

Item No 01:-

16/05169/FUL

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

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Item No 01:-

Extension to garden centre shop, new open sided canopy, soft play facility, new events space building, new office and staff facilities, mezzanine storage area, new storage building, change of use of existing storage area to retail, relocated outdoor sales area, extension to car park, new entrance and exit and relocation of existing polytunnel at Fosseway Garden Centre Stow Road Moreton-In-Marsh Gloucestershire GL56 0DS

Full Application 16/05169/FUL	
Applicant:	Fosseway Garden Centre
Agent:	Pleydell Smithyman Ltd
Case Officer:	Joe Seymour
Ward Member(s):	Councillor Alison Coggins
Committee Date:	11th October 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Vitality and Viability of Moreton-in-Marsh Town Centre
- (b) Proposed Benefits of the Development
- (c) Highway Safety
- (d) Impact on the Character and Appearance of the Cotswolds AONB

Reasons for Referral:

Cllr Coggins has referred this application for determination by the Planning Committee for the following reasons:

"I would like this application brought to committee so as to give the objectors a chance to put forward their case who amongst other things believe Fosseway Garden Centre to be a 'Massive' outlet with ever increasing A1 retail use being granted at a location on the outskirts of town. Concerns include:

- i) the impact on the viability of the town centre.*
- ii) through a previous permission it concluded that the site has to remain as a Garden Centre and not migrate to other A1 uses as seems to be the case with this application.*

1. Site Description:

This application relates to a large established garden centre located approximately 280m to the south of Moreton-in-Marsh. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The application site lies to the western side of the A429 on the approach into Moreton-in-Marsh from Stow-on-the-Wold. The main garden centre buildings are located approximately 90m from the A429 from which vehicular access is available.

2. Relevant Planning History:

CD.4545/F: Change of use of dutch barn from storage of nursery free stock to retail sales area. Erection of additional polytunnel for nursery plants. Permitted, November 1995

CD.4545/J: Use of former grainstore for storage of nursery equipment, fertilizers and half hardy winter plants. Erection of poly-tunnel, relocation of car parking. Permitted, September 1997

CD4545/K: Change of use of dutch barn from storage of nursery free stock to retail sales area. Erection of additional polytunnel for nursery plants. Permitted, November 1998

CD.4545/L: Continued sale of ancillary garden products. Permitted, July 1999

CD.4545/M: Erection of polytunnel, reorganisation and extension of existing nursery into redundant grain store, associated car parking and landscaping. Permitted, February 2001

04/01374/FUL: Erection of a tea/refreshments room, new display and sales area, open plant display area with canopy and provision of additional car parking. Permitted, July 2004

08/01374/FUL: Extension to existing garden centre, replacement of Dutch barns and existing polytunnels with new building to match existing. Permitted, August 2008

09/02242/FUL: Extension to existing garden centre, replacement of Dutch barns and existing polytunnels with new building to match existing (amendments to design of scheme approved under permission 08/01374/FUL). Permitted, September 2009

12/01719/FUL: Extension to existing café. Permitted, June 2012

12/03341/FUL: Variation of Condition 5 (sales restriction) of permission 12/01719/FUL and Condition 3 (sales restriction) of permission 09/02242/FUL to amend range of goods sold from the premises. Permitted, November 2012

3. Planning Policies:

NPPF National Planning Policy Framework
 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

4. Observations of Consultees:

Retail Planning Consultant:

The proposal would not have a detrimental impact on the vitality and viability of Moreton-in-Marsh commercial centre, subject to conditions restricting the sale of certain goods within certain areas of the premises. Detailed comments have been incorporated into the Officer's Assessment.

5. View of Town Council:

Objection: There were concerns that products for sale will replicate those sold in town and will subsequently take trade away from the High Street.

6. Other Representations:

11 letters of objection have been received which raise concerns with regard to the following issues:

- Vitality and viability of existing businesses within the town centre
- The proposal is trying to create an 'out of town retail park'
- They will sell goods already offered within the town centre
- Negative impact on the AONB

- Detrimental impact on highway network and parking arrangements
- No provision for non-car based journeys

7. Applicant's Supporting Information:

Planning, Design and Access Statement
Retail Impact Assessment and Sequential Test (RIAST)
RIAST Addendum (Briefing Note dated 6th July 2017)

8. Officer's Assessment:

Background

The applicant has been operating a garden centre business from the site for over twenty years and now sells a range of plants, associated garden centre products and retail items from the premises. The applicant also operates a café from within the garden centre, which was extended in 2012.

The existing business developed in an incremental manner in its early years. A number of permissions were granted for the extension and alteration of the site through the 1990s and the early 2000s. The various permissions resulted in a mix of uses (garden centre, café and retail) on the site. In 2008/09 the applicant applied to undertake a larger scale redevelopment and refurbishment of the site and to regularise the range of goods that could be sold from the business. By virtue of the previous permissions it was established that the applicant could utilise up to 362 square metres of the floor area of the business for the sale of any retail items. The remainder of the floor area was to be limited to the storage and sale of garden centre related items and the provision of a café. A condition was attached to the permission (09/02242/FUL) limiting the unrestricted retail floor space within the business to 362 square metres. A slightly reworded condition was attached to the June 2012 permission for the cafe extension (12/01719/FUL). However, it ostensibly placed the same restriction on the business as that imposed in 2009.

In November 2012, the applicant applied to vary the above conditions controlling the sale of certain goods to allow for the sale of oak furniture from an area up to a maximum of 110 square metres in size. The application also allowed them to sell pet related products from an area no more than 5 square metres in size and Christmas tree lights and decorations for a maximum of four months in any year. The variation also secured a more definitive list of garden centre products that can be sold at the site.

The applicant initially sought to include greeting cards, wrapping, confectionary, local garden and farm produce and country sports equipment in the list of items that could be sold outside the 362 square metre area. However, these items were considered to be of a type that could be readily sold from the town centre and which would potentially harm the viability of town centre businesses. The sale of these items was limited to the 362 square metre area rather than the wider garden centre floor space.

