

Item No 04:-

16/05169/FUL

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

Item No 04:-

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 service area, new store 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:	Martin Perks
Ward Member(s):	Councillor Alison Coggins
Committee Date:	11th April 2018
RECOMMENDATION:	PERMIT SUBJECT TO NO OBJECTION FROM GLOUCESTERSHIRE COUNTY COUNCIL HIGHWAYS AND AGREEMENT OVER CONTRIBUTION TO UPGRADING OF FOOTPATH TO EASTERN SIDE OF A429

Main Issues:

- a) Planning Policy and Guidance Concerning Retail Development and Impact on Moreton-in-Marsh Commercial Centre
- (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (c) Traffic Generation and Highway Safety

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 an established garden centre located to the south of Moreton-in-Marsh. The application site measures approximately 2.5 hectares in size and includes an existing garden centre/retail/cafe development, associated car parking, service areas and storage. The application site also incorporates agricultural land to the south and north west of the existing garden centre premises.

The application site is located outside Moreton-in-Marsh Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The aforementioned boundary is located approximately 270m to the north of the application site.

The site entrance lies approximately 750m to the south of Moreton-in-Marsh Commercial Centre.

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. The main garden centre buildings are located approximately 90m from the aforementioned road with the main access to the site being via the A429. The boundary of the AONB extends along the line of the A429 to the east of the application site. Land to the east of the A429 falls within Moreton-in-Marsh Surrounds Special Landscape Area (SLA).

The site lies within a relatively flat and open landscape. It is bordered to the west, south and north by fields. Its eastern boundary is defined by the A429. Agricultural fields lie to the east of the aforementioned highway.

The site is located within a Flood Zone 1 as designated by the Environment Agency.

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 poly-tunnel for nursery plants. Granted 1995

CD.4545/J Use of former grain store for storage of nursery equipment, fertilizers and half hardy winter plants. Erection of poly-tunnel, relocation of car parking. Granted 1997

CD4545/K Change of use of Dutch barn from storage of nursery free stock to retail sales area. Erection of additional poly-tunnel for nursery plants. Granted 1998

CD.4545/L Continued sale of ancillary garden products. Granted 1999

CD.4545/M Erection of polytunnel, reorganisation and extension of existing nursery into redundant grain store, associated car parking and landscaping. Granted 2000

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. Granted 2004

08/01374/FUL Extension to existing garden centre, replacement of Dutch barns and existing polytunnels with new building to match existing. Granted 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). Granted 2009

12/01719/FUL Extension to existing cafe. Granted 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. Granted 2012

13/04383/FUL Retrospective application for the resurfacing of part of existing car park with tarmac. Granted 2014

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: See attached correspondence

Gloucestershire County Council Highways: Awaiting final response

Gloucestershire County Council Lead Local Flood Authority: No objection

5. View of Town Council:

Response 23rd March 2017;

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

Response 13th March 2018;

'The Town Council wish to Object to this application on the following grounds:

- Health & Safety issues with loading vehicles and customers.
- More accurate data required regarding the movement of vehicles in/out of site onto the A429

The Council also wishes for the existing conditions to remain in place.'

6. Other Representations:

10 objections received. Main grounds of objection are:

i) The retail study ostensibly supporting this application, a real case of statistics, statistics and more damned lies. This application is a truly megalomaniac desire to dominate the local retail scene and will undoubtedly impact heavily on the existing varied retail environment of Moreton. The existing development already impacts the AONB especially from the ridge from Bourton-on-the-Hill towards Longborough. We drive away real commerce from our market town high streets at our peril.

ii) This is no longer a garden centre; it is becoming an out of town retail park. The impact on the town will be detrimental to the businesses. The town at present sells a substantial amount of goods this application is wanting to copy. We don't need this in this area. The size it is wishing to become it will have a very small percentage that is garden centre. Please look at the individual departments and you will see that the town already caters for these needs in the area i.e. furniture sold by many shops, cards sold by a larger number of shops, a well-stocked pet shop and many places to wine, dine, tea and coffee and snacks.

iii) The garden centre application at the Scrapyard was turned down because cars had to turn right off the Fosseway therefore holding up traffic. If this application succeeds there will be an increase in traffic turning right into Fosseway Garden Centre and an increase in cars coming out onto the Fosseway. There have already been a number of near misses and therefore it is only a matter of time before an accident happens. The area has already suffered a significant increase in traffic without any realistic form of calming or a proper crossing for pedestrians.

iv) The principle of the development which involves the expansion of an existing rural business within the confines of its own site boundaries is considered to be a sustainable form of development as defined within Local Plan Policies 19 and 25 and the NPPF." However, the size of the site stated in the previous development application 12/01719/ FUL was 1.34 hectares - the

size declared in this application is 2.52 hectares. How does this policy apply if the development is stated in its application form to be exceeding the confines of its current boundary by almost 100% and the site plan clearly shows a change of size and shape to the boundary in the previous application. Moreton Town Centre is already losing its vitality. A proposed increase in retail space and alternative activities on this site will surely affect it further - especially taking into account a proposed 25% increase in the already abundant parking at the garden centre. If no increase in traffic to the site is anticipated - why the need for the extra parking? There is already congestion on the Fosse backing into the town due to cars heading south queuing to turn right into the garden centre across a stream of traffic from the north - especially at busy times and holidays.

v) On highway access; there are already problems with the existing volume of traffic trying to cross the 'Foss' and enter these premises. More traffic will obviously add further congestion to an already over-loaded Fosseway. A good deal of money has just been spent to 'dissuade' drivers from crossing the 'Foss' in Moreton's high street. This was to prevent accidents and delays, which would now occur at the entrance to the proposed building. On visual impact to an AONB; the existing buildings are already an eyesore on entering Moreton from the south, any further building can only exacerbate the impact. Permission for a supermarket south of Moreton was rejected partly on the visual impact it would create on entering the town. On loss of amenity; Moreton already has excellent stores in the high street selling all the items that the proposer wishes to stock. The existing business is trading as a 'Garden Centre', but already stocks many items that would be hard to connect with gardening. The proposer is clearly trying to move into the 'out of town mall' market. On over development; please see all the above, this development has crept repeatedly over the years.

vi) It seems that the Fosseway Garden centre want to replicate all of the business activities along the High St with the competitive advantage that their customers can park. What next - an onsite Charity shop? We are already concerned how Aldi will affect our trade, it won't take much more to make the whole town centre economically nonviable for all of the local businesses. The road gets clogged up at the best of times, surely it would be preferable to see the impact of the Aldi traffic before any further considerations are given to another part of what is fast becoming an out of town retail park?

vii) The garden centre is becoming a shopping complex for most goods now and this is unfair on the tradesmen and women operating in the centre of town. The garden centre has an unfair advantage as it seems to be developing essentially farm land for commercial purposes. The town centre can't compete with that.

viii) This plan is yet another step on the way for Fosseway Nurseries to dominate and destroy the retail scene in Moreton in Marsh, it was originally a garden centre, it is now way beyond what it should be in any case. The expansion would also increase traffic density at a point where the situation is already bad enough with development along the A429 set to get worse and with the Aldi 200m away.

ix) If this extension goes ahead, it will have grave consequences on the High Street shops in the town centre. As I see the sales extension will be on Pet Supplies, Furniture, Cards and Gifts and Food Retail. We have all these businesses in the Town Centre and this is a Garden Centre not a Retail Outlet or is supposed to be. We have many cafes/ tearooms and pubs in town. It is not necessary to extend the café at the garden centre. The soft play area function room I can see will turn into a private function room for events in the evenings. There is too much traffic going on and off the Fosseway in a very short area hence drivers becoming impatient and are driving excessively when past all these accesses. Please consider other businesses rather than the comparison that has been made with Budgens and Aldi. This is not a fair comparison for the overall effect it will make on the town centre. I strongly urge you to decline this application so as to save our High Street businesses. If the application goes through the percentage of Garden Centre is going to be miniscule.

x) See attached correspondence

Response from County Cllr Moor:

'In my capacity as County Councillor for the division in which the site is located I wish to object and support the concerns expressed on highway matters by Bancroft Consulting in their letter dated 19th April 2017.

The Design & Access Statement totally ignores how this site might be accessed by non-car modes and this limitation should be addressed by the applicants. If and it is a big IF this application is recommended for approval the applicants should be required to provide a footpath on the western side of the A429 Fosse to connect with the existing bus stop adjacent to the hospital. This is an absolutely minimum requirement to satisfy NPPF sustainability tests.'

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)
Transport Statement

8. Officer's Assessment:

Site History and Proposed Development

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 cafe from within the garden centre.

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, cafe 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 cafe. A condition was attached to the permission (09/02242/FUL) limiting the unrestricted retail floorspace within the business to 362 square metres. In 2012 permission was granted (12/03341/FUL) for the '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'. The approved wording is as follows;

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 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 M10.162.011D

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.

The retail items that can be sold from within the garden centre are primarily restricted to those typically associated with a garden centre use. However, the above condition also allows a number of other items that would more commonly be found in a town centre to be sold from the site. These items include gifts, cards, confectionery, books, clothing, furniture and local garden and farm produce. The restricted items are limited to a sales area of 362 sq metres within an overall covered net tradable retail area of 2,722 sq metres. In addition to the covered retail area, the garden centre also has an outdoor sales area extending to approximately 2,142 sq metres.

The applicant is now seeking to re-develop the site through a mix of extensions, the re-configuration of existing floor space and the extension of development into adjacent agricultural land. The proposed development would result in a net covered retail sales area of approximately 4456 sq metres and an outdoor sales area of approximately 2586 sq metres. The combined indoor and outdoor retail sales area would increase from approximately 4,864 sq metres to 7,042 sq metres.

In terms of retail sales areas, the applicant is seeking to increase the amount of floorspace that can be used for the sale of restricted items from 362 sq metres to 1,152 sq metres. It is also proposed to increase the retail sales area of pet products from 5 sq metres to 155 sq metres. The proposed development would therefore increase the retail sales area of non-garden centre items to 1,307 sq metres.

At present the garden centre includes indoor and outdoor retail sales areas and a café. The outdoor sales area is located alongside the western elevation of the principal garden centre buildings. It is proposed to erect an extension with a floor area of 1,123 sq metres over the northern part of the existing outdoor sales area. The proposed extension will measure approximately 35m long by 32m deep and will have a height of approximately 6.4m. It will be marginally higher than the main roof of the existing building which measures approximately 6.2m in height. The external walls and roof of the proposed extension will be clad in metal sheeting to

match the existing building. The proposed extension will be used as an indoor covered retail sales area.

To the south of the proposed extension, it is intended to erect an open sided canopy extension. The proposed canopy will measure approximately 20m by 26.5m by 6.2m high. It will have a floor area of 539 sq metres. It will be used for retail sales.

At the southern end of the principal building range, it is proposed to erect a play barn extension. It will measure approximately 24m long by 24m wide by 5.5m high. It will also be clad in metal sheeting to match. A single storey linear extension measuring approximately 25m long by 7m by 4.6m high is proposed to the eastern side of the proposed play barn. The aforementioned extension will be split into an events area and an open sided shed. The play barn will include a children's soft play area and will have a floor area of 569 sq metres. The events space will have a floor area of 79 sq metres.

To the west of the existing outdoor sales area is a service yard. The yard is linear in form and extends in a north south direction along the western boundary of the application site. It measures approximately 25m in width by 80m in length. The applicant is proposing to use the northern part of the service yard (approximately 28m in length) for additional customer car parking. A storage yard, measuring approximately 15m in length, will be located to the southern end of the new customer car parking. Land to the south of the existing service yard and outdoor sales area, which is partly agricultural land and partly a parking/storage area, will be converted to a new outdoor sales area. The proposed outdoor sales area will measure approximately 2,586 sq metres. The proposed development will increase the outdoor sales area by approximately 444 sq metres.

To the south of the new outdoor sales area it is proposed to create a new service area. Existing polytunnels will also be re-located to the south western corner of the extended area. The aforementioned developments will be located on agricultural fields and will extend existing garden centre development approximately 30m to the south. The extended area will measure approximately 110m in width. A strip of agricultural land measuring approximately 20m in width located to the east of the existing café outdoor seating area also forms part of the site and is to be used as an access way for the new service area to the south. This strip of land will lie between existing garden centre development and the A429.

It is also proposed to erect an extension to the eastern elevation of the northern most part of the existing garden centre building. It will have a floor area of 102 sq metres and will be used to provide staff and office facilities. It will be clad in metal sheeting and be approximately 4.4m high.

New entrance and exit canopies will be erected on the northern elevation of the garden centre facing the existing visitor car park. The proposed canopies will be constructed in a mix of stone and glazing. Both canopies will be approximately 3.5m in height. The proposed entrance canopy will have a floor area of 39 sq metres, whilst the exit canopy will have a floor area of 19 sq metres.

In addition to the external alterations, it is also proposed to reconfigure the internal layout of the garden centre. An existing linear storage area located in the northern part of the building will be converted to retail space. A mezzanine area measuring 83 sq metres in area will be created above the new retail space. The mezzanine is intended as a storage area.

The restricted retail items (Schedule b) items) would be located in the centre of the existing retail store and in the western part of the proposed extension.

The existing business employs 27 full time and 26 part time employees. The proposed development will generate a further 8 full time and 2 part time roles.

Vehicular access to the proposed development will continue to be via the existing site entrance on the A429. Customer car parking will be increased from 181 spaces to 233 spaces.

a) Planning Policy and Guidance Concerning Retail Development and Impact on Moreton-in-Marsh Commercial Centre

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 advise that 'development appropriate to a rural area' will 'include many types of development covered by other policies in the Plan'. 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 out of town of development.

In addition, it must be noted that the NPPF no longer requires applicants to provide 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 (Reference ID: 2b-001-20140306) 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 (Reference ID: 2b-006-20140306) 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.'

With regard to the emerging Local Plan, the following sections of the draft retail policies are considered to be pertinent to this application:

Policy EC7 Retail

The retail hierarchy in Cotswold District is set out below and will be the focus for the provision of main town centre use:

Town Centre: Cirencester

Key Centres: Bourton-on-the-Water, Chipping Campden, Moreton-in-Marsh, Stow-on-the-Wold and Tetbury;

District Centres: Fairford and Lechlade;

Local Centres: Nortleach and South Cerney

Policy EC8 Main Town Centre Uses

2. The preferred sequence of locations for Main Town Centre Uses in the other Principal Settlements listed in the retail hierarchy (Policy EC7) are the:

- a. Centre (Key/District/Local)
- b. Edge of Centre
- c. Out of Centre

3. Only if there are no suitable sites available within the Primary Shopping Areas and Centre (Town/Key/District/Local) boundaries identified on the Policies Maps, or on the Edge of Centre, will Out of Centre sites be considered.

4. All proposals for main town centre uses should:

- a. Be consistent with the strategy for the settlement;
- b. Help maintain an appropriate mix of uses in the Centre; and
- c. Contribute to the quality, attractiveness and character of the settlement, including the Centre, and the street frontage within which the site is located.

7. When considering proposals for main town centre uses beyond identified Centre boundaries, (in edge of centre or out of centre locations), proposals will be permitted that are:

- a. Accessible and well connected to the Centre by public transport, walking and cycling;
- b. Contribute to the quality, attractiveness and character of the settlement and the street frontage within which the site is located;
- c. Maintain or improve, where possible, the health and wellbeing of the District's residents through increased choice and quality of shopping and leisure, recreation, arts, cultural and community facilities; and
- d. Comply with the sequential test, by demonstrating that there are no sequentially preferable sites or premises to accommodate the proposed development, taking into account the need for flexibility in the scale and format of proposals.

8. In addition to Clause 7 criteria (a)-(d) proposals for retail, leisure and office uses outside of defined centres will, subject to the provisions of Policy EC9, be assessed in relation to their impact on:

- a. The vitality and viability of those defined town centres within the catchment area of the proposal; and
- b. Existing, proposed and committed town centre investment in defined centres within the catchment areas of the proposal.

Such assessments should, where appropriate, extend to an assessment of the cumulative effects; taking into account other committed and recently completed developments.

Policy EC9 Retail Impact Assessments

Proposals for retail development with a net increase of 100sq metres or more, or, proposals that relate to floorspace of 100sq metres net or above, which lie outside an identified Town/Key/District or Local Centre, will be assessed against their impact on the health of, and investment within, defined Centres and planning applications will be accompanied by a Retail Impact Assessment.

The above draft policies carry moderate weight at the time of writing this report. However, they are consistent with advice in Section 2 of the NPPF and highlight the direction of travel of emerging Local Plan retail policy.

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 750m 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 850m from the Commercial Centre. An informal pedestrian footway extends northwards along the eastern side of the A429 from the site entrance to a point opposite the North Cotswolds Hospital approximately 180m to the north of the aforementioned entrance. A formal pedestrian footway extends from the point opposite the hospital to the Commercial Centre. The route from the proposed store to the Commercial Centre is flat and straight. Bus stops are also present on the north and south bound carriageways of the A429 where it passes the hospital.

The application site is located over 300m from the town's Commercial Centre and is 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 (Reference ID: 2b-008-20140306) 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 (Reference ID: 2b-010-20140306) 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 (1250 sq metres gross). The 1000 sq metres is smaller than the current development proposal. The Sequential Test has also considered sites with no allocated car parking. It is considered that the applicant is therefore offering a degree of flexibility in terms of format and scale in their approach to potential alternative development sites.

The Sequential Test has examined a number of sites within the existing Commercial Centre. Limited vacant office and retail space is available in Old Market Way and the High Street. In all instances, the space that was available was under 90 sq metres in size and therefore significantly smaller in area than that required by the current development proposal. It is considered that there are no suitable sites available (or to become available within a reasonable period) within the Commercial Centre that could accommodate the development proposed even if flexibility in size and scale is taken into account.

In terms of edge of centre sites, a number of sites were considered including land on New Road, Station Road, Church Street and Parkers Lane. All of the aforementioned sites were significantly smaller than the proposed development and are considered not to be suitable for the proposed scheme. With regard to Budgens, an extant permission for a 639 sq m foodstore extension granted in 2013 (13/00235/FUL) has still to be completed. During the course of the Outline application (13/01971/OUT) for the erection of a foodstore on the Fosseyway Farm site to the north of Fosseyway Garden Centre, 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 development being proposed by the current applicant even if flexibility in format and scale is taken into consideration.

With regard to other sites, land at Cotswold Business Village and the Fire Service College to the east of the town have been considered. However, both sites are located further from the Commercial Centre than the current application site. Neither site is considered to be sequentially preferable in terms of its proximity to the Commercial Centre than the current application site. Cotswold Business Village has now largely been built out and does not contain any sites of a size capable of accommodating the proposed development. Both sites are also used for B1, B2, B8, C2 or D1 uses and therefore not currently available for A1 retail use.

The Sequential Test has also considered the availability of sites within the centre of Stow-on-the-Wold approximately 4 miles to the south of the application site. Two retail units were identified in the town centre. However, the units are significantly smaller than the proposed development and are considered unsuitable. There are no suitable edge of centre locations with Stow-on-the-Wold that are available for the type of development being proposed.

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 are available for the proposed development even if flexibility in format and scale is taken into account. With regard to accessibility, the route from the site to the town centre is flat. Pedestrian footways also extend for much of the route between the Commercial Centre and the application site. It is noted that a stretch of the route measuring approximately 170m in length is served by an informal footway adjacent to the A429. Whilst not to an adoptable standard it does still provide a route for pedestrians to reach the site without having to walk on the carriageway. In addition, bus stops are located alongside the A429 approximately 230m to the north of the site. Guidance in Manual for Streets (Para 4.4.1) states that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.' The site is considered to be within reasonable walking distance of the town and can also be accessed via public transport. It can therefore be accessed by modes other than the private motor car.

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 existing designated Commercial Centre are the Tesco (approx 150 sq metres) and Co-op (approx 100 sq metres) stores. 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 1,458 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 2,097 sq metres gross, of which 1,541 sq metres would constitute retail floorspace. For comparison, the Tesco store in Stow-on-the-Wold has a net retail floorspace of approximately 1,335 sq metres and the recently approved Aldi (16/04611/FUL) a net retail sales area of 1,254 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.'

With regard to the town's Commercial Centre, the submission draft Local Plan submitted to the Local Plan Examination at the end of 2017 did not propose to alter the boundary of the existing area. However, in January 2018 the Planning Inspector issued his Proposed Main Modifications letter. The letter set out the changes that the Inspector considered necessary to make the emerging Local Plan sound. One of the proposed main modifications concerned Moreton-in-Marsh Commercial Centre. The Inspector recommended the following;

'To reflect the physical and functional extent of the Moreton-in-Marsh town centre, and to ensure that policies EC7, EC8 and EC9 can be effectively implemented, the policies map ought to be amended to include the site of the Warner's Budgen supermarket and car park'.

In light of the Inspector's comments, the Council's Forward Planning Section proposes to extend the boundary of the town's Commercial Centre to include the Warner's Budgen supermarket and car park. The aforementioned store would be classed as a town centre rather than an edge of centre development on adoption of the new Local Plan. At the present time, the Warner's Budgen store is still formally classed as an edge of centre location. However, weight also has to be attached to the direction of travel of the new Local Plan and its proposal to include the Warner's Budgen site in an enlarged Commercial Centre.

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. However, 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 (draft Policy EC9) proposes to introduce a threshold of 100 sq metres for new retail development outside identified centres. However, this policy has not yet been adopted and as such carries moderate 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. The proposed development will result in a development that has a retail floor area in excess of 2,500 sq metres and as such a Retail Impact Assessment (RIA) has been submitted by the applicant. The applicant has also provided an update to the RIA to take into account the proposed inclusion of Warner's Budgen within the new Commercial Centre. The Council has engaged an independent retail consultant to examine the RIA.

The RIA has adopted the catchment areas used in the Cotswold Retail Study Update. It therefore offers a consistent approach to that adopted by the Council in the preparation of the emerging Local Plan. The RIA has assessed potential trade draw from a number of settlements across the District including Cirencester, Moreton-in-Marsh, Bourton-on-the-Water, Stow-on-the-Wold, Chipping Campden and Tetbury. Based on the current situation (Budgen's outside the designated Commercial Centre), the RIA indicates that trade diversion to the proposed development would generally be between 3% (in the case of Bourton-on-the-Water village centre) and 10% (in the case of Cirencester town centre). Diversion from Moreton-in-Marsh Commercial Centre is projected to be 7%. The individual impact of the proposed garden centre development on the aforementioned area is predicted to be 3.4%. When combined with the recently opened Aldi store to the north of the application site, the cumulative impact on Moreton-in-Marsh Commercial Centre is predicted to be approximately 5.9%. The cumulative impact of the Aldi and proposed garden centre development on stores outside the town's Commercial Centre amounts to approximately 17.4%. This figure is higher due to the impact of the approved Aldi store on Budgens. Aldi has an impact of approximately 15.2% on stores (eg Budgens) located outside the Commercial Centre. The proposed garden centre development is predicted to have an impact of approximately 2.5% on stores outside the designated Commercial Centre.

In response to the existing situation, whereby the Budgens store falls outside the designated Commercial Centre, the retail consultant engaged by the Council states in their letter dated 25th August 2017; 'it is clear from the analysis that there is a 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, we consider 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'.

Following the recommendation of the Local Plan Inspector in January 2018 to extend Moreton-in-Marsh Commercial Centre to include Budgens, the applicant was advised to update their RIA to take into account the potential inclusion of Budgens within the newly extended town centre area. The applicant produced an update in February 2018. The update has been assessed by the Council's retail consultant.

The updated RIA indicates that the individual impact of the proposed garden centre development on the extended Commercial Centre would increase from 3.4% to 4.7%. Individually, the proposed development would not have a significantly greater impact on the town centre. However, the RIA also identified that the cumulative impact of the proposed development and the recently constructed Aldi development would be approximately 23.2%. Of this figure, 19.4% could be attributed to the Aldi store. The individual and cumulative impact on stores outside an extended town centre would be 1.7%.

In relation to the proposed garden centre (FGC) development, the retail consultant states that 'whilst the % impact is relatively small, the FGC proposal will increase the pressure on the town centre including not only the Budgens store but other retailers too. Therefore, we remain of the view that a revised Condition No.5 is required in order to restrict the ranges of goods in Schedule B'. The consultant goes on to state that 'we recommend that the impact of the proposed development is only likely to be acceptable if:

- Specific floorspace amounts are placed next to the individual product categories in Schedule B; and
- The term confectionery, gift foods, local garden and farm produce are replaced with the term food and drink and given its own maximum floorspace amount.'

