffic. The space for the planned junction is totally inappropriate.
- xxxiv) Unreasonable disruption to neighbours caused by deliveries before 10am and after 5pm. No service turning circle proposed thereby leading to vehicles reversing leading to a potential harm to shoppers.
- xxxv) Site is within AONB and outside town's development boundary. Such land should only be developed upon in exceptional circumstances. Do not believe that a new Aldi, when there is one 7 miles up the road in Chipping Norton constitutes exceptional circumstances. More sensible and sustainable to site a new supermarket at the Fire Service College.
- xxxvi) The traffic on the A429 has increased over the last 5 years to the point where it is incessant between 9am and 7 pm. A supermarket with a potential 80 cars in the car park will make matters worse.
- xxxvii) The prominent position of the proposed supermarket does not enhance the approach to this historic market town.
- xxxviii) A more appropriate location would be on Oxford Road towards the Fire Service College which lacks any retail outlets.
- xxxix) This is the wrong site for a food store. The site should be reserved for a new primary school.
- xl) Adverse impact on Area of Outstanding Natural Beauty. Vast single storey flat roof will have a negative impact especially when viewed from the Bourton on the Hill ridge.
- xli) Adverse impact on AONB arising from light pollution. There is no proposal for lights off in the non-operational hours of darkness.
- xliv) Roads cannot cope with existing traffic. Adding a much larger shop will encourage traffic to the area using up resources but not actually contributing to the economy bar a few low paid jobs.
- xliv) Moreton doesn't need an Aldi. It would be an eyesore and would ruin the look of the town.
- xliv) We already have a problem that large articulated lorries speed through the town especially in the evening or early morning. Delivery lorries will add to this.
- xliv) The town doesn't need another supermarket. Soon enough Moreton will just be a High Street that is impossible to drive along because of traffic, bookended by larger stores. We used to have a greengrocers, now there are multiple coffee shops, antique shops and little else.
- xlvi) Moreton is in the process of being over developed and the town already can't cope with the through traffic now generated. An additional supermarket so close to the town centre would only enhance this problem dramatically making the current roundabout system unworkable. It would encourage people to use cars for short journeys which would be unsustainable for Moreton. Stow and Chipping Norton within 15 minutes drive both have larger supermarkets which are easy to travel to if people are unsatisfied with the existing supermarket or can easily shop via the internet.
- xlvi) The demand for the brand is low and the products are not of the quality I would expect for my large weekly shop. I would continue to take my trade out of the town to other supermarkets or shop online. I agree that Moreton does need to develop and additions like this would benefit the community but a supermarket of better standard would make more sense.
- xlvi) Distinct disregard for boundary treatment and soft landscaping. No attempt to reduce the visual impact of the building with new planting when viewed from the west. A pale coloured render will only accentuate the building's scale and bland detailing; darker hues would be more successful. The extensive flat roof lacks any consideration for its context. This is poor contemporary design.

- xlix) The proposed plans are out of keeping with the character of the town. Although the proposal is a low rise build the exterior appears to rely on plate glass rather than natural Cotswold stone which would be more appropriate.
- l) Letter submitted by Aspbury Associates on behalf of Warner Budgens is attached.

Main grounds of support are;

- i) This appears to be a better design than that proposed when outline planning permission was granted. The expected expansion at another store in Moreton hasn't so far materialised so the town is now, at least in my opinion, desperate for such a store. Although ALDI would not have been my first choice and the store is smaller than I had expected I still support ALDI's proposal
- ii) I am in favour of this development as the town does need another supermarket with the growing population and preferably one that is affordable to all. The only concern I have is the A429 which Fossey Avenue enters and exits onto which is very busy now and will only get busier. Will Highways consider a mini roundabout or traffic lights as they did when Tesco's was built at Stow on the Wold.
- iii) Moreton badly needs a competitive supermarket.
- iv) We think that this store will compliment local shopping facilities.
- v) We have no affordable supermarket in our town and this would be a very welcome addition.
- vi) This Aldi would be great for Moreton in Marsh.
- vii) This supermarket is much needed in Moreton in Marsh. The main concern is flooding prevention. It will bring more jobs to the area and also mean that more shopping will be done in Moreton thus saving having to travel out of town so often. I do hope the Council will approve this application.
- viii) It's just what the local people need, a more affordable choice when it comes to their food bills. I do hope the planning office consider the opinions of the people who live here about, and give their approval. It would be a very good for the town.
- ix) I am all for having an Aldi in Moreton in Marsh! Currently our supermarkets are limited. Budgens is not affordable for me personally for a weekly shop and the Tesco express and Co-op have very little choice. It would be great to have somewhere affordable with more choice in the town. I would no longer have to do all my food shopping on line and also much more reasonable prices! I really hope that there is a positive response to this proposal and that it does go ahead.
- x) My husband and myself support Aldi's application to build on this site as Moreton is in need of an affordable supermarket as we are both pensioners and we cannot afford to shop at Budgens as I am sure most of the young families that live in the town can't either and with all the new development going on here we need something.
- xi) We definitely do want an Aldi I shop at Aldi all the time, but have to drive to Chipping Norton to do so. Budgens is far too expensive to weekly shop and with the threat of possibly 600 houses being built at this end of Moreton it can only be a benefit to have Aldi nearby. It would save on the carbon footprint too with so many people having to use their cars to shop far away. Plenty of people I have spoken to (many families with children) would welcome Aldi in Moreton. We need to bring people into our town and many would stop and use other facilities in town while they were here.
- xii) Moreton currently lacks affordable family food shopping for a weekly shop. Many need to travel to shop elsewhere so the traffic impact would be unchanged. The location of the proposed store would be within easy walking distance of many of the town's residents. There are a number of high-end outlets and convenience stores in the town and the addition of an Aldi store would offer shopping to meet all requirements. The town would benefit as Aldi would add to the shopping options available for both locals and visitors.
- xiii) There is a great need in Moreton for another supermarket, this will provide more choice and with the increased housing thinking ahead this is crucial to the town. It will vastly improve the ex-caravan park and enhance the town.
- xiv) I believe as a resident of Moreton-in-Marsh that an Aldi in the town would be of benefit to the majority of residents due to the low prices and various offers they have. It will be built on a brownfield site which already has been built on so most of the utilities used are

- already there. Budgens supermarket have had the monopoly on this town for too long. The town is getting bigger due to all the new houses being built and a new store would be ideal. I hope you approve this application for all the people in Moreton and surrounding villages to allow them to have a choice of where to shop.
- xv) As a resident of Moreton in Marsh, I welcome the chance for Aldi to have a shop here. Moreton shops are expensive and not everyone is able to access the Aldi in Chipping Norton, especially as there is no public transport between Chipping Norton and Moreton in Marsh. The planned housing will require more shopping opportunity, and Aldi would be in the ideal position, although, the access could be improved. The road network is another issue and definitely needs to be sorted out, but those building the houses need to be made to contribute.
 - xvi) Generally, I think a supermarket is a good idea at that location as the town has grown in residents and lots of locals go outside Moreton to do their shopping or have it delivered to home. However, the amount of heavy goods vehicles using the A429 is a huge concern as it's always very busy and difficult to pull out of the surrounding roads - this really needs to be addressed.
 - xvii) Moreton definitely needs this super Market, Budgens is very overpriced and we need a choice.
 - xviii) I support this store being built locally as it will help provide well paid jobs in the town. It will also provide a source of quality affordable food for those who have a limited food budget. My only slight concern is the ease of access onto the site for traffic but this could be easily solved with either a roundabout or traffic lights.
 - xix) It will expand local jobs for local people who otherwise have to travel long distances to work, it will also enable low income families to shop within Moreton without the need to pay for transport which in turn will leave more money available for other needs (gas, electric, etc).
 - xx) Whilst I appreciate that traffic is a major problem in Moreton I think that the town would benefit greatly from a competitively priced supermarket. Maybe the council should consider transport links before granting more houses planning, rather than getting het up about a needed amenity.
 - xxi) Moreton needs more facilities for the growing number of houses being built and also an affordable option. It makes affordable shopping available for those who are unable to get out of Moreton. I understand people's concerns over traffic but Moreton is already suffering terribly and maybe a better option rather than turning down the planning application would be to look at traffic measures separately.
 - xxii) For people like me who don't drive and have to ask to be taken to the nearest shop in Chipping Norton. This would be a great place to have a shop. I've grown up here all my life and got use to the changes. Moreton is changing people have to accept it and move on with the times. Moreton is continuing to grow and changing. The shops in Moreton struggle as it is.
 - xxiii) With Moreton ever growing. With houses going up everyday Moreton needs another shop. We have to travel 8-10 miles to go shopping. when having just one down the road would be ideal. It would help with traffic as people wouldn't have to travel far. It would give more job opportunity for the local people and more competitive prices and choice for the consumer.
 - xxiv) I believe Moreton need an Aldi. Both Budgens and Tesco at Stow are overpriced even compared to their own other branches. This means that people who can't drive only have access to overpriced food.
 - xxv) The problem with Moreton is that if the development was aimed more at the elderly i.e. wardened flats etc then its fine whereas something a bit different and out of the norm is frowned upon which is a shame as Moreton will end up stuck in the dark age in years to come. It would also bring more people to the other local services especially the fuel station thus bringing more money to Moreton.
 - xxvi) Moreton needs to get with the times and cater for as many people as possible. Elderly people in turn would benefit from it too in the sense of also having access to cheaper better food. Also there is nothing wrong with a bit of competition and choice as to where you shop instead of having to head to the larger town like Cheltenham. The aesthetics of

- the building can be altered if need be surely. It seems in the Cotswolds that as long as it has a bit of lime stone incorporated in it it's fine to build anyway.
- xxvii) The proposed development will on balance be of benefit to the town, particularly to those on limited budgets. The current shops cater well for the top end of the market. Aldi's shop will concentrate on value for the ordinary shopper and importantly does not include a café, of which Moreton has plenty.
 - xxviii) Moreton-in-Marsh is growing and will continue to grow. I believe it can sustain both Budgens and Aldi and attract more visitors to the town.
 - xxix) Another supermarket is a must for Moreton. So many new houses are being built then suitable shopping facilities must be found.
 - xxx) Will create jobs and cheaper food for larger families.
 - xxxii) I do not shop in Moreton but, for the majority of my shopping, go to Aldi in Chipping Norton and Evesham and also Waitrose at Stratford. I would not be taking trade away from existing Moreton shops. Those of us in Moreton who do not drive seem to be forgotten. I would go to Aldi on foot.
 - xxxiii) It would be a great asset to the town.
 - xxxiiii) I can't see any safety issues entering and exiting the proposed development. At least visibility is good unlike Budgens where when turning right you pull out into oncoming traffic from the bridge.
 - xxxv) Extra visitors coming into the town could be good for all businesses and I for one won't have to go out of town to do the weekly shop.
 - xxxvi) Pleased to see extra competition in the local area.

General Comments;

- i) 'As Moreton-in-Marsh Bowling Club (MBC) Hon Secretary, I have been asked to comment on this planning application on behalf of the Club Management Committee.
Background:
The bowling green is situated on the opposite side of the storm drain ditch that borders the northern boundary of this development application. Three main issues arise from our situation in relation the application:
 - a) Dust, noise and debris and general disturbance during the construction phase will be considerable and will have a detrimental impact on the green and the environs of the club.
 - b) Despite an Arboricultural Assessment having been made, no consideration has been given to the height of the hedgerows, or their general management. MBC spends a considerable amount of money on the maintenance of the green. Shade from the trees and hedgerows has become a significant problem, alongside the considerable leaf fall generated in the autumn.
 - c) The bowling green is used by a significant number of people (between 50 and 70) for most days during every week from the end of April until the end of September, in the afternoons and the evenings. Noise generated both by the refrigeration unit on the northern façade of the building and the delivery bay may cause discomfort and a loss of amenity.'
- ii) No abatement technologies have been incorporated into the planning application under the Landscape Management Plan in regard to reduction of noise/dust and debris alleviation and the potential for detrimental impact on the bowls club. The prevailing wind is from the site toward the bowling green. MBC ask that this be redressed to ensure reduction of impact during the construction phase if permission is granted.
- iii) In relation to design, the Town Councillors requested that hedges on the Northern site boundary adjacent to the Bowls Club be reduced to the lowest possible height to prevent loss of light on the bowling pitches.
MBC note however, that at no point has Aldi taken note of this request.
- iv) The Landscape Management Plan 1224 submitted by Cambium in September 2016 contains no reference to continuing management of the hedgerow H11/H12.
- v) The Arboricultural Assessment assessed H11 and H12 as Mature C2 trees, overgrown and unmanaged, self-sown and secondary. However, they are listed for 'no action required' in the schedule of works. MBC feel very strongly that this is wrong. MBC

therefore asks that heed is taken of the Councillors request in the Community Plan to significantly reduce the height of these hedges - and where possible the height of the larger trees, to improve air circulation/light and to reduce leaf fall onto the green.

- vi) The impact of noise generated by the refrigeration units of the warehouse may be considerable since on the plan they face the bowling green directly. Without some sort of abatement this could impair the enjoyment of our facilities. Whilst this may seem insignificant to the developers, we host many games for the County of Gloucestershire against other Counties and visiting teams are the source of our revenue. We also hold an annual gala that attracts over 20 teams to Moreton in Marsh. These people use our shops and restaurants, hotels and camp sites and bring much needed revenue to the whole town. If other clubs should find the experience of playing on our green uncomfortable they may ultimately refuse to come to us. We have existed for 106 years.
- vii) Finally, the delivery lorries may have a similar detrimental impact with noise, fumes/dust resulting from their activities. MBC ask that abatement technologies are included in the plan to alleviate this and the refrigeration unit impacts.'

Longborough Parish Council: No objections

Sezincote Parish Council: Object

'Stow-on-the-Wold in one direction and Moreton-in-the-Marsh in the other are both notorious traffic bottlenecks already and impossible to avoid without huge detours on often tiny roads. In our view, anything that adds to the traffic in this stretch of the Fosseyway between the two towns, would be utter folly; especially since the North Cotswold Hospital is already there, easy access to which is essential from the point of view of public health. A large garden centre is already attracting a lot of traffic as it is. A supermarket might easily more than double the number of cars heading for this stretch of road, because it will be too far out of town to attract many shoppers on foot. Moreton is amply provided with shops already, notably Budgens, which was built in a sensible place. We would also like to point out that Tourism is our principal industry in the Cotswolds; why do we keep on trying to kill the very thing which our visitors love to see i.e. unspoiled countryside - our resource, not just our pleasure?'

7. Applicant's Supporting Information:

Transport Statement
 Planning and Retail Statement
 Ecological Appraisal
 Drainage Strategy and Flood Risk Assessment
 Statement of Community Involvement
 Arboricultural Impact Assessment and Tree Protection Plan
 Landscape Maintenance and Management Plan
 Design and Access Statement
 Lighting Strategy
 Refrigeration Plant Specification

8. Officer's Assessment:

Background and Proposed Development

Outline planning permission was granted for a foodstore on the application site in December 2013 (13/01971/OUT). The gross floor space of the approved store was 2,736 sq metres of which 1,742 sq metres was to be used as retail floorspace. The aforementioned decision was subsequently challenged by another retail operator. The Court of Appeal issued a final judgment on the decision in June 2016. The Court of Appeal upheld the Council's decision and as a consequence the Outline approval remains extant. Reserved Matters approval for the store was also granted in 2015.

The current proposal is for Full planning permission for a smaller store than that approved in 2013. The proposed store will have a gross floor area of 1,918sq metres of which 1,254 sq metres will be used as retail floorspace. The proposed building will measure approximately 58m long by 36m wide by 5.46m high. The front of the proposed building will be set back approximately 90m from the A429.

The approved foodstore measures approximately 74m long by 49m wide by 6.45m high and is set back approximately 150m from the A429.

The proposed building will have a flat roof and will be covered with a composite membrane. The side and rear walls of the proposed store will be clad in a sand cement render. The front elevation will be primarily be glazed with a natural stone feature wall lying to the right hand (northern) side of the glazing. A 3m deep projecting canopy will extend to the front of the store. It will be 4.14m above ground level.

Customer and delivery vehicle access to the site will be via a new access onto the A429. A total of 107 car parking spaces are shown on the proposed plans.

The existing dwelling on the site dates from the 1950's and has a height of approximately 7.5m-8m. The proposed scheme seeks the demolition of the dwelling and the removal of the conifers along the southern and eastern boundaries of the site. The hospital building to the south of the application site has a central hub measuring approximately 11.8m in height. The lower level wings located to the side of the central hub measure approximately 9.8m in height. It is set back approximately 150m from the A429.

Of the 1254 sq metre retail sales area 1003 sq metres will be set aside for convenience goods and 251 sq metres for comparison goods. Convenience items are typically those goods and products which are purchased on a regular basis and which tend to be relatively inexpensive to purchase such as grocery items. In contrast Comparison goods are typically goods that consumers buy at infrequent intervals and normally compare prices before buying. They tend to be 'non-perishable' goods for retail sale which are often stocked in a wide range of sizes, styles, colours and qualities such as fridges, televisions etc. The approved scheme had a convenience good retail floorspace of 1,394 sq metres and a comparison goods area of 348 sq metres.

The proposed development is predicted to generate 17 full time and 33 part time employees.