The sale of certain products in certain areas of the premises is currently controlled by the following condition:-

The application site shall be used only as a garden centre and for no other purposes, including any other purpose in Class A1 (shops) of the Schedule to the Town and Country Planning (Use Classes) Order 2005 of the equivalent to the class in any statutory instrument amending or replacing the 2005 Order or any other changes of use permitted by the Town and Country Planning (General Permitted Development) Order 1995. Sales of products from the site shall be made only in accordance with the goods listed in schedules a), b), c), d) and e).

Schedule a) *Unrestricted products which may be retailed from the site.*

1. *House plants*
2. *Cut flowers*
3. *Dried, Silk & artificial flowers*
4. *Barbecues*
5. *Garden & conservatory furniture and furnishings*
6. *Seeds & bulbs*
7. *Propagation equipment & accessories*
8. *Chemicals*
9. *Fertiliser*
10. *Wheel barrows*
11. *Gardening gloves*
12. *Wild bird care products/feeders/bird tables*
13. *Compost*
14. *Garden machinery, oils and spares*
15. *Protective clothing*
16. *Hand tools*
17. *Garden watering equipment*
18. *Water butts*
19. *Compost bins*
20. *Perennials*
21. *Shrubs*
22. *Pots*
23. *Planted containers*
24. *Trees*
25. *Annuals*
26. *Herbs*
27. *Floristry requisites*
28. *Turf*
29. *Tree stakes/plant supports*
30. *Charcoal, gas & barbecue accessories*
31. *Weedkillers*
32. *Pesticides*
33. *Aquatics*
34. *Peats*
35. *Gravel*
36. *Sand & grit*
37. *Growbags*
38. *Topsoil & mulches*
39. *Lawn care equipment*
40. *Terracotta ware*
41. *Troughs and planters*
42. *Fencing, trellis & accessories*
43. *Decking*
44. *Wood preservatives*
45. *Wrought ironwork*
46. *Garden ornaments*
47. *Garden lighting*
48. *Garden heating*
49. *Christmas trees*
50. *Garden play equipment - toys, games and related accessories*
51. *Stoneware*
52. *Pools, liners and accessories*
53. *Fish, equipment, accessories*
54. *Pot covers, vases and plant containers*

- 55. *Flags and walling*
- 56. *Gardening clothing and footwear*
- 57. *Rockery*
- 58. *Pools, ponds, pumps & accessories*
- 59. *Gardening books and literature*
- 60. *Hot tubs & spas*
- 61. *Garden buildings and sheds*

Schedule b) Products which may be retailed from the site from a maximum internal floor area of 362 square metres as highlighted in blue on drawing M10.162.011D.

- 1. *Gifts*
- 2. *Non gardening books*
- 3. *Home & kitchen accessories*
- 4. *Art, prints & frames*
- 5. *Non garden clothing*
- 6. *Confectionary & gift foods*
- 7. *Local garden and farm produce*
- 8. *Country sports equipment*
- 9. *Greetings cards and wrap*

Schedule c) Restricted products which may not be sold outside a four month period extending from the 1st October to the 31st January the following year.

- 1. *Christmas tree lights*
- 2. *Christmas decorations*

Schedule d) To be restricted to a maximum internal floor area of 110 square metres and sold from the areas highlighted in green on drawing M10.162.011D

- 1. *Oak furniture*

Schedule e) To be restricted to a maximum internal floor area of 5 square metres.

- 1. *Pets and pet products and accessories.*

Reason: *To prevent the sale of retail items that would typically be found in a town centre location. The unrestricted sale of retail items at an out of town location would have an adverse impact on the vitality and viability of Moreton-in-Marsh town centre and increase use of the private motor car contrary to Cotswold District Local Plan Policies 19 and 25 and guidance contained in Paragraphs 23-27 of the National Planning Policy Framework.*

Proposed Development

The proposal involves a number of extensions and other physical alterations to the garden centre. A key aspect of the proposal is to change the use of an existing outdoor storage area to become part of the unrestricted retail floor space.

The principal extension involves enclosing an existing outdoor sales area with an extension 1123 sq.m in area. A 539 sq.m canopy is proposed to partially enclose another section of the existing outdoor sales space, leaving a residual 2,575 sq.m area of outdoor sales space. Additional ancillary extensions are proposed to provide space for a soft play facility, storage area. The application also seeks planning permission to construct an extension to the car park and relocate an existing polytunnel.

(a) Vitality and Viability of Moreton-in-Marsh Town Centre

The additional floor space will be used to sell the following goods:

- Pets, pet products and pet foods
- Aquatics
- Clothing
- Craft
- Food hall
- Garden furniture
- Gifts
- Garden sundries
- 'floating Class A1 space'

The sale of the above goods may not be confined to the proposed extension and instead they could be sold from different areas of the extended retail premises. As a consequence, concerns were raised over the lack of a proposed set of controls to explain how the extended retail premises would function. This has led to the applicant submitting a revised version of Condition No.5 on permission 12/03341/FUL which currently regulates how the existing retail use operates.

The decision to base the revised condition on the existing Condition No.5 is useful as it provides consistency and also allows a clear distinction between the range of unrestricted goods (in Schedule A) which can be sold from any part of the retail premises and the ranges of 'restricted' goods which are listed in Schedules B, C, D and E.

The revised version of Condition No.5 includes an additional 790 sq.m of sales area in Schedule B and an additional 150 sq.m in Schedule E. The latter matches the proposed additional 150 sq.m of space for pet products.

Sequential Test

Given the out-of-centre location of the application site, there is a need to consider whether there are any in-centre sites and premises, edge-of-centre sites and more accessible and better connected out-of-centre sites which can provide suitable and available alternatives to the application site. Paragraph 24 of the NPPF indicates that, when undertaking this assessment, applicants and local planning authorities should demonstrate flexibility in terms of scale and format.