The retail consultant concludes by stating;

'Therefore, overall, the proposed change in the extent of the town centre boundary does increase the likely negative impact upon the financial performance of Moreton-in-Marsh town centre although in reality the key issues set out in our August 2017 advice remain salient. In particular, stronger controls over the range of goods to be sold via Schedule B of revised Condition No.5 are required in order to make an unacceptable proposal acceptable in terms of its impact upon the health of Moreton-in-Marsh town centre'.

Following discussions with Officers, the applicant has produced a floor plan which sets out the floor areas in which the restricted items such as furniture, pets and pet products and the Schedule b) town centre items will be displayed within the store. The applicant has also agreed that the sale of food items will be restricted to an area of 300 sq metres. Food items will also be limited to locally produced items from within a radius of 40 miles of the application site and speciality food items.

With regard to pets and pet products, it is noted that the sales area will increase by a sizeable amount from 5 sq metres to 155 sq metres. It is also noted that there is an existing pet products and accessories store in the centre of Moreton-in-Marsh which could be affected by the increase in the sale of pet related items from the garden centre. The RIA indicates that, of current expenditure, only around 16% derived from the Moreton-in-Marsh and Stow-on-the-Wold area is spent within Moreton-in-Marsh town centre. Approximately 45% of spending goes outside the District or is spent online. In addition, the applicant is proposing to sell pets and larger items such as hutches, bulky foods etc within the proposed development. It will therefore offer a range of products which are not directly on offer in the town centre. The proposal is considered not to have a significant adverse impact on the vitality and viability of the town centre in this respect.

The applicant is also seeking to extend the time period within which Christmas tree lights and decorations can be sold. The applicant wishes to extend the period by one month, with retail

sales commencing on the 1st September rather than the 1st October. The extension of the retail sales period is consistent with other retailers leading up to Christmas and it is considered that the change will not have a significant adverse impact on the existing or proposed town centres.

Following discussions, the applicant has agreed to amend the wording of the restrictive products condition attached to the previous permission. The amended wording is as follows:

'Sales of products from the site shall be made only in accordance with the goods and sales areas listed in the following Schedules a), b), c), d) and e) and in accordance with the areas set out in drawing number M10.162.D.049 A:

Schedule a) Unrestricted items that 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 within the maximum internal floor area of 1,152 sq metres highlighted in grey on drawing M10.162.D.049 A with the maximum floor area for each product category being limited to the following;

1. Gifts - 250sq metres
2. Non-gardening books - 100sqm
3. Home & kitchen accessories -100sqm
4. Art, prints and frames - 150sqm
5. Non garden clothing - 250sqm
6. Locally produced food and speciality food products - 300 sq metres
7. Country sports equipment - 150sqm
8. Greetings card and wrap -100 sq m

At no time shall the cumulative retail floorspace of the product categories listed above exceed 1152 sq metres.

For the purposes of this condition local is considered to cover producers located within a 40 mile radius of the application site.

Schedule c) Restricted products which may not be sold outside a five month period extending from the 1st September 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 sq metres and sold from the area highlighted in green on drawing M10.162.D.049 A:

1. Furniture

Schedule e) To be restricted to a maximum internal floor area of 155 sq metres highlighted in orange on drawing M10.162.D.049 A:

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 potentially 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.

The Council's retail consultant raises no objection to the wording of the condition. The revised wording places a limit on the retail floorspace available for the individual Schedule B product categories in accordance with the consultant's recommendation. It places restrictions on the amount of retail floor space that will be available for the sale of items that would typically be sold from a town centre thereby limiting the impact of the proposed development on existing town centre businesses.

In light of the proposed increase in non-garden centre items, it is considered that the scheme, if approved, would no longer operate primarily as a garden centre. The increase in the floor area available for the sale of Schedule b) items and pet related products would become more than an ancillary part of the business operation. The proposal would result in a more general retail outlet, albeit with a restriction on the type of items that can be sold. It is therefore considered appropriate to remove the reference to the use of the site as a garden centre in the wording of the aforementioned condition.

It is noted that the Cotswold Retail Study Update 2016 does not identify a need for further comparison and convenience floor space in or adjacent to the town. However, it is also of note that the NPPF does not require applicants to demonstrate need when putting forward an application for new retail development. It is not therefore possible to sustain an objection to this proposal on the grounds that a need for additional retail floorspace has not been identified in the emerging Local Plan.

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 currently 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 planning applications for a new foodstore at Fosseway Farm to the north of the current application site. The aforementioned proposals were found not to have a significant impact on linked trips and as such not to have an indirect impact on the commercial centres. In the case of this development, the majority of items sold at Fosseway Garden Centre are distinct from those sold at Budgens. The restrictive sales condition attached to Fosseway Garden Centre also means that it cannot become an unrestricted A1 foodstore similar to Budgens. 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 this development were to proceed. It is considered that the proposed development will not have a significant adverse impact on the vitality and viability of commercial centres as a result of a reduction in linked trips

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 a significant 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 a below average number of vacant premises and that there is a demand for retail and service businesses in the town centre. The town centre is considered to be healthy. It is therefore considered that the proposed development will not have a significant adverse impact on the vitality and viability of commercial centres and is in accordance with Section 2 of the NPPF and 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(1) 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'.

With regard to the emerging Local Plan the following policies are considered relevant:

Policy EN1 Built, Natural and Historic Environment states:

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. Contributing to the provision of multi-functional green infrastructure;
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. Seeking to improve air, soil and water quality where feasible; and
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN4 The Wider Natural and Historic Landscape states:

1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.

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 shallow 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.

A Public Right of Way (HMM7) lies approximately 270m to the west of the application site. Agricultural fields lie between the aforementioned Right of Way and the application site.

The application site is currently occupied by a range of post war metal clad commercial buildings and associated parking and outside storage areas. The site sits within a relatively flat landscape characterised by agricultural fields. The landscape exhibits many of the features identified in the LCA. However, the character and appearance of the site is also influenced by the A429 which runs parallel with the eastern boundary of the site. Moreover, the site is seen in context with existing healthcare, commercial and residential development located on the southern edge of Moreton-in-Marsh. The existing site and buildings are therefore seen in conjunction with other built development and infrastructure. The existing buildings have a functional character and appearance which is not inconsistent with a group of large agricultural buildings.

With regard to the public views of the site, the principal viewpoints are from the A429 to the east and the Public Right of Way to the west. In relation to views from the A429, it is of note that existing roadside hedging helps to screen the lower parts of the site when approaching Moreton-in-Marsh from the south. The roofs and upper parts of existing buildings are visible through and above the hedgerows. When approaching the site from the north, the existing car park and northern elevation of the garden centre buildings are evident, as is the main entrance into the site. The existing site and buildings are a noticeable feature within the landscape. However, the landscape and visual impact of the existing site is also softened to a certain extent by the existing roadside vegetation and the set-back position of the buildings from the A429.

With regard to views from the Right of Way to the west, the existing group of buildings is visible across agricultural fields. The site is a visible feature within the landscape. However, it is also seen in context with the North Cotswolds Hospital development to the north of the application site. The portal framed, metal clad form of the existing buildings is reflective of modern agricultural buildings.

The proposed development will introduce two new extensions over an existing outdoor sales area. The sales area is currently surrounded by a mix of buildings, fencing and hedging. The extensions will therefore extend over an already developed area and will not encroach into the surrounding countryside. They will not be readily visible from the A429. The proposed play barn will be attached to the southern end of the main garden centre buildings and will replace a poytunnel development. The design, materials and appearance of the extension will match the existing building. It will appear as a continuation of existing development. The extension to the north eastern side of the garden centre is also modest in size and will match existing development. The proposed entrance and exit canopies will be subsidiary to the principal buildings and will face onto the existing customer car park. The proposed extensions will all be located on previously developed land within the existing garden centre site. It is considered that the proposed extensions will not extend development into the open countryside. They will be seen in context with existing development and will appear subservient to existing buildings. The design and form of the extensions will maintain the functional character of the existing site.

In addition to the proposed extensions, the applicant is also seeking to increase the size of the existing car park to the north of the site and to extend the garden centre site to the south/south west to accommodate an additional outdoor sales area and service yard. With regard to the car park to the north, it is proposed to extend the parking area by approximately 25m to the west. Part of the extended area will occupy an existing service yard and part of it will occupy agricultural land. The extended area will lie approximately 170m from the A429. The existing car park will lie between the proposed additional parking area and the aforementioned highway. New landscape planting will also be introduced around the existing car park boundary which is currently open.

The new car parking area will be seen in context with the existing car park and is considered not to have a greater impact on the character and appearance of the area than existing development.

With regard to the southern/south western extension of the site, the proposed development will incorporate existing agricultural land into the application site. The site boundary will extend approximately 30m to the south of existing development. The extended area will be used as a service area. The existing polytunnel building lying at the southern end of the existing site will be relocated to the south western edge of the site. An extended outdoor sales area will occupy part of an existing service area and part of a field lying to the west of the aforementioned polytunnel. In order to mitigate the impact of the proposed development, the applicant is proposing to introduce native species landscape planting around the edge of the extended site area. The proposed development will therefore result in the introduction of additional landscape planting around the edge of the site which will help to soften the visual and landscape impact of both the existing and proposed developments. The extended area will primarily be used for storage and outdoor sales. It will therefore be occupied by relatively low level development that is considered to have a limited visual and landscape impact. At present the southern and south western edges of the site are relatively open with the result that development leaches out into the landscape. The proposed landscaping will also create a more defined edge to the site thereby creating a more contained development. It is considered that the southern/south western extension could be undertaken without having an unacceptable adverse impact on the character or appearance of the designated landscape.

The Council's Landscape Officer has assessed the proposal and raises no objection to the scheme. The Landscape Officer states that 'while the proposals would represent further encroachment into the surrounding landscape the proposed mitigation planting would offer enhancement and would enclose the entire site. This is beneficial as it would soften the appearance of the existing development as well as the new extension and would prevent further sprawl. With the above in mind and given that the extension would be a similar height and would have a similar appearance as the existing building, on balance, in landscape terms I would not have an objection to the proposed scheme'.

Overall, it is considered that the proposed development will not have an adverse impact on the character or appearance of the Cotswolds AONB or the setting of Moreton-in-Marsh Surrounds Special Landscape Area. The proposal is considered to accord with S85(1) of the CROW Act 2000, Local Plan Policy 42, emerging Local Plan Policies EN1, EN4 and EN5 and Paragraphs 17, 109 and 115.

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. However, in the 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 existing garden centre development comprises a range of metal clad buildings together with associated car parking, service yard and storage areas. The existing development has a functional character and appearance and lies in close proximity to the edge of Moreton-in-Marsh. The existing buildings are reflective of a group of large agricultural barns. The proposed extensions reflect the functional character of the existing development and will not result in an encroachment of development into the AONB landscape. The extension of the site to the south will extend partly onto agricultural land. However, it will be used as a service area and for outdoor sales and will not therefore appear particularly prominent within the landscape. New landscape planting will be introduced around the site to soften the landscape and visual impact of both the existing and proposed developments. The proposed use is consistent with the existing use of the site and is considered not to materially affect the character or appearance of the AONB landscape. In addition, the existing use of the site as a garden centre already generates traffic to and from the site. The proposed use is considered not to result in a significant increase in vehicle movements to and from the site.

It is considered that the proposal does not represent major development in the context of Paragraph 116 of the NPPF.

(c) Traffic Generation and Highway Safety

The existing store is served by a single vehicular access which opens onto the A429. The A429 extends in a north south direction to the east of the existing garden centre buildings. The A429 is subject to a 30mph speed limit where it passes the entrance to the application site. The existing driveway leading into the site measures approximately 7m in width. The applicant is not proposing to make any alterations to the existing access onto the A429. The main changes to the site in parking and access terms will be the extension of the existing car park to the west, the conversion of part of an existing service yard on the western part of the site to a customer parking area, the creation of a new service yard to the south of the main garden centre buildings and the creation of an access road along the eastern elevation of existing buildings. Customer car parking will be increased from 181 to 233 spaces.

The proposed re-arrangement of parking and service areas will mean that the majority will no longer pass through the customer car park in order to reach the service yard. The proposed development will direct main service vehicles to the south thereby avoiding the need for the majority of such vehicles to pass through the main customer parking area.

The applicant has submitted a Transport Statement (TS) with this application. The TS identified an average two-way traffic flow of 842 vehicles in the average weekday AM peak hour (0800-0900) and 984 vehicles in the average weekday PM peak hour (1700-1800). The weekend two-way average peak hour (1400-1500) generated 844 movements. The 7 day 24 hour average was recorded as 5875 vehicles heading northbound and 5728 vehicles heading southbound. Accident records indicate that there have been no collisions at the existing garden centre access or in the immediate vicinity between the 1st January 2012 and the 31st December 2016.

With regard to trip generation arising from the proposed development, the TS identifies a potential weekend peak hour increase of between 28 and 105 two way trips. The AM peak hour increase is predicted to be between 5-7 two way trips and the PM peak hour predicted to be between 6 and 15 two way trips. The percentage change in traffic flows is predicted to be a maximum of 12.4% during the weekend peak hour, 0.8% in the AM peak hour and 1.5% in the PM peak hour. It is of note that peak hour period for the garden centre will occur outside normal AM and PM weekday periods. It will also not coincide with the town's market day on a Tuesday.

At the time of writing this report, a final formal consultation response from Gloucestershire County Council Highways was still awaited. It is anticipated that a response will be received prior to the Committee meeting to be held on the 11th April. For completeness, a copy of the applicant's Transport Statement together with a full copy of correspondence objecting to the application from Bancroft Consulting Transport Consultant Services is attached to this report.

During the course of the application, discussions have been ongoing with regard to the potential upgrading/enhancement of the existing footway that extends along the eastern side of the A429. Gloucestershire County Council Highways has recommended that the applicant makes a 50% contribution towards footway improvement works. The applicant has agreed in principle to make a reasonable contribution to such works. However, a final figure has yet to be produced by Gloucestershire County Council Highways. It is anticipated that a figure will be known in advance of the Committee meeting.

The upgrading of the footway will improve pedestrian connectivity to the site and it is considered reasonable for the applicant to make an appropriate contribution to such works having regard to Paragraph 122 of the Community Infrastructure Levy Regulations 2010.

Subject to no objection being raised by Gloucestershire County Council Highways and agreement being reached over the upgrading of the footway, it is recommended that the application is acceptable on highway safety, traffic generation, parking and access grounds in accordance with Local Plan Policy 38 and Section 4 of the NPPF.

Other Matters

The application site is located within a Flood Zone 1 which is the lowest designation of flood zone. The applicant has submitted a Flood Risk Assessment (FRA) with the application. The FRA has been assessed by Gloucestershire County Council in their statutory role as Lead Local Flood Authority (LLFA). The LLFA raises no objection to the application.

9. Conclusion:

Overall, it is considered that the proposed development could be undertaken without having a significant adverse impact on existing town centres. The proposal will also not have an adverse impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. Subject to no objection being raised by Gloucestershire County Council Highways and agreement being reached over the upgrading of the existing pedestrian footway extending along the eastern side of the A429, it is recommended that the application is granted subject to the following conditions and those recommended by Gloucestershire County Council Highways.

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.037 REV B, M10.162.039, M10.162.D.041 REV B, M10.162.D.043 REV F, M10.162.D.045, M10.162.D.046, M10.162.D.047 A, M10.162.D.049 A, M10.162.D.052 A, 96101(p).D.050, 96101(p).D.051

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

The materials to be used for the external walls and roof of the extensions (other than the entrance and exit canopies) hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42 the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

The external walls of the entrance and exit canopies hereby permitted shall be built of natural Cotswold stone unless an alternative is first agreed in writing by the Local Planning Authority.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Sales of products from the site shall be made only in accordance with the goods and sales areas listed in the following Schedules a), b), c), d) and e) and in accordance with the areas set out in drawing number M10.162.D.049 A:

Schedule a) Unrestricted items that 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 sq metres as highlighted in grey on drawing M10.162.D.049 A:

1. Non-gardening books
2. Home & kitchen accessories
3. Art, prints and frames
4. Non garden clothing
5. Locally produced food and gift and speciality food products covering an area of no more than 300 sq metres within the permitted 1,152 sq metres.
6. Country sports equipment
7. Greetings card and wrap

For the purposes of this condition local is considered to cover producers located within a 40 mile radius of the application site.

Schedule c) Restricted products which may not be sold outside a five month period extending from the 1st September 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 sq metres and sold from the area highlighted in green on drawing M10.162.D.049 A:

1. Furniture

Schedule e) To be restricted to a maximum internal floor area of 155 sq metres highlighted in orange on drawing M10.162.D.049 A:

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 potentially 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.

The entire landscaping scheme shall be completed by the end of the first planting season (1st October to 31st March the following year) following the first use of the development hereby approved.

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

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

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

Prior to the first use of any of the developments hereby approved, a SuDS Management and Maintenance Plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The SuDS Management and Maintenance Plan shall fully detail the access that is required to reach surface water management components for maintenance purposes. It should also include a plan for safe and sustainable removal and disposal of waste periodically arising from drainage system, detailing the materials to be used and standard of work required including method statement.

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.

Prior to the commencement of development an exceedance flow routing plan for flows above the 1 in 100+40% climate change event has been 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.

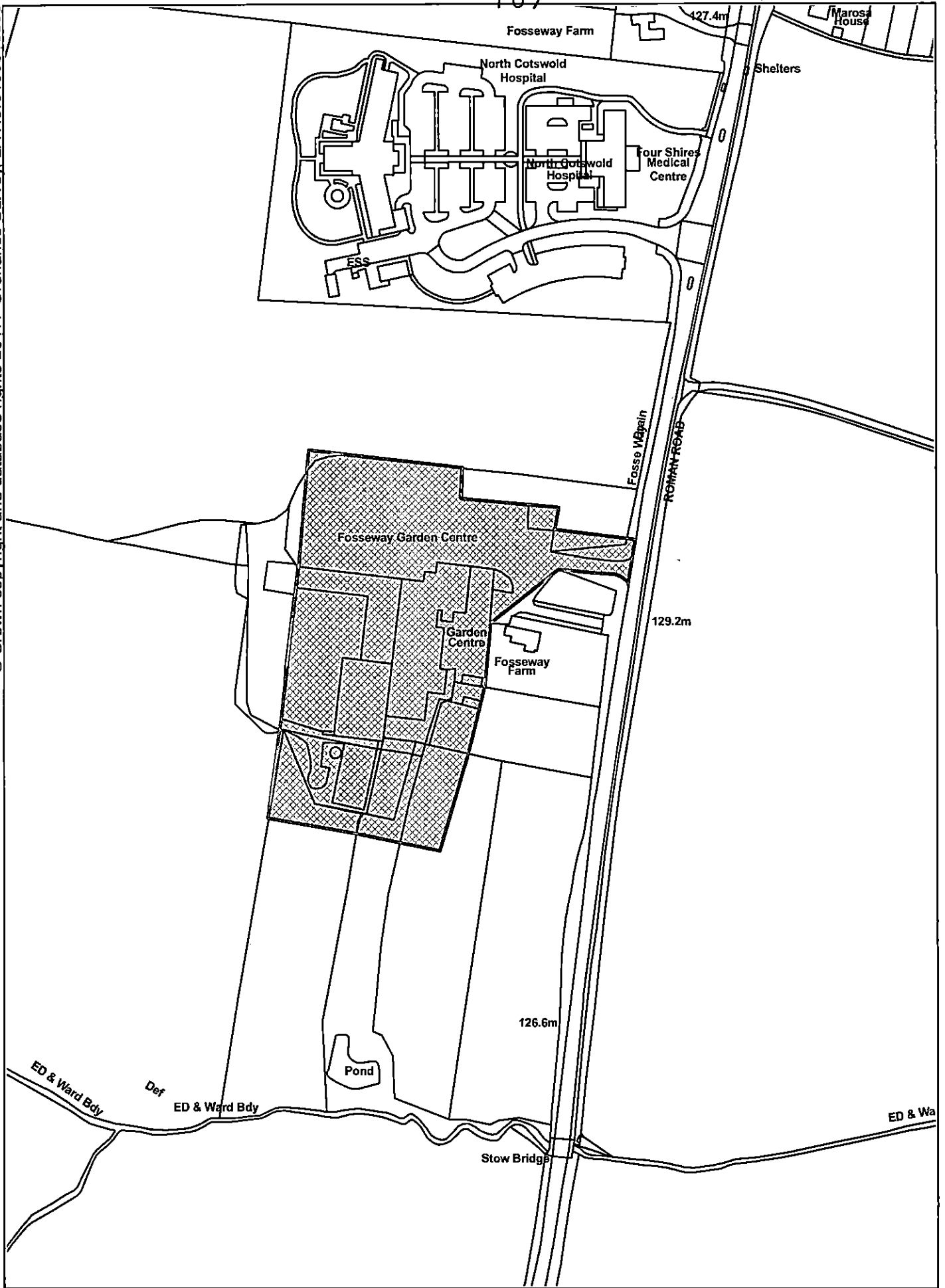
Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Informatives:

i) 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

ii) 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.

iii) 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.



FOSSEWAY GARDEN CENTRE STOW ROAD MORETON IN MARSH Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 29/03/2018



COTSWOLD
DISTRICT COUNCIL





Fosseway Garden Centre



Site Location Plan

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LEGEND

-  Site boundary
-  Land in the ownership of the applicant

A	Revised boundary of land in the ownership of the applicant	mg	12/12/2016
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Rev.	Notes	Amtd	Date
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DRAWING STATUS:	
PLANNING	
PROJECT: Fosseway Garden Centre	
CLIENT: Mr T Godwin	
TITLE: Site Location Plan	
DATE: Nov 2016	SCALE: 1:2500 @ A2
DRAWN: mg	CHECKED:
DRAWING N°: M10.162.D.047	REVISION: A

PleydellSmithyman

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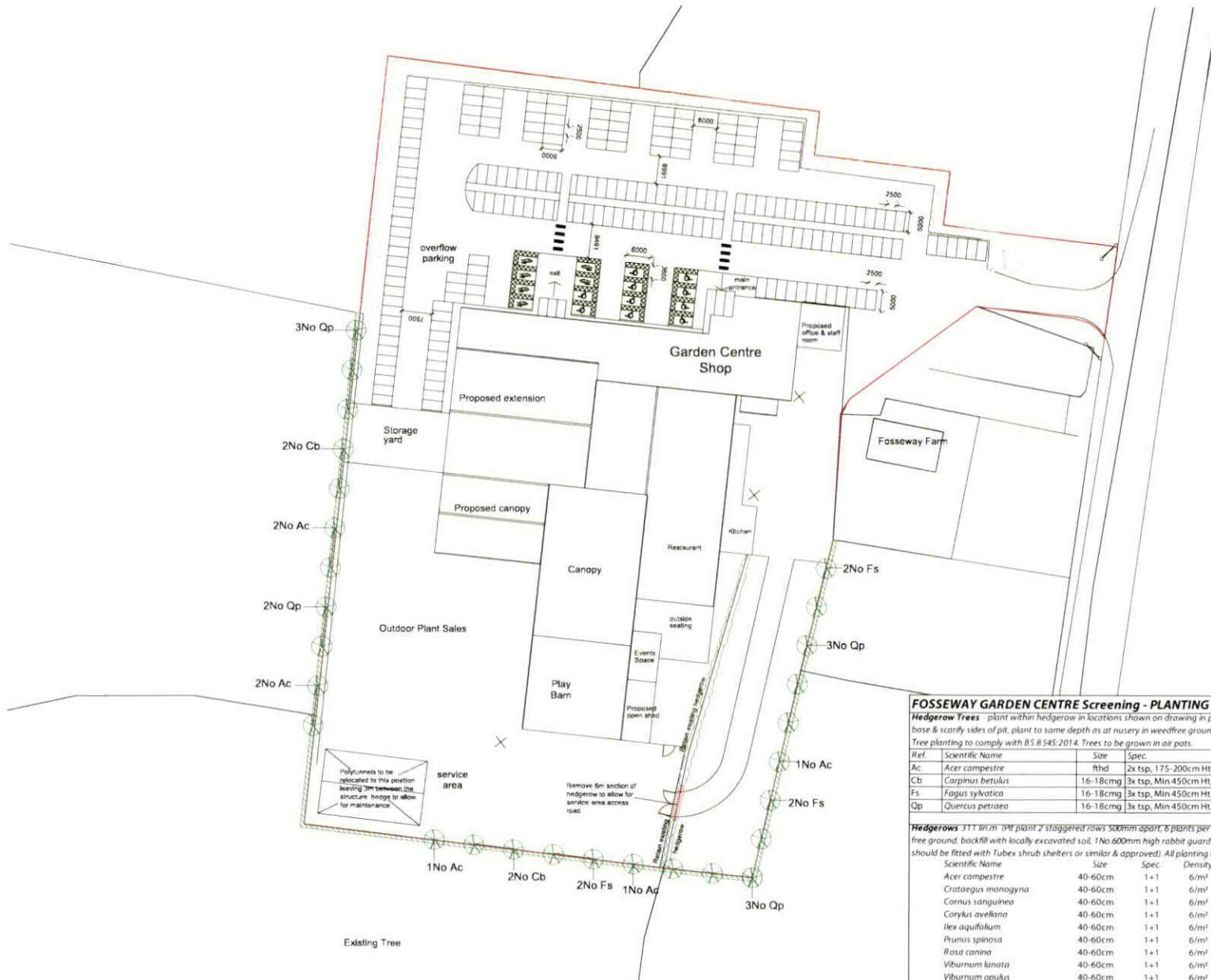
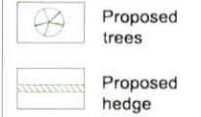
TEL: 01952 433211 FAX: 01952 433323

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

110
16105169/Au

Fosseway Garden Centre

KEY:



A	SC	New screening hedge & trees added to western boundary per LA request, polytunnel moved away from hedge, existing hedge outside restaurant shown, service area amended.	30/01/18
Rev	A/m/d	Notes	Date

FOSSEWAY GARDEN CENTRE Screening - PLANTING SCHEDULE

Hedgerow Trees - plant within hedgerow in locations shown on drawing in planting pits max 600mm deep, break up base & scarify sides of pit, plant to same depth as at nursery in weedfree ground & backfill with locally excavated soil. Tree planting to comply with BS 8545:2014. Trees to be grown in air pots.