(a) Planning Policy and Guidance Concerning Retail Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Policy 19 states that outside Development Boundaries 'development appropriate to a rural area will be permitted, provided that the proposal relates well to existing development, meets the criteria set out in other relevant policies in the Plan; and would not:

- (a) Result in new build open market housing other than that which would help to meet the social and economic needs of those living in rural area;
- (b) Cause significant harm to existing patterns of development, including the key characteristics of open spaces in a settlement;
- (c) Lead to a material increase in car-borne commuting;
- (d) Adversely affect the vitality and viability of settlements; and

- (e) Result in development that significantly compromises the principles of sustainable development.

The Notes for Guidance accompanying Policy 19 advises that 'development appropriate to a rural area' will 'include many types of development covered by other policies in the Plan'. It also lists a number of other development types 'not specifically covered' that may be acceptable such as small scale community facilities adjacent to settlements, development for educational training use ancillary to existing educational training establishments, domestic extensions and outbuildings, agricultural and forestry buildings and development necessary for appropriate sport, recreation, leisure or nature conservation. Whilst not included within the aforementioned list the Local Plan does include a specific policy relating to retail development (Policy 25). The proposal is therefore for a type of development that is 'covered by other policies in the Plan' and as such has the potential to constitute 'development appropriate to a rural area' in the context of Policy 19.

With regard to retail development Local Plan Policy 25: Vitality and Viability of Settlements provides guidance. Paragraph 2 of Policy 25 states 'development that would harm the vitality and viability of the commercial centres will not be permitted. Proposals for development outside the commercial centres will be subject to a sequential test and, in the case of retail development, must be supported by evidence;

- (a) of need;
- (b) that it will not harm vitality and viability; and
- (c) that it is accessible by a choice of means of transport'

It is evident that Policy 25 can be supportive of retail development outside established commercial centres subject to the above criteria being addressed.

In addition to the above the Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Moreover, the weight that can currently be given to the existing Local Plan policies is ultimately subject to their degree of consistency with the guidance set out in the National Planning Policy Framework (NPPF). As such the guidelines set out in Paragraph 215 of the NPPF are applicable in this instance. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight they can be given)'.

In relation to proposals for out of town centre retail development Section 2 Ensuring the Vitality of Town Centres of the NPPF is of particular relevance in the case of this application.

Paragraph 23 states that 'planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.' In drawing up Local Plans it also advises that local planning authorities should 'recognise

town centres as the heart of their communities and pursue policies to support their viability and vitality.' It also seeks to 'promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres' and 'retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.'

Paragraph 24 states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

Paragraph 26 adds that 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

Paragraph 27 states 'where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'

Paragraph 28 of Section 3 of the NPPF also states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development' and 'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.'

It is evident from the above that the NPPF seeks to focus new retail development on existing town/village centres. However, it can also be supportive of development outside such centres if it can be demonstrated that there are no suitable town centre or edge of centre sites available, there is no adverse impact on the vitality and viability of the town centre and having regard to the other criteria set out above. In the context of retail development Annex 2 of the NPPF defines edge of centre as 'a location that is well connected and up to 300m of the primary shopping area.' An out of centre location is defined as a 'location which is not in or on the edge of a centre but not necessarily outside the urban area.' Out of town is defined as a 'location out of centre that is outside the existing urban area.' The current proposal represents an out of town form of development.

In addition, it must be noted that the NPPF no longer requires applicants to supply evidence of need when bringing forward applications for new retail development outside town centres. Criterion a) of Policy 25 therefore no longer carries weight when considering this proposal. The remaining criteria in Policy 25 are still considered to be consistent with the aspirations of the NPPF and can therefore still be given weight.

The Government's Planning Practice Guidance (PPG) provides further clarification on the assessment of applications for retail development;

Paragraph 001 states 'Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.'

It goes on to state; 'The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan - the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans.

The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold as set out in paragraph 26 of the National Planning Policy Framework.'

Paragraph 006 of the PPG states 'It may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 26 of the National Planning Policy Framework.'

The following sections will look at the Sequential Test and the impact of the proposal on Moreton-in-Marsh Commercial Centre.

Retail Development - Sequential Test

The application site is located approximately 490m to the south of Moreton-in-Marsh Commercial Centre as designated in the Cotswold District Local Plan 2001-2011. The main entrance to the store is approximately 580m from the Commercial Centre. The application site is connected to the Commercial Centre via a pedestrian footway that runs alongside Stow Road. The route from the proposed store to the Commercial Centre is flat and straight. Bus stops also lie on either side of the A429 just to the south of the application site.

The application site is located over 300m from the town's Commercial Centre and outside the town's Development Boundary. Consequently, the proposed development is classed as an out of town development. In accordance with Paragraph 24 of the NPPF the applicant has to demonstrate that there are no other sequentially preferable town centre or edge of centre sites that are suitable and available for development as an alternative to the site now proposed.

Paragraph 008 of the PPG advises that 'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.'

Paragraph 010 of the PPG states that 'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission).' It adds that 'The application of the test should be proportionate and appropriate for the given proposal.' It also sets out a checklist of considerations that should be taken into account when determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 27 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. Compliance with the sequential and impact tests does not guarantee that permission is granted - local planning authorities will have to consider all material considerations in reaching a decision.'

The applicant has undertaken a Sequential Test as required by Paragraph 24 of the NPPF. The applicant has based their analysis on the suitability, viability and availability of sites that could accommodate a store with a net retail sales area of 1000 sq m (1500 sq metres gross and 80 car parking spaces). The parameters are consistent with those used by the previous applicant in respect of the extant foodstore scheme (13/01971/OUT). The 1000 sq m net retail area is 254 sq m smaller than the applicant's current development proposal. It is considered that the applicant is therefore offering a degree of flexibility in terms of format and scale and their approach to potential alternative development sites. The approach is also consistent with the parameters that were considered acceptable by the Court of Appeal in their decision of June 2016.

The Sequential Test has re-assessed the sites considered during the course of the previous application as well as investigating the suitability of any new sites that may have arisen since the determination of the previous application. The sites considered include land at New Road, Station Road, Church Street, Stow Road/Parkers Lane, Jameson Crescent/Fosseway Avenue, the former hospital site on Hospital Road and the Warner Budgens site. Sites further from the commercial centre on Beceshore Close, Cotswold Business Village and Fosseway Industrial Estate have also been assessed. The Sequential Test considers that there are no suitable sites that are available for the proposed development even at a reduced net retail sales area of 1000sq m. The selected sites are considered to either be too small, suffering from poor accessibility, located further from the town centre than the application site or subject to policy restrictions such as open space allocations which restrict new development. With regard to Budgens the extant permission for the 639 sq m foodstore extension granted in 2013 (13/00235/FUL) has still to be completed. During the course of the previous application the Council considered that the land at Budgens was not reasonably available for the size of foodstore proposed by the then applicant. The Court of Appeal upheld this approach in their judgment of June 2016 finding that the Council's approach to Sequential Test was sound. With regard to the current proposal it is still considered that the Budgens' site is not available for the size of store being proposed by the current applicant even if flexibility in format and scale is taken into consideration.

Overall, it is considered that the Sequential Test undertaken by the applicant is sound. It has been reasonably demonstrated that there are no other suitable town centre or edge of centre sites that could accommodate the proposed foodstore even if flexibility in format and scale is taken into account. In addition, there are no other out of centre sites that are more accessible and better connected to the town centre than the application site. Pedestrian footways link the site to the town's Commercial Centre and the route is flat. Bus stops also lie on the A429 in close proximity to the application site. The site is therefore considered to be accessible and well connected to the town centre. It is considered that the application passes the Sequential Test requirements set out in Paragraph 24 of the NPPF and guidance in the PPG.

Retail Development - Vitality and Viability of Moreton-in-Marsh Commercial Centre

Moreton-in-Marsh is the fourth largest retail centre in Cotswold District. An assessment of the retail health and mix of the town was undertaken in 2012 as part of the Cotswold Economy Study and more recently as part of the Cotswold Retail Study Update 2016 (dated December 2016). The latter Study has assessed the number of retail uses in Moreton-in-Marsh Commercial Centre in 2012, 2014 and 2016. In 2012 the total number of recorded retail units was 83. In 2016 the number had risen to 86. Of the units recorded 8 fell within the convenience goods category in 2016 rising from 7 in 2012. The number of retail uses falling within the comparison goods category remained steady at 37 units. The number of vacant units in the Commercial Centre has reduced from 7 in 2012 to 5 in 2016. The Study Update states that the number of convenience retailers in the town is 'in line with the national average.' The number of comparison goods retailers is slightly above the national average. The number of service uses in the Commercial Centre has risen from 30 to 35 from 2012 to 2016. The number of vacant units (6%) in 2016 is half the national average (12%). The town centre also hosts a weekly market on Tuesdays.

The principal convenience goods retailers in the town centre are the Tesco (approx 150 sq metres) and Co-op (approx 100 sq metres). Both are located in the centre of the Commercial Centre.

In addition to the above a Budgen's foodstore lies outside and to the north of the Commercial Centre. The main entrance to the aforementioned store lies approximately 125m from the northern edge of the Commercial Centre. The existing store has a gross floor area of approximately 1458 sq metres of which 909 sq metres is net retail floorspace. In February 2013 permission was granted for an extension to the store (13/00235/FUL). The approved extension measures approximately 639 sq metres in size. The permission was implemented and as a consequence remains extant. However, it has yet to be completed. If completed the size of the store would measure 2097 sq metres gross of which 1541 sq metres would constitute retail floorspace. For comparison, the Tesco's store in Stow-on-the-Wold has a net retail floorspace of approximately 1335 sq metres.

Paragraph 5.110 of the Cotswold Retail Study Update 2016 states 'In addition to the Budgens foodstore, there is also a commitment for a new supermarket on land to the west of the A429 on the southern edge of the town. Planning permission was issued in 2013 and provides for a 1,742 sq m net store, with 1,394sq m for convenience goods sales and 348sq m for comparison goods sales. The permission issued by CDC has been subject to a legal challenge (by the operator of the Budgens store) although this has not been successful. The permitted store would, if implemented, provide for a greater range of choice and competition in the convenience goods sector in Moreton and is also likely to stem some of the leakage of convenience goods expenditure which currently flows to Tesco supermarket in Stow.'

Paragraph 5.123 of the Study Update states that 'Moreton-in-Marsh has the characteristics of a vital and viable town centre, which is serving the day-to-day needs of the local population and also being attractive to visitors, particularly in relation to furniture, art and antiques shopping. The centre has, over recent years, had a low vacancy rate, indicating that there is demand from retail and service businesses for space in the town. The catchment of the centre, in terms of the District's resident population, is relatively small and is influenced by the surrounding settlements of Stow-on-the-Wold, Evesham and Stratford. However, should a planning permission to build a new supermarket on the southern edge of the town be implemented then it is likely to improve Moreton's market penetration rate for convenience and comparison goods shopping.'

Paragraph 8.4 of the Study Update states 'In relation to the key objectives for the study, we have found that for all settlements any surplus quantitative need which does exist is likely to be very small and the previous identification of a need for net additional floorspace in Moreton-in-Marsh and Bourton-on-the-Water has been met by the grant of planning permission for new foodstores in these settlements.'

The Study Update report does not recommend that the existing Commercial Centre area should be enlarged to include the existing Budgens foodstore. It states that 'the Council has also received a representation which suggests that centre boundary is extended northwards to include the Budgens store. Whilst the Budgens is certainly a main town centre use, we consider that it is too separated from the main concentration of town centre uses and therefore should remain as an edge of centre location for the purposes of the proposals map.'

The comments of the objector regarding the inclusion of Budgens within a revised Commercial Centre area in the new Local Plan have therefore been considered as part of the emerging Local Plan process. The latest Local Plan consultation document (Cotswold District Focussed Changes Addendum to the Local Plan 2011-2031: Submission Draft Reg.19 December 2016), which was published after the issuing of the Study Update report, has taken on board the findings of the Study Update. The new Local Plan does not therefore seek to enlarge the existing Commercial Centre area to include Budgens. It is noted that Budgens will be pursuing the extension of the Commercial Centre area during the Examination process. However, the new Local Plan has still not been submitted for Examination and as such it still only carries limited weight at the present time. The current Commercial Centre identified in the adopted Local Plan is therefore still the starting point when considering whether sites are located within a Commercial Centre. Moreover, the Council's current position with regard to the emerging Local Plan is that the existing Commercial Centre should not be altered. A position which is supported by a retail study. Paragraph 216 of the NPPF states that decision takers may also give weight to relevant policies in emerging Local Plans according to 'the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given' and 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weigh that may be given).' In this instance the emerging Local Plan is still subject to consultation and examination and as such is considered to carry limited weight. The objection to the Council's proposal not to extend the existing Commercial Centre is also considered to carry limited weight at the present time and not to represent a significant material consideration that would justify a departure from the established Commercial Centre area identified in the adopted Local Plan. As with the application considered in 2013 it is still considered that the Budgens store is located on an edge of centre rather than a town centre site.

In terms of impact on the vitality and viability of the town centre the current Local Plan does not include a threshold above which retail impact assessments (RIAs) are required to accompany a planning application. Paragraph 26 of the NPPF advises that a default threshold of 2,500 sq metres should be adopted if a locally set threshold is not in place. The emerging Local Plan proposes to introduce a threshold of 100 sq metres for new retail development outside identified centres. However, this policy is still at consultation stage and therefore carries very limited weight at the present time. As a consequence it is considered that the default NPPF threshold of 2500 sq metres is the relevant criterion in respect of this application. As the size of the proposed foodstore falls below the aforementioned threshold there is no formal requirement for the applicant to submit a retail impact assessment with this application. Notwithstanding this, the applicant has submitted an RIA which has examined the potential impact of the proposal on the commercial centre.

The RIA updates the assessment undertaken in connection with the previous planning application submitted in 2013. As part of the process a freepost comment form was submitted to 2000 local addresses in September 2016. The new RIA identifies a potential impact on Moreton-in-Marsh town centre of -7.2% by 2021 and a -1.8% cumulative impact on Stow-on-the-Wold town centre. The RIA undertaken in 2013 identified a convenience trade draw from Moreton-in-Marsh commercial centre of approximately 10% and an impact on Stow-on-the-Wold commercial centre of approximately 3%. At the time the retail consultant engaged to look at the application considered the impact not to be significant in the context of relatively healthy town centres which had low vacancy rates and which are also served by tourist trade and, in the case of Moreton-in-Marsh, a busy market. The current proposal is for a smaller store than that approved in 2013. It must also be noted that the 2013 permission for a larger foodstore is extant and could be implemented at the present time. The approved scheme therefore represents a significant material consideration when assessing the impact of this current application. In light of the

findings of the RIA and the smaller size of the foodstore now proposed it is considered that the retail impact of the proposed development on the centres of Moreton-in-Marsh and Stow-on-the-Wold would be no greater than the extant scheme.

Since the granting of the original proposal for a foodstore on the site in December 2013 the Council has granted planning permission for a number of residential development schemes in and around the town. The population of the town has therefore increased since the determination of the previous application and will continue to do so in the foreseeable future. The following residential schemes have been allowed since December 2013;

12/02678/FUL Demolition of existing building and erection of private sheltered accommodation (34 units) for the elderly (Category II type accommodation), communal facilities, landscaping and car parking. Granted March 2015

13/02936/FUL Erection of 36 dwellings and associated infrastructure. Granted March 2014

14/00948/OUT Residential development of up to 140 dwellings, a new public park and associated infrastructure (Outline application) Land Off Todenham Road. Granted June 2014

14/01483/OUT Residential development comprising up to 250 dwellings, internal access road, public open space and associated ancillary development. (Outline application). Granted November 2014

16/01700/FUL Alteration and conversion of former GP's surgery to create four 2 bedroom dwelling units (Amendments to permission 15/03516/FUL involving alterations to height and fenestration of Unit 4 and roof link to rear of Unit 1) (retrospective). Granted June 2016

The above permissions equate to 464 dwellings. The foodstore scheme approved in 2013 met an identified need arising from a smaller population than at present. It is considered that the increase in the town's population will further increase the need for a further foodstore in the town.

In addition to its potential direct impact on existing commercial centres it is evident that the proposed development could also have an indirect impact by drawing trade away from Budgens and from Tesco in Stow-on-the-Wold thereby affecting the number of linked trips between the aforementioned stores and their respective commercial centres. Whilst the existing stores are not subject to direct policy protection by virtue of their locations outside Commercial Centres the vitality and viability of the aforementioned areas could be adversely affected as a result of a decrease in linked trips. The issue was considered during the course of the original planning application. The original foodstore proposal was found not to have a significant impact on linked trips and as such not to have an indirect impact on the commercial centres. It is also of note that the Budgens store is home to the town's post office which in turn offers a unique service which cannot be found elsewhere in the town. The post office will continue to draw people to Budgens even if the Aldi were to proceed. It is considered that the current proposal would not have a greater impact on linked trips than approved in 2013.

The loss of linked trips also has to be balanced against the potential reduction in the number of residents leaving the town to undertake their main food shopping outside the settlement. This has the potential to encourage people who are currently leaving the town to stay within the environs of the town and undertake linked trips between the proposed development and the town centre. The Study Update states that the store permitted in 2013 would provide for a greater range of choice and competition in the convenience goods sector in Moreton and is also likely to stem some of the leakage of convenience goods expenditure from the town. It is also evident that a number of supporters of the application consider that the scheme would enable them to shop within the town rather than having to leave it as at present giving support to the findings of the Study Update.