The applicant's assessment of the sequential test is contained within Section 6 of the Retail Impact Assessment and Sequential Test (RIAST), supplemented by an assessment of further sites in Moreton-in-Marsh and Stow-on-the-Wold in the July Briefing Note. In terms of the rationale for the proposed extension and existing trading conditions at Fosseway Garden Centre, the RIAST notes:

- "this application has been submitted to extend FGC [Fosseway Garden Centre] and introduce new concessions in line with the already approved goods list"
- "FGC has developed from a farm and nursery unit to a thriving facility that contributes towards Moreton's visitor attraction"
- "FGC as a whole, and the proposed extension provides bulky goods sales".

Alongside the RIAST, the submitted Planning Design and Access Statement also outlines factors associated with the 'need' for the proposed development. It acknowledges that the garden centre is successful but there is a requirement for investment "to meet existing customer demands and enable the site to compete with its competitors".

In terms of the area of search for alternatives in the RIAST, the applicant has concentrated upon premises in Moreton-in-Marsh. In relation to the sites and premises which have been assessed by the applicant, Officers would agree with the conclusions of the RIAST that the available premises in Moreton-in-Marsh are not genuinely suitable alternatives. However, when the recent supermarket proposals at Fosseway Farm were determined, a number of other sites across Moreton were assessed. Some of these are mentioned in the July 2017 Briefing Note and are dismissed on the basis of their size. The sites which were previously assessed were:

1. Land at New Road
2. Land at Station Road
3. Land adjacent to Beceshore Close
4. Land adjacent to London Road
5. Land at Church Street
6. Land adjacent to Stow Road/Parkers Lane
7. Land adjacent to Jameson Crescent, Fosseway Avenue and Keble Road

It is considered that they should be re-assessed in the context of the current application:-

1. Land at New Road. Potentially large enough to accommodate the proposed extension when flexibility is taken into account although the location of this site renders it unsuitable for retail use.
2. Land at Station Road. Site has now been redeveloped for housing.
3. Land adjacent to Beceshore Close. Site has now been redeveloped for housing.
4. Land adjacent to London Road. Majority of the site is not available and is unlikely to be better connected to the town centre
5. Land at Church Street. Small site which has poor access arrangements.
6. Land adjacent to Stow Road/Parkers Lane. Site is too small to accommodate the proposal, even when flexibility is taken into account.
7. Land adjacent to Jameson Crescent, Fosseway Avenue and Keble Road. Site has poor visibility and is not likely to be better connected to the town centre than the application site.

The applicant's July 2017 Briefing Note has also assessed some premises in Stow-on-the-Wold town centre and Officers consider that they are also unsuitable alternatives.

Overall, whilst there are some doubts as to whether the search for alternative sites should be confined to Moreton-in-Marsh and Stow-on-the-Wold, we would agree with the applicant's analysis that there are not any suitable and available sequentially preferable sites or premises in these two towns to accommodate the proposed extension.

Impact

Section 5 of the RIAST provides the applicant's assessment of the impact of the proposed extension on the health of nearby town centres. Understandably, the assessment has focused upon Moreton as it is the closest centre to the application site. The analysis in the RIAST has been supplemented by additional information in the July 2017 Briefing Note.

As required, a significant part of the impact assessment is taken up with an analysis of the financial impact of the additional Class A1 retail floor space. In order to undertake the assessment, the applicant has adopted the study area derived turnover levels for stores and centres across the District from the 2016 Cotswold Retail Study Update, which forms part of the evidence base for the emerging Local Plan. This is considered to be a sensible approach and following some uncertainty as to the source of the data in the RIAST, the July Briefing note provides additional data to show the relevant pre-impact turnover levels.

The turnover of the proposed additional floor space / goods sales is calculated in Table 1 (page 18) of the RIAST. Helpfully, the turnover is broken down into the various non-food and food goods categories and based upon the floor space levels for each category outlined in Section 3 of the

RIAST. It is noted that the 'floating' Class A1 floor space, which has been defined to sell a wide range of goods is amalgamated with the food hall in order that it can attract the highest potential turnover level. This is considered to be a reasonable and robust approach.

Table 1 of the July Briefing Note outlines the pattern of trade diversion to the proposed extension, which can be summarised as follows:

- Cirencester town centre £0.54m (10% of extension turnover)
- Cirencester out of centre £0.54m (10%)
- Bourton-on-the-Water town centre £0.16m (3%)
- Bourton-on-the-Water out of centre £0.22m (4%)
- Chipping Campden £0.11m (2%)
- Moreton-in-Marsh town centre £0.38m (7%)
- Moreton-in-Marsh out of centre £0.27m (5%)
- Stow-on-the-Wold town centre £0.27m (5%)
- Stow-on-the-Wold out of centre £0.27m (5%)
- Tetbury town centre £0.16m (3%)
- Tetbury out of centre £0.22m (4%)
- Other centres £0.11 (2%)
- Outside Cotswold District £2.18m (40%)

Bearing in mind existing shopping patterns and assuming the split in food and non-food goods in paragraph 3.2.2 of the RIAST, it is considered that the forecast pattern of diversion to be reasonable. In relation to Moreton-in-Marsh town centre, Table 1 of the July Briefing Note indicates an impact of 3.3% on the Class A1 retail sector in the town centre, which will rise to 5.9% when the cumulative impact of the ALDI food store is taken into account.

In order to understand how this impact is likely to affect the health of, and existing investment within, Moreton town centre, the RIAST provides a helpful review of the trading overlap between the proposed additional goods/floor space and existing town centre traders. It is clear from the analysis that there is trading overlap with some traders in the town centre including, clothing, pet goods, food and gifts and this justifies the forecast extent of trade loss. Overall, based upon the range of goods and extent of additional floorspace to be used for those goods, it is considered that the overlap is likely to be moderate and is unlikely to lead to a significant adverse impact upon the health of Moreton-in-Marsh town centre.