Ref.	Scientific Name	Size	Spec.	Root	Total
Ac	<i>Acer campestre</i>	t/h/d	2x tsp, 1.75-200cm Ht, min 5 breaks	Air pot	7
Cb	<i>Carpinus betulus</i>	16-18cmg	3x tsp, Min 450cm Ht, min. 200cm Clear Stem	Air pot	4
Fs	<i>Fagus sylvatica</i>	16-18cmg	3x tsp, Min 450cm Ht, min. 200cm Clear Stem	Air pot	6
Qp	<i>Quercus petraea</i>	16-18cmg	3x tsp, Min 450cm Ht, min. 200cm Clear Stem	Air pot	11

Hedgerows 3111 lin/m 1M plant 2 staggered rows 500mm apart, 6 plants per m², in 300x300x300mm pits, in weed free ground, backfill with locally excavated soil. 1 No 600mm high rabbit guard & stake to each plant except Holly which should be fitted with Tubex shrub shelters (as similar & approved). All planting to comply with BS 3936 & BS 4428.

Scientific Name	Size	Spec.	Density	Root	%	Total
<i>Acer campestre</i>	40-60cm	1+1	6/m ²	BR	15%	280
<i>Crataegus monogyna</i>	40-60cm	1+1	6/m ²	BR	30%	560
<i>Cornus sanguinea</i>	40-60cm	1+1	6/m ²	BR	10%	187
<i>Corylus avellana</i>	40-60cm	1+1	6/m ²	BR	10%	187
<i>Ilex aquifolium</i>	40-60cm	1+1	6/m ²	BR	5%	93
<i>Prunus spinosa</i>	40-60cm	1+1	6/m ²	BR	15%	280
<i>Rosa canina</i>	40-60cm	1+1	6/m ²	BR	5%	93
<i>Viburnum lantana</i>	40-60cm	1+1	6/m ²	BR	5%	93
<i>Viburnum opulus</i>	40-60cm	1+1	6/m ²	BR	5%	93

DRAWING STATUS		30/01/18	
PLANNING			
PROJECT Fosseway Garden Centre			
CLIENT Mr T Godwin			
TITLE Landscape Screening Planting Plan			
DATE Jan 2018	CHECKED SC	SCALE 1:500 @ A1	REVISION A
DRAWING NO M10.162.D.052	CHECKED R/C/M/G	SCALE	REVISION

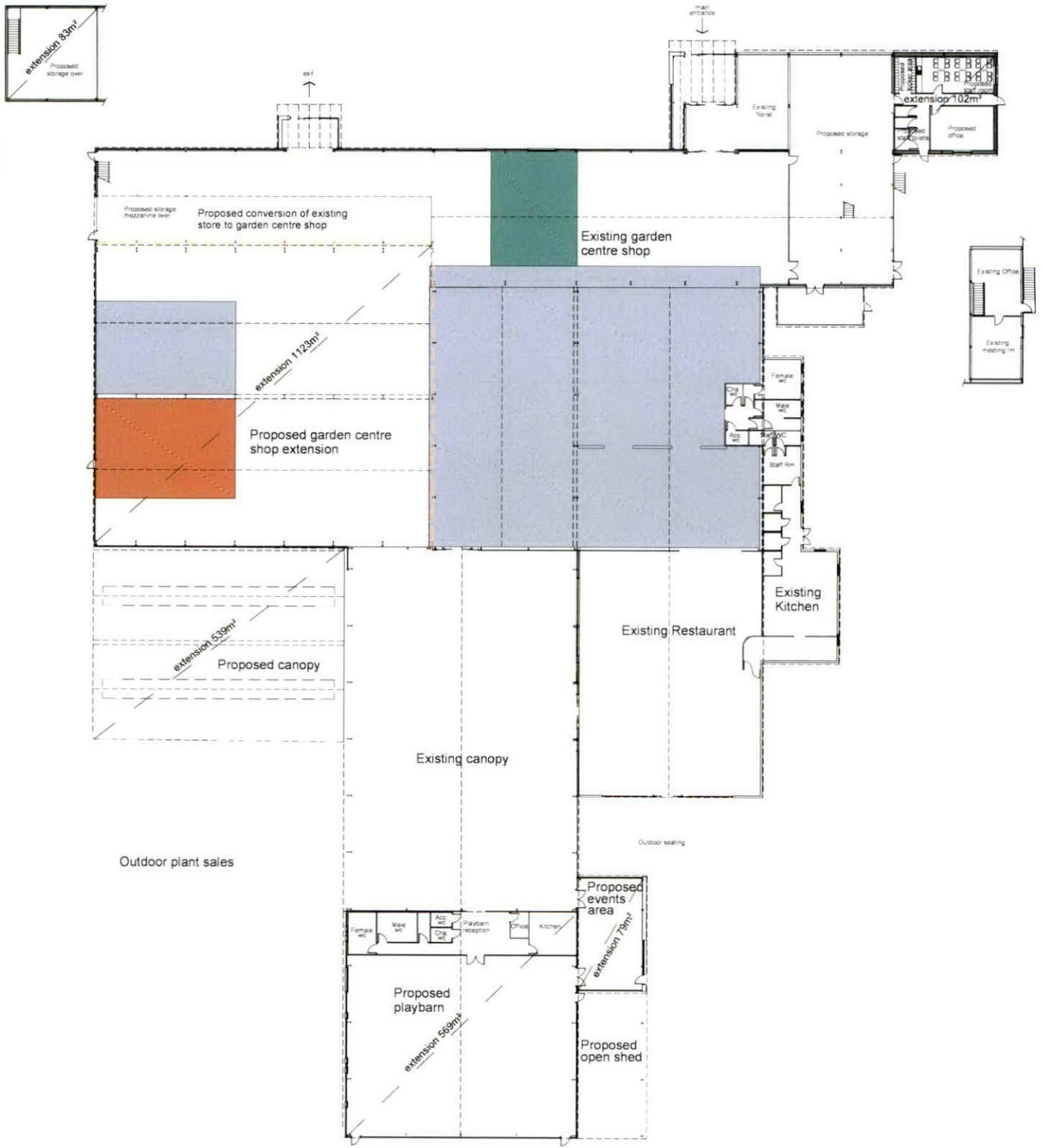
PleydelSmithyman

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EMAIL: pds@pleydel-smithyman.co.uk
WEBSITE: www.pleydel-smithyman.co.uk

Landscape Screening Planting Plan

Fosseway Garden Centre



Proposed Product Restriction Plan

A	Furniture and Pet & Pals Products areas indicated	STM	22.11.2017
Rev	Notes	A and	Other

LEGEND

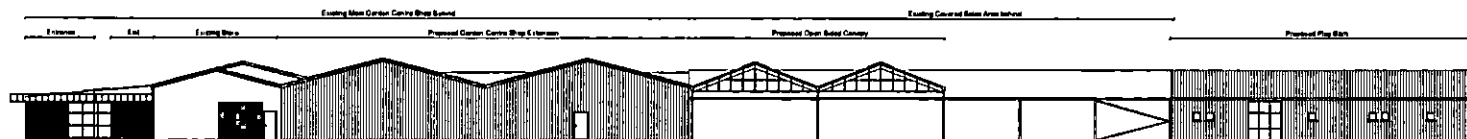
- Area of unrestricted floorspace totalling 145 x 1007 = 1152m² (Schedule B)
- Furniture = 110m²
- Pets & Pet Products and Accessories = 155m²

DRAWING STATUS		PLANNING
PROJECT		
Fosseway Garden Centre		PleydellSmithyman
CLIENT		
Mr T Godwin		THIS DRAWING MAY NOT BE USED WITHOUT THE CONSENT OF PLEYDELL SMITHYMAN LIMITED 254, THE WHARFAGE, RICHMOND, SURREY TW9 1NH TEL: 01932 433211 FAX: 01932 433223 EMAIL: info@pleydellsmithyman.co.uk WEBSITE: www.pleydellsmithyman.co.uk
TITLE		
Proposed Product Restriction Plan		
DATE	SCALE	
AUG 2017	1:200 @ A1	
DRAWN	CHECKED	
MGJ/STM		
DRAWING N°	REVISION	
M10.162.D.049	A	

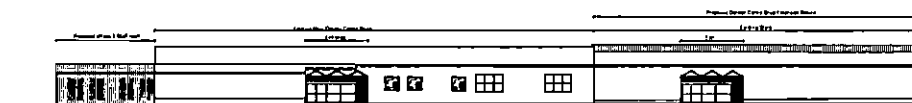
Fosseway Garden Centre



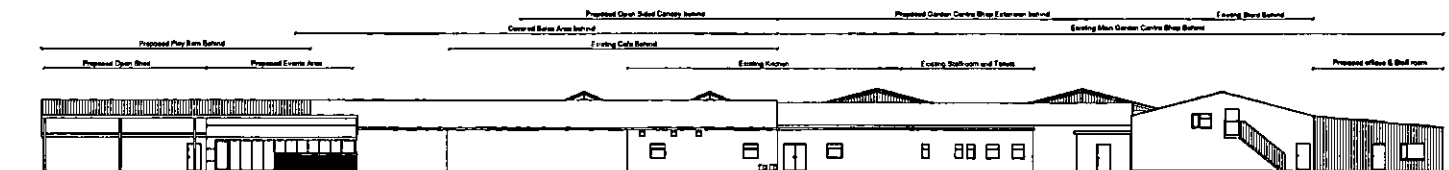
Proposed South Elevation
scale 1:200



Proposed West Elevation
scale 1:200



Proposed North Elevation
scale 1:200



Proposed East Elevation
scale 1:200

Proposed Elevations

B	mg	Alteration to Scheme & Dig. Status	05/12/16
A	mg	Addition of start facilities & shed	01/12/16
Rev	A/mtd	Notes	Date

DRAWING STATUS	
PROJECT	
Fosseway Garden Centre	
CLIENT	
Mr T Godwin	
TITLE	
Proposed Elevations	
DATE	SCALE
Sept 2016	1:200 @ A1
DRAWN	CHECKED
mg	
DRAWING NO.	REVISION
M10.162.D.037	B



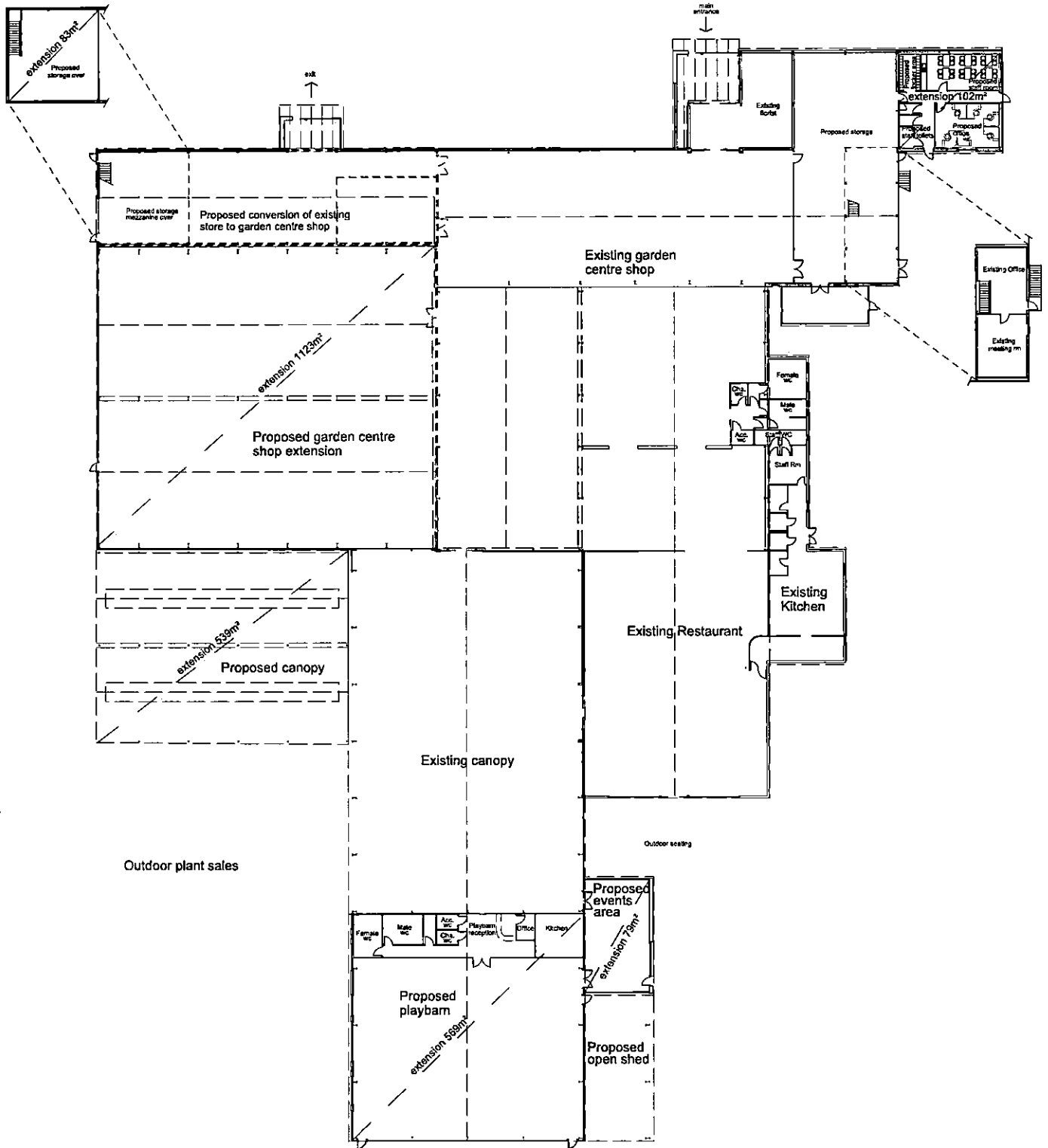
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EMAIL: pleydellsmithyman.co.uk
WEBSITE: www.pleydellsmithyman.co.uk

113

Fosseway Garden Centre



Proposed Floor Plan

B	Upstream drawing status	mg	02/17/16
A	Increase in storage area & staff facilities	mg	02/17/16
Rev	Notes	Kind	Date

LEGEND

DRAWING STATUS PROJECT: Fosseway Garden Centre CLIENT: Mr T Godwin TITLE: Proposed Floor Plan DATE: Nov 2016 SCALE: 1:300@A1 DRAWN: FHG CHECKED: REVISION: M10.162.D.041 3		<p>THIS DRAWING MAY NOT BE USED WITHOUT THE CONSENT OF:</p> <p>PLEYDELL SMITHYMAN LIMITED 20, THE BRIDGE, BROMBOROUGH, LINCOLNSHIRE, LE14 4PL TEL: 01552 433218 FAX: 01552 433333 EMAIL: p@pleydellsmithyman.co.uk WEBSITE: www.pleydellsmithyman.co.uk</p>
PLEYDELL SMITHYMAN		

Briefing Note

Date: 6 July 2017

Title: Fosseway Garden Centre (16/05169/FUL)

This note has been prepared in response to the queries raised by the Council's consultant with regards to the submitted Retail Assessment for this application. For ease, the content of the consultant's email has been copied below with answers following on accordingly.

The initial comments regarding the appropriate conditions are for further discussions with Pleydell Smithyman. Any conditions should not allow for any sales area above that which has been assessed in the submitted Retail Assessment. The remaining points from the Council's consultant are addressed below.

Section 3.3. This section is not clear on the catchment area of the existing retail function of the application site. It makes brief reference to the 'nearest' and 'closest' catchment area to the application site but there is no quantification of the suggestion that the application site has a wide catchment then Moreton.

The Principal Catchment Area for the store is Zones 9a and 9b as identified in the Council's Retail Study (2016). It is expected that there will be wider catchment equating to an approximate 30-minute drive time as agreed with the Council as part of the previous planning application at the site which the Council has advised would be acceptable in this instance. The Catchment area has primarily been used to illustrate the proximity of competing centres.

Impact Assessment

I understand that the retail store permitted under planning permission 16/04611 is now under construction. I understand that this will be an ALDI foodstore. As a consequence, there is a need for the applicant's impact assessment to take into account the trading effects of this new store in combination with the proposed extension of retail floorspace at the application site.

Table 1 – Cumulative Impact

Shopping Destination	Convenience		Comparison		FGC Trade Diversion*			ALDI Trade Diversion**			Combined	
	Turnover	Turnover	Total Turnover	Total Turnover	%	£	Impact (%)	%	£	Impact (%)	£	Impact (%)
Cirencester town centre	£ 18,800,000	£ 89,900,000	£ 108,700,000	£ 108,700,000	10	£ 544,200	0.5	0	£ 0	0.0	£ 544,200	0.5
Out of Centre	£ 89,200,000	£ 7,500,000	£ 96,700,000	£ 96,700,000	10	£ 544,200	0.6	0	£ 0	0.0	£ 544,200	0.6
Bourton-on-the-Water	£ 400,000	£ 3,300,000	£ 3,700,000	£ 3,700,000	3	£ 163,260	4.4	1	£ 96,000	2.6	£ 259,260	7.0
Out of Centre	£ 5,000,000	£ 5,000,000	£ 5,000,000	£ 5,000,000	4	£ 217,680	4.4	0	£ 0	0.0	£ 217,680	4.4
Chipping Campden	£ 4,200,000	£ 2,700,000	£ 6,900,000	£ 6,900,000	2	£ 108,840	1.6	0	£ 0	0.0	£ 108,840	1.6
Moreton-in-Marsh	£ 4,700,000	£ 6,700,000	£ 11,400,000	£ 11,400,000	7	£ 360,940	3.3	3	£ 288,000	2.6	£ 648,940	5.9
Out of Centre	£ 12,570,000	£ 12,570,000	£ 12,570,000	£ 12,570,000	5	£ 272,100	2.2	20	£ 1,920,000	15.3	£ 2,192,100	17.4
Stow-on-the-Wald	£ 11,800,000	£ 4,800,000	£ 6,600,000	£ 6,600,000	5	£ 272,100	4.1	0	£ 0	0.0	£ 272,100	4.1
Out of Centre	£ 16,200,000	£ 300,000	£ 16,500,000	£ 16,500,000	5	£ 272,100	1.6	46	£ 4,416,000	26.8	£ 4,688,100	28.4
Tetbury	£ 800,000	£ 4,300,000	£ 5,100,000	£ 5,100,000	3	£ 163,260	3.2	0	£ 0	0.0	£ 163,260	3.2
Out of Centre	£ 9,600,000	£ 400,000	£ 10,000,000	£ 10,000,000	4	£ 217,680	2.2	0	£ 0	0.0	£ 217,680	2.2
Other Centres					2	£ 108,840		0	£ 0		£ 108,840	
Outside District					40	£ 2,176,800		30	£ 2,880,000		£ 5,056,800	
Total	£ 163,270,000	£ 119,900,000			100	£ 5,442,000		100	£ 9,600,000		£ 15,042,000	

* Figures taken from submitted RIA

** Figures taken from ALDI RIA

The Cumulative Impact is shown in Table 1 above, it is clear from Table 1 that the proposed extension at FGC would have a negligible impact compared to that of the ALDI. The cumulative effect reflects the singular effect of the FGC which is that the



majority of the trade will divert from out-of-centre or out-of-District locations. The above table demonstrates that the combined impact with the ALDI upon the nearest town centres would not exceed 7% and would therefore not be 'significantly adverse'. Further, the above table does not take into account the potential diversion of trade to the proposed extension from ALDI, the inclusion of this calculation would further reduce the level of diversion from Moreton-in-Mash.

Para 5.1.6. The applicant is using out of date data via the use of the 2014 edition of Retail Rankings. The 2017 edition should be used. In addition, the identity of the retailers used in the calculation of the averages should be disclosed in order to show how the figures in Table 1 have been arrived at.

The 2014 figures have been used as the RA is intended to provide a general overview of the retail picture. Given the small scale of the proposed extension it was not considered necessary to bring the floorspace turnover figures forward to 2017 as any difference would be negligible. Notwithstanding this, the 2017 figures are showing a reduction in convenience expenditure and an increase in comparison expenditure, resulting in a virtually neutral change overall. Given the nominal changes in floorspace turnover and the clear outcome that the existing figures have demonstrated, it is considered that the current figures represent an appropriate assessment of the likely impact of the retail impact of the proposed development. Further, as set out below, the floorspace turnover is an estimated figure based on the average of similar retailers, therefore the adjustment for 3 years change in retailing performance would not result in a more accurate floorspace figure as it remains an estimate.

The stores which the proposed turnover figures have been based on are set out below. The figures are an average of each of these stores with some manual adjustment based on specific locational or other factors.

Pets/Aquatics – Pets at Home
 Clothing – Blacks/Matalan/Peacocks/GAP
 Craft – WH Smiths/Dunelm
 Food Hall – M&S Food/Co-Op Food/Holland and Barratt
 Garden Furniture – Dunelm/Dobbies Garden Centre/B&Q
 Gifts – Thorntons/WH Smiths/HMV
 Garden Sundries – Dobbies Garden Centre

Para 5.2.1. It is unclear how the figure of £1.9m for spending on pets and pet supplies has been arrived at.

This is taken from Table 3a, Appendix B of the Council's Retail Study. It has been used to identify the available pets and pets supplies expenditure within the centre as existing.

Section 5. It is unclear how the turnover figures in Table 2 have been arrived at. Separate figures for in-centre and out-of-centre turnover levels should be provided. There is also a need for the applicant to provide an estimate of the pattern of trade draw to the proposal in order to validate the forecast pattern of trade diversion. As noted above, this will also help to explain the catchment area of the existing and proposed retail facility.



Figures in Table 2 are as follows:-

- Turnover figures are taken from Table 7.1 of the Councils Retail Study (2016);
- Trade Diversion is justified in the accompanying text;
- Impact is subsequently calculated as a proportion of the overall turnover for each; shopping destination.

Trade Diversion table has been expanded to include out of centre locations in Table 1 above. The grouped out-of-centre row originally included has been removed to prevent double-counting.

The trade draw estimates have not been included; this is because it is not considered to accurately represent the trade diversion and likely impact of the proposed extension. As set out throughout the report, the most significant trade diversion is from like-for-like retailers. In the case of the FGC, there are many other competing garden centres outside the district meaning a significant proportion of the trade diversion will come from these out-of-district stores.

Sequential Test

The search for alternative sites should be based upon the catchment area of the proposal. As noted above, the catchment of the retail premises is not explained and, once confirmed, this will dictate which centres should be examined. In any event, RPS indicate that zones 9a and 9b are the 'closest' and 'nearest' to the application site and these include Stow-on-the-Wold as well as Moreton. Therefore, at the very least, sequentially preferable sites in Stow should also be examined. In addition, only town centre sites in Moreton have been examined. The applicant has not provided any detailed examination of edge-of-centre and more accessible and better connected out-of-centre sites.