An objector states that the proposed foodstore, by virtue of its smaller size, will not offer a wider product range than existing stores in the town and will not therefore clawback trade that is leaving the town. As a consequence one of the main reasons for allowing the original store is no longer applicable. In response it must be noted that the original permission did not place a specific restriction on the range or type of convenience goods that could be sold from the store. It simply set a floorspace limit for convenience items. The approved foodstore could therefore be operated by a wide range of convenience goods retailers. The current applicant is an A1 retail business

whose operation falls within the parameters established by the original Outline permission. The current proposal does not therefore represent a material change of use of the scheme approved in 2013. The principle of a convenience retail outlet on the site has been established and the proposal continues to fall within both the Use Class and the condition parameters set out in the extant Outline permission.

There are no existing, committed or planned private or public sector investments in the town centre or in centres of the catchment area of the proposal. The proposed development will not therefore compromise any initiatives or proposals to improve the vitality and viability of the town centre.

In considering the issue of retail impact Paragraph 27 of the NPPF states that where an application is likely to have a 'significant adverse impact' then it should be refused. In this case it is considered that the proposed development will not have a significant adverse impact on the vitality and viability of the Moreton-in-Marsh or Stow-on-the-Wold Commercial Centres and as such does not conflict with the guidance in Paragraph 27 or Local Plan Policy 25.

Retail Development - Conclusions

Overall, it is considered that there are no sequentially preferable suitable sites that are available for the proposed development. The proposal therefore satisfies the Sequential Test. The proposed development could also be undertaken without having an unacceptable adverse impact on the vitality and viability of the town's Commercial Centre. The recently released Cotswold Retail Study Update indicates that Moreton-in-Marsh Commercial Centre has fewer vacant premises than at the time of the previous application and that there is a demand for retail and service businesses in the town. The town centre is therefore considered to be in a reasonably healthy state. In addition, there is an extant permission for a larger foodstore on the site which could be erected at the present time. The approved store is considered to represent a significant material consideration in the determination of this application. The store now proposed is considered not to have a greater impact on the vitality and viability of existing commercial centres than the extant scheme. It is therefore considered that the proposed development will not conflict with Section 2 of the NPPF or Local Plan Policy 25.

(b) 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. (S85 of the Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 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.'

Local Plan Policy 42 advises 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, street scene, proportion, simplicity, materials and craftsmanship'

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 17B Vale of Moreton. This in turn falls within Landscape Character Type Pastoral Lowland Vale. Characteristics of this particular landscape are;

- Extensive pastoral vale defined by the Farmed Slopes with flat or gently undulating landform fringed by distinctive slopes, with views often limited by intervening vegetation and undulating landform.
- Generally human scale intimate landscape, but with intermittent open expansive character and expansive views in some areas with views possible across flat landscapes bordering river channels where vegetation cover is minimal and from areas of raised landform.
- Extensive drift deposits mask underlying solid geology, reflected in the relative absence of stone as a building material.
- Productive and verdant landscape of lush improved and semi-improved pastures.
- Network of hedgerows of varying height and quality with intermittent hedgerow trees and occasional stone walls create a neat patchwork of fields.
- Areas of wet meadow and limited areas of species rich grassland bordering river channels indicate intensive management of the agricultural landscape.
- Limited woodland cover including ancient woodland indicative of a long history of clearance and intensive agriculture within the vale.

One of the principle characteristics of The Vale of Moreton is a predominance of permanent improved pasture 'although some arable farming is evident. Lush pastures and fields of crops are divided up by a network of hedges. These are gappy in places and boundaries reinforced by post and wire fencing. Where this has occurred, the pattern of fields is difficult to discern in the landscape, particularly where agricultural land use is the same across a number of large fields.'

The Landscape Strategy and Guidelines for the Cotswolds AONB identifies the 'expansion of settlements' amongst its list of 'Local Forces for Change'. 'Potential Landscape Implications' of such development are identified as;

- Erosion of distinctive settlement patterns.
- Proliferation of suburban building styles/materials and the introduction of ornamental garden plants and boundary features.

The 'Outline Landscape Strategies and Guidelines' advises;

- Oppose ribbon development along major access or through routes.
- Ensure that new development does not adversely affect settlement character and form.
- Ensure new built development is visually integrated with the rural landscape setting and does not interrupt the setting of settlements or views along or across the vale

Land to the east of the A429 to the south east of the application site falls outside the AONB but within Moreton-in-Marsh Surrounds Special Landscape Area (SLA). The SLA to the south of Moreton-in-Marsh exhibits many of the open characteristics of the pastoral lowland vale set out in the AONB Landscape Character Assessment.

The site is situated between a modern hospital/healthcare development and a petrol station/bowls club. It has a history of being used as a camping/caravan site. Whilst within the AONB the site appears as an infill plot between existing post war development when viewed from the A429. The eastern part of the site has a relatively urban character rather than that of open countryside. The western part of the site is more open and acts as a transitional area between the settlement and the open countryside beyond.

The principle of introducing a single storey commercial building onto the site has already been established by the scheme approved in 2013. The approved building was set back approximately 60m further from the A429 than the current proposal. In addition, it was approximately 30% larger in terms of floor area and 1m taller in terms of its height. The approved scheme was considered not to have an adverse impact on the character or appearance of the AONB. The development now proposed will be smaller than the extant scheme and will also not exceed the parameters set out in the original Outline application in terms of its height or its position on the site. The proposed foodstore will not extend beyond the rear of the hospital and as such will not encroach beyond the existing line of development which characterises development to the south of the application site. The proposed foodstore will be similar in height to the petrol station to the north. It will also be approximately 2m lower than the existing dwelling on the site and 4.3m lower than the side wings of the adjacent hospital building. In terms of its height the proposed development is considered to be modest and not of a size that would be out of scale or proportion with existing development. In terms of its width and depth the building now proposed will be approximately 16m shorter and 13m narrower than the approved scheme. It will therefore be discernibly smaller in area than that approved in 2013.

The Landscape Strategy and Guidelines accompanying the LCA make reference to the expansion of settlements and advises that new development should 'not adversely affect settlement character and form' and 'ensure new built development is visually integrated with the rural landscape setting and does not interrupt the setting of settlements or views along or across the vale'. Whilst lying within the Pastoral Lowland Vale the application site has a number of features which are characteristic of an urban or edge of settlement location. The site is occupied by a dwelling and is bordered to its east and south east by a 8m high Lawson Cypress hedgerow. The roadside verge is heavily mown as is the large area of grassland to the west of the existing dwelling. The western part of the site has been used for many years as a caravan site. Whilst the site cannot technically be classed as 'previously developed land' it does still have a man-made character and appearance that is distinct from agricultural land. The assimilation of the site into the settlement has also become more pronounced since the erection of the North Cotswolds Hospital and the recent construction of the new doctors' surgeries immediately to the south of the proposed foodstore. As a consequence the application site is now less visible when approaching the town from the south along the A429. The site now appears more integrated with the settlement and less rural in nature from this vantage point. Whilst the proposal will result in the removal of the existing roadside conifers new native species hedgerow planting is proposed along the site's eastern boundary with the A429. The proposed planting is considered to be more sympathetic to character of the AONB than the existing line of conifers. The opening up of the eastern boundary has also previously been agreed as part of the extant scheme. The proposed hedgerow planting will provide a degree of screening of the proposed car park. The set back position of the proposed store also means that it will appear recessive to passers-by. The proposed hedgerow planting will also provide a visual link with the hedging that currently lies along the eastern boundary of the hospital development. It is considered that the proposed scheme will be seen in context with the existing development and will not have an adverse impact on the character or appearance of the AONB when viewed from the A429.

Aside from the southern approach into the town along the A429 the application site is most readily visible from a Public Right of Way (HMM7) that extends along the western edge of the site. Public views when approaching from the north are largely screened by existing vegetation. However, on entering the former caravan site the aspect opens up significantly to reveal views back to the existing dwelling and also across to the new hospital. Views of the site are also visible from the Right of Way to the south west of the application site. Notwithstanding this, these views show the site in context with existing urban development and across land that has been heavily manicured historically by virtue of its use as a caravan site. The proposed layout also shows that the proposed store will lie adjacent to existing development. The area lying adjacent to the Right of Way does not form part of the application site and will remain free from development. By retaining an open area alongside the existing Right of Way the ability to walk through an open area will remain as at present. Following discussions the applicant has agreed to introduce further native species landscape planting along the western (rear) boundary of the proposed development. The proposed planting will help to soften the visual impact of the proposed development on the views

experienced from the Right of Way. The proposed development will also be noticeably lower in height than the adjacent hospital building. The roof of the proposed foodstore will be approximately 5.5m high whilst the side ranges of the hospital are approximately 9.8m and its main roof 11.8m in height.

The site is also visible to a limited extent from a Public Right of Way (HMM8) 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 Fossey 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 applicant has also agreed to use a dark colour for the roof cladding thereby giving the roof a more recessive appearance when viewed from distance. 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 or the setting of Moreton-in-Marsh Surrounds Special Landscape Area and is in accordance with Paragraphs 17, 109 and 115 of the NPPF and Local Plan Policies 8 and 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 a stone coloured render 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 the AONB

Paragraph 116 of the NPPF states 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of;

- i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

No definition of major development is provided within the NPPF or in either of its forerunners - namely PPS7: Sustainable Development in Rural Areas and PPG7: The Countryside which also made similar references to major development within designated landscapes such as AONBs. However, in the recent High Court judgement in 'Aston and another v Secretary of State for Communities and Local Government and others' the judge determined that the phrase 'major development' did not have a uniform meaning and to define it as such would not be appropriate in the context of national planning policy. The Government's Planning Practice Guide also states 'whether a proposed development in these designated areas should be treated as a major development, to which the policy in Paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.'

The scheme submitted at the original Outline application stage was considered not to be major development in the context of Paragraph 116 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 foodstore now proposed is smaller than that previously approved and will also require the provision of a smaller car parking area. The extant scheme proposes 170 parking spaces whereas the current scheme proposes 107 spaces. Traffic generated by the proposed development will also be lower. The proposed development follows a similar design to the original scheme and will fall within the same Use Class. 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.

(c) Impact on Highway Safety

The proposed development will be served by a new entrance onto the A429. The A429 is a Class A highway and is subject to a 30mph speed limit where it passes the site entrance. The applicant has undertaken a speed survey which records 85th percentile speeds as 34mph northbound and 36mph southbound. GCC Highway Officers state that junction visibility of 2.4m by 54m to the south and 2.4m by 59m to the north is required. Submitted drawings indicate that visibility of 2.4m by 60m can be achieved in both directions. The applicant is also proposing to re-position the bus shelter located to the south of the site entrance in order to further improve visibility. The bus shelter will be set back from the carriageway edge and will therefore be taken out of the visibility splay. GCC Highway Officers are satisfied with the proposed access arrangements.

A total of 107 car parking spaces are proposed. The applicant has undertaken a parking accumulation study which projects a peak parking demand of approximately 91 occupied spaces. This would result in 15% surplus capacity. The proposed level of parking is also similar to the 115 spaces that was deemed acceptable in conjunction with the extant extension scheme at Budgens. GCC Highway Officers consider that the proposed parking arrangements are acceptable and 'unlikely to prejudice parking occurring upon the principal Class 1 A429 to the detriment of highway safety'. The proposed parking layout is also considered acceptable with sufficient aisle

widths which remove the need for shunt manoeuvres. The proposed scheme is considered to accord with Local Plan Policy 39.

With regard to servicing and deliveries the main delivery point will be located on the northern side of the proposed building. A Swept Path Analysis demonstrates that an articulated HGV can adequately enter and manoeuvre within the site without conflicting with any kerbs, trees or formal parking arrangements. HGVs will need to reverse into the delivery bay from the proposed car park. However, the distance involved is short and on a straight alignment. A dedicated pedestrian footway is also set to one side of the manoeuvring area thereby providing pedestrians with a segregated area on which to stand. A banksman will also be used to guide reversing vehicles. GCC Highways are satisfied that the proposed servicing arrangements are acceptable and will not pose an unacceptable risk to highway safety.

With regard to HGVs leaving the site there will be a need for vehicles heading north to extend across the centre line of the carriageway. However, GCC Highway Officers are satisfied that the risk would be low due to the limited number of deliveries occurring during the day and the forward visibility available to motorists using the A429. They therefore raise no objection to proposed access and service arrangements insofar as delivery vehicles are concerned.

A number of objectors have raised issues about traffic generation and the capacity of the existing road network. In response it must be noted that the site already benefits from an extant permission for a foodstore of a larger size than that now proposed. GCC Highway Officers state that the proposed development would generate 1480 two way daily trips whilst the extant scheme would generate 2739 two way daily trips. They also state that the retail peak for the generate 268 two way trips compared to 229 two way trips generated by the proposed use. The proposed development would therefore generate a lesser number of trips than that which would be generated by the extant scheme. The extant scheme represents a significant material consideration as it has previously been established that the highway network can satisfactorily accommodate a higher level of traffic than that resulting from the current scheme. Moreover, it must also be noted that a number of visits to the proposed foodstore will be by people already passing the site or by people who would be leaving the town to shop elsewhere (eg Tesco in Stow-on-the-Wold).

In response to comments from objectors I can advise that the highway concerns raised by Bancroft Consulting (on behalf of Budgens) were passed to GCC Highways prior to the finalisation of their consultation response. GCC Highway Officers have therefore had regard to the Bancroft Consulting comments prior to reaching their recommendation.

Overall, it is considered that the proposed development could be undertaken without have a severe impact on the local highway network or on highway safety. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. GCC Highways raise no objection to the proposal and as such it is considered that the proposal accords with Paragraph 32 of the NPPF and guidance in Local Plan Policies 38 and 39.

(d) Impact On Flooding and Drainage

The application site is located within a Flood Zone 1 as designated by the Environment Agency. Flood Zone 1 is the lowest designation of Flood Zone 1. The applicant has submitted a Drainage Strategy and Flood Risk Assessment with the application. The details have been assessed by Gloucestershire County Council in their role as Lead Local Flood Authority (LLFA).

The proposed scheme will involve the introduction of additional hard surfacing across the site in order to provide for both the proposed building and the parking/turning/servicing areas. The applicant is proposing to introduce measures such as an attenuation basin to deal with water from the new building and underground cellular storage to attenuate water from the proposed car park. The drainage system is intended to have enough capacity to prevent flooding for all storm durations up to an including a 1 in 30 year event plus 40% increase in rainfall intensity arising

from climate change. GCC LLFA Officers have been in discussions with the applicant and are satisfied that the proposed drainage strategy and accompanying information are acceptable. They raise no objection to the application.

Planning permission was granted in 2016 (15/04454/FUL) for the creation of flood relief channels and culverts on land to the west and south of Moreton-in-Marsh. The approved works are part of a District Council led scheme which seeks to improve flood defences around the town. The works are intended to reduce the level of surface water flow that extends along the drainage ditch currently extending along the northern boundary of the site. Works on the alleviation scheme are currently ongoing. The foodstore proposal will continue to allow surface water from the site to flow into the drainage ditch. However, it will be controlled so it does not exceed existing run off rates plus an allowance to take account of climate change. It is considered that the proposed scheme would be acceptable without the implementation of the approved flood alleviation scheme. However, the implementation of the Council led alleviation scheme will further improve the existing drainage situation adjacent to the application site.

It is considered that the proposed development can be undertaken without posing an unacceptable risk of flooding to the site or surrounding area in accordance with guidance in Paragraphs 100 and 103 of the NPPF.

(e) Impact on Ecology and Protected Species

The applicant has submitted an Ecological Appraisal report with the application. The site was surveyed in September 2016 and as such represents an update of the work undertaken in 2011. The survey identifies that the site is 'dominated by species poor former amenity grassland, along with a single residential building and associated hardstanding, amenity planting and boundary features.' The report identifies that the site has habitats of low to negligible ecological value. The boundary hedging and trees are considered to be the features of greatest ecological value on the site. New native species hedgerow planting is proposed along the eastern and southern boundaries. New trees and shrubs are also proposed through the site and meadow grass is proposed to the south east and north west edges of the site. The applicant has agreed to introduce more native species planting following discussions with Officers.

The Council's Biodiversity Officer raises no objection subject to conditions. The proposal is therefore considered to accord with Local Plan Policy 9 and guidance in Paragraphs 109 and 118 of the NPPF.

(f) Impact on Residential Amenity

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 35m to the side of the northern end of the hospital. The main service yard/delivery area serving the proposed store will be located on the northern side of the proposed foodstore. It will be located approximately 65m from the hospital and separated from it by the main foodstore building. The proposed delivery/servicing arrangements are considered to have a lesser impact on occupants of the hospital than the extant scheme. The Council's Environmental Health Section has examined the proposal and raises no objection on noise/disturbance grounds subject to the addition of noise limit and delivery hours conditions. 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.

(g) Arboricultural Impact

The application site is bordered along its eastern boundary by a line of conifers and along its northern boundary by a mix of trees and hedging. Three trees in the northern boundary (two oak and one ash) are subject to Tree Preservation Orders. Permission has previously been agreed for the roadside conifers to be removed. New native species hedging and trees will be introduced in place of the existing roadside vegetation. The trees in the northern boundary will remain. The Council's Tree Officer has examined the proposal and considers that the proposed scheme can be undertaken without having an adverse impact on the well-being of any of the protected trees. It is considered that the proposal accords with Local Plan Policies 10 and 45.

The comments of the Bowls Club with regard to overshadowing of their bowling green caused by existing trees is noted. In response the Case Officer has spoken to a representative of the Bowls Club and advised that the applicant does not intend to plant any new trees along the northern boundary or remove any of the existing trees. It is therefore not possible to use this application to address an existing perceived problem arising from the current boundary planting. The Case Officer has advised the Bowls Club to contact the applicant to see if a management regime can be agreed between the two parties to address the potential overshadowing issue. The matter is therefore essentially a private matter between the two landowners.