What is also clear; however is that the amount of 'restricted' retail floorspace in Schedule B will grow significantly as part of this proposal, from 362 sq.m to 1,152 sq.m. In addition, pet supplies will rise from 5 sq.m to 155 sq.m. As a consequence, whilst it is reasonable for the RIAST to argue that all of the 362 sq.m of currently restricted space can be used for clothing or gift/craft sales, the level of flexibility within the increased area (1,152 sq.m) would be substantially increased. Similarly, all of the 1,152 sq.m could, in theory, be used for food sales.

Such flexibility is likely to allow the extended garden centre to have significantly more harmful effect upon the health of Moreton-in-Marsh town centre, allowing: (A) to scale of competition with existing town centre retailers within the relevant goods categories to increase; and (B) allowing the garden centre to change over time and have ever-changing impacts upon the health of the centre. It is also likely to have a more significant harmful impact upon existing investment within the town centre, which is an equally important policy test under paragraph 26 of the NPPF.

As a consequence, it is considered that the applicant's impact analysis and the form of the proposed revised condition could lead to significantly different outcomes for the health of, and investment within, Moreton-in-Marsh town centre. Therefore, amendments to Schedule B in the revised version of Condition 5 are proposed and these are outlined below.

Replacement condition restricting retail goods:-

The application site shall be used only as a garden centre and for no other purposes, including any other purpose in Class A1 (shops) of the Schedule to the Town and Country Planning (Use Classes) Order 2005 of the equivalent to the class in any statutory instrument amending or replacing the 2005 Order or any other changes of use permitted by the Town and Country Planning (General Permitted Development) Order 1995. Sales of products from the site shall be made only in accordance with the goods listed in schedules a), b), c), d) and e). Schedule a) Unrestricted products which may be retailed from the site.

1. House plants
2. Cut flowers
3. Dried, Silk and artificial flowers
4. Barbecues
5. Garden and conservatory furniture and furnishings
6. Seeds and bulbs
7. Propagation equipment & accessories
8. Chemicals
9. Fertiliser
10. Wheel barrows
11. Gardening gloves
12. Wild bird care products/feeders/bird tables
13. Compost
14. Garden machinery, oils and spares
15. Protective clothing
16. Hand tools
17. Garden watering equipment
18. Water butts
19. Compost bins
20. Perennials
21. Shrubs
22. Pots
23. Planted containers
24. Trees
25. Annuals
26. Herbs
27. Floristry requisites
28. Turf
29. Tree stakes / plant supports
30. Charcoal, gas and barbecue accessories
31. Weedkillers
32. Pesticides
33. Aquatics
34. Peats
35. Gravel
36. Sand and grit
37. Growbags
38. Topsoil and mulches
39. Lawn care equipment
40. Terracotta ware
41. Troughs and planters
42. Fencing, trellis and accessories
43. Decking
44. Wood preservatives
45. Wrought ironwork
46. Garden ornaments
47. Garden lighting

48. Garden heating
49. Christmas trees
50. Garden play equipment - toys, games and related accessories
51. Stoneware
52. Pools, liners and accessories
53. Fish, equipment, accessories
54. Pot covers, vases and plant containers
55. Flags and walling
56. Gardening clothing and footwear
57. Rockery
58. Pools, ponds, pumps and accessories
59. Gardening books and literature
60. Hot tubs and spas
61. Garden buildings and sheds

Schedule b) Products which may be retailed from the site from a maximum internal floor area of 1,152 square metres as highlighted in blue on drawing M10.162.D.049

1. Gifts
2. Non gardening books
3. Home and kitchen accessories
4. Art, prints and frames
5. Non garden clothing
6. Confectionary and gift foods
7. Local garden and farm produce
8. Country sports equipment
9. Greetings cards and wrap

Schedule c) Restricted products which may not be sold outside a four month period extending from the 1st October to the 31st January the following year.

1. Christmas tree lights
2. Christmas decorations

Schedule d) To be restricted to a maximum internal floor area of 110 square metres and sold from the areas highlighted in green on drawing M10.162.D.049

1. Oak furniture

Schedule e) To be restricted to a maximum internal floor area of 155 square metres.

1. Pets and pet products and accessories.

Reason: *To prevent the unrestricted sale of retail items that would typically be found in a town centre location. The unrestricted sale of retail items at an out of town location would have an adverse impact on the vitality and viability of Moreton-in-Marsh town centre and increase use of the private motor car contrary to Cotswold District Local Plan Policies 19 and 25 and guidance contained in paragraphs 23-27 of the National Planning Policy Framework.*

(b) Proposed Benefits of the Development

NPPF paragraph 7 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:

an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

NPPF paragraph 28 also promotes a strong rural economy by advocating support for 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. The promotion of development and diversification of agricultural and other land-based rural businesses is also supported.

The proposed benefits of the development would mostly be economic and social benefits. The existing business currently employs 53 local people, approximately half work full time and half work on a part time basis. The proposed works will generate an additional 8 full time and 2 part time employment opportunities on the site for people in the local area. The NPPF is supportive of economic development which creates additional employment opportunities and provides investment into the local area.

In addition to the positions that would be created within the site, there are also secondary and tertiary positions which would be made available. For example, the local suppliers from which they buy from would experience an increase in trade from it. This could be in the form of local farmers or stationary businesses that will receive more business from the site as it becomes more successful. In addition, there will be jobs created in servicing the site and helping it to operate, for example, cleaners and maintenance engineers.

The NPPF encourages social interaction and states that planning policies and decisions should aim to achieve places which promote, amongst other things: "opportunities for meetings between members of the community who might not otherwise come into contact with each other". (para 69).

The garden centre wishes to hold regular events including horticultural talks and craft demonstrations and to excel at seasonal events including Santa's grotto and breakfast with Santa. The proposed works, in particular the events space and play barn will enable these activities to take place, in order to provide variety and interest and talking points for customers. The proposed development will provide customers with more retail choice and provides a forum for increased community interaction. The NPPF recognises the need for "established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community" (para 70).