The Sequential Assessment considers the most appropriate competing available sites. Given the proximity of the business, and the need for locational functionality, the most appropriate sites are those within the nearest local centre Moreton-in-Marsh. Notwithstanding this, some additional sites have been considered below:

Moreton in Marsh-

- Land at Fire Service College
1,500-10,000sqm of available land currently for sale on the open market.

This site is however not sequentially preferable to the application site. It is further from the centre of Moreton in Marsh and there is no frequent bus service within a reasonable walking distance from the site meaning it is not more accessible or better connected than the application site. This site is also protected under emerging Policy S18 of the Cotswold Local Plan for employment (B1/B2/B8 uses only).

Numerous smaller edge of centre sites were considered including land at

- New Road,
- Church Street
- Station Road,
- Parkers Lane



However all of these sites were substantially smaller than the minimum size on which the proposed development could be accommodated, even with flexibility applied to the format (e.g. multiple floors/reduced storage area etc.).

Other parcels of land which are more accessible have been considered including land to the north and south sides of Bourton Road. Whilst these sites have marginally better accessibility from Moreton in Marsh Centre, they are not currently on the open market and therefore are not considered available.

Stow on the Wold

There are a couple of units currently on the open market within the town centre are of Stow on the Wold, these include:-

- Market Square
- Sheep Street

Both of which are former A1 retail units which have recently been vacated (particulars attached). As with the units in Moreton on Marsh, because of their size, these two units would not be appropriate to accommodate the proposed development and therefore do not present suitable alternative sites.

Accessible land at Sheep Street and the B4068 have also been considered however, again, these are not currently available for purchase.

Given that the proposed extension to Fosseyway Garden Centre needs to be either adjoining, or in close proximity to the Garden Centre in order for it to viably operate, no further centres or edge/out of centre locations have been assessed. Further assessment would be considered disproportionate to the scale of development.

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25th August 2017

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Dear Joe

Extension to Fosseway Garden Centre, Moreton-in-Marsh

Introduction

Further to your instructions, I write, as requested, to provide advice on retail planning policy matters in relation to a proposal to extend the amount of retail floorspace (along with associated works) at Fosseway Garden Centre in Moreton-in-Marsh.

In line with our instructions, we have considered the compliance of the proposal with salient planning policies in the development plan and other material considerations such as the National Planning Policy Framework ('NPPF'). Given the scale of floorspace associated with the extended garden centre, there is a need to consider the impact of the proposal on the health of, and investment within, defined 'town centres' in the catchment of the proposal as well as its compliance with the sequential test. This is due to the out-of-centre location of the application site.

The focus for our assessment of retail planning policy issues has been a suite of documents, including:

- A 'Retail Impact Assessment and Sequential Test' ('RIAST') document, prepared by RPS and dated March 2017;
- The existing and proposed floor plans for proposed development;
- A 'Briefing Note', dated 6th July 2017, prepared by RPS; and
- Decision notice 12/03341/FUL and plan M10.162.011D.

The submitted plans show that part of the existing outdoor sales area will be redeveloped to provide an extension to the main retail building and a further separate extension will be provided to accommodate a 'playbarn'.

Section 3 of the RIAST indicates that the additional floorspace will be used to sell the following goods:

- Pets, pet products and pet foods
- Aquatics

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- Clothing
- Craft
- Food hall
- Garden furniture
- Gifts
- Garden sundries
- 'floating Class A1 space'

Following a 'phone conversation with the applicant's agent on 23rd August, it became clear that 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, we raised concerns 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. This is attached at Annex A to this advice letter.

The decision to base the revised condition on Condition No.5 is useful in our opinion 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. However, as the applicant's agent acknowledges, it will require a replacement to plan M10.162.011D.

The revised version of Condition No.5 includes an additional 790sq m of sales area in Schedule B and an additional 150sq m in Schedule E. The latter matches the proposed additional 150sq m of space for pet products mentioned in Section 3 of the RIAST. The former matches those ranges of additional goods/floorspace which are mentioned in paragraph 3.2.2 of the RIAST.

We provide further comments on the controls over the proposed development later in this advice report.

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 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 Fosseyway Garden Centre, the RIAST notes:

- *"this application has been submitted to extend FGC and introduce new concessions in line with the already approved goods list"*¹
- *"FGC has developed from a farm and nursery unit to a thriving facility that contributes towards Moreton's visitor attraction"*²
- *"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

¹ Paragraph 1.2.1

² Paragraph 2.1.4

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is 'successful' but there is a requirement for investment *"to meet existing customer demands and enable the site to compete with its competitors"*.

Based upon the information supplied by the applicant we do not consider that the case has been proven for a location-specific need associated with the extension. Whilst there is a natural and understandable desire to improve the retail offer of the garden centre, no particular trading difficulties or over-trading conditions are cited. There is also no evidence of the 'customer demands' highlighted by the Planning Design and Access Statement. Indeed, it would appear that the extension is proposed in order to allow separate concessions (possibly operated by separate businesses) to locate at the application site. Therefore, we have reached the view that the sequential test should proceed on the basis that sequentially preferable alternative sites should be considered in terms of their suitability and availability.

As noted above, there is also a need to demonstrate flexibility in terms of scale and format. Paragraphs 6.2.4 and 6.2.5 of the RIAST deal with the applicant's approach to flexibility and note that the search for alternative sites has proceeded on the basis of a reduced sales area of 1,000sq m, via the removal of the 'floating' Class A1 floorspace. However, the total additional sales area is listed elsewhere in the RIAST as 1,346sq m and the floating floorspace is 150sq m. In addition, the submitted application form indicates that the net additional area of the extension is 1,123sq m³.

Leaving these potential inconsistencies aside, it is to be welcomed that a smaller amount of sales area / gross floor area has been included in the assessment. However, we disagree with the applicant that the proposal should be classed as bulky goods floorspace. Many of the products listed in Section 3 of the RIAST are not bulky in nature and therefore it would be unreasonable to influence the assessment of alternatives on the basis of the need for a bulky goods type retail unit. To be fair to the applicant, this is not the approach stated in paragraph 6.2.5 of the RIAST although throughout the document it is suggested on a number of occasions that the garden centre is a bulky goods shopping destination, which is a mis-leading characterisation in our opinion.

In terms of the area of search for alternatives in the RIAST, the applicant has concentrated upon premises in Moreton-in-Marsh. The reasons for doing so are not stated in Section 6 of the RIAST, although paragraph 3.3.3 states:

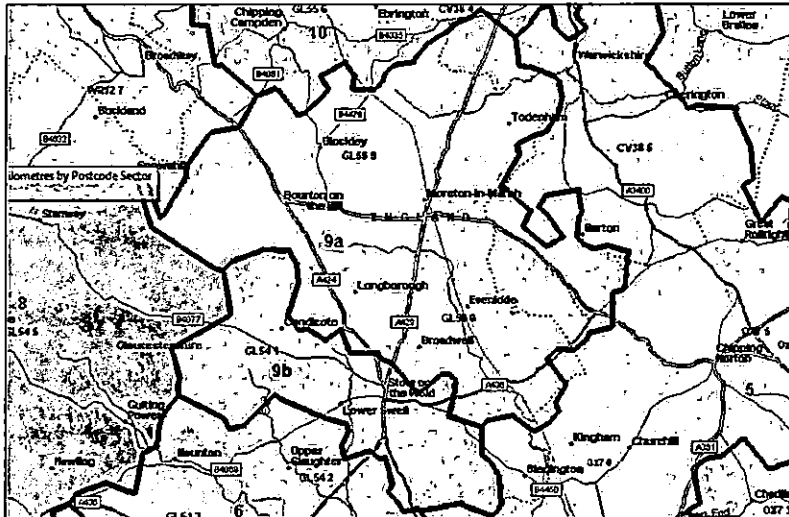
"for the purpose of this assessment, the nearest catchment areas identified as 9a and 9b in the Retail Study.....have been used. This represents the closest catchment area to the site and includes Moreton Town Centre".

We have queried whether this statement is suggesting that the catchment of the garden centre is just Zones 9a and 9b of the Cotswold Retail Study survey area. The July 2017 Briefing Note indicates that the primary catchment area comprises Zones 9a and 9b although the wider catchment will equate to a 30 minute drive time⁴. Figure A below shows the extent of Zones 9a and 9b, which cover Moreton-in-Marsh and Stow-on-the-Wold.

³ Although we appreciate that some of the sales of highlighted goods could be performed via the existing sales area in the garden centre.

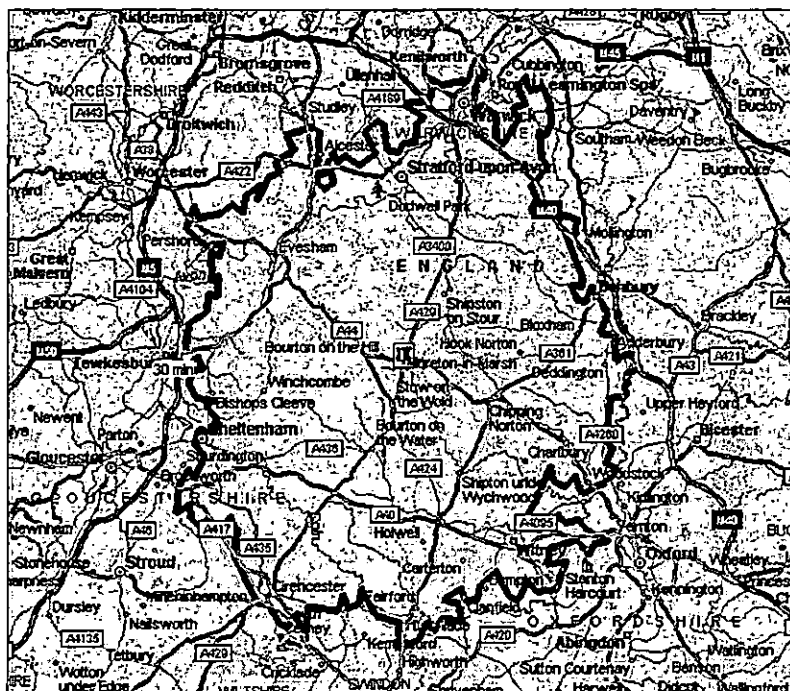
⁴ A principle which was, apparently, agreed with the District Council in the context of a previous planning application at the garden centre site.

Figure A: extract from 2016 Cotswold Retail Study survey area, showing Zones 9a and 9b



No information has been provided to explain what proportion of the garden centre's turnover comes from Zones 9a and 9b in order to corroborate the claim made by the July Briefing Note. Figure B below provides an indication of the 30 minute drive time catchment from the application site and it can be seen that, if the catchment extends beyond Stow and Moreton then other settlements may need to be included in the site assessment exercise. These include Bourton-on-the-Water and Chipping Norton.

Figure B: 30 minute drive time catchment from Fosseway Garden Centre



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In relation to the sites and premises which have been assessed by the applicant, we would agree with the conclusions of the RIAST that the available premises in Moreton-in-Marsh listed on pages 26 and 26 of that document are not genuinely suitable alternatives. However, when the recent supermarket proposals at Fossey 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, Fossey Avenue and Keble Road

We consider that they should be subject to re-assessment in the context of the current application and are views are outlined below:

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, Fossey 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 a couple of premises in Stow-on-the-Wold town centre and we would agree 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 floorspace. 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. This is considered to be a sensible approach and following some uncertainty as to the source of the data in Table 2 (page 22) of the RIAST, the July Briefing note provides additional data to show the relevant pre-impact turnover levels.

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The turnover of the proposed additional floorspace / 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 floorspace levels for each category outlined in Section 3 of the RIAST. It is noted that the 'floating' Class A1 floorspace, 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.

We did query the basis for the sales density figures within Table 1 of the RIAST, bearing in mind the data was apparently taken from the 2014 edition of Retail Rankings. However, the explanation provided in the July Briefing Note is considered to be reasonable and the list of example retailers in that note is also considered to be helpful.

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, we consider 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 foodstore 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/floorspace 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, we consider 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 to us, however, is that the amount of 'restricted' retail floorspace in Schedule B will grow significantly as part of this proposal, from 362sq m to 1,152sq m. In addition, pet supplies will rise from 5sq m to 155sq m. As a consequence, whilst it is reasonable for the RIAST to argue that all of the 362sq m of currently restricted space can be used for clothing or gift/craft sales⁵, the level of flexibility within the increased area (1,152sq m) would be substantially increased. Similarly, all of the 1,152sq 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

⁵ See paragraphs 5.3.1 and 5.4.1 of the RIAST

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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, we consider 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, we would recommend that refinements are made to Schedule B in revised Condition 5 and these are outlined below.

Conditions

Whilst the Council will reach its own conclusions on the compliance of the proposed development to the prevailing development plan and national planning policy test, we recommend that controls should be put in place to control the operation of the extended retail premises. In principle, this approach is accepted by the applicant, given its willingness to provide a proposed revised version of Condition No.5 on permission 12/03341/FUL.

However, whilst the general framework of the revised condition is accepted, there are a number of matters which require attention.

First, as outline above, there is a significant widening of the Schedule B restricted goods allowance. Whilst the current 362sq m allowance allows for the operator to change between, for example, food, gifts and clothing sales, a significant greater level of flexibility will occur if no restrictions are put in place for the proposed 1,152sq m in the revised condition. This is likely to lead to unacceptable impacts in terms of the effects on Moreton town centre. Therefore, we propose that floorspace allowances are placed next the ranges of restricted goods, with a particular emphasis on pets, food, crafts/gifts and clothing goods.

Second, whilst the existing version of Condition No. 5 makes reference to gifts, confectionary, gift foods, local garden and farm produce, the preciseness of these terms of questionable and would recommend a more straightforward reference to food and drink (to replace confectionary, gift foods, local garden and farm produce) and a clearer definition of the scope of 'gift' products.

Third, it would also be appropriate to place a maximum net sales area restriction upon the extended retail premises, particularly in relation to the indoor sales area. Fourth, whilst the applicant clearly wishes to accommodate concessions within the extended garden centre, it would be appropriate for the Council to consider removing the ability to physically sub-divide the extended garden centre building into separately functional retail units.

I trust that the contents of this letter provide you with the information and advice you require at the present time. However, if you have any queries, or require any additional information, then please do not hesitate to contact me.

Yours sincerely

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Director
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For and on behalf of GVA Grimley Limited

enc

Suggested Revised Condition 5

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 1,152 square metres as highlighted in blue on drawing XXX (We would need to prepare a revised plan to show area if this was considered to be the most appropriate approach)

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 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 XXX (We would need to prepare a revised plan to show area if this was considered to be the most appropriate approach)

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.

Martin Perks

From: Morris, Matthew (GVA) <Matthew.Morris@gva.co.uk>
Sent: 29 August 2017 16:14
To: Joseph Seymour
Subject: Re: Fosseway Garden Centre

Hi Joe

Yes, I think that with a suitably worded condition which controls the operation of the restricted goods and the physical area that they're sold from, it would be difficult to conclude that the proposal is likely to lead to a significant adverse impact on Moreton or any other town centre.

I'm not particularly convinced with the applicant's argument for just looking at Moreton for the sequential test but on balance I think that, with suitable conditions, it can be made acceptable.

Kind regards

Matt

On Tue, Aug 29, 2017 at 10:16 AM +0200, "Joseph Seymour" <joseph.seymour@cotswold.gov.uk> wrote:

Hi Matt,

Thank you for providing me with this.

So are you basically saying that I could recommend the application for approval providing the applicant agrees to the amended condition that you included in the appendix of your letter?

Joe

From: Morris, Matthew (GVA) [<mailto:Matthew.Morris@gva.co.uk>]
Sent: 25 August 2017 11:43
To: Joseph Seymour
Subject: Fosseway Garden Centre

Joe,

Please find attached our advice in relation to the current application at Fosseway Garden Centre.

Regards

Matt

Matthew Morris
Director

GVA

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St Catherine's Court, Berkeley Place, Bristol, BS8 1BQ



Briefing Note

Date: 5 February 2018

Title: Fosseway Garden Centre (16/05169/FUL)

This note has been prepared in response to potential changes to the emerging Local Plan as a result of modifications proposed by the Inspector in the current Local Plan Examinations.

In January 2018 the Inspector proposed the following modification to the Local Plan:

Moreton-in-Marsh Town Centre

'To reflect the physical and functional extent of the Moreton-in-Marsh town centre, and to ensure that policies EC7, EC8 and EC9 can be effectively implemented, the policies map ought to be amended to include the site of Warner's Budgen supermarket and car park.'

This comment is a material consideration but will be subject to upcoming public consultation prior to which it holds limited weight. This note therefore provides an impact assessment to accompany the original Retail Impact Assessment and its Addendum to allow the impact of the development to be considered with or without the policy change.

Table 1 of the Addendum submitted by RPS in July 2017 provided the cumulative impact of the new Aldi foodstore and the application on the viability and vitality of Moreton-In-Marsh Town Centre. Table 1 below provides an update to this, amending the convenience turnover of Moreton-In-Marsh to include Budgens within the town centre and thereby within the convenience goods turnover.

The estimated turnover for Budgens is taken from Table 5a of the Council's Retail Study 2016. The convenience turnover for Moreton-In-Marsh is increased to £7.7m (incorporating the town centre sub-total plus Budgens) and the out of centre convenience turnover is reduced by an equal amount of £3m.

Table 1 – Amended Cumulative Impact

Shopping Destination	Convenience Turnover		Comparison Turnover	Total Turnover	FGC Trade Diversion*			ALDI Trade Diversion**			Combined		
	£	%			£	Impact (%)	£	Impact (%)	£	Impact (%)	£	Impact (%)	
Cirencester town centre	£ 18,800,000	0.5	£ 89,900,000	£ 108,700,000	10	£ 544,200	0.5	0	0.0	£ 544,200	0.5	0.5	
Out of Centre	£ 69,200,000	0.6	£ 7,500,000	£ 96,700,000	19	£ 544,200	0.6	0	0.0	£ 544,200	0.6	0.6	
Bourton-on-the-Water	£ 400,000	4.4	£ 3,300,000	£ 3,700,000	3	£ 163,260	4.4	1	£ 98,000	2.6	£ 259,260	7.0	
Out of Centre	£ 5,000,000	4.4	£ 5,000,000	£ 5,000,000	4	£ 217,680	4.4	0	£ 0	0.0	£ 217,680	4.4	
Chipping Campden	£ 4,200,000	1.6	£ 2,700,000	£ 6,900,000	2	£ 108,840	1.6	0	£ 0	0.0	£ 108,840	1.6	
Moreton-In-Marsh	£ 7,700,000	2.6	£ 6,700,000	£ 14,400,000	7	£ 360,940	2.6	3	£ 288,000	2.0	£ 668,940	4.6	
Out of Centre	£ 9,570,000	2.8	£ 9,570,000	£ 9,570,000	5	£ 272,100	2.8	20	£ 1,920,000	20.1	£ 2,192,100	22.9	
Slunton-on-the-Wold	£ 1,800,000	4.1	£ 4,800,000	£ 6,600,000	5	£ 272,100	4.1	0	£ 0	0.0	£ 272,100	4.1	
Out of Centre	£ 16,200,000	1.6	£ 300,000	£ 16,500,000	5	£ 272,100	1.6	46	£ 4,416,000	26.6	£ 4,688,100	28.4	
Yebury	£ 800,000	3.2	£ 4,500,000	£ 5,300,000	3	£ 163,260	3.2	0	£ 0	0.0	£ 163,260	3.2	
Out of Centre	£ 9,600,000	2.2	£ 400,000	£ 10,000,000	4	£ 217,680	2.2	0	£ 0	0.0	£ 217,680	2.2	
Other Centres					2	£ 108,840		0	£ 0		£ 108,840		
Outside District					40	£ 176,800		30	£ 2,880,000		£ 5,056,800		
Total	£ 163,220,000		£ 119,500,000		100	£ 5,342,000		100	£ 9,800,000		£ 15,142,000		

* Figures taken from submitted RIA

** Figures taken from ALDI RIA

The table demonstrates that the proposed extension at Fosseway Garden Centre (FGC) would continue to have a negligible impact compared to that of the ALDI. The cumulative effect continues to reflect the singular effect of FGC which is that the majority of the trade will divert from out-of-centre or out-of-District locations. The

The logo for RPS, consisting of the letters 'RPS' in a white, bold, sans-serif font, centered within a solid black rounded rectangular background.

combined impact with the Aldi upon the nearest town centres would remain at 7% or lower and would therefore not be 'significantly adverse.' As with the previous Addendum the above table does not take into account the potential diversion of trade to the proposed extension from Aldi. The inclusion of this calculation would further reduce the level of diversion from Moreton-In-Marsh.

Paragraphs 5.5.1 and 5.5.2 of the Retail Impact Assessment continue to apply, whereby the calculations consider the entirety of Zones 9a and 9b including town centre and out-of-centre retail.

The argument remains that the proposed foodhall will not be a direct competitor to Budgens or other convenience stores within the town centre as it will continue to stock local and organic, speciality foods aimed at impulse or gift purchases, rather than everyday convenience shopping.

Overall, with or without Budgens included within the town centre boundary the proposal will not result in a significant impact on the vitality or viability of the town centre (or edge of centre) retailers.

This demonstrates that with or without the proposed modification to the Local Plan the development continues to be in accordance with the local development plan.

Martin Perks

From: Morris, Matthew (GVA) <Matthew.Morris@gva.co.uk>
Sent: 16 February 2018 08:13
To: Martin Perks
Subject: RE: Fosseway Garden Centre Moreton in Marsh 16/05169/FUL

Martin,

I've reviewed the 5th February 2018 Briefing Note from RPS on this application and would highlight the following:

- I note that RPS have transferred the £3m of convenience goods turnover for the Budgens to Moreton-in-Marsh shown in the 2016 Retail Study to the town centre turnover total. In principle a change is required in order in light of the Local Plan Inspector's proposed changes to the town centre boundary.
- However, we have a number of queries regarding the February 2018 analysis:
 - Despite the decision to re-assign £3m of convenience goods expenditure from out of centre locations to the town centre in light of the re-assignment of the Budgens, some £9.57m of convenience goods expenditure remains in out of centre locations in Moreton-in-Marsh. Please can the applicant explain this?
 - In addition, there does not appear to have been any consequential re-assignment of the trade diversion figures to the garden centre proposal and ALDI store in Moreton-in-Marsh. Please can the applicant explain this?

In light of the above, and pending clarifications from the applicant, I don't consider the 5th Feb briefing note to present a robust alternative analysis which takes into account the proposed change in the town centre boundary.

Regards

Matt

Matthew Morris
Director

GVA

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St Catherine's Court, Berkeley Place, Bristol

From: Martin Perks [mailto:martin.perks@cotswold.gov.uk]
Sent: 15 February 2018 11:49
To: Morris, Matthew (GVA)
Subject: RE: Fosseway Garden Centre Moreton in Marsh 16/05169/FUL

Matt,

Hope the EIP went ok.

Have you had chance to look at the RIA update yet? I am hoping to get this application to Committee in March.

regards

Briefing Note

Date: 22 February 2018

Title: Fosseway Garden Centre (16/05169/FUL)

This note has been prepared in response to a consultation response from GVA received on 16th February 2018.

In response to their queries and to demonstrate a clear and comprehensive assessment of the proposals impact, Table 1 shows the cumulative impact of the development as follows:

- 'Convenience Turnover' and 'Comparison Turnover' are taken from the Council's own Retail Assessment (2016) adjusted to include an additional £9.57m turnover for Aldi (taken from Table 9 of the Aldi Planning and Retail Assessment) and £3m of out of centre turnover (Budgens) is added to Moreton-in-Marsh Town Centre.
- The Aldi trade diversion calculations are based on figures within Table 10 and 11 of the Aldi RA and show the subsequent impact of Aldi's trade diversion.
- The 'Estimated Turnover 2018' provides the current estimated annual turnover following the opening of Aldi.
- The FGC trade diversion figures follow those justified by accompanying text within the RIA submitted with this application. The previously estimated 5% trade diversion from out of centre stores (i.e. Aldi and Budgens) has been split 4% Aldi:1% Budgens to reflect the ration of the store turnovers. The 1% relating to Budgens has been added to the Town Centre diversion.
- The subsequent impact of FGC on Moreton-in-Marsh Town Centre is 3.6%.

This clearly demonstrates that the development will have an insignificant impact on Moreton-in-Marsh Town Centre.