9. Conclusion:

Overall, it is considered that the proposed development will not have an adverse impact on the vitality and viability of Moreton-in-Marsh or Stow-on-the-Wold Commercial Centres. It could also be undertaken without having an adverse impact on the character or appearance of the Cotswolds AONB, the setting of the SLA, highway safety, flooding and drainage, trees, residential amenity, biodiversity and trees. The application is therefore recommended for approval.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 10079-0050 B, 150265 P(1)01 A, 150265 P(1)03 D, 150265 P(1)04 A, 150265 P(1)05 A, 150265 P(1)06 A, 150265 P(1)09 B, MJA-P105-4370-B, 1224-01 F

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

3. 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 1,918 sq metres including any mezzanine floorspace.
 - ii) The total retail sales area of the foodstore hereby permitted shall not exceed 1,254 sq metres including any mezzanine floorspace.
 - iii) The total retail sales area for the sale and display of convenience goods shall not exceed 1,003 sq metres including any mezzanine floorspace.
 - iv) The total retail sales area for the sale and display of comparison goods shall not exceed 251 sq metres including any mezzanine floorspace.

Reason: It is important that the store remains of a size that is commensurate with the size of the settlement and the application site. The current proposal accords with Local Plan Policies 25, 38, 39 and 42 and guidance contained in Sections 2, 3, 4 and 11 of the NPPF. A larger store could potentially have an adverse impact on the vitality and viability of Moreton-in-Marsh commercial centre, lead to an increase traffic movements to and from the site and along the A429 and have an adverse impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.

4. Notwithstanding the details shown in drawing number 150265 P(1)06 REV A the external stonework and the plinth sign shall be constructed in natural Cotswold stone.

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.

5. Prior to the construction of any external wall 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.

6. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour 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 and shall be permanently retained as such thereafter. The render shall be of a roughcast finish and 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.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall;

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. .

8. Prior to the first use of the foodstore hereby approved the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Local Plan Policy 38..

9. Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Local Plan Policy 38.

10. 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 SK01 Rev B, 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 accordance with section 4 of the National Planning Policy Framework.

11. Prior to the beneficial occupation of the building hereby permitted, the pedestrian dropped kerb tactile crossing point to the north of the development shall be laid out and constructed in accordance with 150265 P(1)03 D.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the NPPF.

12. No works shall commence on site, excluding any works of demolition, on the development hereby permitted until the northbound bus stop shelter has been relocated behind the visibility splay as shown on drawing 150265 P(1)03 D.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the NPPF.

13. Prior to the commencement of development, excluding any works of demolition, details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. It is important to confirm dimensions and depth of proposed tank to the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

14. No development shall take place on the site, , excluding any works of demolition, until a SUDS maintenance plan for all SUDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

15. Prior to the commencement of development, excluding any works of demolition, an exceedance flow routing plan for flows above the 1 in100+40% event shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

16. The level of noise emitted from the cold room refrigeration, compressor and cabinet systems shall not exceed a Rating level of 45 dB (LAr,Tr), according to the methodology of BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The rating level is to measured at the boundary of the application site.

Reason: In the interests of the amenity of the occupiers of neighbouring properties in accordance with Local Plan Policy 5.

17. No deliveries shall be taken at or despatched from the site except between the following hours:

05:30- 23:00 Monday to Saturday.

07:00- 21:00 Sundays

Reason: In the interests of the amenity of the occupiers of neighbouring properties in accordance with Local Plan Policy 5.

18. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report Compliance with consultancy report Arboricultural Impact Assessment & Tree Protection Plan, dated 7th October 2016. All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45.

19. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan TPP-1 dated 7-10-2016 shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

20. 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.

21. 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.

22. No external illumination shall be turned on between the hours of 11pm and 6am the following day.

Reason: In order to prevent light pollution in the interests of the character and appearance of the Cotswolds Area of Outstanding Natural Beauty and residential amenity in accordance with Local Plan Policies 5 and 42.

23. No plant or machinery shall be installed, positioned or sited on the roof of the foodstore hereby approved other than that approved by this decision notice.

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.

24. Prior to the commencement of development, excluding any works of demolition, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- iv. Aims and objectives of management;
- v. Appropriate management options for achieving aims and objectives;

- vi. Prescriptions for management actions;
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- viii. Details of the body or organisation responsible for implementation of the plan;
- ix. Ongoing monitoring and remedial measures; and
- x. Timeframe for reviewing the plan

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy 9 of the Cotswold District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. It is important that these details are agreed prior to the commencement of development as any on site works could have implications for the biodiversity of the site.

Informatives:

Note i: The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note ii: The applicant is advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality; however, pollution control is the responsibility of the Environment Agency

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Please note that the under the Land Drainage Act, a consent may be needed to construct the outfalls at existing ditch. It is recommended that the outfall/headwall remains flush with the bank of watercourse and is angled 45° to the direction of flow so as not to impede flood flows or cause scour. The applicant should contact Cotswold District Engineer Laurence king for this consent.



Land at Fosseway Farm Moreton in Marsh

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 26/04/2017



COTSWOLD
DISTRICT COUNCIL

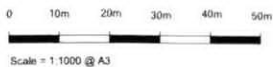




Site Address:

Fosse Way Farm
 Stow Road,
 Moreton in Marsh
 Gloucestershire
 GL56 0DS

- = Application Boundary
- = Applicant land



Scale = 1:1000 @ A3



Kendall Kingscott

Chartered Architects
 Chartered Building Surveyors
 Interior Designers
 CDM Services

Glentworth Court, Lime Kiln Close
 Stoke Gifford, Bristol BS34 8SP
 +44 (0)117 931 2062
 www.kendallkingscott.co.uk

Project
**Aldi, Fosseway Farm,
 Moreton in the Marsh**
 Client
Aldi Stores Ltd

Scale **1:1000** Paper Size **A3** Filename **150265 Site Plan Master**
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A 6/10/16 MWJB Blue line boundary added.
 Rev Date By Ap Note

Drawing Title
Site Location Plan

Project Number Drawing Number - Revision
150265 P(1)01 A

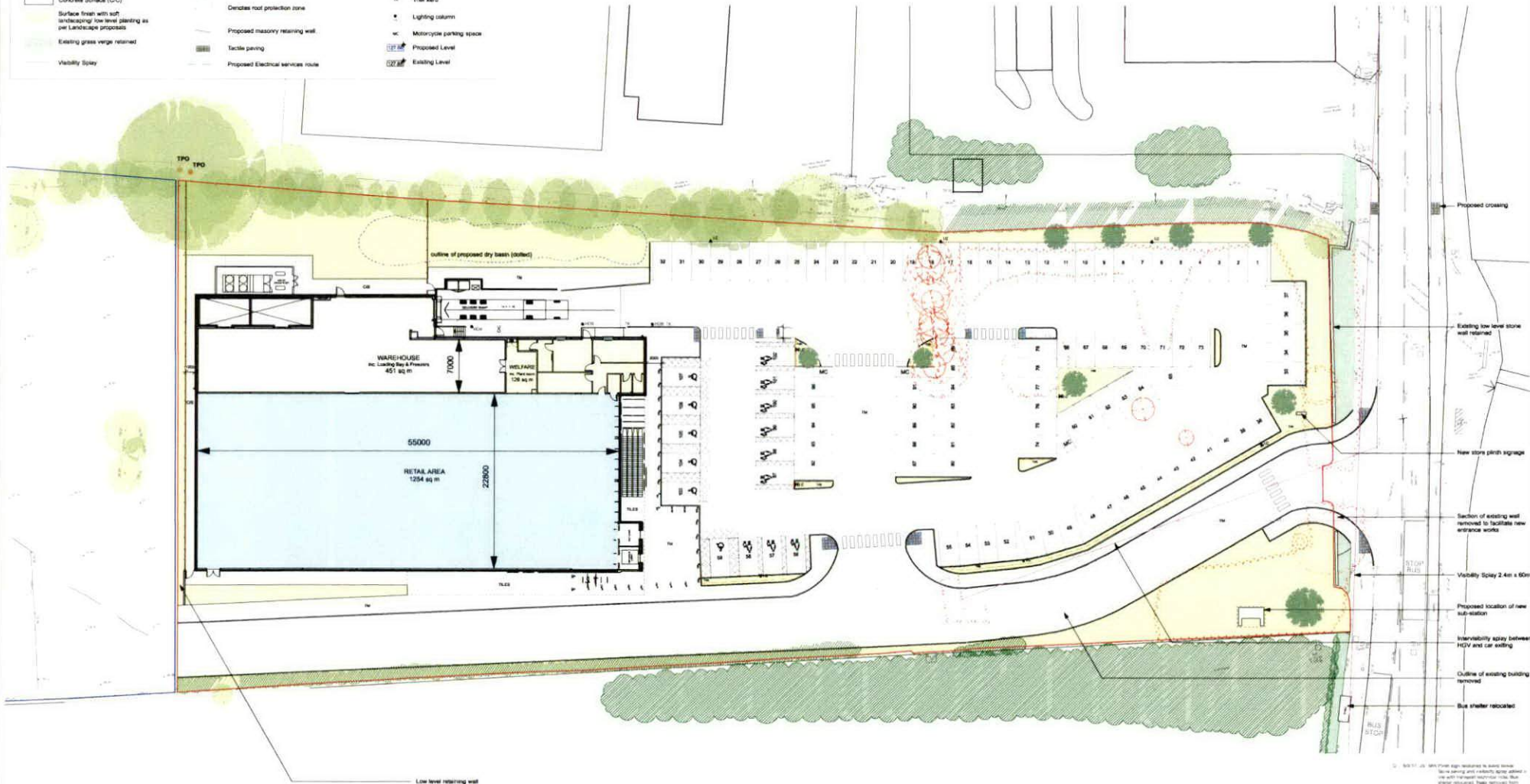
Date **22/7/16** Drawn **BM** Checked **JB** Status **PLANNING**

Check all dimensions and levels on site

16104611/fin

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- KEY:**
- New tarmac surfacing to Car Park (TM)
 - Parking bays Tarmac surfacing
 - Surface finish with soft landscaping low level planting as per landscape proposals
 - Existing grass verge retained
 - Visibility Splay
 - Concrete paving slabs (CS)
 - Surface finish with soft landscaping low level planting as per landscape proposals
 - Existing grass verge retained
 - Visibility Splay
 - Building vegetation removed
 - Proposed trees
 - Existing trees
 - TPO Location of Tree Protection Order
 - Existing hedges - local modifications (LM)
 - Decrete roof protection zone
 - Proposed masonry retaining wall
 - Tactile paving
 - Proposed Electrical services route
 - Decrete application area
 - Timber fence rail
 - Close boarded fence
 - Heavy duty bollard
 - Slimline silver bollard
 - Cycle Spaces
 - Trial kerb
 - Lighting column
 - Motorcycle parking space
 - Proposed Level
 - Existing Level



71

DRAWING TO BE READ IN CONJUNCTION WITH SOFT LANDSCAPE PROPOSALS, EXTERNAL LIGHTING LAYOUT AGRICULTURAL SURVEY AND SITE PLAN AS EXISTING

Scale - 1:250 @ A1



Kendall Kingscott

Chartered Architects
Commercial Building & Interiors
Planning, Design & Construction
Civil Services

ALDI

ALDI, Fosseway Farm, Moreton in the Marsh

ALDI Stores Ltd

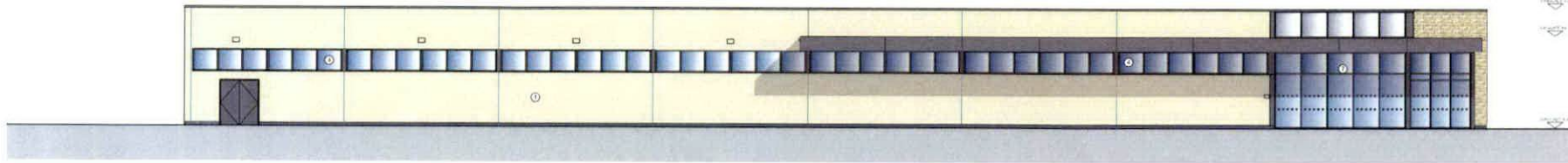
150265 P(1)03 D

Proposed Site Plan

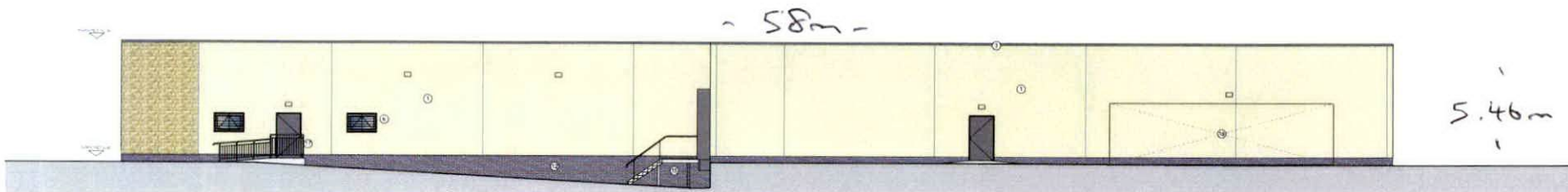
Scale: 1:500 A1 15000 Site Plan Master

25/18 BAKER PLANNING

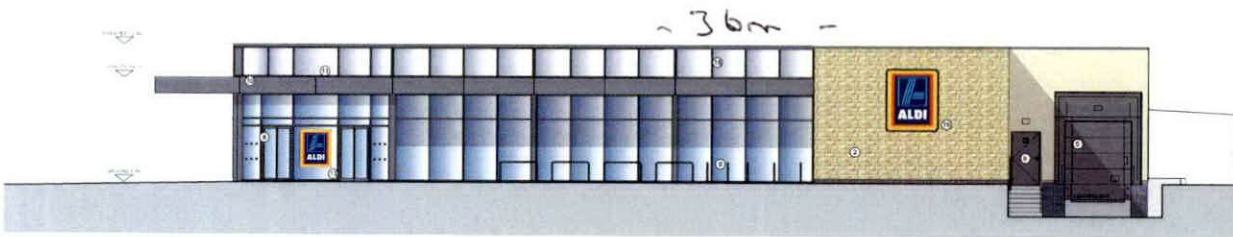
- 150265 P(1)03 D: This drawing is intended to provide a visual representation of the proposed site plan. It is not to be used for construction purposes without the approval of the relevant authorities.
- 150265 P(1)03 D: This drawing is intended to provide a visual representation of the proposed site plan. It is not to be used for construction purposes without the approval of the relevant authorities.
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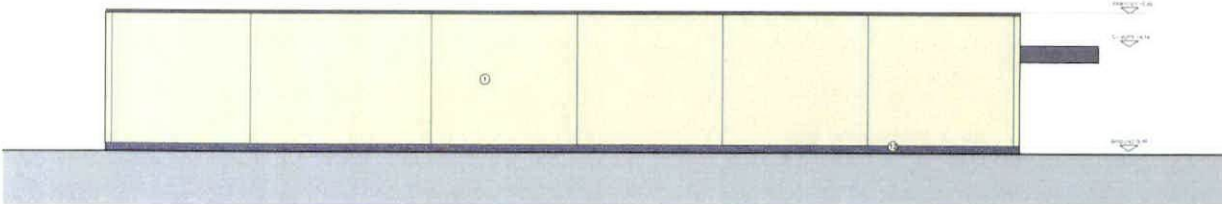
South Elevation
Scale 1:100 @ A1



North Elevation
Scale 1:100 @ A1



East Elevation
Scale 1:100 @ A1



West Elevation
Scale 1:100 @ A1

EXTERNAL FINISHES

- ① Sand Cement Render - Colour - RAL 1013
- ② Reconstituted Stone, Blackmore Olde Heather 'Cottage' finish, Laid in random courses, Mortar colour to match stonework.
- ③ Parapet capping in polyester powder coated aluminium, colour RAL 7016 Anthracite
- ④ Windows - Polyester powder coated Aluminium, RAL 7016 Anthracite
- ⑤ Sectional Overhead Loading Bay Door - PVF coated steel, RAL 7016 Anthracite
- ⑥ Steel Escape Doors - Polyester powder coated steel, RAL 7016 Anthracite
- ⑦ Shop fronts - Polyester powder coated Aluminium, RAL 7016 Anthracite
- ⑧ Entrance doors / frames - Polyester powder coated Aluminium, Grey Doors - RAL 7016 Anthracite
- ⑨ Trolley park rails - Satin finish stainless steel
- ⑩ Canopy fascia, 3mm thick Aluminium panels with polyester powder coated finish, colour Anthracite RAL 7016.
- ⑪ Window - High level fixed lights. Frame colour RAL 7016. Obscure glass colour RAL 7016 Anthracite
- ⑫ Brick plinth - Blockleys brick Ltd 'charcoal smooth' with coloured mortar to match brickwork
- ⑬ Vinyl ALDI logo sign applied to glazing
- ⑭ Smooth concrete plinth, masonry paint finished, colour to match brickwork
- ⑮ Hot dip galvanised steel stairs and balustrade
- ⑯ Wall mounted internally illuminated logo sign supplied and installed by signage contractor
- ⑰ Polished Stainless Steel Balustrade to Sales Fire Exit
- ⑱ Galvanised mesh enclosure to refrigeration plant equipment with lockable door