(c) Highway Safety

Fosseway Garden Centre is located adjacent to the A429 at the southern end of Moreton-in-Marsh on the approach from Stow-on-the-Wold. The application includes a proposal to increase the car parking on site from 181 spaces (including 4 no. accessible spaces) to 233 spaces including 9 no. accessible spaces and 7 no. parent and child spaces. This increase is achieved by squaring off the north-west corner of the site and utilising an existing area of hardstanding to the west of the garden centre which would also serve as a storage yard.

NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The relevant criteria outlined in Local Plan Policy 38: Accessibility to and within New Development states that: "vehicular access to the site of an appropriate standard shall be provided in a manner that has no unacceptably adverse effect on the function of the highway from which access is gained".

The access arrangements would be unchanged; it consists of a T-junction intersecting with the A429. As with all T-junctions without traffic lights, the queuing of vehicles can result particularly when they are either turning right into the site from the A429, or when they are turning right out of the site as they have to wait for traffic from both directions to clear.

The proposed extensions and proposed changing of the retail use at Fosseway Garden Centre is designed to increase customer numbers so it is reasonable to deduce that there would be an increased number of vehicles entering and exiting the site. However, the material increase in the number of daily vehicle movements to and from the site would not be considered not to be severely higher compared to the existing number of vehicle movements.

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.

It is considered that the proposed development would not compromise the existing parking and access arrangements at the site and the local highway network would not be severely affected. The proposal is deemed to be compliant with the relevant guidance contained within NPPF paragraph 32 and Local Plan Policies 38 and 39.

(d) Impact on the Character and Appearance of the Cotswolds AONB

The size and design of the proposed extensions would be within the confines of the existing site and would have a design that is commensurate with their surrounds. NPPF paragraph 115 highlights the need to protect the AONB landscape and it is considered that the proposal would achieve this aim. There are public footpaths to the west from which the application site can be seen; however the proposed extensions would be read in conjunction with the existing buildings on the site so the impact on the AONB is considered to be low in this particular case.

9. Conclusion

Whilst the proposed development would have a degree of impact on some of the businesses within the Moreton-in-Marsh Commercial Centre, this impact is considered not to be unduly harmful to the long term vitality and viability of the town. There are also socio-economic benefits to the proposal which, when taken into the planning balance, are considered to outweigh any harm that may be caused. The proposal could also be undertaken without having an adverse impact on the character or appearance of the Cotswolds AONB and highway safety. The application is therefore recommended for approval, subject to the following conditions.

10. Proposed conditions:

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.

The development hereby approved shall be implemented in accordance with the following drawing numbers: M10.162.D.047 REV A, M10.162.D.037 REV B, M10.162.D.041 REV B, M10.162.D.046, M10.162.D.043 REV C and M10.162.D.049.

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

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

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

The application site shall be used only as a garden centre and for no other purposes, including any other purpose in Class A1 (shops) of the Schedule to the Town and Country Planning (Use Classes) Order 2005 of the equivalent to the class in any statutory instrument amending or replacing the 2005 Order or any other changes of use permitted by the Town and Country Planning (General Permitted Development) Order 1995. Sales of products from the site shall be made only in accordance with the goods listed in schedules a), b), c), d) and e). Schedule a) Unrestricted products which may be retailed from the site.

1. House plants
2. Cut flowers
3. Dried, Silk and artificial flowers
4. Barbecues
5. Garden and conservatory furniture and furnishings
6. Seeds and bulbs
7. Propagation equipment & accessories
8. Chemicals
9. Fertiliser
10. Wheel barrows
11. Gardening gloves
12. Wild bird care products/feeders/bird tables
13. Compost
14. Garden machinery, oils and spares
15. Protective clothing
16. Hand tools
17. Garden watering equipment
18. Water butts
19. Compost bins
20. Perennials
21. Shrubs
22. Pots
23. Planted containers
24. Trees
25. Annuals
26. Herbs
27. Floristry requisites
28. Turf
29. Tree stakes / plant supports
30. Charcoal, gas and barbecue accessories
31. Weedkillers
32. Pesticides
33. Aquatics
34. Peats

35. Gravel
36. Sand and grit
37. Growbags
38. Topsoil and mulches
39. Lawn care equipment
40. Terracotta ware
41. Troughs and planters
42. Fencing, trellis and accessories
43. Decking
44. Wood preservatives
45. Wrought ironwork
46. Garden ornaments
47. Garden lighting
48. Garden heating
49. Christmas trees
50. Garden play equipment - toys, games and related accessories
51. Stoneware
52. Pools, liners and accessories
53. Fish, equipment, accessories
54. Pot covers, vases and plant containers
55. Flags and walling
56. Gardening clothing and footwear
57. Rockery
58. Pools, ponds, pumps and accessories
59. Gardening books and literature
60. Hot tubs and spas
61. Garden buildings and sheds

Schedule b) Products which may be retailed from the site from a maximum internal floor area of 1,152 square metres as highlighted in blue on drawing M10.162.D.049

1. Gifts
2. Non gardening books
3. Home and kitchen accessories
4. Art, prints and frames
5. Non garden clothing
6. Confectionary and gift foods
7. Local garden and farm produce
8. Country sports equipment
9. Greetings cards and wrap

Schedule c) Restricted products which may be not be sold outside a four month period extending from the 1st October to the 31st January the following year.