Table 1 – Amended Cumulative Impact

Shopping Destination	Convenience Turnover	Comparison Turnover	ALDI Trade Diversion**				Estimated Turnover 2018 FGC Trade Diversion*			
			Total Turnover	%	£	Impact (%)	£	%	£	Impact (%)
Girencester town centre	18,800,000	89,900,000	108,700,000	0	0	0	108,700,000	10	544,200	0.5
Out of Centre	89,200,000	7,500,000	96,700,000	0	0	0	96,700,000	10	544,200	0.6
Bourton-on-the-Water	400,000	3,300,000	3,700,000	1	96,000	2.6	3,604,000	3	163,260	4.5
Out of Centre	5,000,000	0	5,000,000	0	0	0	5,000,000	4	217,680	4.4
Chipping Campden	4,200,000	2,700,000	6,900,000	0	0	0	6,900,000	2	108,840	1.6
Moreton-in-Marsh	7,700,000	6,700,000	14,400,000	23	2,208,000	15.3	12,192,000	8	435,360	3.6
Aldi	9,570,000	0	9,570,000	0	0	0	9,570,000	4	217,680	2.3
Stow-on-the-Wold	1,800,000	4,800,000	6,600,000	0	0	0	6,600,000	5	272,100	4.1
Out of Centre	16,200,000	300,000	16,500,000	46	4,416,000	26.8	12,084,000	5	272,100	2.3
Tetbury	800,000	4,300,000	5,100,000	0	0	0	5,100,000	3	163,260	3.2
Out of Centre	9,600,000	400,000	10,000,000	0	0	0	10,000,000	4	217,680	2.2
Other Centres				0	0		0	2	108,840	
Outside District				30	2,880,000		0	40	2,176,800	
Total	163,270,000	119,900,000	283,170,000	100	9,600,000		273,570,000	100	5,442,000	
* Figures taken from submitted RIA			** Figures taken from ALDI RIA							



Our Ref:
Your Ref: 16/05169/FUL

5th March 2018

Martin Perks
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Dear Martin

Extension to Fosseway Garden Centre, Moreton-in-Marsh

I write, as requested, to provide supplementary advice to Cotswold District Council ('CDC') on retail planning policy issues in relation to the above planning application at Fosseway Garden Centre ('FGC'). Our previous advice is contained in a letter to CDC dated 25th August 2017 which concludes the following:

- The proposal meets the provisions of the sequential test;
- Whilst the applicant has offered some controls over the format of the extended retail premises, they would still allow for a large degree of flexibility and would lead to unacceptable impacts upon the health of Moreton-in-Marsh town centre;
- Therefore, our advice recommended more rigid controls over the format and range of goods to be sold from the extended store which would the impact of the proposal acceptable in policy terms.

Following the completion of our August 2017 advice, the Inspector presiding over the Cotswold Local Plan Examination has proposed that the Budgens retail store in Moreton-in-Marsh be included within the defined town centre boundary.

As a consequence of this proposed change there is a need to update the impact assessment supporting this proposed development on the basis that the previous assessment had assumed the Budgens store to be in an edge-of-centre location.

Following a request from CDC, the applicant has submitted further supplementary analysis contained within a 'Briefing Note' from RPS dated 5th February 2018. We reviewed the content of this note and indicated that it was likely to contain some errors in terms of the redistribution of turnover and trade diversion between in-centre and out-of-centre stores in Moreton-in-Marsh. As a consequence, a further Briefing Note (prepared by RPS and dated 22nd February 2018) has been submitted.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS.

Birmingham Bristol Cardiff Dublin
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Cotswold District Council
5th March 2018
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Tables A and B attached to this letter show the difference in solus and cumulative impact levels for in-centre and out-of-centre stores in Moreton-in-Marsh depending upon where the Budgens store is placed. The tables show that:

- Based upon the existing adopted development plan situation:
 - The solus impact of the FGC proposal was 3.4% rising to a cumulative impact of 5.9% when the new ALDI store was taken into account.
 - There was a large cumulative impact of 17.4% on stores outside of the town centre, primarily caused by the impact of ALDI on the Budgens store.
- Based on the proposed change to include the Budgens store in the defined town centre boundary:
 - The cumulative impact upon the town centre rises significantly from 5.9% in the previous scenario to 23.2% in the current situation. This is primarily due to the impact of the ALDI store on the turnover of Budgens now being included in the town centre impact.
 - There is a small rise in the solus impact of the FGC proposal on the town centre from 3.4% to 4.7%.

As a consequence of the above, it is clear that the individual (i.e. solus) impact of the FGC proposal does not change materially as a consequence of the proposed change in town centre boundary. The biggest change occurs as a result of the impact of ALDI on Budgens which has already been accepted by the District Council. As a consequence, the key issue here is whether the slightly increase in overall impact on the town centre as a result of the FGC proposal would lead to a situation whereby the 19.4% impact on the centre from ALDI was acceptable but the slightly higher 23.2% cumulative impact was not.

In our view, whilst the increase in % impact is relatively small, the FGC proposal will increase the pressure on the town centre including not only the Budgens store but other retailers too. Therefore, we remain of the view that a revised Condition No.5 is required in order to restrict the ranges of goods in Schedule B. Our advice on this matter was contained in both the text of our August 2017 advice and the attached draft condition and we recommend that the impact of the proposed development is only likely to be acceptable if:

- Specific floorspace amounts are placed next to the individual product categories in Schedule B; and
- The terms confectionery, gift foods, local garden and farm produce are replaced with the term food and drink and given its own maximum floorspace amount.

Whilst, in principle, food and drink uses could be sold from all of the 362sq m within the current version of Schedule B that would to the exclusion of other restricted goods such as clothing and gifts. Therefore, in the absence of a measured survey of the extent of the existing product ranges in Schedule B, and bearing in mind that this can change over time in any event, we have suggested some maximums for the Schedule B categories based upon (A) the existing floorspace being shared across the existing categories, and (B) the additional amounts stated in paragraph 3.2.2 of the applicant's Retail Impact Assessment and Sequential Test¹.

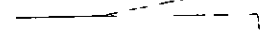
¹ It will be noted that the aggregate size of the floorspace amounts quoted on the attached schedule is greater than the total restricted floorspace. This is to allow some flexibility between the product ranges, as per the existing situation, whilst controlling the potential harmful impacts of the sale of these ranges of goods

Cotswold District Council
5th March 2018
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Therefore, overall, the proposed change in the extent of the town centre boundary does increase the likely negative impact upon the financial performance of Moreton-in-Marsh town centre although in reality the key issues set out in our August 2017 advice remain salient. In particular, stronger controls over the range of goods to be sold via Schedule B of revised Condition No.5 are required in order to make an unacceptable proposal acceptable in terms of its impact upon the health of Moreton-in-Marsh town centre.

I trust that the contents of this supplementary advice are sufficient for your current purposes. However, if you have any queries, or require any additional information, then please do not hesitate to contact me.

Yours sincerely


Matthew S Morris
Director
0117 9885334
matthew.morris@gva.co.uk
For and on behalf of GVA Grimley Limited

enc

TABLE A: SOLUS AND CUMULATIVE IMPACTS - ASSUMING BUDGENS STORE IS OUTSIDE OF THE DEFINED TOWN CENTRE

	Pre-Impact Turnover (£m)	ALDI Diversion (£m)	Residual Turnover (£m)	ALDI Impact (%)	FGC Diversion (£m)	Residual Turnover (£m)	Solus Impact of FGC (%)	Cumulative Impact (%)
Town Centre	£11.40	£0.29	£11.11	-2.53%	£0.38	£10.73	-3.43%	-5.87%
Outside Town Centre	£12.57	£1.92	£10.65	-15.27%	£0.27	£10.38	-2.55%	-17.44%

TABLE B: SOLUS AND CUMULATIVE IMPACTS - ASSUMING BUDGENS STORE IS INSIDE OF THE DEFINED TOWN CENTRE

	Pre-Impact Turnover (£m)	ALDI Diversion (£m)	Residual Turnover (£m)	ALDI Impact (%)	FGC Diversion (£m)	Residual Turnover (£m)	Solus Impact of FGC (%)	Cumulative Impact (%)
Town Centre	£11.40	£2.21	£9.19	-19.37%	£0.44	£8.76	-4.74%	-23.19%
Outside Town Centre	£12.57	£0.00	£12.57	0.00%	£0.22	£12.35	-1.73%	-1.73%

Notes:

pre-impact and trade diversion data taken from 6th July 2017 and 22nd February 2018 RPS Briefing Note documents.

Suggested Revised Condition 5

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 1,152 square metres as highlighted in blue on drawing XXX (We would need to prepare a revised plan to show area if this was considered to be the most appropriate approach) with the maximum floor areas for each product category shown below

1. Gifts – 250sq m
2. Non gardening books – 100sq m
3. Home & kitchen accessories – 100sq m
4. Art, prints & frames – 150sq m
5. Non garden clothing -250sq m
6. Food and drink – 290sq m
8. Country sports equipment – 150sq m
9. Greetings cards and wrap - 100sq m

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 XXX (We would need to prepare a revised plan to show area if this was considered to be the most appropriate approach)

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

Final

November 2017

60526934

Prepared for:

Pleydell Smithyman

***Transport
Statement***

Revision Record

<i>Rev</i>	<i>Date</i>	<i>Details</i>	<i>Prepared By</i>	<i>Reviewed By</i>	<i>Approved By</i>
00	Nov 17	Draft	A Draper	D Godfrey	C Posford
01	Nov 17	Final	A Draper	D Godfrey	C Posford

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Appendices

Appendix A – Site Plans

Appendix B – Trip Generation Analysis

Limitations

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The conclusions and recommendations contained in this Report are based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from whom it has been requested and that such information is accurate. Information obtained by AECOM has not been independently verified by AECOM, unless otherwise stated in the Report.

The methodology adopted and the sources of information used by AECOM in providing its services are outlined in this Report. The work described in this Report was undertaken in **November 2017** and is based on the conditions encountered and the information available during the said period of time. The scope of this Report and the services are accordingly factually limited by these circumstances.

AECOM disclaim any undertaking or obligation to advise any person of any change in any matter affecting the Report, which may come or be brought to AECOMs' attention after the date of the Report.

Certain statements made in the Report that are not historical facts may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the Report, such forward-looking statements by their nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. AECOM specifically does not guarantee or warrant any estimate or projections contained in this Report.

Unless otherwise stated in this Report, the assessments made assume that the sites and facilities will continue to be used for their current purpose without significant changes.

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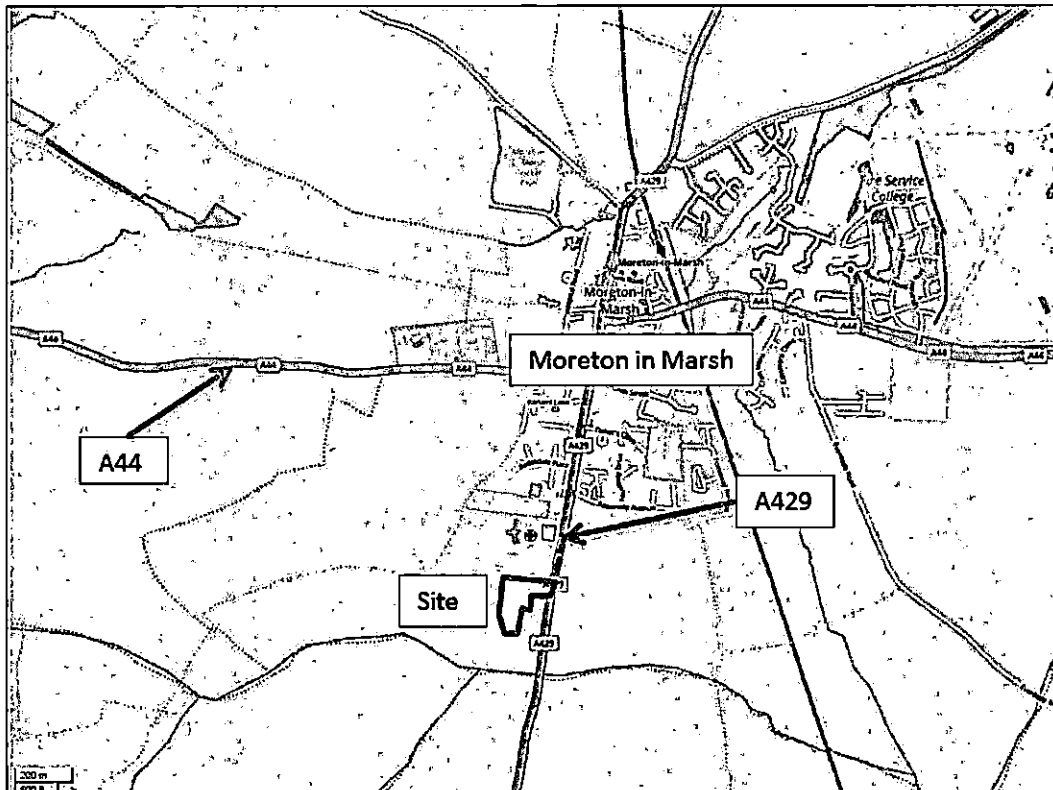
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1 Introduction

1.1 Background to Scheme

This Transport Statement (TS) has been prepared to support a planning application for a proposed site extension at the Fosseway Garden Centre near Moreton in Marsh, Gloucestershire. Figure 1.1 identifies the site location, with full site plan details given in Appendix A.

Figure 1.1: Site Location



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This Transport Statement (TS) focuses on matters of highway capacity and road safety. It concludes that there are no highway-related reasons to refuse the proposed development.

1.2 Methodology

The National Planning Policy Framework (NPPF, March 2012) states that *“all developments that generate significant amounts of movement should be supported by a TS or Transport Assessment (TA).”*

The online National Planning Practice Guidance (NPPG) portal states that: *“local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).”*

A planning application for the extension of the site at Fosseway Garden Centre was recently submitted to Gloucestershire County Council and the Local Highways Authority has stated that a transport statement is required to assess the transport implications of the proposal.

Although now withdrawn, most highway authorities continue to use the Guidance on Transport Assessment (GTA, Department for Transport (DfT), 2007) to establish the development thresholds

that trigger a TA and / or TS. The GTA does not provide specific advice with regards to the threshold for when a formal transport assessment / statement is required for a garden centre. Notwithstanding this, traffic survey data has been obtained to identify the impact of the development on the highway network. In addition, road safety data has been assessed to identify the collision record in the vicinity of the site. This data is described in the appropriate sections later in this report.

1.3 National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and provides a framework to develop localised planning strategies. Paragraphs 29 to 41 set out the Government's development planning policies with respect to transport. These paragraphs focus on, and emphasise, the promotion of sustainable transport. NPPF states that plans and decisions should take account of whether:

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

The key policy test in the NPPF, therefore, is that transport impacts are not 'severe'. This is confirmed by the NPPG portal which states that:

"Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be "severe", which may be a reason for refusal, in accordance with the National Planning Policy Framework."

2 Base Conditions

2.1 Overview

The purpose of this section is to describe the transport conditions which currently exist in the vicinity of the site. It details the traffic survey data obtained to inform the analysis later in this report, and considers matters of road safety.

2.2 Local Highway Network

Fosseway garden centre is located off the A429 (Stow Road). This is a single carriageway, two-way route with a 30mph speed limit. To the north of the garden centre (0.9km), the A429 meets the A44 (Bourton Road) at a 4 arm mini roundabout junction. To the South, the A429 (Stow Road) meets the A424 (Evesham Road) at a signalised T-junction.

Current vehicular access to the garden centre is obtained via a simple 'give way' junction onto A429 (Stow Road). The access road is located 160m south of the access to North Cotswolds Hospital.

2.3 Existing Operation

The Fosseway Garden Centre is the site of garden-related retail (including home and gifts), and a café.

Garden centres are seasonal attractors of trips. The requirement for a TS was identified, however, following submission of the planning application for this development. Since this TS has been prepared out of peak-season the *Trip Rate Information Computer System* (TRICS¹) has been used to identify the potential trip generation that a site of this type could generate on the local highway network. Table 2.1 sets out the trip generation potential of the existing site, based on an existing indoor floor area of 2,034m².

Table 2.1: Trip Generation of Garden Centres – TRICS Database

Rate Basis	AM Peak Hour (0800–0900hrs)		PM Peak Hour (1700–1800hrs)		Weekend (1400–1500hrs)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Per 100m ²	0.228	0.147	0.159	0.388	1.179	1.315
2,034m ²	5	3	3	8	24	27

It is noted that the sample sizes used in determining the trip rates in Table 2.1 are small. For the weekday, only one site was identified and, for the weekend, five sites were identified. However, the current garden centre's opening hours are Monday to Saturday 9am to 5.30pm, and Sunday 10am to 4pm. As such, it could be reasonably expected that trips – particularly in the AM peak hour – would be small.

Notwithstanding this, additional data has been obtained from a much larger garden centre operation based on three surveys of flagship stores. This data is summarised in Table 2.2, but is not directly comparable to 2.1 since it also considers outdoor plant sales areas. Total indoor and outdoor retail space at the Fosseway Garden Centre totals 4,566m².

¹ TRICS is a database of traffic surveys for various land-use types across the United Kingdom. It is used to estimate the potential for new development to generate vehicular traffic, using actual data from similar sites. The DfT recommend it for this purpose.

Table 2.2: Trip Generation of Large Retail Garden Centres (from Dobbies TA)

Rate Basis	AM Peak Hour (0800 – 0900hrs)		PM Peak Hour (1700 – 1800hrs)		Weekend (1400 – 1500hrs)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Per 100m ²	0.243	0.106	0.299	0.447	1.662	3.357
4,566m ²	11	5	14	20	76	153

The actual trip generation of the Fosseway Garden Centre is likely to fall between the values provided in Tables 2.1 and 2.2.

Notwithstanding the small sample sizes and differences in the weekend trip generation, the trip generation data shows that garden centres are generally not a 'standard peak hour' generators of traffic. During the weekday, peak times are between 1100 – 1200hrs, and 1400 – 1500hrs, and on a weekend (Saturday / Sunday) peak flows are likely to occur between 1400 – 1500hrs.

Full trip generation information is provided in Appendix B.

2.4 Traffic Surveys

To identify the volume of traffic using Stow Road as it passes the Fosseway Garden Centre, traffic data was obtained from Gloucestershire County Council between the 1st and 30th June 2017. Traffic surveys are usually conducted in March, April, May, September and October (outside of school holidays) to avoid seasonal impacts.

The location of the traffic survey is shown in Figure 2.1.

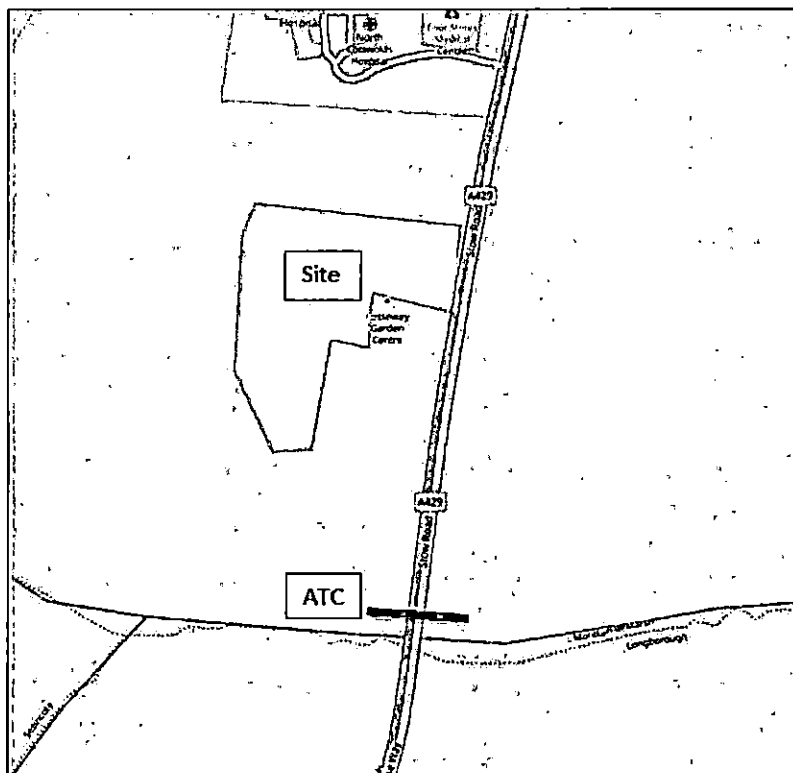
Figure 2.1: Location of the Traffic Count

Image Source: © OpenStreetMap contributors, 2017.

The ATC identified an average two-way traffic flow of 842 vehicles in the average weekday AM peak hour (08:00-09:00), and 984 vehicles in the average weekday PM peak hour (17:00-18:00). The northbound, southbound and two-way traffic count data is summarised in Table 2.3, with weekend data summarised in Table 2.4.

Table 2.3: Weekday AM and PM traffic counts

Northbound		Southbound		Two-Way	
AM (0800-0900)	PM (1700-1800)	AM (0800-0900)	PM (1700-1800)	AM (0800-0900)	PM (1700-1800)
443	484	399	500	842	984

Table 2.4: Weekend average traffic counts 1400-1500hrs

Northbound	Southbound	Two-Way
437	407	844

The ATC also recorded the 7-day (24 hour) traffic counts as well as the 12 hour weekday average counts north and southbound along Stow Road. This data is summarised in Table 2.5.

Table 2.5: 7 day 24 hour and 12 hour weekday counts

Count	Northbound	Southbound	Two-Way
7 day, 24 hour Average	5,875	5,728	11,603
12 hour, weekday Average	5,102	4,989	10,091

The Design Manual for Roads and Bridge (DMRB) states that a new rural road similar to Stow Road should be considered for traffic flows up to 13,000 AADT (Source: DMRB TA 46/97). The comparative figure from the ATC survey is 11,603 vehicles. In addition, the DMRB states that a similar type of road should be able to accommodate ~1,300 vehicles in any one direction in any hour (Source: DMRB TA79/99). The comparative figure from the ATC survey is 467 vehicles.

2.5 Sustainable Transport

Cycling: There are no dedicated cycle paths within the vicinity of the site. The nearest routes are the National Cycle Route 48 (which travels through Moreton in Marsh), which lies just over 1km to the north of Fosseway Garden Centre. The National Cycle Route 48 section that passes Moreton runs between Stow on the Wild and Southam. National Cycle Route 442 also passes through Moreton, using part of route 48 and this section runs between Honeybourne and Long Hanborough.

Walking: There are no pavements running along the A429 (Stow Road) or along the access road. The nearest pedestrian infrastructure is available 220m to the north of the garden centre, opposite the entrance to the North Cotswolds Hospital. Whilst there is no footpath along the A429, and therefore no pedestrian access directly to the site, garden centres are not generally the kind of facility that people walk to due to the bulky nature of goods for sale. Also, due to the nature of the business in that they need a large site with a lot of open space for outdoor sales, garden centres are generally found outside of town centres where there is no direct pedestrian access. This site is not unique in this sense.

Bus: There is a bus stop on the A429, opposite the hospital where the pedestrian access point is located. This bus stop lies 230m to the north of the Garden Centre. There are also additional bus stops within Moreton (see Figure 2.2). The community hospital bus stops are served by the number 801 which connects Moreton with Cheltenham. A summary of the bus service is provided in Table 2.6. The bus service is relatively limited with only one bus passing the garden centre every one/two hours. There is also no bus service on a Sunday.