72



Scale = 1:100 @ A1



Kendall Kingscott

Chartered Architects
Chartered Building Surveyors
Interior Designers
BIM Co-ordinators
Chartered Civil, Structural & Timber
Structural Engineers
1100 A1 As Drawing
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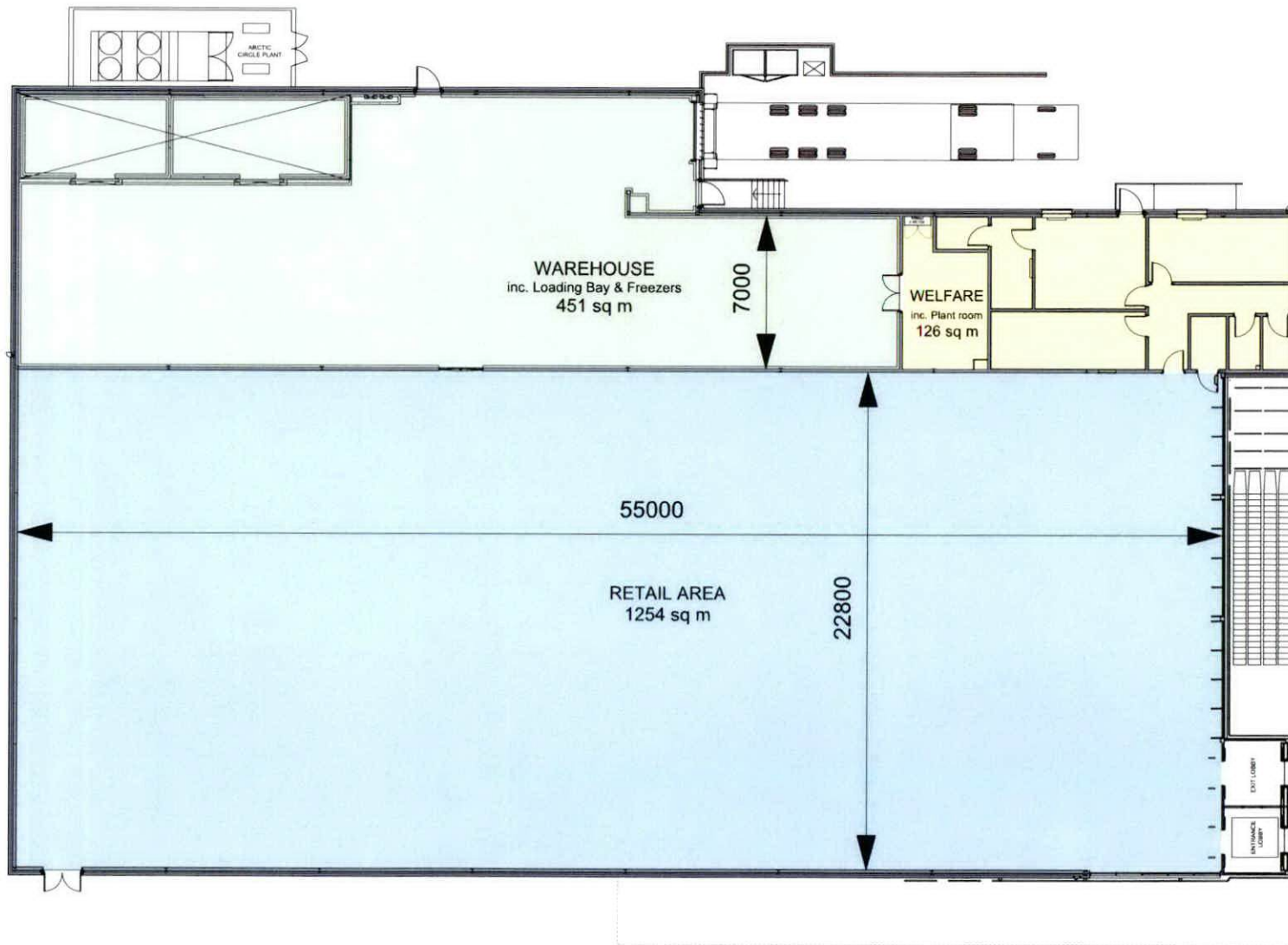
ALDI Stores, Fosseyway Farm,
Moreton in Marsh

ALDI Stores Ltd

A 15/16 400 01 Non wall version

Store Elevations

Project No.	150265 P(1)06	Sheet No.	06
Client	ALDI Stores Ltd	Scale	1:100
Drawn		Checked	
Discipline	Arch	Discipline	PLANNING



73



0 10 20 30m

Scale = 1:100 @ A1



Kendall Kingscott

Chartered Architects
Chartered Building Surveyors
Interior Designers
CBM Services

100, The Quadrant, Exeter, Devon, EX1 1JG
01392 262000
www.kendallkingscott.co.uk

Aldi, Fosseyway Farm,
Moreton in the Marsh

Aldi Stores Ltd

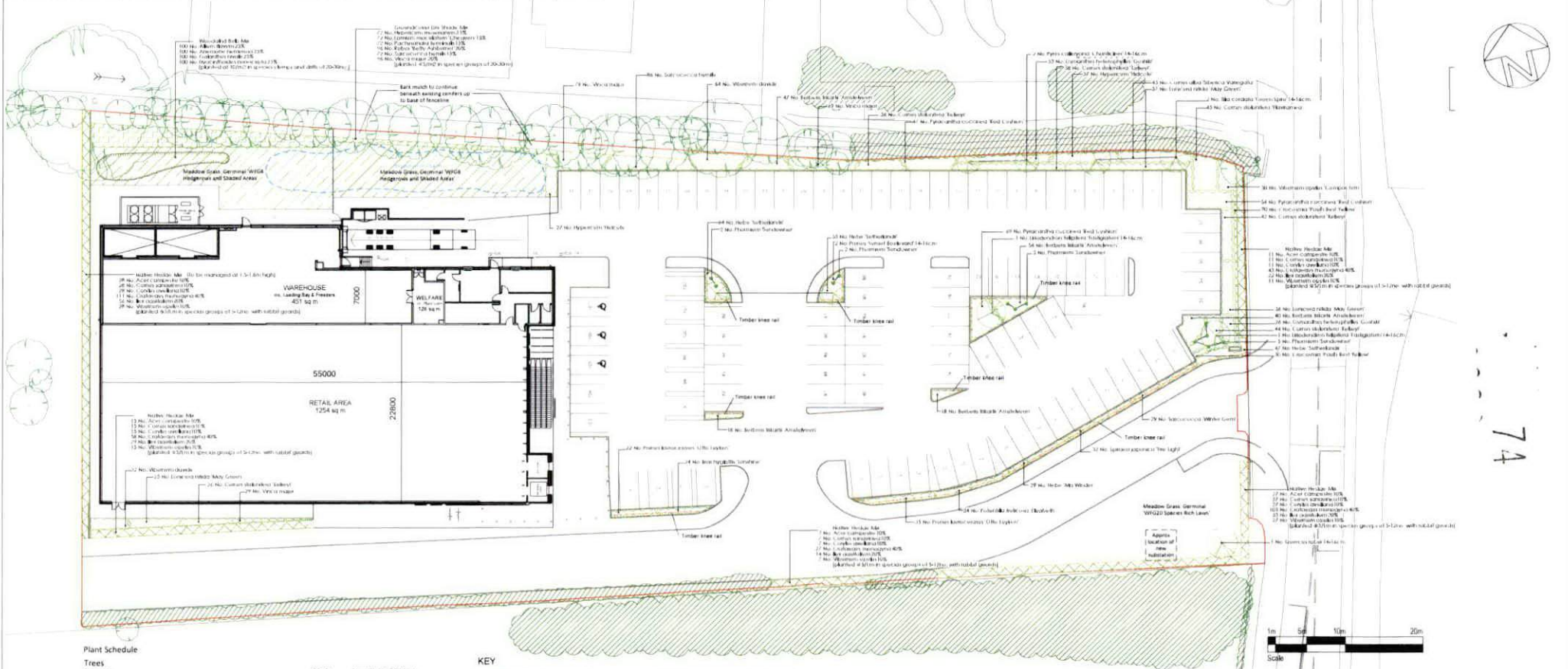
1:100 A1 150265 Site Plan Master

Proposed Floor Plan

150265 P(1)04 A

25/7/18 BM JS PLANNING

ALDI Store, Moreton-in-the-Marsh - Soft Landscape Proposals



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Plant Schedule

Trees	Species	Specification	Pot Size	Density	Number of Plants
Existing	Liriodendron tulipifera 'Fastigiatum'	Extra Heavy Standard	14-16cm	2 No.	2 No.
Existing	Prunus 'Sunset Boulevard'	Extra Heavy Standard	14-16cm	2 No.	2 No.
Existing	Pyrus calleryana 'Chanticleer'	Extra Heavy Standard	14-16cm	2 No.	2 No.
Existing	Quercus robur	Extra Heavy Standard	14-16cm	2 No.	2 No.
Existing	Tilia cordata 'Green Spire'	Extra Heavy Standard	14-16cm	2 No.	2 No.

Shrubs	Species	Specification	Pot Size	Density	Number of Plants
Proposed	Acor campestre	1+2 BR 10%	2L	4/m ²	179 No.
Proposed	Berberis trifurcata 'Amstelveen'	2L	4/m ²	24 No.	24 No.
Proposed	Brachyglottis 'Sunshine'	2L	3/m ²	45 No.	45 No.
Proposed	Cornus alba 'Siberica Variegata'	1+1 BR 10%	5/m	88 No.	88 No.
Proposed	Cornus sanguinea	2L	3/m ²	45 No.	45 No.
Proposed	Cornus stolonifera 'Flaviramea'	2L	4/m ²	206 No.	206 No.
Proposed	Cornus stolonifera 'Kelsey'	5/m	5/m	88 No.	88 No.
Proposed	Cornus avellana	1+2 BR 10%	5/m	344 No.	344 No.
Proposed	Crataegus monogyna	1+1 BR 60%	2L	4/m ²	79 No.
Proposed	Hebe 'Mrs Winder'	2L	4/m ²	29 No.	29 No.
Proposed	Hebe 'Sutherland'	2L	5/m ²	156 No.	156 No.
Proposed	Hypericum 'hidcote'	2L	3/m ²	64 No.	64 No.
Proposed	Hypericum moserianum	2L	5/m ²	72 No.	72 No.
Proposed	Ilex aquifolium	2L 60%	2L	5/m	174 No.
Proposed	Lonicera nitida 'May Green'	2L	3/m ²	118 No.	118 No.
Proposed	Osmanthus heterophyllus 'Goshiki'	2L	4/m ²	79 No.	79 No.
Proposed	Pachysandra terminalis	2L	5/m ²	72 No.	72 No.
Proposed	Phormium 'Sundowner'	10L	Counted	12 No.	12 No.
Proposed	Potentilla fruticosa 'Elzabeth'	2L	4/m ²	34 No.	34 No.
Proposed	Prunus laurocerasus 'Otto Luyken'	2L	4/m ²	57 No.	57 No.
Proposed	Pyracantha coccinea 'Red Cushion'	2L	4/m ²	170 No.	170 No.
Proposed	Rubus 'Betty Ashburner'	2L	5/m ²	96 No.	96 No.
Proposed	Sarcococca 'Winter Gem'	2L	4/m ²	29 No.	29 No.
Proposed	Sarcococca humilis	2L	5/m ²	72 No.	72 No.
Proposed	Sarcococca humilis	2L	4/m ²	88 No.	88 No.
Proposed	Spiraea japonica 'Fire Light'	2L	4/m ²	32 No.	32 No.
Proposed	Viburnum davidii	2L	4/m ²	96 No.	96 No.
Proposed	Viburnum opulus	1+2 BR 10%	5/m	88 No.	88 No.
Proposed	Viburnum opulus 'Compactum'	2L	3/m ²	30 No.	30 No.
Proposed	Vinca major	2L	5/m ²	273 No.	273 No.

KEY

- Existing Tree Retained (refer to Arboriculturalist's report for details)
- Existing Vegetation Retained (refer to Arboriculturalist's report for details)
- Proposed Tree Planting
- Proposed Native Hedge Mix Planting
- Proposed Ornamental Shrub Planting
- Proposed Semi-native Shrub Mix Planting
- Proposed Ornamental Groundcover Shrub Mix Planting
- Proposed Meadow Grass Seeding / Turfing
- Proposed Shade Wildflower Meadow Grass Seeding / Turfing
- Proposed Woodland Bulb Planting

Herbaceous Species	Pot Size	Density	Number of Plants
Crocsmia 'Paul's Best Yellow'	2L	8/m ²	120 No.
Lamium maculatum 'Chequers'	2L	5/m ²	72 No.

Bulbs	Species	Specification	Density	Number of Plants
Proposed	Allium flavum	10/m ²	100 No.	
Proposed	Anemone nemorosa	10/m ²	100 No.	
Proposed	Galanthus nivalis	10/m ²	100 No.	
Proposed	Hyacinthoides non-scripta	10/m ²	100 No.	

PLANTING NOTES

All plant material to conform to BS3938 and the HTA 'National Plant Specification'. All native plants are to be of local provenance. Delivery and handling of all plant material to be in accordance with CPRE 'Handling and establishment of Landscape Plants 1996'. Planting seeding and turfing operations are to be carried out to the appropriate clauses of BS4428. All plants shall be watered in to field capacity immediately after planting.

WEED CLEARANCE

Areas to be planted shall be cleared of any grass and weed growth physically and/or chemically with a translocated herbicide (glyphosate based) prior to cultivation operations. If necessary any further grass and weed growth shall be eradicated physically and/or chemically with a translocated herbicide. More than one application may be necessary to ensure eradication. Extreme care is to be taken whilst spraying herbicide near to existing trees and hedges. All roots of perennial weeds shall be removed.

TOPSOIL

Imported topsoil to be in accordance with BS3982 - General Purpose Grade. Imported topsoil & site won topsoil to be tested in accordance with BS3982 for contamination. Submit test results to the Project Manager & Landscape Architect & obtain approval prior to the delivery of any imported topsoil. Should site won topsoil not be in accordance with BS3982 General Purpose but is free from contamination and phytotoxic elements seek instruction for the amelioration and enrichment with approved organic matter. Planting areas - Generally 400mm depth clean non-contaminated topsoil with 50mm depth of spent mushroom compost or similar approved to be incorporated into planting beds and Scotts N-Mag 8L granular fertilizer (or equivalent approved) incorporated at recommended rates. Trees site backfilled with a mixture of 80% Topsoil, 20% Planting Compost (peat-free) by volume and 5 litres of perlite. Conservation Grass - min 100mm depth topsoil over rippled subgrade.

MULCH

On completion of planting all trees, shrubs and hedges are to have a 50mm depth application of 15-65mm grade arborised bark mulch. All native plants to be planted with rabbit guards.

NATIVE HEDGE PLANTING

All native plants to be planted with rabbit guards.

TREES

14-16cm girth trees container grown in A+Pots - double slotted staked and secured using non-degradable wetting / struts 900x300x200mm pit. All trees to have a clear 1 metre diameter mulch bed. Trees in car park and those adjacent to hard surfaces and services are to be planted with root deflectors or root barriers and to be fitted with irrigation / aeration tube. Tree impact protection to architect details.

WATERING & MAINTENANCE

All planting is to be watered and maintained up to Practical Completion and for a period of 12 months from that date. Any plant which dies, or is not thriving during this period is to be replaced. Conservation grass areas to be cut by 75mm during June, July, August, September & October. Clippings to lay fallow for 3-5 days before being collected and taken to recycling facility.