1. Christmas tree lights
2. Christmas decorations

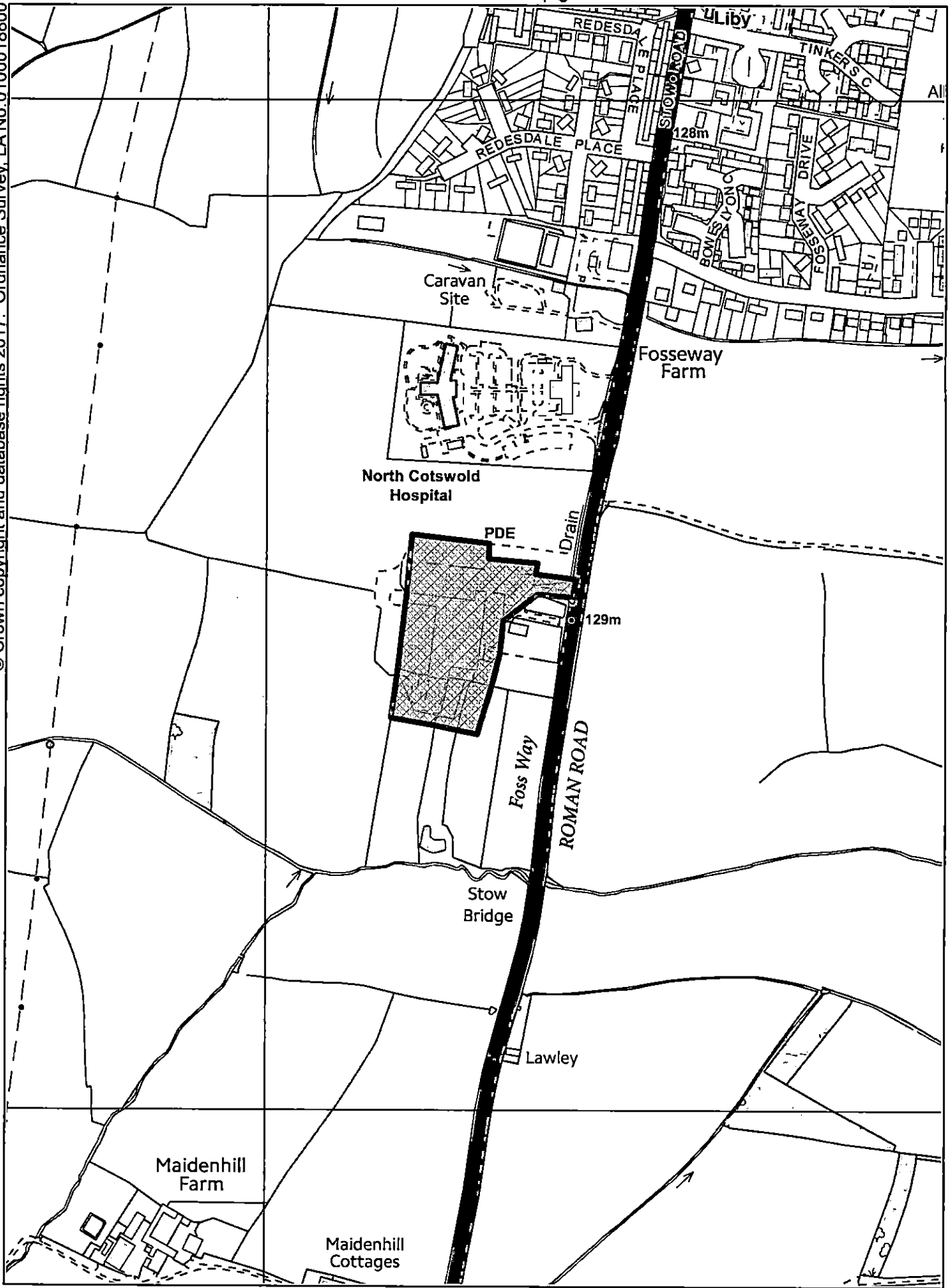
Schedule d) To be restricted to a maximum internal floor area of 110 square metres and sold from the areas highlighted in green on drawing M10.162.D.049

1. Oak furniture

Schedule e) To be restricted to a maximum internal floor area of 155 square metres.

1. Pets and pet products and accessories.

Reason: To prevent the unrestricted sale of retail items that would typically be found in a town centre location. The unrestricted sale of retail items at an out of town location would have an adverse impact on the vitality and viability of Moreton-in-Marsh town centre and increase use of the private motor car contrary to Cotswold District Local Plan Policies 19 and 25 and guidance contained in paragraphs 23-27 of the National Planning Policy Framework.



FOSSEWAY GARDEN CENTRE STOW ROAD MORETON IN MARSH Scale: 1:5000

Organisation: Cotswold District Council

Department:

Date: 29/09/2017

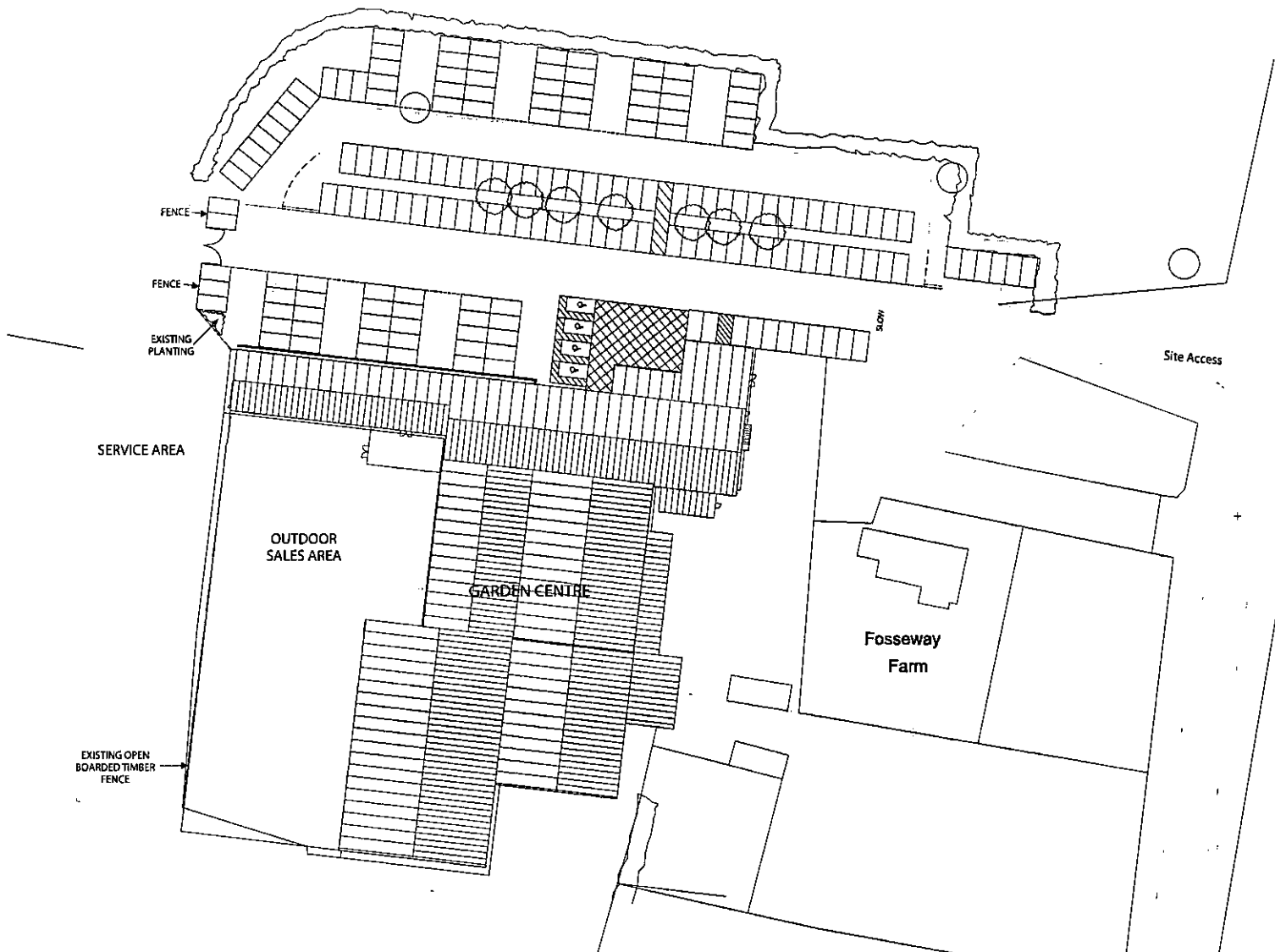


COTSWOLD
DISTRICT COUNCIL



FOSSEWAY GARDEN CENTRE

Legend



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Existing Site Plan



DRAWING STATUS PLANNING	
PROJECT FOSSEWAY GARDEN CENTRE	
CLIENT Mr T. Godwin	
TITLE Car Park Site Plan	
DATE DEC 2016	SCALE 1:500 @ A1
DRAWN STM	CHECKED PP
DRAWING NO. M10.162.D.046	REVISION -



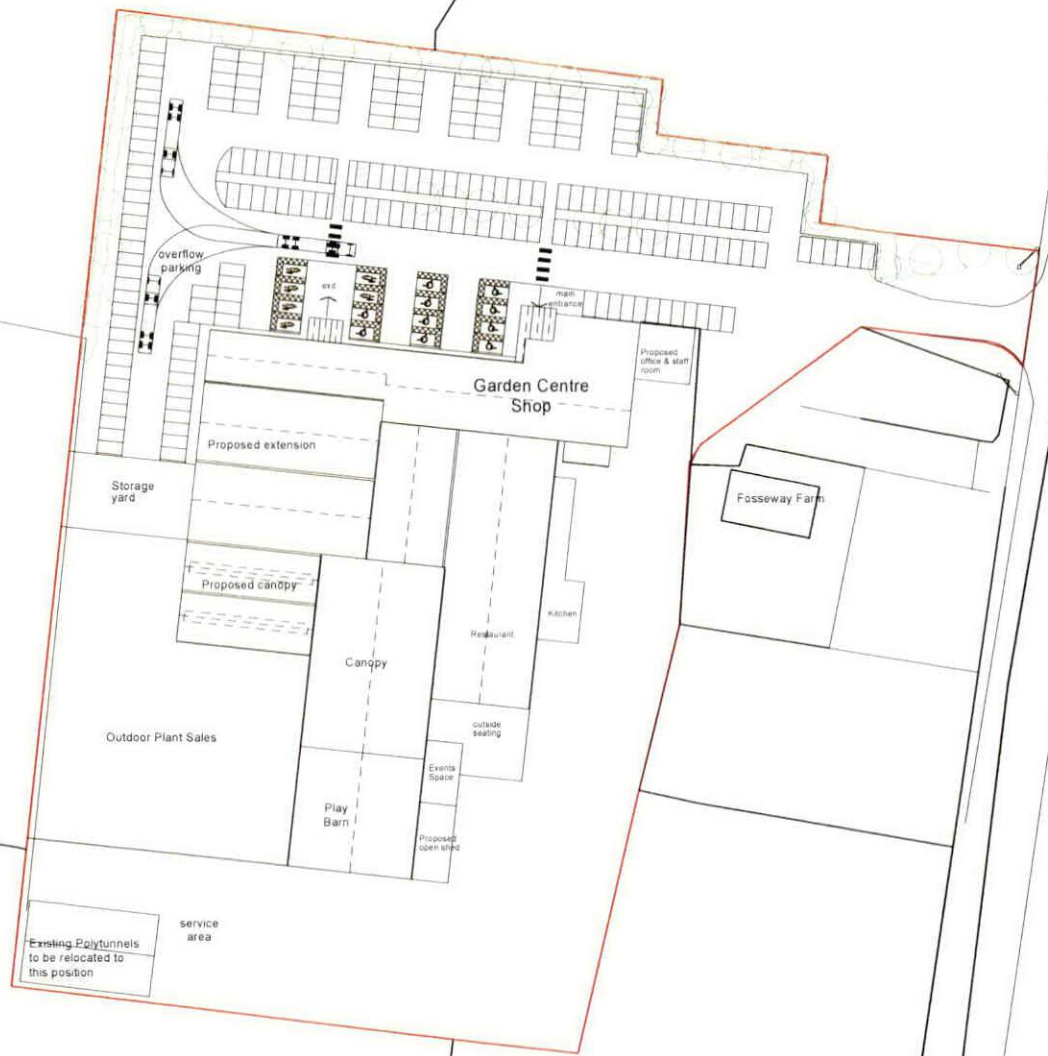
THIS DRAWING MAY NOT BE USED WITHOUT THE CONSENT OF:

PLEYDELL SMITHYMAN LIMITED
20a, THE WHARFAGE, IRONBRIDGE,
SHROPSHIRE TF8 7NH.