Figure 2.2: Bus stops near to Fosseway Garden Centre

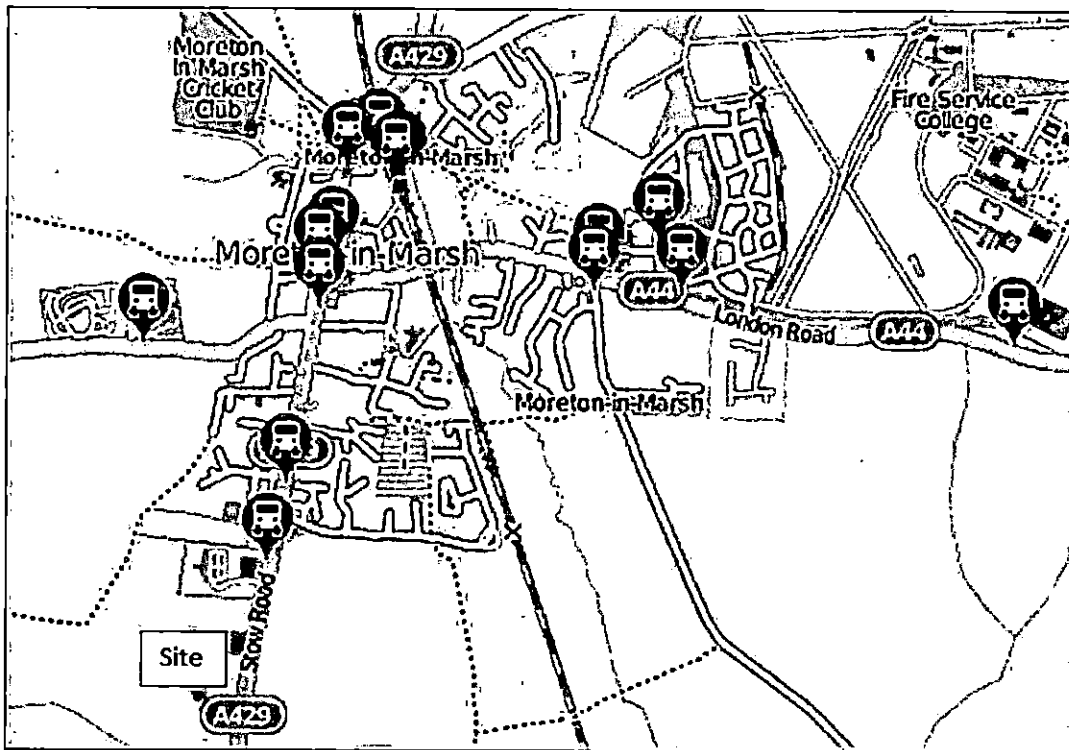


Image source: Gloucestershire County Council

Table 2.6: Bus information

Bus Number	Provider	Route	Weekday	Saturday	Sunday
801	Pulham & Sons	Moreton in Marsh - Cheltenham	Roughly every 1.5 hours. First: 0701. Last: 2001	Roughly every 1.5 hours. First: 0701. Last: 2001	No Service

2.6 Road Safety

Road safety collision statistics have been obtained from the DfT via their CrashMap database from 01/01/2012 to 31/12/2016. Five years of collision data is deemed sufficient to assess the performance of the road network near to the proposed site.

The data obtained relates to those collisions that resulted in a personal injury and which were reported to the police. This data (known as STATS19 statistics) is generally recognised to be the most complete record of road collisions occurring on the local highway network. For the avoidance of doubt, and as is normal practice, they do not include statistics from collisions resulting in “damage-only” to vehicles, or which were not reported to the police.

Each collision resulting in a personal injury is classed as either ‘slight’, ‘serious’ or ‘fatal’ by the police depending on the most serious injury resulting from the collision (i.e. a collision resulting in two ‘slight’ injuries and one ‘serious’ injury would be classified as a ‘serious’ collision). Collisions classified as ‘serious’ generally involve injuries requiring hospital treatment, such as a broken bone. Fatal collisions are those in which a casualty dies within 30 days of the collision occurring.

The collision data shows that there have been no collisions at the existing garden centre access or within the immediate vicinity of the site. There have been 2 collisions classed as slight, 700m south of the site on the A429. A further two collisions occurred on the A429, 700m north of the site, one classified as slight and one as serious.

2.7 Summary

The Fosseway Garden Centre has an existing access off the A429 (Stow Road), a single carriageway two-way route. There have been no road traffic collisions associated with the junction of the A429 and Fosseway Garden Centre.

Trip generation calculations show that the garden centre is not a large contributor to weekday AM or PM peak traffic, and traffic counts indicate the local highway network is not carrying large volumes of traffic.

3 Development Proposals and Highway Impact

3.1 Overview

The purpose of this section is to detail the expected impact of the proposed scheme on the highway network.

3.2 Development Proposal

A planning application has recently been submitted for the following extension to the site at Fosseway Garden Centre:

- Extension of garden centre shop;
- New Play Barn area;
- New events area;
- Extension of external uncovered and covered areas; and
- Increased car parking spaces.

In total, a further 1,123m² of internal space and 972m² of external space is proposed for development as well as an additional 52 car parking spaces.

Table 3.1: Changes to Fosseway Garden Centre

Component	Existing (m ²)	Proposed (m ²)
Garden Centre Shop (internal sales)	2,034	3,157
Play barn	0	569
Events area	0	79
External uncovered	1,614	2,047
External covered	918	1,457
Car parking	181 spaces	233 spaces
Cycle parking	8 spaces	8 spaces

3.3 Development Trip Generation

The changes in trips that could be expected from the above changes in floor space are described in Table 3.2.

Table 3.2: Potential Additional Trip Generation at Fosseway Garden Centre.

Rate Basis	AM Peak Hour (0800 – 0900hrs)		PM Peak Hour (1700 – 1800hrs)		Weekend (1400 – 1500hrs)	
	Arri	Depe	Arri	Depe	Arri	Depe
TRICS (1,123m ²)	3	2	2	4	13	15
Dobbies (2,095m ²)	5	2	6	9	35	70

The potential changes in trips in the AM and PM peak hours are likely to be marginal. Increases in two-way traffic flows during the weekend peak are likely to be between 28 and 105 two-way trips (using the TRICS and Dobbies data, respectively).

3.4 Highway Impact

The changes in traffic flow shown in Table 3.2 demonstrate that there should be no significant negative highway capacity impact on the A429 (Stow Road) as a result of the site extension at Fosseway Garden Centre. In the AM peak hour, there would be a maximum increase of 0.8% and in the PM peak the maximum increase in traffic flow would be 1.5%. The change during the weekend peak hour would be 12.4%.

3.5 Environmental Impact

The Institute for Environmental Assessment (IEA) Guidelines for the Environmental Assessment of Road Traffic can be used to judge in broad terms the environmental impact of the development in terms of its traffic impact.

The purpose of the Guidelines is to provide the basis for a systematic, consistent and comprehensive coverage for the appraisal of traffic impacts for a variety of development projects. In terms of general environmental assessment, the guidelines were effectively superseded by the Guidelines for Environmental Impact Assessment but they still provide a useful rule of thumb since the focus of the IEA guidelines is on assessment thresholds relating to traffic impact and not on assessment methodologies for specific types of environmental assessment.

The impacts considered by the IEA Guidelines include; noise, vibration, visual effects, severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation, accidents and safety, hazardous loads, air pollution, dust and dirt, ecological effects, and impact on heritage and conservation areas.

As a guideline, the IEA suggest that highway links (i.e. roads) should be separately assessed when:

Rule 1: Include highway links where traffic flows will increase by more than 30% (or the number of HGVs will increase by more than 30%)

Rule 2: Include any other specifically sensitive areas where traffic flows have increased by 10% or more.

The IEA Guidelines go on to state that:

"At a basic level, it should...be assumed that projected changes in traffic of less than 10% create no discernible environmental impact," and that;

"Previous research has indicated that the most discernible environmental impacts of traffic are noise, severance, pedestrian delay and intimidation," and that;

"Other environmental impacts are less sensitive to traffic flow changes, and it is recommended that, as a starting point, a 30% change in traffic flow represents a reasonable threshold for including a highway link within the assessment".

The change in traffic volumes associated with the development is unlikely to trigger any environmental impacts associated with increased traffic volumes.

3.6 Road Safety Impact

As road collisions also vary with respect to traffic flow, there should also be only a marginal impact on the road safety record of the local network.

4 Conclusions and Summary

It is proposed to make a site expansion at Fosseway Garden Centre including the creation of an additional retail space and the addition of a further 52 car parking spaces. A planning application has recently been submitted to GCC, at which point a Transport Statement was requested to accompany the application.

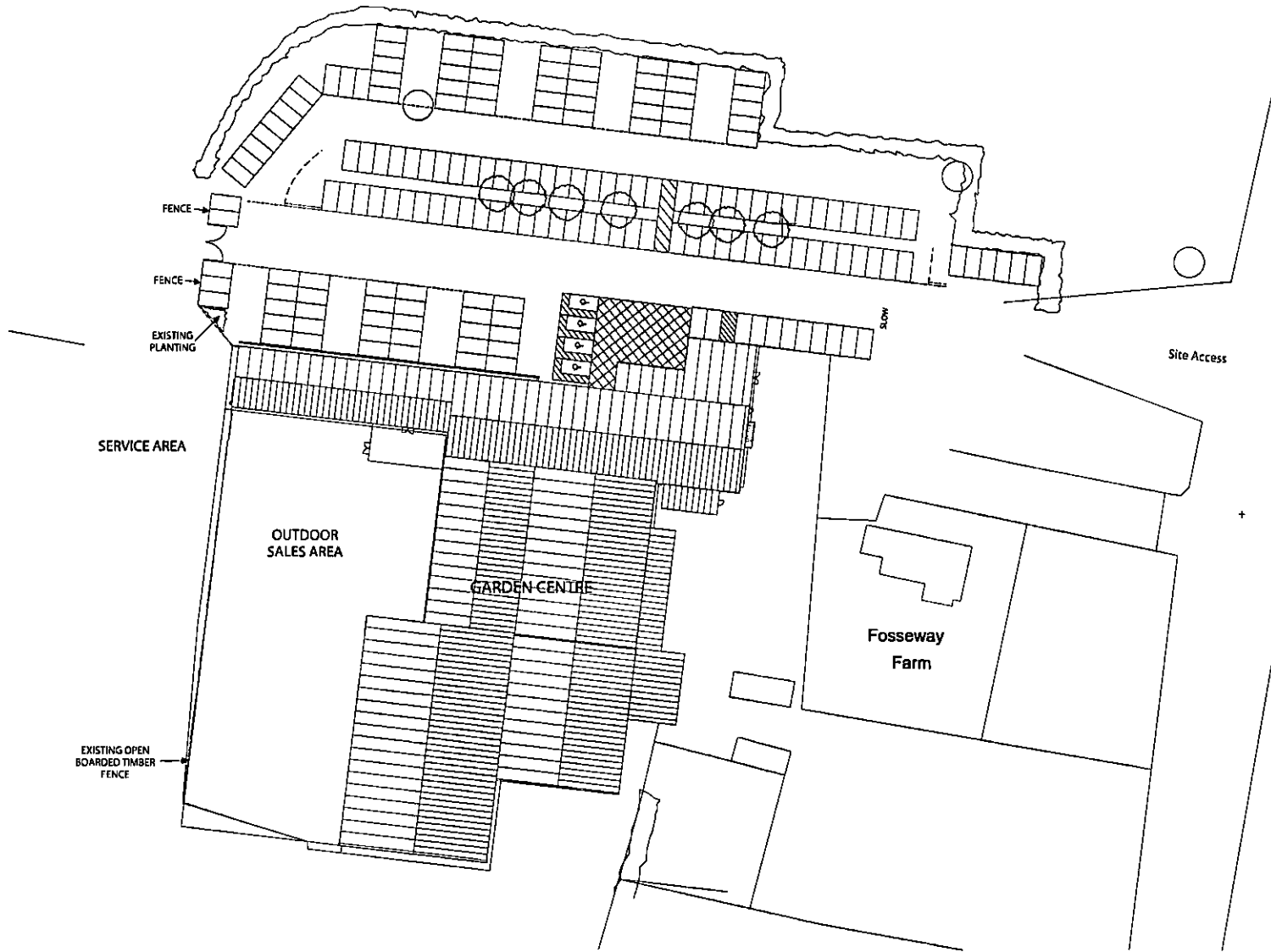
The extension to the Garden Centre is expected to see a marginal increase in trips on the network, but these would mainly occur outside the weekday AM and PM peak hours. Subsequently, there would only be a small impact upon the A429 (Stow Road) and the wider road network, thus the impacts of development would not be considered 'severe' (as per NPPF policy).

As such, there are no highway-related reasons to refuse the proposed development.

Appendix A

Site Plan

FOSSEWAY GARDEN CENTRE



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Existing Site Plan



Legend

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

PleydellSmithyman

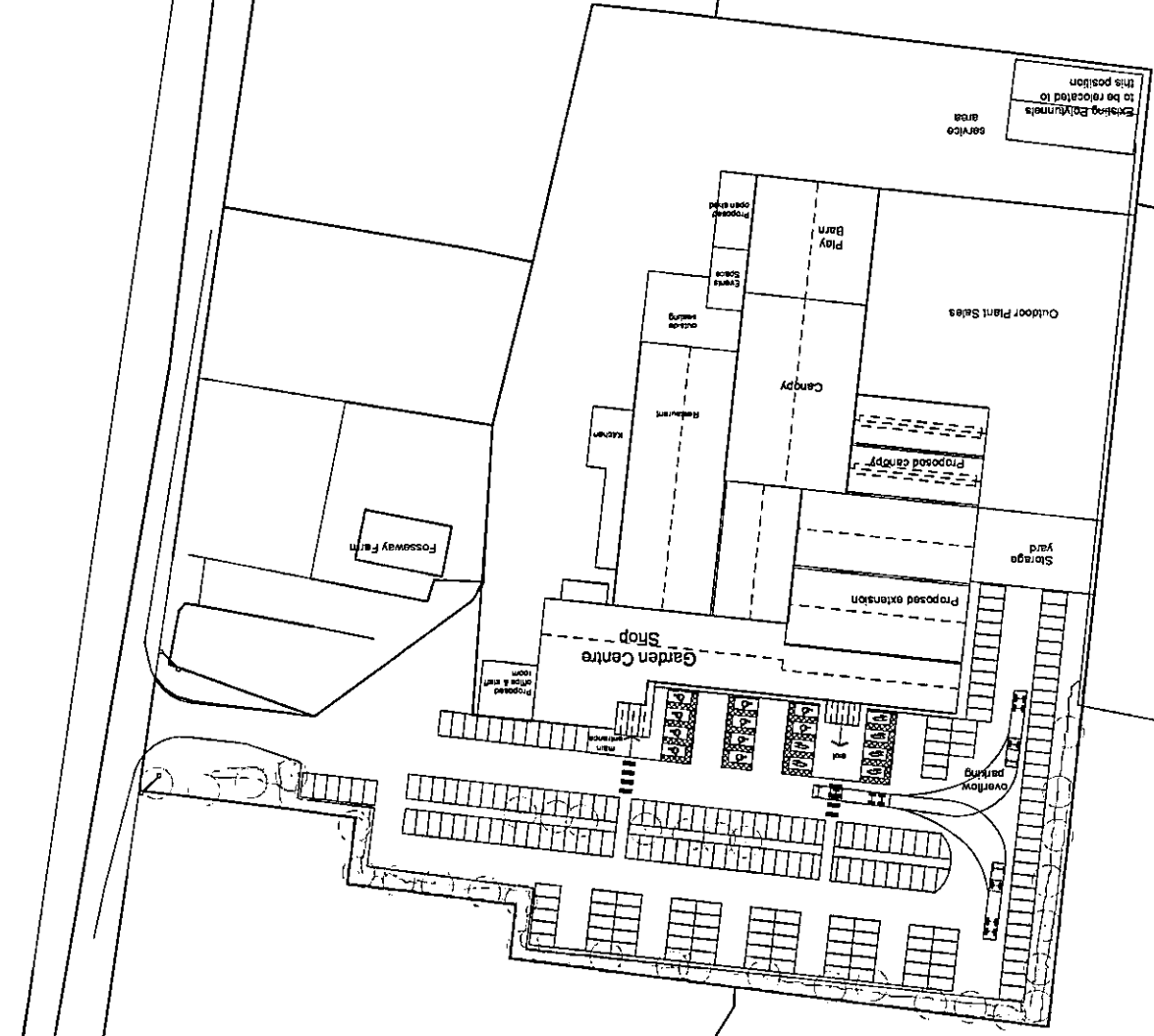
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WEBSITE: www.pleydellsmithyman.co.uk

Site Layout Plan



Fosseway Garden Centre

Rev/No	Date	Notes
C	07/12/16	Modified site boundary
B	05/12/16	Additional acc. parking & signed bearing signs
A	01/12/16	Revised site boundary

DRAWING TITLE	
PROJECT	Fosseway Garden Centre
CLIENT	Mt T Gordon
DATE	Nov 2016 1500 @ A1
DRAWN	CUCSD
CHECKED	MS
DATE	11/02/16
SCALE	AS SHOWN



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PLANNING
Fosseway Garden Centre

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Appendix B
Trip Generation

TRUCK 7.3.3
Trip Rate Parameter:

TRIP RATE FOR LAND USE 01 - RETAIL/H - GARDEN CENTRE
Calculation Factor: 100 Jam
Count Type: VEHICLES

Cross Floor Area

Time Range	No. Days	Avg. GFA	ARRIVALS Rate	No. Days	Avg. GFA	DEPARTURES Rate	No. Days	Avg. GFA	TOTALS Rate	Avg. GFA
06:00-07:00	1	23465	0.034	1	23465	0	1	23465	0.034	
07:00-08:00	3	10155	0.151	3	10155	0.049	3	10155	0.2	
08:00-09:00	6	6489	0.229	6	6489	0.233	6	6489	0.461	
09:00-10:00	6	6489	0.229	6	6489	0.233	6	6489	1.641	
10:00-11:00	6	6489	0.229	6	6489	0.233	6	6489	1.307	
11:00-12:00	6	6489	0.229	6	6489	0.233	6	6489	1.502	
12:00-13:00	6	6489	0.229	6	6489	0.233	6	6489	1.367	
13:00-14:00	6	6489	0.229	6	6489	0.233	6	6489	1.59	
14:00-15:00	6	6489	0.229	6	6489	0.233	6	6489	1.59	
15:00-16:00	6	6489	0.229	6	6489	0.233	6	6489	1.304	
16:00-17:00	5	7007	0.131	5	7007	0.288	5	7007	0.419	
17:00-18:00	3	9345	0	3	9345	0.054	3	9345	0.054	
18:00-19:00										
19:00-20:00										
20:00-21:00										
21:00-22:00										
22:00-23:00										
23:00-24:00										
Day Trip Rate:			5.116			5.121			10.237	

TRUCK 7.3.3
Trip Rate Floor Area

TRIP RATE FOR LAND USE 01 - RETAIL/H - GARDEN CENTRE
Ranking Type: TOTALS Time Range: 08:00-09:00
RSM/5th Percentile Survey Not Highlighted

08:00-09:00

Rank	Site Ref	Description/Town/City	GFA	Day	Arrivals	Departure/Totals	Average	Percentile
1	GM-01-H-G	GARDEN C BOLTON	1900	Saturday	0.25	0.188	0.438	
2	GM-01-H-G	GARDEN C NORTHAM	23465	Saturday	0.275	0.051	0.26	
3	CH-01-H-G	GARDEN C CHESTER	2400	Saturday	0.019	0	0.019	
4	GM-01-H-G	GARDEN C BOLTON	1600	Saturday	0.25	0.188	0.438	
5	GM-01-H-G	GARDEN C NORTHAM	23465	Saturday	0.019	0	0.019	
6	CH-01-H-G	GARDEN C CHESTER	5400	Saturday	0.019	0	0.019	
Average					0.148	0.07967		
Percentile					0.2275	0.1469		

TRUCK 7.3.3
Trip Rate Pa. Cross Floor Area

TRIP RATE FOR LAND USE 01 - RETAIL/H - GARDEN CENTRE
Ranking Type: TOTALS Time Range: 17:00-18:00
RSM/5th Percentile Survey Not Highlighted

17:00-18:00

Rank	Site Ref	Description/Town/City	GFA	Day	Arrivals	Departure/Totals	Average	Percentile
1	GM-01-H-G	GARDEN C EDINBURGH	1900	Sunday	0.156	0.162	0.318	
2	GM-01-H-G	GARDEN C EDINBURGH	23465	Sunday	0.156	0.162	0.318	
3	GM-01-H-G	GARDEN C EDINBURGH	1600	Sunday	0.156	0.162	0.318	
4	GM-01-H-G	GARDEN C BOLTON	5400	Sunday	0.053	0.053	0.106	
5	CH-01-H-G	GARDEN C CHESTER	5400	Sunday	0	0	0.019	
Average					0.2925	0.227		
Percentile					0.1593	0.3862		

24:00-15:00 Weekend

TRIP RATE FOR LAND USE 01 - RETAIL/H - GARDEN CENTRE
Ranking Type: TOTALS Time Range: 14:00-15:00
RSM/5th Percentile Survey Not Highlighted

24:00-15:00 Weekend

Rank	Site Ref	Description/Town/City	GFA	Day	Arrivals	Departure/Totals	Average	Percentile
1	GM-01-H-G	GARDEN C BOLTON	1600	Sunday	1.333	1.688	1.333	
2	GM-01-H-G	GARDEN C BOLTON	1600	Sunday	1.687	1.687	1.687	
3	GM-01-H-G	GARDEN C BOLTON	1600	Sunday	1.687	1.687	1.687	
4	GM-01-H-G	GARDEN C NORTHAM	23465	Sunday	0.776	0.891	1.667	
5	CH-01-H-G	GARDEN C CHESTER	5400	Sunday	0.278	0.315	0.693	
6	WM-01-H-G	GARDEN C BIRMINGHAM	3900	Sunday	0.205	0.179	0.384	
Average					0.7922	0.828		
Percentile					1.1985	1.3154		

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The Planning & Development Manager
Cotswold District Council,
Council Offices,
Trinity Road,
Cirencester,
Gloucestershire,
GL7 1PX
FTAO Mr J. Seymour

Your Ref.: 16/05169/FUL
Our Ref.: APA/WARNERR/11/1144

12 April 2017

By email and post

Dear Sir

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. Fosseyway Garden centre, Stow Road, Moreton-in-Marsh, Gloucestershire

We write on behalf of our Client, Warner's Retail Limited, trading as Warner's Budgens ('the Objector') to **OBJECT** to the above planning application. The Company operates the largest retail store in Moreton-in-Marsh, which effectively anchors the Town Centre commercially and accommodates a significant number of shared visits to the Store and the rest of the Centre, a phenomenon which has increased since the Town's Sub-Post Office has been relocated to the Store.

As a retailer, the Objector is strongly committed to town-centre trading and all its stores across its franchise area are located in or on the edge of designated town centres. The Company, with the active support of the local community, has sought over recent years to protect Moreton-in-Marsh Town Centre from the economic deprecations of inappropriate and damaging large-scale out-of-centre and out-off-town retailing. It continues to campaign against development that threatens the vitality, viability and competitiveness of town centres such as that of Moreton and to maintain it as the vibrant functioning heart of the community. In particular the Company has sought to challenge spurious arguments based on the alleged 'leakage' of trade to nearby centres and the purported need for greater choice and competition which is once more being peddled in this case.

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Park Lane, Basford, Nottingham NG6 0DW
T: 0115 852 8050
E: office@aspburyplanning.co.uk
www.aspburyplanning.co.uk

Aspbury Planning Ltd
Registered in England No. 12541266 000012
VAT Registration No. 2513 1271 34
Registered Office: 28 Park Lane, Basford, Nottingham
Leicestershire, Leicestershire NG6 0DW

RE: PA Ref.: 16/05169/FUL: Proposed development at Fosseyway Garden Centre, Stow Road, Moreton-in-Marsh, Gloucestershire.

It is deeply to be regretted that Cotswold District Council as Local Planning Authority has not demonstrated the same robustness and commitment to protecting Moreton-in-Marsh Town Centre in its recent decisions in respect of the Fosseyway Farm Site. However, there is every reason not to compound the harm to the Town Centre by allowing further inappropriate large scale out-of-town retail development as is proposed in this case.

The Applicant has 'form', having consistently sought a creeping commitment to more and more retail floorspace and a broader range goods sold in this open countryside location and the lax response of the authority, in failing to resist such development when permission has been sought (as the long planning history demonstrates) and to enforce effectively against breaches of planning control when it has not, has encouraged the Applicant in their adventurism and their desire to play fast and loose with the planning system.

In asserting the "need" for the development the 'Planning Design and Access Statement' (PD&AS) for the Application prays in aid difficult trading conditions and competition for the existing business from national multiple garden centre operators/retailers. This is a private commercial and not a 'public interest'. The commercial challenges facing garden centres, the purported customer expectations and the wish to diversify the retail offer are not a reason to allow further inappropriate large-scale retail development in an out-of-town location in the open countryside. That the Applicant business is faced with legitimate commercial competition to which it wishes to respond does not amount to a valid justification for flouting long-established local and national policy for town centres and appropriating an unfair competitive advantage over town centre businesses in Moreton and elsewhere.

In any event the contrived and spurious assertion of need in the PD&AS is contradicted by the commentary in the Retail Impact Assessment and Sequential Test (RIA&ST) describes the business on the Application Site as a "thriving facility". Moreover, the proposed new entrance and exit to the store is justified on page 14 of the PD&AS as being needed to "improve customer flow within the shop and avoid congestion around the entrance", which hardly suggests a struggling facility.