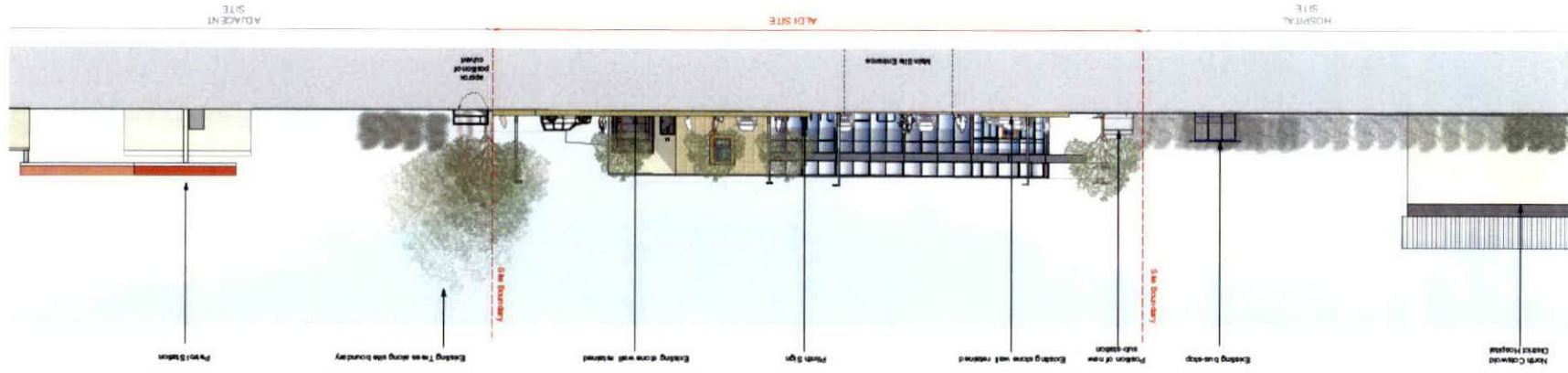
Rev 0 - 13.01.17 - L1 - Initial Consultation
 Rev 1 - 07.02.17 - Proposed tree removed to match boundary
 Rev 2 - 08.02.17 - Topsoil details planting added to match boundary
 Rev 3 - 09.02.17 - Site area further defined
 Rev 4 - 20.02.17 - Submittal notes added
 Rev 5 - 20.02.17 - Landscape Plan

CAMBIUM Landscape architecture Arboricultural consultancy			
Project: ALDI, Moreton-in-the-Marsh			
Title: Soft Landscape Proposals			
Client:	ALDI Stores		
Date:	September 2016	Drawn:	LR
Scale:	1:250 @ A1	Checked:	MW
Drawn:	1224-01	Revised:	F
Scale: 1:250 @ A1			
Scale: 1:250 @ A1			

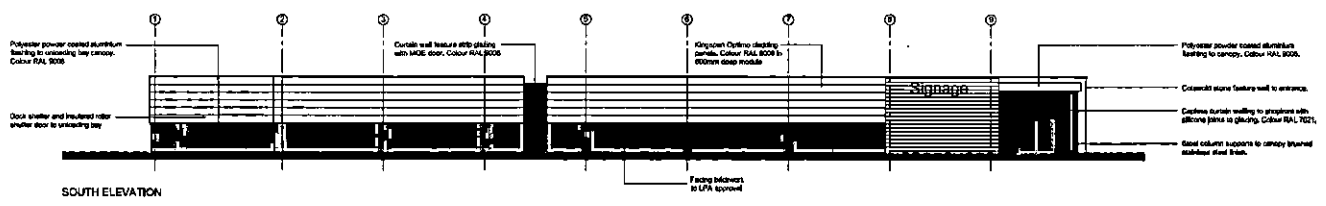
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PROPOSED
STREETSCAPE

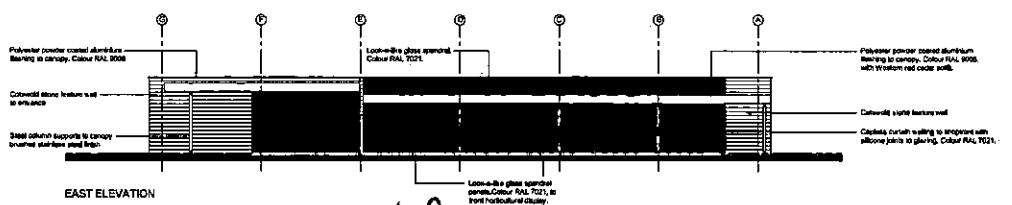
75



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 NOTES

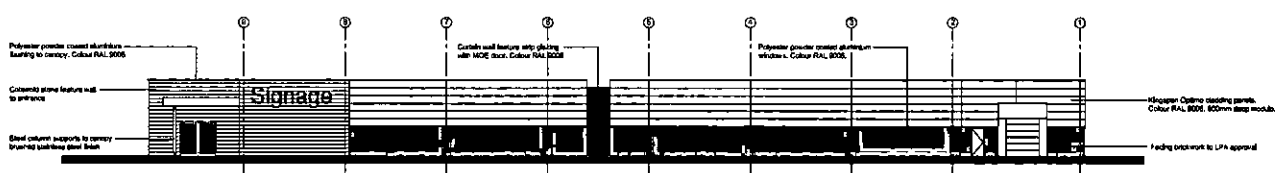


SOUTH ELEVATION



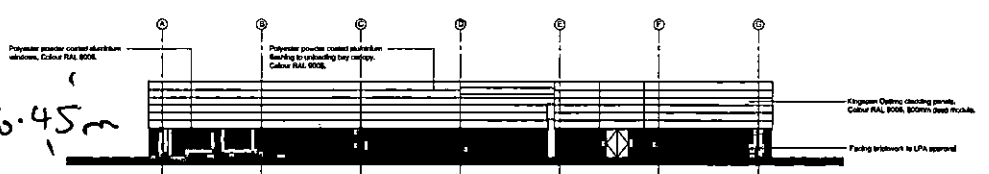
EAST ELEVATION

- 49m -



NORTH ELEVATION

- 74m -



WEST ELEVATION

6.45m

76

Approved
 Scheme

B	16.11.14	Revised signage content		
A	25.09.14	Revised to incorporate full tenant constraints		
REV	0-13	NOTES		
Client				
MINTON GROUP				
Project				
PROPOSED FOOD STORE MORETON IN MARSH				
Drawing Title				
PROPOSED ELEVATIONS				
Drawn	Checked	Issue Date	Scale	Date
CW	W	A1	1:200	03.09.2014
Project No.	Drawing No.			
14182	0004	B		

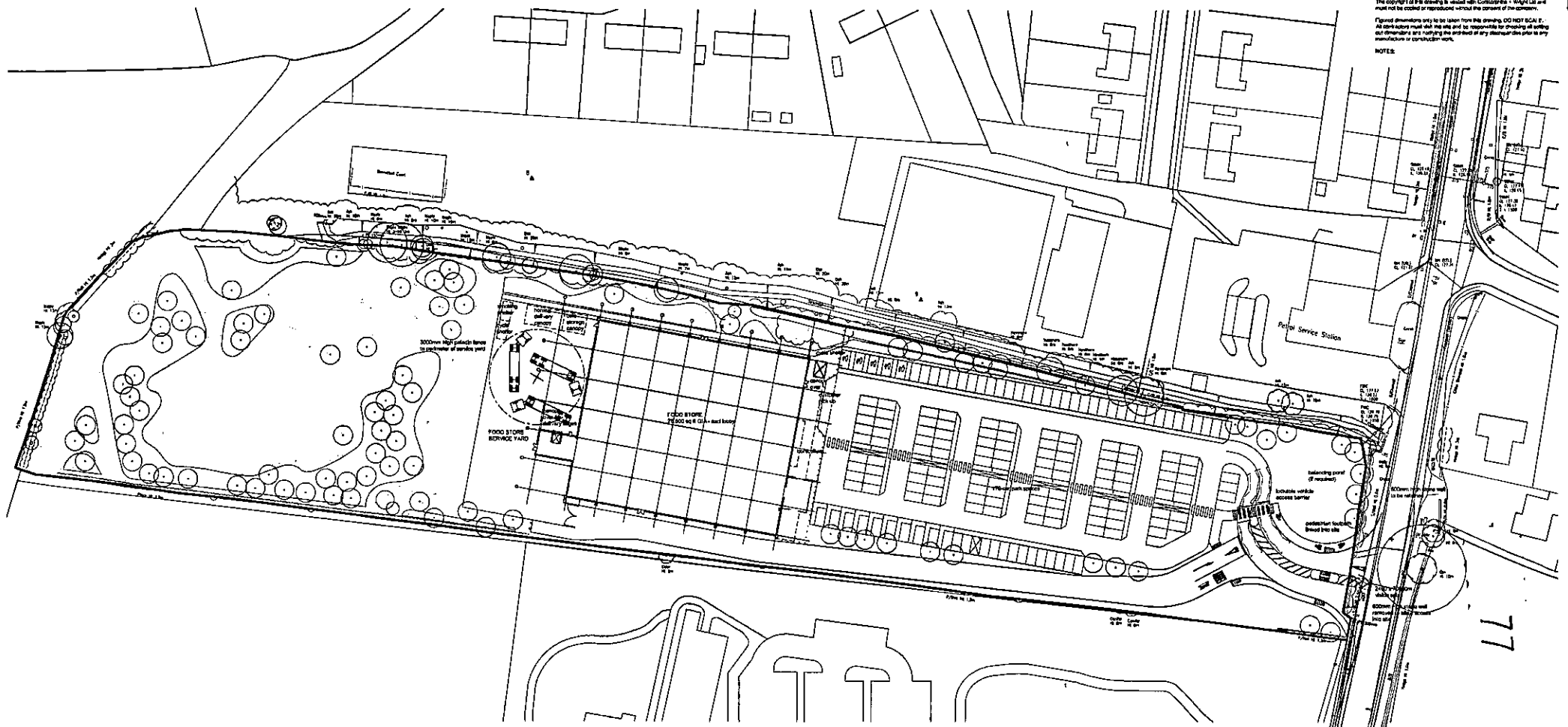
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NOTES:



- A 16.12.14 Delivery bay relocated, service yard reconfigured
- B 24.10.14 Site access junction amended to suit Highway design
- C 19.12.14 Turning head into grassland outlined
- D 23.08.14 Footpath into site and widened path
- A 16.08.14 Building footprint moved toward Southern boundary

rev: JMS NOTES
 Client:

MINTON GROUP

Project:
**PROPOSED FOOD STORE
 MORETON IN MARSH**

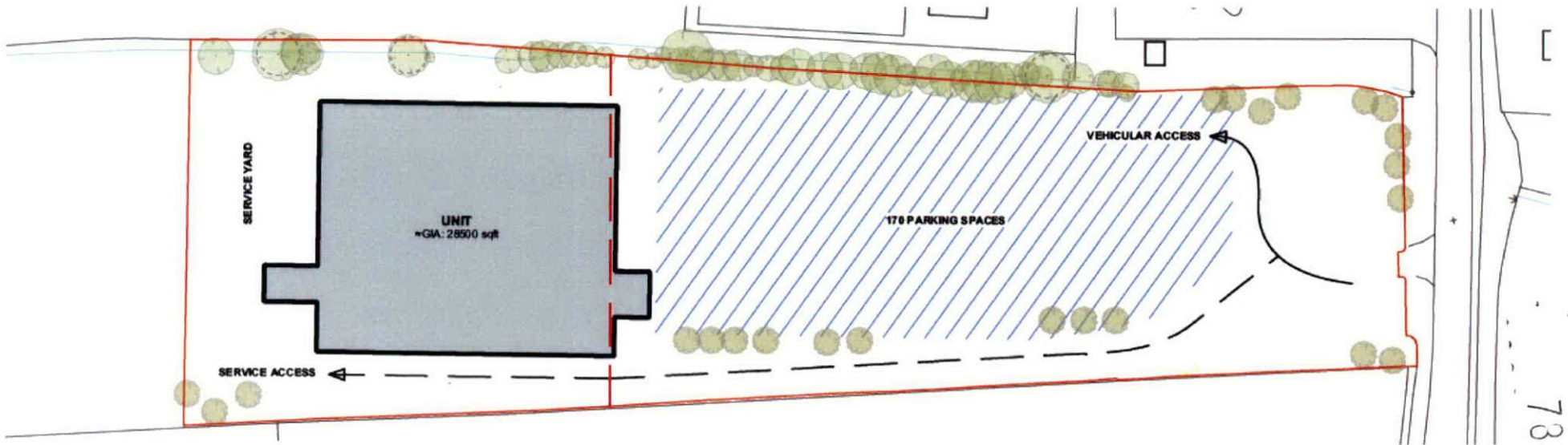
Drawing Title:
**PROPOSED SITE PLAN
 OPTION 2**

Date	Author	Issue No.	Scale	Date
CW	W	A1	1:500	08.08.2014
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**CORSTORPHINE
 + WRIGHT
 ARCHITECTS**

Brook Hill - Brook Street - Warwick - CV34 4BL
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Approved
 layout -

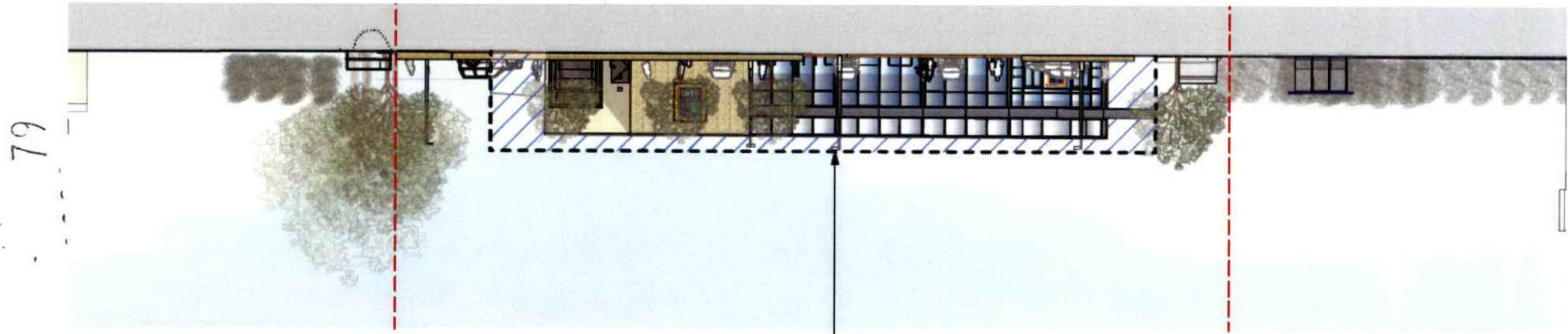


Previous Planning Application



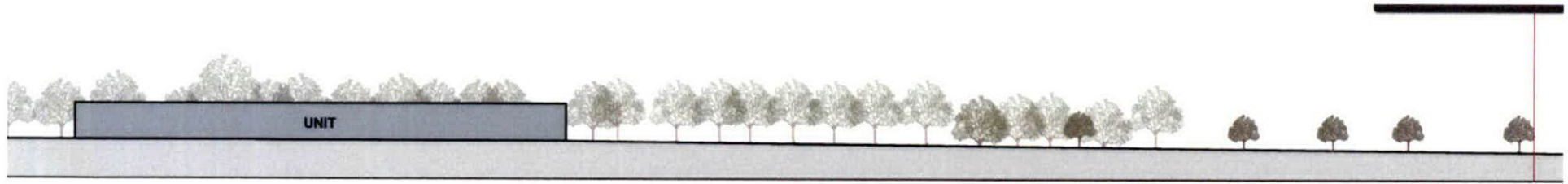
Current Planning Application

Street Elevation
Elevation comparison between the two planning applications

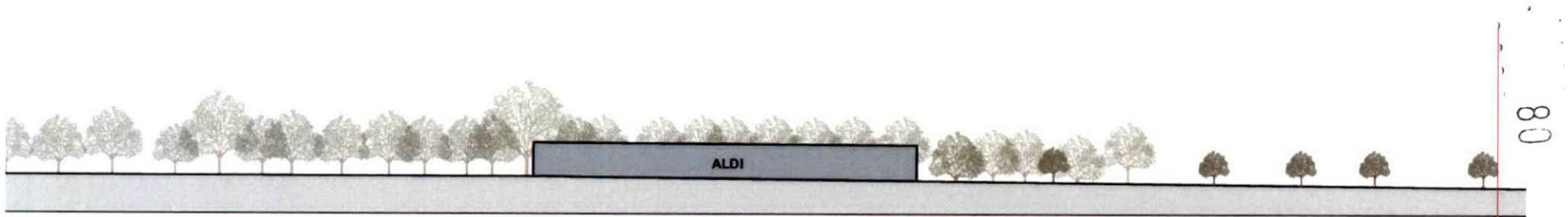


Blue and white hatch zone denotes
previous planning application elevation

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Previous Planning Application



Current Planning Application

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ASPBURY
Planning

Your Vision, Our Focus

The Planning & Development Manager
Cotswold District Council
Trinity Road
Cirencester,
Gloucestershire
GL7 1PX
FTAO Martin Perks, Case Officer

Your Ref. 16/04611/FUL
Our Ref.: APA/WRL/13/1239

22 December 2016

Dear Sir

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED): PLANNING APPLICATION 16/06411/FUL: DEMOLITION AND REMOVAL OF EXISTING BUILDINGS AND THE ERECTION OF A UCO CLASS A1 FOODSTORE (1,918 SM GROSS FLOOR AREA) WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FOSSEWAY FARM, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE GL56 0DS: OBJECTION BY WARNERS RETAIL LIMITED

We write on behalf of our Client, Warners Retail Limited (T/A Warner's Budgens) to *Object* to the above Application.

The grounds of objection are as follows:

- Retail impact
- Transport impact and
- Other adverse impacts

The Warner's Budgens store, which (in planning policy terms) currently occupies an edge-of-centre location, is however recognised as providing the economic anchor for Moreton Town Centre. Amongst other things the store also houses the Town's Sub Post Office. There is a high level of shared journeys to the store and to the Centre. The incidence of shared journeys is likely to increase once the committed extension to the store is completed. Implementation of that extension has been delayed because of the uncertainty surrounding the successive speculative retail proposals for the Application Site and their impact on the viability both of the Store itself and on vitality and viability of the Town Centre.

Correspondence to:
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Park Lane, Earford, Nottingham NG6 0DW

16 Upper Woburn Place, London WC1H 0BS

Aspbury Planning Ltd.
Registered in England and Wales No. 4600912
VAT Registration No. 365 1371 58
Registered office: 4 Bank Court, Woburn Road
Loughborough, Leicestershire LE11 5RF

Re: Planning Application 16/06411/FUL: Land at Fosseyway Farm, Stow Road, Moreton-in-Marsh, Gloucestershire GL56 0DS: Objection By Warners Retail Limited

The Objector has made representations to the Council on the emerging Cotswold District Local Plan 2011 – 2033 to the effect that the store should be included within the defined Key Centre Boundary pursuant to draft policies EC6, EC7 and EC8 on the relevant Inset Proposals Map for Moreton (32). The Objector considers that the exclusion of the Store from the defined town centre boundary in previous DPDs is a manifest anomaly that requires correction and that the perpetuation of this state of affairs in the emerging plan therefore goes to the soundness of the draft Plan. Consequently it intends to maintain its representations up to and including the examination of the draft plan and, if necessary, beyond that. The existence of this unresolved objection to the emerging Local Plan is a material consideration for the Local Planning Authority in this case because, if endorsed by the examining inspector and/or by a modification to the draft Plan, it obliges the decision-maker to approach adverse impacts on the turnover of the store from out-of-centre/town developments such as that the subject of the planning application in question, in a fundamentally different way.