TEL: 01952 433211 FAX: 01952 433323

EMAIL: ps@pleydellsmithyman.co.uk
WEBSITE: www.pleydellsmithyman.co.uk

Fosseway Garden Centre



Site Layout Plan

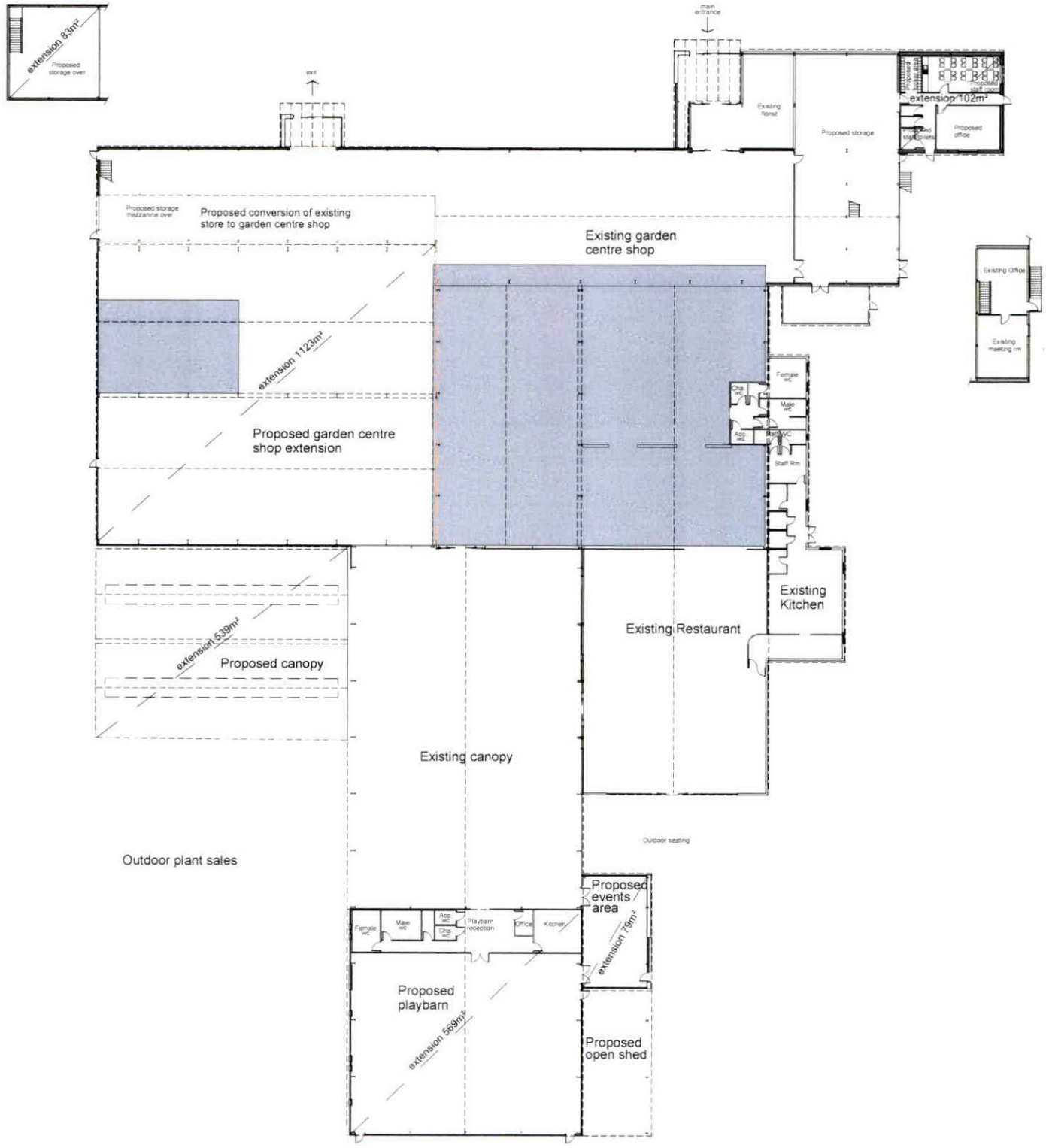
C	mg	Modified site boundary	07/12/16
B	mg	Additional acc. parking & upgraded drawing status	05/12/16
A	mg	Revised site boundary	01/12/16
Red/A/m/d		Notes	Date

DRAWING STATUS	
PLANNING	
PROJECT	
Fosseway Garden Centre	
CLIENT	
Mr T Godwin	
TITLE	
Site Layout Plan	
DATE	SCALE
Nov 2016	1:500 @ A1
DRAWN	CHECKED
mg	
DRAWING N°	REVISION
M10.162.D.043	C



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 PLEYDELL SMITHYMAN LIMITED
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 TEL: 01852 433211 FAX: 01852 433223
 EMAIL: psl@pleydellsmithyman.co.uk
 WEBSITE: www.pleydellsmithyman.co.uk

Fosseway Garden Centre



Proposed Product Restriction Plan

LEGEND

 Area of unrestricted floorspace totalling 145 + 1007 = 1152m²

DRAWING STATUS: PLANNING		
PROJECT: Fosseway Garden Centre		
CLIENT: Mr T Godwin		
TITLE: Proposed Product Restriction Plan		
DATE: AUG 2017	SCALE: 1:200 @ A1	THIS DRAWING MAY NOT BE USED WITHOUT THE CONSENT OF PLEYDELL SMITHYMAN LIMITED 10A, THE WHARFAGE, BRIDWATER, SHROPSHIRE, TF8 2NH TEL: 01952 433211 FAX: 01952 433323 EMAIL: pleydellsmithyman.co.uk WEBSITE: www.pleydellsmithyman.co.uk
DRAWN: MG-STM	CHECKED:	
DRAWING N°: M10.162.D.049	REVISION:	