This so-called 'garden centre' is effectively already functioning as a free-standing 'department store' in the open countryside and as a retail destination in its own right which is drawing trade away from shops in Moreton. A further major increase (at least 1350 square metres [the size of a medium-sized supermarket/discount food store]) in the retail floorspace, including for the sale of food, will, cumulatively with the convenience floorspace both already committed and currently sought at the nearby Fosseyway Farm Site, severely adversely impact on the vitality and viability of Moreton Centre.

The 2012 planning permission (Your Ref.: 12/03341/FUL which granted permission to vary the sales restrictions imposed under the previous PPs 09/02242/FUL and 12/01719/FUL sought to define acceptable uses legitimately related to the overarching garden centre use and to draw something of a 'line in the sand' as regards products sold to prevent any further broadening of that product range and any increase in the floorspace devoted to the sale non-garden centre products, including those that are being more appropriately retailed in town centres, such as Moreton-in-Marsh. This ought to be the absolute limit in the admissible product range and strong objection is raised to the current attempt at further diversification.

RE: PA Ref.: 16/05169/FUL: Proposed development at Fosseyway Garden Centre, Stow Road, Moreton-in-Marsh, Gloucestershire.

Despite the exercise in creative writing represented by the PD&AS and the RIA&ST, which constitute a rather forlorn attempt to demonstrate compliance with the provisions of the development plan and policy in the Framework and stretch credibility of the arguments to breaking point, it is plain that the Application is at odds with the provisions of the development plan and policy in the Framework.

In this context the Objector expresses alarm that in pre-application discussions the case Officer, Mr Seymour is purported to have been "very supportive of the proposals, stating that the proposal is compliant with planning policy and would therefore be acceptable and planning policy would be forthcoming. Apart from being wrong so far as the planning policy position is in fact concerned, this attribution, if substantiated, appears to amount to prejudicial predetermination of the Application and a demonstrable absence of objectivity.

This is not simply the expansion of an existing rural business in accordance with Paragraph 28 of the Framework, but rather it is the significant expansion in amount and kind of a an out-of-town destination retail operation and is contrary therefore to Paragraphs 23 and 27 of the Framework. The Objector contends that the proposed development fails both sequential test under Paragraph 24 and the Impact Test under Paragraph 26 and is manifestly *contrary* to saved Policies 19, (clauses (d) and (e)) and 25 of the adopted Cotswold Local Plan and Policies EC3 and EC9 of the emerging Local Plan. So far as the latter are concerned, this development is clearly *not* appropriate to the rural area and is not small scale employment development. The Application Site is clearly not accessible and well-connected to Moreton Town Centre by transport modes other than the motor car and the mere fact that the Application proposes a substantial extension to an already large car park demonstrates its excessive reliance on the motor car for customer patronage.

The Application purports to secure improved garden centre facilities – "*to provide a more spacious retail experience for customers as well as providing the ability to extend the range of products for sale within the existing limits set by the previous planning consent*" , but the Objector contends that the additional retail space will be used, as previously, both to consolidate and further extend a range of products that are more appropriately sold in town centre stores, with or without compliance with previous planning permissions, whereupon, again as previously, ex post facto permission will be sort to regularise the sale of these products. It is simply not plausible that the additional floorspace and associated internal re-organisation is merely being sought, or is needed to sell greater volumes of the existing permitted product range or to bring products currently sold outdoors under cover. Thus, the whole emphasis of the proposal as described by the PD&AS is the need to "diversify" in the face of competition from "high street stores and supermarkets" and from the internet and to overcome the current "seasonal" dimension of the garden centre trade. This suggests very clearly a desire to significantly broaden the range, character and amount of good sold.

In reviewing the Cotswold Retail Study Update 2016 the RIA&ST highlights the alleged "leakage" of convenience (main food shopping trips) and comparison goods spending and the Objector considers it significant that the Impact Assessment itself does not focus exclusively on typical nursery/garden centre products, but considers a range of convenience and comparison goods such as foodstuffs, fashion (i.e. non-garden clothing), handbags, jewellery, craft and gift ware, domestic (non-garden) furniture etc. which are all town centre products. It is evident from the RIA&ST that the proposed development involves increased floorspace for all these products.

RE: PA Ref.: 16/05169/FUL: Proposed development at Fosseyway Garden Centre, Stow Road, Moreton-in-Marsh, Gloucestershire.

In this context we note that the Applicant's website and its downloadable catalogue give prominence to non-garden centre products, such as fashion items, including clothing, jewellery, handbags, giftware and domestic indoor (non-garden) furniture, as well as to services such as its restaurant, which is actively promoted as a stand-alone facility.

We would comment on the Applicant's retail case as follows on this. Most *comparison* shopping spending, which is appropriately disbursed in higher order centres in the retail hierarchy, is not in fact "leaking" from Moreton in Marsh. The whole point of the retail hierarchy is to accommodate existing retail development in and direct new development to the correct and most sustainable centre. Attempts to locate large-scale comparison shopping development in lower order centres and certainly outside them in the open countryside, using a spurious sustainability argument based on spending leakage, is misleading and fundamentally in conflict with national and local retail policies and with the retail hierarchy. Applying the *reductio ad absurdum* principle to this approach it could be argued that *every* town, irrespective of its size and function should have the *same* range of retail services simply so as to reduce the need to travel and thus so-called 'leakage'.

The bulky good fallacy: The Applicant and their professional team seem to be arguing in the submitted Application documents that because typical garden centre requisites can be regarded as 'bulky goods', being of a size or character that require extensive areas for storage and display and need to be collected in customers' cars then the business is justified in selling other bulky goods such domestic furniture (including fitted kitchens) carpets and DIY goods. It is unfortunate that a previously relaxed approach by the LPA to planning control at the Application Site has allowed some of these products to become established, but that is not an argument for allowing more such products and greater floorspace devoted to them. There are more sustainable locations for the sale of this type of product in and on the edge of higher order centres. In any event, given that most retailers of 'bulky goods', including, obviously, on-line retailers, also provide delivery services for customers, the need for high levels of car-borne collections is somewhat exaggerated.

So far as the proposed food offer is concerned, the existing provision is already the size of a typical 'C' (convenience) store operated by one of the (big six) national multiple operators and the proposal is to increase this by (190 square metres) 52% - larger than the Co-Op and Tesco Express stores in the Town Centre and much larger than the other independent food retailers in the centre combined. The Objector contends that the Applicant's 'food hall' is already abstracting trade from stores in and the edge of Moreton Town Centre. Were anyone to propose a free-standing C store in any *other* out-of-town open countryside location they would rightly get short-shrift from your Authority properly applying its adopted and emerging development plan policies.

Moreton in Marsh currently offer a good choice of foodstuffs (including local produce) retailers and of other convenience goods outlets in the three supermarkets (including the Objector's store) and the range of small independent retailers in the Town Centre. The Council and the promoters of the out-of-centre/edge of town development at Fosseyway Farm, claim that this development, if and when implemented will further increase the convenience offer. The original proposal for a store on the Fosseyway Farm was promoted on the basis that spending the regular "main food shop" was leaking out of Moreton to other centres and needed to be 'clawed back' through the development of a large supermarket.

RE: PA Ref.: 16/05169/FUL: Proposed development at Fosseway Garden Centre, Stow Road, Moreton-in-Marsh, Gloucestershire.

This argument seems to have been overtaken nationally and locally, with significant changes to food shopping habits, involving a reduction in the propensity to undertake a single regular large trip in favour of smaller and more frequent visits to a wider variety of stores. Nationally and locally this has resulted in the big six national multiples pulling out of development opportunities for large stores, often to be replaced by discounters offering a more limited range of goods from a reduced floorspace format. This appears to be the case at Fosseway Farm, where Aldi – one of the major national multiple discounters – appears to be the only operator now willing to trade this site. The clawback of leaked main shopping spending argument seems to have gone by the board and is something of an outdated and discredited concept therefore. It is interesting, however, that the RIA&ST refers to the clawback argument and that the suspiciously named “floating” class A1 floorspace in the Application is assigned to food sales.

Many, including the Objector, consider that even the current proposals at Fosseway Farm will be at the cost of vitality and viability of the Town Centre but, be that as it may, it is submitted that the impact of the Fosseway Farm development needs to be accommodated and assessed **before** further retail development is allowed in and around Moreton, especially in put-of-town locations, such as Fosseway Garden Centre. The Town Centre is vulnerable and there is a real risk that in the prevailing current sensitive conditions, permanent damage will be done to its vitality and viability through the reckless and irresponsible granting of planning permission for significantly more retail floorspace at the Application Site.

The bringing of more sales area under cover (and the extensions to storage) at that Application Site is a significant threat to Moreton Town Centre as a whole as it will facilitate either an overt or covert shift in the range of goods retailed on the Application Site.

The maintenance of the myth that the Application premises is only a garden centre has allowed the Applicant to progressively extend the range of low cost/low specification unsightly industrial/agricultural ‘sheds’ on the Site and the scale and character of this development detracts significantly from the character and appearance of the AONB in which the Site is located. This adverse impact will be further exacerbated by proposed built extensions and by the significant surface car park extension that is also proposed. Once again this also amounts to unfair competition with retailers in the Town Centre who are rightly obliged to expend more money on the design and external appearance of their stores, so as to protect the architectural and historic character of the Town centre Conservation Area. By contrast the previously-permitted and currently proposed buildings on the Application Site make no concession to their countryside and AONB setting, despite the high value of the retail business they enclose.

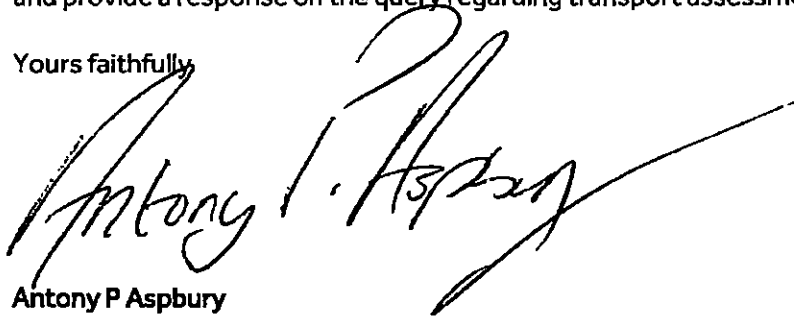
Last, but by no means least, we have been unable to locate any discrete Transport Assessment/Transport Statement or Travel Plan on the Application website and conclude that none has so far been submitted by the Applicant or requested by your Authority. If this is the case we find it a remarkable and insupportable omission that is clearly contrary to Paragraph 32 of the Framework. This is a development that will self-evidently generate a significant amount of traffic movement onto a busy, high-speed primary road, in close proximity to existing and proposed accesses, including the Hospital and Primary Care Centre.

RE: PA Ref.: 16/05169/FUL: Proposed development at Fosseway Garden Centre, Stow Road, Moreton-in-Marsh, Gloucestershire.

The Objector has instructed a Transport Consultant, Bancroft Consulting Limited to advise and make separate representations on this issue, but in the meantime and without prejudice to those representations we would seek urgent clarification of the Authority's current position on the appropriate assessment of the transport impact of the development?

Please ensure that these objections are reported fully to the Planning Committee in due course. Would you also advise when the Application is to be reported to Committee in order to allow us review and comment on the Committee Report and to exercise the option to address the Committee. In the meantime, please provide written acknowledgement of the representations and provide a response on the query regarding transport assessment.

Yours faithfully,



Antony P Aspbury
Director

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The Planning & Development Manager
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FAO: Mr M Perks

Our Ref: CJB/F17055/061217
 Planning Ref: 16/05169/FUL
 Date: 15 January 2018

BY EMAIL ONLY

Dear Sir,

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, FOOSEWAY GARDEN CENTRE, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE

I refer to my previous two letters, of 19 April 2017 and 12 December 2017, in which I provided my views on the suitability of the above proposals from a highways and transportation perspective (included at **Appendix A** for ease of reference). The last letter referred to concerns raised following the submission of the Transport Statement submitted in support of the above. This letter refers to additional information that has been posted online in the form of extracts from the 'Dobbies' transport assessment and a specific response to Gloucestershire County Council's highway comments of 23 November 2017. The objective of this submission is to consider whether the additional evidence addresses the outstanding concerns and if the scheme could now be considered compliant with the overarching policies set out in the NPPF.

Trip Rates

An examination of the extract of 'Dobbies' transport assessment (DTA) highlights how the trip rates used within the Fosseway Garden Centre Transport Statement (FGCTS) were taken from an average of four different existing 'Dobbies' sites. These sites are located within large towns and cities including Preston, Stirling, Stockport and Milton Keynes, with neighbouring populations of between 36,000 to 230,000 people (2011 Census). However, this is not comparable with the Fosseway Garden Centre, which is located outside of Moreton-in-Marsh, which is a small market town with a population of approximately 3,493 (2011 Census). Hence, this is not a true reflection of the site characteristics and represents a flawed basis for any assessment of trip generation and subsequent parking conditions, as presented within the supporting assessment.

In the DTA, it summarised how each of the four different sites had 'medium public transport provision' (see paragraph 7.7.1 of DTA). However, within paragraph 2.5 of the FGCTS, it stated the following:

"The bus service is relatively limited with only one bus passing the garden centre every one/two hours. There is also no bus service on a Sunday."

This further confirms how the overarching characteristics of the different sites are not comparable as they have significantly different levels of population and public transport provision. Thus, it is highly unlikely that customers of the Fosseway Garden Centre would utilise public transport to visit it, especially because there is no bus service at all on one of the peak days of patronage of garden centres - Sunday. This increases the reliance on car borne visits to this destination. Therefore, the approach adopted by the applicant's consultants is flawed and not in line with Paragraph 4.5 of the TRICS Best Practice Guide, which states the following:

"The most important data fields in terms of site selection compatibility are the main category and sub-category location types. Sites in a town centre with good local public transport accessibility will naturally, as a rule, achieve a different type of modal split to a site in the countryside without any public transport. Mixing sites which are clearly incompatible in a set for trip rate calculation could lead to the production of misleading trip rates."

Further examination of the DTA highlights that the first hour of their trip rates is between 0830 to 0930 hours and the last hour is between 1830 to 1930 hours (as shown in Table 7.4 of the DTA). In reviewing the FGCTS, it is evident that the consultants have simply extracted the results for 0830 to 0930 hours period and assigned these rates to the 0800 to 0900 hours period within their assessment. There is no justification whatsoever within the FGCTS for this approach, which must be considered as a misrepresentation of peak hour conditions. Research into the opening times of the garden centre highlighted that the centre closes at 1730 hours, so using the PM Peak Hour of 1700 to 1800 as a comparison is also a further misrepresentation of potential conditions. In lieu of this, these trip rates cannot be used as a true comparison of the traffic generated within peak hours.

Retail Floor Area

The review of the 'Dobbies' data also highlights how FGCTS has adopted an extremely vague and simplistic approach to calculating traffic generation for the proposed scheme. It is evident that the report only considers the change in conditions and not the overall conditions for peak hour traffic generation. The proposed scheme will fundamentally change the way the site operates, in the same way as a large retail foodstore operates with very different characteristics to that of a smaller convenience store. Standard best practice in any assessment of such proposals would require the provision of a comparison of existing and proposed uses total traffic generation. I have no confidence in the approach adopted in this instance, which is exacerbated by the fact that the proposed trip generation does not take into account the 'new open sided canopy' and 'outdoor sales area' which must be included in the calculations as clear extensions to the retail floor area. Looking simply at the figures it would seem that this could represent an increase of 972sqm RFA from the 1,123 sqm used to calculate the overall change, or a 47% underestimate of traffic generation. This position must be clarified and amended as necessary to have any confidence in the conclusions of the report.

Additional Facilities

My previous letter (dated 12 December 2014) raised concerns that the additional facilities within the proposed development would create further independent trips and no explanation was given as to whether the Dobbies sites included all these additional facilities. Hence, the submitted assessment continues to underestimate the increase in traffic generation. There remains no assessment of the different types of facilities provided within the Dobbies site or whether they are comparable with the proposed development. The restaurant, play area and events space will produce additional trips in their own right, so further assessment is needed to understand the level of traffic that they would generate, particularly with regard to the parking provision.

Swept Path Assessment

A swept path analysis has been provided, showing a Maximum Legal Length Articulated Vehicle entering the site access with a single Standard Design Vehicle waiting to depart from the site access (shown at **Appendix C**). The swept path highlights a potential conflict between queuing vehicles at the access and articulated lorries entering the site, where anything more than a medium sized car queuing at the access would block larger goods vehicles from manoeuvring. There could easily be larger vehicles, such as transit vans and small lorries, waiting to depart the site, so the swept path assessment should consider this scenario. There has been no junction capacity assessment undertaken of the site access, so there is no evidence of the queue length or waiting times at the junction, so the risk of more than one vehicle queuing cannot be properly considered. There has also been no swept path analysis of an articulated lorry departing the site, and it is highly likely that the left turn manoeuvre would block traffic in both directions on this busy strategic road.

Design Guidance

The FGCTS does not provide any evidence to prove that the site access complies with standards set out in Manual for Gloucester Streets 4th Edition Design Guidance. Further consideration of the site's potential traffic generation highlights the need for an Industrial Access Road to accommodate numerous articulated lorries. Table 5.9 of the Manual for Gloucester Streets 4th Edition Design Guidance shows that standards require a carriageway width of 7.3 metres and kerb radii of 15 metres.

Pedestrian Desire Lines

My previous letter highlighted a lack of attention to pedestrian desire lines within the site. No evidence has been provided as to whether visitors will be able to access the play barn and the restaurant to the east of the site safely. If this is the case, the swept path highlights that there would be a conflict between visitors using the facilities including the play barn and articulated lorries manoeuvring. This situation would be dangerous to the safety of children playing in this area.

Footways

A response has been provided to the comments made by Gloucestershire County Council Highways (shown at **Appendix D**) regarding the extension of the footway along A429 to serve the site. A justification has been provided to support the Applicant's position of not providing a footway along A429, is based upon the assumption that people do not walk or cycle to the *garden centre*. However, the proposed development will provide facilities including a play barn, restaurant and an events space, to which visitors may very well walk too. The response suggests that visitors will not walk to these facilities, which seems to be an absurd and simplistic conclusion. Nor is any allowance made for members of staff, who

may live in Moreton, walking (or cycling) to work. Therefore, the site does not comply with paragraph 32 of NPPF as it does not provide a *'safe and suitable'* access for all users. The justification does not consider elderly or disabled visitors who may not drive, but still would want to enjoy the facilities at the garden centre.

Summary

A full and accurate representation of the proposed development has still not been provided despite the additional information submitted to the planning portal. There continues to be serious concerns in the following areas that will need to be addressed, which could lead to significant highway safety problems both at the site access and internally. The additional information submitted does not provide robust or accurate evidence to ensure the proposals would comply with paragraph 32 of the NPPF and they should be dismissed accordingly.

The following points summarise the concerns that have been raised in light of the additional information provided, and the outstanding issues previously raised which have not been addressed:

- An examination of the extract from the DTA has highlighted differences in the sites used to calculate the allegedly comparable trip rate to the proposed development. The sites within the DTA were located in an 'edge of town' location at large towns and cities each with a medium level of public transport provision. This is not comparable to the location of the proposed development and therefore is not in line with the TRICS Best Practice Guide. Therefore, this could lead to an inaccurate assessment of the level of traffic generation at the site.
- The trip rates used within the DTA started from 0830 to 0930 however within the FGCTS the same figures have been used to represent 0800 to 0900 peak hour trip rates without any explanation. This is a misrepresentation of information as there is no evidence that the trip rates are the same in these two periods. The implications of underestimating vehicle trip rates could be an increase in traffic generation on the local highway network and increased safety issues.
- The increase in Retail Floor Area in the garden centre shop (internal sales) has been assessed using the average trip rates established within DTA. There has been no consideration of the overall traffic generation within the peak hour and no assessment of the additional trips that the outdoor plant sales (covered and uncovered) would produce. Therefore, the amount of traffic generated could be significantly underestimated by approximately 47% leading to wider impacts on the surrounding highway network and highway safety problems.
- There has been no information provided on additional trips that the extra facilities would lead to with the proposed development in place. The play barn, events space and restaurant would all lead to additional trip themselves, therefore further assessment is needed to fully address their impacts.
- A swept path assessment has been provided as additional evidence to support the access with the proposed development in place. However, there is still no evidence that an articulated lorry is able to safely arrive or depart the site. The swept path analysis also highlights a conflict issue between queuing vehicles at the site access and articulated vehicles entering the site. There has been no junction capacity assessments undertaken as part of the FGCTS therefore, it is unknown how well the junction will be able to operate with the additional trips. The lack of assessment could lead to a highway safety issue at the site access when it is operational.

- There has been no evidence provided to demonstrate that the site access complies with standards set out in Manual for Gloucester Streets 4th Edition Design Guidance. A substandard access could lead to safety implications and wider impacts along the surrounding highway network.
- There has been little evidence provided with regards to key pedestrian desire lines within the proposed development. The swept path analysis highlighted that there could be a pedestrian and vehicle conflict with visitors using facilities including the play barn, events area and outdoor seating area. This could lead to an internal safety issue within the site.
- The current proposals do not accord with paragraph 32 of NPPF, as they would not provide '*safe and suitable*' access for all. The additional evidence provided dismisses the requirement for an extension of the footway along the A429 to access the site suggesting that visitors will not wish to walk to a restaurant, children's play barn, or event (such as a children's party). This seems to be an absurd and simplistic conclusion. Regardless of this, visitors may also walk to the garden centre to purchase smaller items. Therefore, if no footway is provided visitors and staff will be required to walk along the carriageway or verge, which would be a significant highway safety problem on this busy strategic road.

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 faithfully

Chris Bancroft
 Director

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enc. **Appendix A** – Bancroft Consulting Objection Letter (Dated 19 April 2017)
 Bancroft Consulting Response Letter (Dated 12 December 2017)
Appendix B – Relevant Extracts from 'Dobbies' Transport Assessment
Appendix C – Swept Path Analysis
Appendix D – AECOM Response to Gloucestershire County Council Comment

cc Mr Antony Aspbury - Aspbury Planning
 Mr Guy Warner - Warners Retail (Moreton) Ltd
 Mr David Simmons - Gloucestershire County Council

**APPENDIX A –BANCROFT CONSULTING OBJECTION LETTER
(DATED 13 APRIL 2017)
BANCROFT CONSULTING RESPONSE LETTER
(DATED 12 DECEMBER 2017)**

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The Planning & Development Manager
 Cotswold District Council,
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 Trinity Road, Cirencester,
 Gloucestershire, GL7 1PX
FAO: Mr J Seymour

Our Ref: CJB/F17055/190417
 Planning Ref: 16/05169/FUL
 Date: 19 April 2017

BY EMAIL ONLY

Dear Sir

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, FOOSEWAY GARDEN CENTRE, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE

I refer to Mr Antony Aspbury's letter of 12 April 2017 regarding the above, in which he set out comprehensively his planning concerns in respect of the proposals on behalf of our Client Warner's Retail Limited, trading as Warner's Budgens, who wish to OBJECT to the application.

I have been asked to provide my views on the suitability of the proposals from a highways and transportation point of view and the following therefore seeks to set out an initial review of the scheme presented online. From a highways perspective, it is clear that the proposals comprise the following key elements:

- increase of 1,123 sqm GFA retail from 2,034 to 3,157 sqm or circa 55%
- extension to the range of goods being sold within the retail unit
- a new Play Barn children's leisure facility of 569 sqm with outdoor seating
- increase from 181 to 233 car parking spaces, or circa 29%
- reconfiguration of the existing servicing arrangement

What is immediately evident from my review of the online planning file for this application is that there has been no detailed assessment of the change in conditions generated by these proposals, which ultimately have the potential to generate a substantial increase in peak hour and daily movements within what is well established as being a sensitive part of the local road network. The potential for increased traffic movements is clearly reflected in the proposed increase (29%) in car parking spaces and although this should cater for a significant increase in demand, the applicant must prove that this is the correct level of provision to avoid any indiscriminate parking throughout the site or even within the surrounding highway network.

Turning to the proposed layout, the applicant has shown how the proposed storage yard would be served by articulated lorries passing along the frontage of the building conflicting with pedestrian desire lines to and from the car park. The service vehicle would then be required to turn within the car park and reverse approximately 30 metres up to the storage yard, where it would presumably be required to wait while being unloaded. This manoeuvre would block access/egress to around 14 car parking spaces in this area and the lengthy reversing manoeuvre would present a significant risk of conflict with visitors walking to and from their vehicles.

Another major concern with the internal layout would be the location of the restaurant and Play Barn facilities. It is not clear how these would be accessed and the proposed site layout plan suggests that access could be gained by a link that passes to the east of the buildings. In the event that the proposed car parking was insufficient this area could be used as an adhoc overspill car parking area and, given the nature of visitors using the Play Barn facility in particular, could lead to a serious risk of vehicle/pedestrian conflict on what also appears to be an HGV route to the service area.