Whilst the Council and the Applicant may rely on the fact that the draft Plan is still at an early statutory stage and has not yet been submitted to the Secretary of State, against the background of a seriously outdated/pre-Framework adopted Local Plan and a consequent policy vacuum, the provisions of the emerging Plan, including objections/potential modifications thereto, should acquire added weight.

Retail Impact

A significant element of the case for granting the previous permissions was that the convenience superstore then promoted would carry a wide range of product lines and would thus have the capacity to 'claw back' retail spending 'leaking' to shopping centres and free-standing superstores outside Moreton. This claw back would, it was asserted, moderate the trade abstraction from existing stores in and on the edge of the Town Centre. Given the increasing range, location and accessibility of destination superstores outside Moreton the Objector has always been sceptical about this argument. However no such case can be made for the store the subject of the current Application. Thus, as is acknowledged in the Applicant's Planning and Retail Statement it is significantly smaller than that permitted previously and, as is characteristic of 'discounters', carries a limited range of goods. In terms, it offers no greater product range and variety than is already available in the Town- and edge-of Centre stores and/or would be available when the Warner's Budgens extension is implemented. Implementation of the proposed new store will lead to direct competition with the existing stores for the spending on a basic range of convenience products that is available within the Town's limited catchment. This state of affairs will be aggravated by the aggressive pricing strategy that discounters such as Aldi currently pursue. This in turn is likely to put the viability of at least one of the Town's current stores at risk and this will in turn impact on the vitality and viability of the Town Centre as a whole. The argument that the new store will increase competition in Moreton is fallacious therefore. Similarly, any jobs created by the new development are likely to be at the cost of jobs lost or not created in the existing convenience stores.

The Objector disputes the conclusion at paragraph 4.39 of the Planning and Retail Statement to the effect that the performance of Moreton Town Centre is strong and that it is vital and viable. The Objector, which, for obvious reasons, has an in depth knowledge of and understanding of retail conditions in the Town, considers the Centre to be vulnerable, particularly with regard to the convenience sector.

Re: Planning Application 16/06411/FUL: Land at Fosseyway Farm, Stow Road, Moreton-in-Marsh, Gloucestershire GL56 0DS: Objection By Warners Retail Limited

This is due to a variety of national and local economic factors, including, in the case of the latter, the ongoing threat posed by the extant planning permission on the Application Site and the existential threat of further leakage of spending posed by recently granted, and in some cases already-implemented, planning permissions in and on the edge of Evesham, Stratford, Shipston-on-Stour and Chipping Norton, amongst others.

Transport

On the instructions of the Objector, Bancroft Consulting has undertaken a forensic audit of the Application Proposals and of the technical material submitted in support of the Application, notably the Transport Statement. Bancroft Consulting has summarised its findings in the attached letter to Aspbury Planning Limited the contents of which we commend to your Council and to the Local Highway Authority.

Specifically the letter addresses: Site access layout and design – including visibility at the proposed new priority junction on the A429 Stow Road, the suitability of the proposed junction design and the adequacy of HGV swept path analysis and the, thus, the capacity of the access to accommodate HGV movements satisfactorily and safely; internal site layout and trip generation.

The Bancroft audit concludes that the Transport Statement and supporting plans submitted as part of this Application are deficient in terms of both their compliance with best practice guidance on their content and technical approach. There are many aspects of the Transport Statement and plans which suggest serious highway safety risks and potentially significant off-site impact and it is simply not possible to conclude that the proposed scheme would comply with current national and local planning policy on the basis of this evidence. The Applicant should therefore be required to undertake a significant re-assessment and redesign of the Site layout and access junction and to provide robust trip rates before any effective assessment of the proposed development can be undertaken. Absent such additional work, planning permission should be withheld on the basis that the development as presently proposed would be detrimental to the free and safe flow of traffic both on the Site itself and on the public highway.

Other adverse impacts of the proposed development

The Objector concurs with and supports the objection by the Gloucestershire County Council as Lead Local Flood Authority and by others on flood risk grounds. The information, assessment and mitigation measures put forward by the Applicant relating to surface water drainage are presently inadequate. Consequently there is a high risk that localised flood events will be exacerbated by the proposed development and, accordingly, planning permission should not be granted unless and until proper assessment has been undertaken and effective mitigation is proposed.

The Application relates to only part of the Fosseyway Farm Site. Previous proposals have been comprehensive, relating to the *whole* of the Site and/or have put forward credible development options for the residue of the land. The current Application does not address this matter and the Application material, especially that dealing with the potential impacts of the development (e.g. transport) is inadequate.

Re: Planning Application 16/06411/FUL: Land at Fosseway Farm, Stow Road, Moreton-in-Marsh, Gloucestershire GL56 0DS: Objection By Warners Retail Limited

In summary, the Objector considers that there have been material changes in circumstances since the original planning application for a convenience retail store was approved whilst the Application proposals themselves are now materially different. Accordingly, little weight should be given to the extant planning permission in determining this Application.

The Application Proposals need to be thoroughly and objectively re-assessed both by the Applicant and, in due course, by your Council as the decision-maker. There are at present a number of deficiencies and incorrect assumptions in the material submitted in support of the Application which need to be addressed.

Notwithstanding these faults, the Objector submits that the Application should be refused planning permission on the grounds that the proposed development would:

- be detrimental to the vitality and viability of Moreton-in-Marsh Town Centre as a whole;
- be detrimental to the free and safe flow of traffic of all types on the adjoining public highway; and,
- exacerbate local flooding; and
- would *not* constitute sustainable development.

Please acknowledge receipt of this letter, advise us of any response by the Applicant to it and, in due course of the date, time and venue of the Planning Committee that will consider the Application.

Yours faithfully,


/Antony P Aspbury
Director

85

Bancroft Consulting Limited
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7 Gregory Boulevard
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Aspbury Planning Limited
Unit 20
Park Lane Business Centre
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Basford
Nottingham
NG6 0DW
FAO: Mr Tony Aspbury

Our Ref: CJB/F16223/161216
Date: 16 December 2016

Dear Tony

PROPOSED 1,918SQM DISCOUNT ALDI FOOD STORE AT FOSSEWAY FARM, MORETON-IN-MARSH

Further to our recent discussions, I have now reviewed the Transport Statement report that was prepared by Entran Limited (dated October 2016) in support of the above scheme. The report was downloaded from the online application file for Cotswold District Council's Application Reference 16/04611/FUL. I therefore write to outline my concerns in respect of the information submitted for the proposals and the ability for the Local Planning Authority to make a sound and fully informed decision on this application.

This has also been reviewed in the context of the Transport Assessment previously submitted to support a scheme for a 2,800sqm food store at the site, which was consented in December 2013 (under Application Reference 13/01971/OUT), as well as the associated reserved matters application which was permitted in June 2015 (under Application Reference 14/04879/REM).

I previously provided my comments relating to the 2013 consented scheme and reserved matters application in letters dated May, June and August 2013, December 2014, and February and June 2015. It should be noted that, I continue to be concerned as to the site's location within Moreton-in-Marsh and its accessibility by non-car modes. However, it is acknowledged that now the scheme is consented, many elements of the proposals have effectively been agreed and the principle of a class A1 food store at this location is presumably acceptable to the Local Planning Authority. Therefore, despite my other concerns this letter will focus primarily on the proposed Aldi store's access junction, internal layout and trip rate figures.

Having reviewed the details presented within the Transport Statement for the Aldi store I would make the following detailed comments under key areas of concern:

Site Access Layout

Details of the latest proposed site access layout appear to be shown in Drawing Number 150265 P(1)03 B in Appendix I of the Transport Statement, although it is noted that a previous revision of the drawing is included in Appendix G of the report (150265 P(1)03), titled 'Application Site Layout'. Drawing Number 150265 P(1)03 B also shows swept path analysis of a large articulated Heavy Goods Vehicle (HGV) turning left in and left out of the proposed access junction at the A429 Stow Road. The first issues to note are that the layout makes no reference to the adjacent highway layout, and does not demonstrate how satisfactory visibility splays could be achieved in either direction. Section 4.2 of the Transport Statement merely states that *"The site access has been retained in its previously approved location such that visibility splays at the site entrance are consistent with MfS requirements and GCC's deemed to satisfy requirements [sic]"*.

Visibility

In terms of visibility, the pre-application advice provided by Gloucestershire County Council [GCC] (as the local highway authority) which is appended to the Transport Statement states that 2.4 metres by 54 metres visibility splays are required at the site access junction. It was considered that the 54 metres splays would not be representative of the actual speeds of vehicles approaching the site and on this basis a speed survey was undertaken by Bancroft Consulting at the proposed access location on Monday 12 December 2016, using a radar speed gun.

During the survey conditions were dry, although the road surface was wet from previous light drizzle. The results of the survey (contained at Enclosure A) indicate measured 85th percentile speeds of 35.4mph in the northbound direction and 35.0mph in the southbound direction. These speeds are broadly in line with the ATC data presented in the Transport Statement, which indicated 85th percentile speeds of 34.0mph in the northbound direction and 36.0mph in the southbound direction.

Manual for Streets 2 clearly states how accesses on all non-trunk roads should demonstrate splays that are based on its own formula for determining the appropriate distances. This formula takes into account gradients, vehicle composition, and driver reaction times. Calculations based on the Manual for Streets 2 formula are contained at Enclosure B, and demonstrate that in actuality splays of 60 metres to the south and 59 metres to the north would be required at the proposed Aldi store access junction. Hence, whilst at the very least the Transport Statement should demonstrate that splays of 54 metres are achievable (in accordance with GCC's requirements), it should in fact be demonstrated that splays of 60 metres to the south and 59 metres to the north are achievable, particularly as Entran's ATC data also supports these longer splay distances.

It is acknowledged that the previous Transport Assessment and plans for the 2013 consented scheme demonstrated that 2.4 metres by 70 metres visibility splays would be achievable at the proposed site access junction. This is largely owing to the straight alignment of Stow Road, which continues to be the case, although it is noted that more recently there has been some growth in the hedge to the south of the petrol filling station, which effectively reduces achievable visibility to the north of the proposed site.

There is also a bus shelter located within the splay envelope to the south, which significantly obstructs visibility in this direction to the extent that it is considered safe and suitable access to the site cannot currently be delivered. GCC specifically requested that this matter is addressed in their pre-application advice appended to the Transport Statement. As part of the reserved matters application for the previous 2,800sqm site, it was proposed that the

bus shelter be relocated behind the visibility splay, within land which appears to be under the site ownership (as opposed to public highway land). Firstly, this detail has not been considered again within the Transport Statement, with no mention of the issue or how it might be resolved in the text or on any plans. Secondly, even if the bus shelter were to be relocated within the site as before, the first revision of the site masterplan contained within Appendix G of the Transport Statement shows that the location and alignment of the proposed access road would effectively preclude the opportunity to relocate the shelter. The revised masterplan included in Appendix I shows that there would be sufficient space to the south of the access road, but still does not show a relocated shelter. The status of the masterplans contained within the Transport Statement should therefore be confirmed and an appropriate new location for the bus shelter should be agreed, whilst still ensuring its proximity to the hospital and GP's surgery. Without these details, it is considered that safe and suitable access into the site cannot currently be delivered.

Junction Type

Whilst it is acknowledged that advice contained within Manual for Streets does not necessarily advocate the use of ghost island right turn lanes within junctions, it does continue to recognise the benefits they may deliver in certain circumstances. In this instance, the highway authority has clearly deemed it appropriate to provide such a facility for the hospital site immediately to the south. Speeds on approach to the proposed junction are in the region of 35mph, and it was observed on-site that multiple conflicting manoeuvres already occur in the vicinity of the site on Stow Road, with notably frequent instances of queueing behind vehicles waiting to turn right into the petrol filling station, Fossey Avenue and Redesdale Place. Given these factors, along with the not insignificant volume of traffic which would be generated by the site and the proximity of the hospital access, I would expect the food store to also include a right turn lane at the access to avoid any highway safety issues that could occur at this location. It is clear from measurements undertaken on site that sufficient highway land does not exist to achieve both a right turn lane and adequate visibility splays, which raises further serious concerns about the delivery of a safe and satisfactory access.

Vehicle Swept Path Analysis

Inspection of Drawing Number 150265 P(1)03 B shows how the layout has been tested using a large articulated HGV, with no details as to the specific vehicle type being provided. GCC specifically requested that swept path analysis of a 16.5 metres long articulated HGV and a private estate car passing at the site access junction is provided. Firstly, the tracking exercise has not shown a car alongside the HGV, and secondly it clearly demonstrates that the turning path of the HGV would effectively take up the entire width of the access junction as it turns left in, meaning that there would be no room to accommodate any vehicle waiting to pull out of the junction. This clearly poses a serious highway safety risk, in that it could lead to vehicles having to wait within the Stow Road carriageway before turning into the site. This consequently presents a real risk of rear shunt type collisions in the vicinity of the access junction.

It is considered that, given the aforementioned constraints in terms of available highway land, the only potential solution to the above issue would be to provide a wider site access, still in the form of a T-junction. As a consequence of widening the bellmouth, a channelising island with pedestrian refuge facility would be required within the centre of the junction. This would need to be of adequate width to accommodate not only pedestrians but also cyclists and mobility scooters, given that the footway at the western edge of Stow Road is a shared footway / cycleway, leading to the hospital and GP's surgery. The Highway Authority must consider the implications of such an onerous access design and as such must insist on this situation being resolved before it can support the proposals in any way.

Internal Site Layout

Upon review of Revision B of the site masterplan contained in Appendix I of the Transport Statement, the articulated HGV is shown to safely negotiate the internal road and car park. However, in order to successfully unload at the dock levellers and then turn around and exit the site in a forward gear, the swept path analysis shows how the HGV would need to reverse over a distance of approximately 90 metres through the proposed customer car park.

Whilst the Transport Statement states that a banksman may be deployed to assist delivery vehicles if the car park is busy, it is clear that a HGV reversing over such a significant distance would not only present a serious risk of a safety problem but would also effectively reduce the available parking and circulatory space within the site whilst deliveries are taking place. Whilst it is stated that deliveries would 'normally' be outside of peak store trading hours, this suggests that there would still be deliveries whilst the store is open and experience of other Aldi developments has confirmed that deliveries frequently take place during the day time, when customers would be using the car park.

Trip Rates

Section 6 of the Transport Statement provides the following peak hour trip rates and traffic generation figures for the proposed 1,918sqm Aldi discount food store (with 10% reduction for pass by trips):

• morning peak hour	1.284 arrive	0.886 depart	2.170 total
• evening peak hour	3.274 arrive	3.924 depart	7.198 total
• morning peak hour	22 arrive	15 depart	37 total
• evening peak hour	57 arrive	68 depart	124 total

The following net traffic generation figures were then calculated in Section 8 of the Transport Statement, taking account the previously consented 2,800sqm food store traffic generation:

• morning peak hour	-47 arrive	-36 depart	-84 total
• evening peak hour	-73 arrive	-66 depart	-140 total

The report goes on to conclude that, given the proposed Aldi store would generate significantly fewer trips than the previously consented 2,800sqm food store, no further assessment of off-site impact should be required.

Having reviewed the TRICS search outputs contained in Appendix J of the Transport Statement, it is clear that the trip rates were derived based just on three surveys taken at discount food stores during the years 2005 and 2006. Clearly these surveys could be considered outdated and furthermore it is widely recognised that the popularity of discount food stores such as Aldi over the past ten years has significantly increased. I have recently been involved in the development of several discount food stores in the UK and have established that nowadays trip rates can be significantly higher than those from 2005 / 2006 presented in the Transport Statement. Manual counts at these other discount food stores indicated that total two-way trip rates in the morning peak hour could be up to 4.954, whilst in the evening peak hour they could be as high as 16.819.

Applying the above trip rates to the proposed 1,918sqm Aldi store would result in total two-way trips of up to 86 vehicles in the morning peak hour and 300 vehicles in the evening peak hour (taking account of the 10% reduction for pass by trips adopted in the Transport Statement). When compared with the previously consented trips for the 2,800sqm store, the total net traffic generation would be -37 in the morning peak hour but would actually be

+36 in the evening peak hour. These higher traffic flows would also potentially have an impact on the proposed parking provision for the site, and further justification may be needed in this regard.

I consider that the above trip rates provide a more accurate indication of the current popularity of discount food stores. Whilst it is acknowledged that further detailed surveys would be required to reach this conclusion in the specific case of the Moreton-in-Marsh site, it is clear that the net traffic generation could be comparable, if not higher than that which was previously consented. Furthermore, it is noted that the impact assessments undertaken as part of the previously consented scheme were based on 2013 observed traffic flows, which are at the brink of becoming outdated. In light of this, the conclusion that there is no necessity for further detailed assessment of off-site impact is potentially an oversight which in fact fails to comprehensively assess the development traffic in the context of the existing capacity issues which have previously been flagged at the two nearby A44 / A429 mini roundabouts in Moreton-in-Marsh. This is not to mention the potential to exacerbate the existing highway safety issues along the A429 link through the village, which are apparent from data presented on the Crashmap website (www.crashmap.co.uk).

In avoiding addressing the above issues, the Transport Statement cannot reasonably conclude that the proposals would not have a detrimental impact upon the current situation. As such, updated, robust and justified trip rates should be derived and on this basis a full and detailed assessment should be undertaken before the highway authority can be in a position to consider whether the scheme could be acceptable.

Summary

The above information should highlight how the Transport Statement and supporting plans submitted as part of this application for a 1,918sqm Aldi discount food store are deficient in terms of both their compliance with best practice guidance on their content and technical approach. It is reasonable to conclude that there are many aspects of the Transport Statement and plans which suggest serious highway safety risks and potentially significant off-site impact and it is simply not possible to conclude that the proposed scheme would comply with current national and local planning policy on the basis of this evidence. I would therefore expect the applicant to undertake a significant redesign of the site layout and access junction and provide robust trip rates before any further assessment regarding the safe and suitable delivery of the proposed development can take place.

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

enc.

Enclosure A – Speed survey results
Enclosure B – MfS2 visibility calculations

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Highways Development Management
Shire Hall
Gloucester
GL1 2TH
FAO: Mr David Simmons

Our Ref: CJB/F16223/080217
Your Ref: C/2016/037419
Planning Ref: 16/04611/FUL
Date: 8 February 2017

BY EMAIL ONLY

Dear David

PROPOSED 1,918SQM DISCOUNT ALDI FOOD STORE AT FOSSEWAY FARM, MORETON-IN-MARSH

Further to our email correspondence on 3 February 2017 regarding the above planning application, I have now reviewed the Technical Note prepared by the Applicant's highways consultants which you kindly forwarded. Having studied the note in detail, I write to further explain my outstanding concerns in respect of the revised information and drawings which have been provided by the Applicant.

I previously provided my comments relating to the scheme in a letter dated 16 December 2016. The letter highlighted key points of concern in relation to the site access layout (visibility and junction type), internal site layout and proposed trip rates. The Technical Note was prepared by the Applicant's highways consultants in January 2017 in response to the comments within our letter of objection, and those made by you on behalf of Gloucestershire County Council (GCC). Appendix D of the Technical Note specifically addresses the issues raised within our letter of objection.

I do not consider that the key issues I initially raised have been fully addressed within the Applicant's Technical Note. As such, I outline my remaining concerns below, for consistency under the same headers as previously used.

Site Access Layout

Visibility

Whilst I maintain my assertion that retention of the bus stop in its current location significantly obstructs visibility (as is disputed by the Applicant's highways consultants), it is acknowledged that the Applicant has discussed relocation of the bus stop with GCC and has shown required visibility splays are otherwise achievable.

Junction Type and Vehicle Swept Path Analysis

Drawing numbers SK01_RevA_4.1.17 and SK01_RevB_18.1.17 provided by the Applicant's highways consultants show swept path analysis of a 16.5 metres articulated Heavy Goods Vehicle (HGV) and intervisibility between vehicles at the site access junction. Although SK01_RevB shows that intervisibility splays of 26 metres and 58 metres are achievable for vehicles turning left and right into the site, respectively, they clearly demonstrate that the HGVs would take up the majority of the internal access road carriageway when manoeuvring. Hence, despite there being enough distance for one or other of the vehicles to see each other and stop, they would then still likely be required to reverse in order to reach a point where the two vehicles could pass. On the one hand, this could lead to vehicles undertaking unusual reversing manoeuvres within the site, but potentially worse still this could result in vehicles reversing back into the public highway. This is considered wholly unsuitable on a major classified road such as the A429 Stow Road, and as such presents a real road safety risk which must be fully addressed by the Applicant.

Internal Site Layout

In the January 2017 Technical Note, the Applicant's highways consultants state that the reversing manoeuvre which would be necessary to allow a 16.5 metres HGV to access the store's dock leveller would be 68 metres. This is still considered to be entirely inappropriate for such a large vehicle in a public area of a food store car park.

Furthermore, inspection of the drawing printed to scale clearly shows that the reversing distance measures approximately 84 metres, rather than 68 metres. By correctly undertaking the highways consultants' own calculation methodology, this results in a reversing time of 60 seconds. As previously stated in my initial letter, this would be 60 seconds time during which access to the adjacent car parking spaces would be blocked, as would circulation space within the car park, and safe passage by pedestrians. The above errors both in measurements and calculations also suggest to me that the Applicant's highways consultants potentially may not have undertaken a detailed analysis of the impacts and implications of the proposed development in other areas of assessment, such as traffic generation and / or traffic impact.

Trip Rates

Following on from the above, and in relation to traffic generation, it should firstly be noted that although the Applicant's highways consultants reference PICADY results showing exceedance of the 0.85 RFC threshold value when multiplying traffic generation by 5, these results are not actually appended to the version of the Technical Note we have received. We therefore cannot fully interrogate the results and comment with any certainty as to the validity of the calculations and the model, and I do not consider that the local highway authority can make a fully informed decision if they too have not seen the results.

In addition, I consider that the only way by which an evidence-led decision can be reached is to ask that the Applicant commissions their own traffic surveys at a comparable discount food store. Reliance on outdated TRICS surveys simply cannot be considered acceptable, when my own experience proves that trip rates derived in this way can be significantly lower than those which are being produced by existing stores, within a more recent time period. At this stage I cannot further disclose the details of the trip rates as they are presented as part of confidential discussions regarding a planning application. However, they have been presented to us by a local highway authority following concerns relating to a recently consented Aldi foodstore and its corresponding traffic movements. The Applicants dismissive response to this point, by simply multiplying the existing movements by 5, fails to assess what the increased activity would do to the overall parking accumulation. It is

vital that this point is satisfactorily addressed to ensure indiscriminate parking doesn't occur in and around the site access junction, which is already constrained to the point where cars and goods vehicles cannot pass.

Summary

The above information should highlight how the conclusions of the Applicant's Technical Note submitted in response to my letter remain insufficient to fully address serious concerns over the traffic impacts and highway safety implications of the proposals. Based on the above discussions, I would expect the Applicant's highways consultants to provide certainty as to their calculations and measurements (across all elements of their submission), and to undertake traffic surveys at comparable stores. Only then can a truly evidence-led decision be made by the local highway authority and Local Planning Authority.

I trust that the above details are clear and should it be required I would be happy to provide any further explanation of my concerns.

Yours sincerely

Chris Bancroft
Director
Bancroft Consulting

cc Mr Antony Aspbury - Aspbury Planning
Mr Guy Warner - Warners Retail (Moreton) Ltd
Mr Martin Perks - Cotswold District Council



Highways Development Management

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GL1 2TH

Martin Perks
Cotswold District Council
Trinity Road
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Gloucestershire
GL7 1PX

Please ask for: David Simmons

Our Ref: C/2016/037419

Your Ref: 16/04611/FUL

Date: 23 January 2017

Dear Martin Perks,

**TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATION**

LOCATION: Land At Fosseway Farm Stow Road Moreton-In-Marsh Gloucestershire GL56 0DS

PROPOSED: Demolition and removal of existing buildings, and the erection of a Class A1 foodstore (1,918sq m gross floor area) with associated access, car parking and landscaping

I refer to the above planning application received on the 25th November 2016 with submitted details listed below to which no Highway Objection is raised;

Design and Access Statement

Planning Statement Site

Location Plan 150265 P(1)01A

Existing Site Plan 150265 P(1)02A

Proposed Site Plan 150265 P(1)03B

Proposed Floor Plan 150265 P(1)04A

Proposed Roof Plan 150265 P(1)05A

Proposed Store Elevations 150265 P(1)06A

Proposed Street Elevations 150265 P(1)07A

Existing Site Sections 150265 P(1)08A

Proposed Street Sections 150265 P(1)09A

Technical Note Jan 2017

SK01 Rev A

SK01 Rev B

Location:

The proposed discount food store is located to the south of Moreton-in-Marsh on a strip of land between the North Cotswolds Hospital to the south and a residential area to the north. The Principle class 1 A429 forms the east boundary and runs in a north/south alignment. Open countryside forms the western boundary. The site is approximately 500m south of the commercial centre of Moreton-in-Marsh, and 50m outside the defined development boundary. The surrounding area can be described as mixed character with a hospital and garden centre to the south, petrol filling station to the north and residential development to the north east and west.

Local Highway Network:

The A429 features footways on either side of the carriageway with an uncontrolled pedestrian dropped kerb tactile crossing, located near to the North Cotswolds Hospital, allowing connection between each footway. Northbound and southbound bus stops are present to the south of the site access. Street lighting is present on the eastern side of the A429 in the location of the site access. The western footway is also a shared cycle way, 3m in width, which terminates at the North Cotswolds Hospital. The eastern footway is a standard 2.0m, although it widens at the point of the bus stop. The A429 carriageway width is approximately 6.7m at the point of the proposed site access.

Accessibility:

The site benefits from existing footways and is within walking distance of residential areas. Given the sites location, it is expected that the majority of pedestrians would access the store from the north. Uninterrupted access is provided along the western footway; however those travelling from the east would have to walk beyond the store in order to cross the highway by the hospital. This is not on the pedestrian desire line. The lack of pedestrian crossing facility on the desire line may result in a potential safety conflict. This can be mitigated for by the installation of a pedestrian crossing point which connects the eastern footway at Fossey Avenue to the western footway to the north of the site access. This can be dealt with by way of planning condition.

History:

The site currently benefits from outline planning permission for the demolition of existing buildings and erection of a food store with associated parking, landscaping and ancillary works under reference 13/01971/OUT.

It must be noted that there has been no material change in national planning policy since the previous application has been submitted and granted, with the NPPF still relevant to this day.

The permission was challenged at appeal and dismissed in 2016. This means the extant planning permission remains implementable until the summer of 2017.

Access and Visibility:

Access is acceptable. Although a right turn lane would have maintained consistency with the other junctions to the south, the access proposed was approved as a part of the extant permission. As the extant permission was for a development that created more trips than the current proposal the highway authority therefore have to afford significant weight to the extant permission and for those reasons the proposed access arrangement for this development is acceptable.

A speed survey undertaken in accordance with DMRB TA22/81 determined a northbound 85th percentile speed of 34mph and a southbound 85th percentile speed of 36mph.

The recorded 85th percentile speeds would require 2.4m x 54m of junction visibility to the right and 2.4m x 59m of junction visibility to the left in accordance with MfS2 parameters as the access is onto a highway that is also a bus route. MfS2 visibility parameters take into consideration the braking performances of larger vehicles such as HGV and the ability for a bus to brake and slow comfortably without causing undue risk to passengers. 57m of forward visibility for northbound and 62m of forward visibility for southbound traffic is also required.

Drawing SK01 Rev B, attached within Technical Note Jan 2017, has demonstrated 2.4m x 60m to the nearside carriageway edge, which exceeds the required levels of junction visibility commensurate with the 85th percentile speeds. The required levels of forward visibility are also achievable in this location as a result of the straight alignment of the A429.

The visibility splay to the right was potentially impeded by the positioning of the bus shelter. However as demonstrated on drawing SK01 Rev B, the applicant has proposed to relocate the bus shelter behind the visibility splay. This is appropriate and the relocation of the bus stop is deemed acceptable by GCC and can be secured by way of planning condition.

Parking and servicing:

Gloucestershire no longer has local car parking standards, with any previous local standards superseded by the publication of the NPPF in 2012. Parking provision should therefore be assessed using the methodology set out by Paragraph 39 of the NPPF.

Furthermore, a ministerial statement released in 2015 states that local planning authorities "should only impose local car parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network."

The development has proposed 107 vehicle parking spaces, of which 6 are dedicated disabled and 9 are marked as parent/child spaces as shown on Drawing SK01 Rev B. The proposed disabled parking space provision accords with the required 5% of total parking capacity

The applicant, as requested by the Highway Authority, has justified the parking provision by submitting a parking accumulation study based on TRICS (Trip Rate Information Computer System) trip data. The accumulation study is attached in appendix B of the Technical Note Jan 2017.

According to the parking accumulation study, the peak parking demand would occur at approximately 14:00-15:00 on a Saturday. The peak parking demand correlates with the peak weekend retail hour. The peak parking demand is approximately 91 occupied spaces with 103 arrivals and 93 departures in the hour. The peak parking demand of 91 results in a 15% surplus capacity with 85% of spaces occupied at any one time.

The parking provision would therefore be sufficient and is unlikely to result in prejudicial parking occurring upon the principal class 1 A429 to the detriment of highway safety.

Parking Layout:

The parking arrangement is sufficient with adequate aisle widths which remove the need for shunt type manoeuvres. The Aisles allow for two-way working. The disabled spaces are conveniently located close to pedestrian entrances with adequate hatching and hard standing.

Servicing:

Drawing SK01 Rev A attached within the Technical Note Jan 2017 has demonstrated an articulated HGV adequately entering the development from the A429, manoeuvring within the site and reversing into the loading bay. The swept path does not conflict with any vertical kerb-line structure, trees or formal parking spaces. There is a reasonable reverse distance, however this is on a straight alignment and visible to all in the car park area. The reverse manoeuvre will also be supported by a banks man to ensure conflict is minimised. A dedicated pedestrian footway is situated parallel with the area for which the service vehicle will be reversing to ensure pedestrians have a safe refuge during the manoeuvre.

Although the articulated HGV cannot pass a car at the site access with the A429, there is sufficient inter-visibility to ensure that approaching vehicles can see and give way to one another. The HGV when egressing the site back onto the A429 does over-swing into the opposing lane when turning left, however on the balance risk, this would be regarded as low due to the limited number of deliveries that would occur during the day. Furthermore, there is sufficient forward visibility on the A429 for approaching vehicles to see and slow or stop comfortably to prevent conflict.

Baseline Traffic Flows:

An ATC survey was undertaken on the A429 in order to establish the base traffic flow levels. The ATC determined a weekday peak hour between 14:00-15:00pm. The following flows were recorded;

Surveyed Network Peak (14:00-15:00) – 440 Northbound, 450 Southbound, 990 Two-way.

Typical Weekday AM Peak (08:00-09:00) – 400 Northbound, 394 Southbound, 794 Two-way.

Typical Weekday PM Peak (08:00-09:00) – 323 Northbound, 328 Southbound, 651 Two-way.

The 5 day average flows were recorded as; 5176 Northbound, 5137 Southbound, 10313 Two-way.

Trip Rates and Impact:

The TA has used Trip Rate Information Computer System (TRICS) data, which is a nationally recognised tool used for assessing both vehicle and multi-modal trip rates associated with different land uses. Gloucestershire is not well covered by TRICS due to its rural nature. To overcome this constraint the use of a multi-modal TRICS assessment is acceptable.

The TRICS survey for a discount food store with a 1918sqm GFA determined the following trip rates;

AM Peak: 25 arrivals, 17 Departures = 42 total two-way trips.

PM Peak: 63 arrivals, 75 Departures = 138 total two-way trips.

Daily Trips: 739 arrivals, 741 Departures = 1480 total two-way daily trips.

Retail uses such as this have the ability to draw trips that are already on the network and are passing the site, known as pass-by trips. These trips can be deducted from the calculated generation of the development. A pass-by rate of 10% is considered robust.

AM Peak: 38 two-way trips
 PM Peak: 124 two-way trips
 Total daily trips: 1332 two-way trips.

Some retail uses also have the ability to link trips. Linked trips are trips that have multiple destinations either in within the proposed development site, adjacent sites or between the development site and an established town centre. With linked trips it is customary to only count those trips once, in order to avoid double counting and falsely exacerbating the impact.

However, given the location of the proposed discount food store, it is not expected that the development would generate linked-trips with an adjacent site as stated in the TA.

Extant permission 13/01971/OUT Trips:

Although the proposed application is for separate full planning permission and should be assessed on its own merits, the site does benefit from extant planning permission for a 2800sqm food store. Therefore, the previous permission is a material consideration that can be attributed significant weight, especially as there has been no change in national planning policy since the previous permission was granted.

This means that the quantification of person trips generated from an existing site, or one that is vacant or partially vacant, or those that could have realistically generated trips by an extant permission can be reliable compared to when assessing the current application.

In comparison to the current application, the extant permission for a 2800sqm food store could have generated more vehicular trips;

AM Peak: 121 two-way trips,
 PM peak: 264 two-way trips.
 Total daily trips: 2739.

Retail uses also have a weekend peak, it is therefore reasonable to compare the extant trips with the proposed.

The retail peak for the extant permission would generate 268 two-way trips compared to the 229 two-way trips of the discount food store.

The proposed discount food store will not have a greater impact than the extant use of the site. It is therefore not required for any further impact assessment to be undertaken. There have been no material changes in planning policy since the granting of permission of the extant use and the current proposal.

Therefore in accordance with the current framework the proposed development would not have a significant impact upon the local highway network and therefore no objection will be raised subject to the following condition(s).

Condition(s):

Condition #1 Construction Method Statement:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;

- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. .

Condition #2 Access Junction:

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 with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition #3 Parking, Turning and Servicing:

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 SK01 Rev B, 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 accordance with section 4 of the National Planning Policy Framework.

Condition #4 Pedestrian Crossing facilities:

Prior to the beneficial occupation of the building hereby permitted, the pedestrian dropped kerb tactile crossing point to the north of the development shall be laid out and constructed in accordance with SK01 Rev B.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the NPPF.

Condition #5 Bus Shelter:

No works shall commence on site on the development hereby permitted until the northbound bus stop shelter has been relocated behind the visibility splay as shown on drawing SK01 Rev B.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the NPPF.

Informative:

Note i: The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note ii: You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

David Simmons

Development Coordinator