The proposed scheme seeks to retain the existing site access arrangement at Stow Road. Whilst this may be appropriate for the current activity the proposals will lead to a substantial increase in vehicle movements, including large goods vehicles. The applicant must demonstrate how this arrangement not only provides sufficient capacity to accommodate future turning movements (taking into account the consented future year traffic conditions on Stow Road), but it must also be proven that articulated lorries can turn without overrunning the kerbing or conflicting with any vehicles waiting at the stopline to emerge from the site.

Summary

Paragraph 32 of the National Planning Policy Framework clearly explains how applications for new development should demonstrate how safe and suitable access can be achieved for all users, there would be no severe residual cumulative impact, and reasonable opportunities for non-car travel exist. This application provides no detailed evidence to address these points and the above concerns regarding the site layout and access arrangement are merely a starting point for demonstrating why this application must not be approved without substantially more detailed evidence to confirm and address the potential impact issues.

In lieu of the highways basis of my concerns, I have also copied Mr David Simmons of Gloucestershire County Council (acting as the Highway Authority) in on this letter.

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 faithfully

Chris Bancroft
 Director

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cc Mr Antony Aspbury - Aspbury Planning
 Mr Guy Warner - Warners Retail (Moreton) Ltd
 Mr David Simmons - Gloucestershire County Council

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The Planning & Development Manager
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FAO: Mr M Perks

Our Ref: CJB/F17055/061217
 Planning Ref: 16/05169/FUL
 Date: 12 December 2017

BY EMAIL ONLY

Dear Sir,

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, FOOSEWAY GARDEN CENTRE, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE

I refer to my letter, of 19 April 2017, in which I provided my views on the suitability of the proposals from a highways and transportation perspective (included at **Appendix A** for ease of response). I also refer to the Transport Statement submitted in support of the above, which seeks to address the highways and transportation concerns regarding the site. The objective of this submission is to consider whether the latest information addresses outstanding concerns and if the scheme could now be considered compliant with the overarching policies set out in the NPPF.

My previous letter highlighted key issues relating to the development proposals that needed to be addressed and these were as follows:

- Lack of any detailed assessment of how the proposals are likely to change traffic conditions at and beyond the site access
- No evidence to support the proposed car parking provision
- Conflict issues with pedestrians and turning manoeuvres for articulated lorries
- Safety issues regarding vehicle / pedestrian conflict with HGV's in the service area.
- No assessment of the suitability of the existing site access

The subsequent Transport Statement was submitted in November 2017, presumably to address concerns raised during the consultation process. Gloucestershire County Council, as Highway Authority, have also provided a response (dated 23 November 2017) following the submission of the Transport Statement, which has been included at **Appendix B**.

Review of Transport Statement

The following seeks to provide an assessment of how the issues previously raised have been addressed within the Transport Statement:

Traffic increases generated from change in conditions

My previous letter highlighted that no detailed assessment was provided of the impact that the change in proposals would have on the local road network. This development could have the potential to generate a substantial increase in peak hour and daily movements within an area that has been established as being a sensitive part of the highway network. Therefore, it was crucial that an assessment was undertaken to evaluate the traffic increases.

The Transport Statement seeks to address this concern with an assessment of traffic generation for the existing operation of the garden centre and the proposals for extended activity. Paragraph 2.3 of the Transport Statement compares TRICS search trip rates with trip rates from 'Dobbies' Transport Assessment. It concluded that the trip rates for the existing operation of the site are likely to fall in-between these values. However, the report does not give a justification of the process of the TRICS search, therefore the site cannot be located to assess the similarities with the existing site, as no name of the site was provided, and dates were manually deleted within Appendix B of the report. Further details have not been provided regarding the location of the 'Dobbies' site, therefore it is unknown whether the facilities at the 'Dobbies' site are comparable to the existing conditions.

This concern has also been raised in the Highway Authorities comments as they requested the following:

"Please can the TRICS and flow output data be submitted along with the output data from the three surveyed flagship stores."

I have undertaken a TRICS search myself examining surveys between 01.01.09 to 08.06.13 (as advised by TRICS) to exclude old data and I found two sites within the search (TRICS output data at **Appendix C**). Further examination of the site found that none of the sites were comparable to the existing site in terms of location and facilities available. Therefore, a survey of the existing site conditions should have been undertaken a starting point for the assessment to allow for a more accurate assessment of the existing traffic generation.

The Transport Statement uses the TRICS search results for the existing conditions and Dobbies TA to calculate the increase in trips the proposals in extended activity. Paragraph 3.3 shows the potential increases the proposed development could have on the highway network and states the following:

"The potential changes in trips in the AM and PM peak hours are likely to be marginal. Increases during the weekend speak are likely to be between 28 and 105 two-way trips (using the TRICS and Dobbies data, respectively)."

Table 3.2 shows the potential additional trips using the same TRICS search and 'Dobbies TA'. There is no explanation whether these sites have the same facilities including a restaurant, play area, and events space. These additional facilities will create trips in their own right. Therefore, the trip rates could be significantly higher if the garden centres chosen in the assessment do not have the same activities on offer. Underestimating the level of traffic generated by the proposed development could lead to an off-site impact on the local highway network and adversely the increased risk of a highway safety problem, if appropriate measures have not been implemented.

Proposed car parking provision

My previous letter stated that increased traffic movements should be reflected within the increase in parking provision. It was proposed that the number of parking spaces would increase from 181 to 233, or circa 29%, however the concern was that the applicant must prove that this is the correct level of provision to avoid any indiscriminate parking within the site and in the surrounding highway network. The proposals for the extended activity will result in increased dwell time as well as increased demand due to the multiple attractions on offer (such as the restaurant, play barn and events space). The proposals will also extend the garden centre shop by over 1000 square metres, which will have a more varied selection of items and visitors will spend longer shopping around. Therefore, sufficient parking needs to be provided to accommodate for these increases in dwell time.

Paragraph 2.3 of the Transport Statement stated that the proposals would include an additional 52 car parking spaces. However, the increase in parking does not correlate with the 'minimal' increases in traffic generation expected for the proposed site.

Therefore, as stated in the previous section, the increase trip rates need to be established in order to provide an accurate justification for the amount of parking spaces provided. An increase in vehicle trips and an increase in the time that visitors spend at the garden centre will result to the increase in demand for parking provision. If there is an inadequate level of parking, this could cause indiscriminate parking in the surrounding area. This could lead to safety problems within the site and surrounding highway network. Therefore, as no assessment has been made to look into the dwell time, there is an uncertainty as to whether the proposed parking provision is sufficient enough for the proposed increases in activities. This concern was raised by the highway authority as they stated the following:

"The proposed parking arrangements will need to be justified... The level of parking provision should be sufficient for the expected type and number of vehicles and must not result in any discriminate parking occurring upon the highway which may affect the free flow of other road users."

Conflict between pedestrians and articulated lorries

I previously identified a potential safety issue with the layout as articulated lorries would enter the site and be required to turn within the car park and reverse for approximately 30 metres into the storage yard. It is presumed that lorries would have to then wait for the operation for delivery or collection to be completed. This manoeuvre would block approximately 14 spaces and lead to a conflict with pedestrians walking to and from their cars.

Following the Transport Statement, The Highway Authority have expressed this concern highlighting that tracking would be required within the site and stated the following:

"The largest vehicle should have 500mm clearance to boundaries (vertical kerb-line structure, tree, formal parking space etc.) and between vehicles."

The Highway authority also had the following concerns regarding parking provision during these deliveries:

"Confirmation should also be provided for the overflow parking arrangements when a delivery occurs. It appears as though cars will be prevented from entering/ egress at least 14 parking spaces when deliveries take place."

The Transport Statement has provided some tracking on the Site Layout Plan (Located within Appendix A of the report), which shows an articulated lorry starting from the exit to the garden centre and performing a reversing manoeuvre. However, the tracking highlights the conflict that the lorries could have with pedestrians accessing their vehicles. Therefore, showing that there could be a safety concern within the site. The plan also shows space for only one lorry to perform this manoeuvre. No assessment has been made within the Transport Statement to establish how many deliveries / pick ups will happen at certain times of the day for all the facilities. If two or more articulated lorries arrive at the same time, there would be a blockage within the site or along A429 Fosse Way.

The layout should be amended to provide a safe waiting space or lorries that arrive at the same time to avoid lorries waiting within the car park or along the surrounding local highway network. Without this amended layout, I fail to see how this approach provides a safe design layout in accordance with paragraph 35 of NPPF, which states the following:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport”*

Conflict between pedestrians and HGVs to service area

My previous letter explained that there was a lack of information available as to whether visitors would be able to access the facilities including a restaurant, play barn and the events space via a link that passes to the east of the buildings. If this was the case, then there would be a conflict between pedestrians and HGV vehicles entering / exiting this area. A clear understanding of the key pedestrian line throughout the site and use of this service area is require. The Highway Authority raised a concern that if inadequate parking was provided, visitors may use this area as an overspill car park, which raises safety concerns.

The Transport statement has not addressed this matter in their report, therefore it remains unclear as to whether visitors will be able to access these additional facilities another way other than via the main entrance. No detailed information has been provided within the Site Layout Plan whether the service area will be restricted to service vehicles only.

Suitability of the existing site access

My previous letter stated that the applicant must demonstrate that the existing site access would be suitable to accommodate an increase in vehicle movements and it must be proven that articulated lorries are able to turn in and out of the site without overrunning the kerbing or conflicting with any vehicle waiting to enter / exit the site. The site access geometry for a private commercial road should have a minimum width of 6.1 metres and kerb radii of 7.5-15 (depending on the type and frequency of traffic) in line with paragraph 5.48 of Manual for Gloucester Streets 4th Edition Design Guidance. The Highway Authority have also expressed these concerns by stating the following:

“Tracking will need to be demonstrated for the largest most regular vehicle expected to site. The vehicle should be able to enter the site (from both directions) whilst passing a stationary estate car at the junction, manoeuvre within the site and egress in a forward gear.”

The Transport Statement does not address these concerns and has not provided an assessment to prove that the existing site access can work satisfactory to meet the increases in traffic. Therefore, additional technical work is required to prove the access would be fit for purpose.

The current site access does not provide a safe and suitable access for all, in line with paragraph 32 of the NPPF, as there are no footways provided to the site along A429 and within the site access. The proposed extended activity within the site will attract visitors with children, elderly visitors and visitors who wish to dine at the restaurant or visit the children’s play area. These groups of visitors have the potential to increase the amount of walking trips. As no footways are provided, visitors walking or using public transport to the site would be required to walk along the carriageway or verge to access the site. This would cause safety issues along A429 and within the site, and result to a significant increase in the risk of accidents within the area.

Summary

The application continues to be supported by at best, limited information, that does not provide a full and accurate picture of how the revised scheme will operate. Serious concerns remain in respect of the following areas, which could lead to highway safety issues both internally and also at the site access. This would clearly make the proposals contrary to paragraph 32 of NPPF and substantial further technical is required to resolve these matters. It is acknowledged that the NPPF provides much scope for adopting a flexible and pragmatic approach to planning, particularly on highway and transportation matters, but highway safety must never be compromised.

The following points summarise the outstanding issues raised and the implications that these issues could have on highway safety and along the local highway network:

- The Transport Statement does not give an adequate justification of the process of how the trip rates from the TRICS search were obtained, therefore the site used cannot be located to assess the similarities with the existing site and proposed extension in activities. Dates and names of the sites have not been provided, nor has any analysis of the similarities between the sites. The site chosen may not have the same facilities such as a restaurant, play barn and events, which all have the potential to generate additional trips themselves. Therefore, underestimating the number of additional trips generated could have impact on the surrounding area.
- The Transport Statement does not consider how the extension of activities within the site would influence the dwell time of visitors. Visitors are more likely to have an increased dwell time when multiple attractions are on offer. Therefore, the number of parking spaces should be calculated with the dwell time and traffic generation in mind. If there is an inadequate provision of parking could lead to indiscriminate parking within the site and along the surrounding highway network. Indiscriminate parking could affect the flow and operation within the site and highway network.
- The current Site Layout Plan shows that articulated delivery lorries would have to manoeuvre within the car park and reversing approximately 30 metres, which could cause a safety issue with pedestrians walking to and from their cars. The Plan also shows that only one articulated lorry would be able to perform a reversing manoeuvre

within the site and there would be no holding area if another lorry was to arrive at the same time. This may lead to lorries waiting within the site or along the surrounding highway network. Therefore, the current layout fails to provide a safe design layout for lorries in accordance with Paragraph 35 of the NPPF.

- There is no clear understanding of the pedestrian desire lines within the site. No explanation has been provided within the report to discuss how people can access the different facilities available. There is a concern of a conflict between HGV's and pedestrians if visitors are able to access the restaurant or play barn via the service area. This could lead to a safety concern within the site, especially if young children are accessing the play barn.
- The existing access layout needs to have a carriageway width of 6.1 metres and a kerb radii of between 7.5 – 15 (depending on the type and frequency of traffic) to be in line with paragraph 5.48 of Manual for Gloucester Streets 4th Edition Design Guidance. The access needs to be suitable for lorries to turn into / out of the site whilst cars are within the access. The implications of an access that is not fit for purposed would be an increased risk of blockages and accidents within the access and along A429 Fosse Way.
- The current site access is not in line with Paragraph 32 of the NPPF as it does not provide a safe and suitable access for all. There are no footways provided along A429 and within the site access, therefore people who would walk or use public transport to the site to use the additional facilities including the restaurant, play barn and events space would have to walk along the carriageway or verge. This is a significant safety problem and could result in an increase in accidents along A429 Fosse Way and within the site access.

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 faithfully

Chris Bancroft
 Director

Bancroft Consulting

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enc. **Appendix A** – Bancroft Consulting Objection Letter (Dated 19 April 2017)
Appendix B – Gloucestershire County Council Response (Dated 23 November 2017)
Appendix C – TRICS Output Data

cc Mr Antony Aspbury - Aspbury Planning
 Mr Guy Warner - Warners Retail (Moreton) Ltd
 Mr David Simmons - Gloucestershire County Council

**APPENDIX B – EXTRACTS FROM ‘DOBBIES’ TRANSPORT
ASSESSMENT**



7 Travel Demands

7.1 Introduction

7.1.1 In order to provide a robust and comprehensive trip generation profile for a weekday and weekend trading day, CB have utilised the following available data sources:

- entry/egress traffic surveys at four existing Dobbies stores (Stirling, Southport, Preston and Milton Keynes);

7.1.2 By utilising existing traffic surveys for similar stores a more accurate understanding of the likely travel demands at Gillingham can be ascertained.

7.1.3 Traffic survey data and trip rate calculations for Stirling, Southport, Preston and Milton Keynes are provided in Appendix 4.

7.2 Trip Generation

7.2.1 The traffic surveys undertaken at each store have been used as the basis for deriving an average trip rate estimate across the stores which will be used in order to determine trip generations for the proposed development in Gillingham.

7.2.2 At each surveyed store the RFA has been considered when determining trip rates for each store. For the purposes of this assessment and to ensure a robust analysis, all floor areas open to the public have been included within the RFA e.g. internal building, external plant sales, polytunnels, concessions etc. This approach has been sanctioned by Medway Council and the average trip rates across all four surveyed stores have been approved by the council for use within this assessment.

7.2.3 The remainder of this chapter will detail the trip rates derived for each store based upon the traffic surveys and conclude by detailing the average trip rates and associated trip generations for Dobbies Gillingham during the assessed time periods.

7.3 Dobbies Stirling

7.3.1 Colin Buchanan commissioned twenty-four hour volumetric entry/egress counts at Dobbies Stirling over a week commencing the 1st May 2009. Monday 4th May was a Bank Holiday, thus presenting a valuable opportunity to provide a robust trip generation as Dobbies Garden Centres typically experience increased customer numbers during Bank Holidays and Bank Holiday weekends.

7.3.2 Dobbies Stirling has a RFA of 12,574m² and includes a large licensed restaurant, a food hall, display gardens and concessions.

7.3.3 The in and out counts at the site access have been divided against the total RFA to determine an in and out trip rate per 100m² of RFA.

7.3.4 Table 7.1 demonstrates the associated weekday and Saturday trip rates at Dobbies Stirling, during the assessed time periods.

Table 7.1: Dobbies Stirling Vehicle Trip Rate by Hour

Scenario	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
08:30-09:30	0.485	0.135	0.485	0.207
09:00-10:00	0.596	0.278	0.652	0.270
09:30-10:30	0.851	0.437	1.050	0.414
10:00-11:00	1.026	0.660	1.288	0.612
10:30-11:30	1.121	0.795	1.432	0.883
11:00-12:00	1.082	0.915	1.543	1.217
11:30-12:30	1.121	1.002	1.662	1.336
12:00-13:00	1.217	0.923	1.766	1.352
12:30-13:30	1.201	0.994	1.972	1.543
13:00-14:00	1.098	1.161	20.36	1.718
13:30-14:30	1.018	1.320	1.972	1.972
14:00-15:00	1.002	1.241	1.956	2.060
14:30-15:30	0.851	1.042	2.028	1.964
15:00-16:00	0.891	1.002	1.972	2.100
15:30-16:30	0.986	1.090	1.674	2.434
16:00-17:00	0.652	1.098	1.312	2.211
16:30-17:30	0.501	0.811	0.915	1.718
17:00-18:00	0.469	0.652	0.620	1.662
17:30-18:30	0.310	0.748	0.247	1.129
18:00-19:00	0.191	0.525	-	-
18:30-19:30	0.095	0.135	-	-

7.4 Dobbies Southport

- 7.4.1 Colin Buchanan commissioned entry/egress classified counts at Dobbies Southport on Saturday 2nd May, Sunday 3rd May, Monday 4th May and Tuesday 5th May 2009. Traffic counts were undertaken thirty minutes either side of the respective store opening times.
- 7.4.2 Dobbies Southport has an RFA of 16,242m². The site was opened in 2008, onsite facilities include a restaurant, display gardens and concessions.
- 7.4.3 As with Dobbies Stirling, the in and out counts at the site access have been divided against the total RFA to determine an in and out trip rate per 100m² of RFA.
- 7.4.4 Table 7.2 details the resultant weekday and Saturday trip rates at Dobbies Southport, during the assessed time periods.

Table 7.2: Dobbies Southport Vehicle Trip Rate by Hour

Scenario	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
08:30-09:30	0.111	0.062	0.376	0.271
09:00-10:00	0.123	0.074	0.634	0.425
09:30-10:30	0.240	0.111	0.819	0.523
10:00-11:00	0.474	0.215	0.800	0.536
10:30-11:30	0.560	0.413	0.800	0.529
11:00-12:00	0.493	0.449	0.936	0.739
11:30-12:30	0.474	0.363	0.880	0.973
12:00-13:00	0.443	0.413	0.825	1.028
12:30-13:30	0.437	0.462	0.985	0.843
13:00-14:00	0.480	0.443	1.034	0.708
13:30-14:30	0.560	0.542	0.967	0.858
14:00-15:00	0.523	0.585	1.059	1.047
14:30-15:30	0.468	0.610	1.127	1.164
15:00-16:00	0.603	0.671	0.930	1.268
15:30-16:30	0.653	0.591	0.924	1.077
16:00-17:00	0.486	0.566	0.887	1.028
16:30-17:30	0.252	0.456	0.677	0.985
17:00-18:00	0.142	0.314	0.597	0.788
17:30-18:30	0.142	0.277	0.363	0.720
18:00-19:00	0.117	0.166	-	-
18:30-19:30	0.074	0.080	-	-

7.5 Dobbies Preston

- 7.5.1 Colin Buchanan commissioned entry/egress classified counts at Dobbies Preston on Thursday 2nd December, Friday 3rd December and Saturday 4th December 2010. The surveys were undertaken between 08:30-20:30 on the Thursday, 08:30-19:30 on the Friday and 08:30-18:30 on the Saturday.
- 7.5.2 Dobbies Preston has a RFA of 13,359m² and includes a large licensed restaurant, display gardens and concessions.
- 7.5.3 The in and out counts at the site access have been divided against the total RFA to determine an in and out trip rate per 100m² of RFA.
- 7.5.4 Table 7.3 demonstrates the associated weekday and Saturday trip rates at Dobbies Preston, during the assessed time periods.

**Table 7.2: Dobbies Preston Vehicle Trip Rate by Hour**

Scenario	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
08:30-09:30	0.150	0.075	0.120	0.030
09:00-10:00	0.247	0.090	0.240	0.097
09:30-10:30	0.344	0.195	0.442	0.195
10:00-11:00	0.449	0.299	0.771	0.292
10:30-11:30	0.539	0.322	0.936	0.502
11:00-12:00	0.569	0.397	1.018	0.756
11:30-12:30	0.636	0.494	1.190	0.913
12:00-13:00	0.591	0.517	1.183	0.958
12:30-13:30	0.599	0.434	1.190	0.936
13:00-14:00	0.666	0.509	1.295	0.936
13:30-14:30	0.689	0.584	1.460	1.085
14:00-15:00	0.644	0.741	1.497	1.377
14:30-15:30	0.472	0.846	1.288	1.587
15:00-16:00	0.419	0.659	1.085	1.594
15:30-16:30	0.367	0.531	0.846	1.520
16:00-17:00	0.210	0.442	0.509	1.168
16:30-17:30	0.165	0.352	0.284	0.823
17:00-18:00	0.150	0.217	0.172	0.576
17:30-18:30	0.142	0.202	0.097	0.299
18:00-19:00	0.112	0.217	-	-
18:30-19:30	0.037	0.142	-	-

7.6 Dobbies Milton Keynes

- 7.6.1 Colin Buchanan commissioned entry/egress classified counts at Dobbies Milton Keynes on Thursday 9th December, Friday 10th December and Saturday 11th December 2010. The surveys were undertaken between 08:30-20:30 on the Thursday, 08:30-19:30 on the Friday and 08:30-18:30 on the Saturday.
- 7.6.2 Dobbies Milton Keynes has a RFA of 13,717m² and onsite facilities include a restaurant, foodhall, display gardens and concessions.
- 7.6.3 As with the other surveyed stores, the in and out counts at the site access have been divided against the total RFA to determine an in and out trip rate per 100m² of RFA.
- 7.6.4 Table 7.4 details the resultant weekday and Saturday trip rates at Dobbies Milton Keynes, during the assessed time periods.

Table 7.3: Dobbies Milton Keynes Vehicle Trip Rate by Hour

Scenario	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
08:30-09:30	0.226	0.153	0.437	0.146
09:00-10:00	0.510	0.284	0.773	0.277
09:30-10:30	0.926	0.430	1.086	0.591
10:00-11:00	1.035	0.561	1.371	0.919
10:30-11:30	1.028	0.846	1.786	1.123
11:00-12:00	1.217	0.933	2.027	1.538
11:30-12:30	1.298	0.962	2.034	1.801
12:00-13:00	1.217	1.123	2.063	1.823
12:30-13:30	1.152	1.123	1.998	1.961
13:00-14:00	0.955	1.079	1.961	1.954
13:30-14:30	1.064	1.115	2.136	2.041
14:00-15:00	1.072	1.283	2.136	2.296
14:30-15:30	0.868	1.290	2.078	2.216
15:00-16:00	1.064	1.043	1.837	2.121
15:30-16:30	1.021	1.021	1.356	2.056
16:00-17:00	0.627	1.064	0.933	1.684
16:30-17:30	0.474	0.853	0.591	1.188
17:00-18:00	0.437	0.605	0.445	0.846
17:30-18:30	0.335	0.488	0.241	0.642
18:00-19:00	0.328	0.481	-	-
18:30-19:30	0.241	0.379	-	-

7.7 Trip generation summary

7.7.1

CB have utilised the most relevant and robust data for a Dobbies store, in this case traffic counts from four established stores, Stirling, Southport, Preston and Milton Keynes. Count information from these stores are suitable in terms of estimating trip generation because:

- all four stores are 'Flagship' stores;
- they are all relatively new stores;
- they all share similar location and transport attributes: edge of town and close to a trunk/primary road with medium public transport provision; and
- all stores share similar peak hour trading characteristics.

7.7.2

It is evident from the trip rate tables above that Milton Keynes has a greater total trip rate and subsequent traffic generation in comparison to the other sites. Colin Buchanan have therefore taken an average of the trip rates at all 4 stores which will therefore provide a more accurate representation of a typical weekday, and typical weekend trip generation for the respective peak hours. Table 7.5 illustrates these average trip rates and the subsequent trip generation anticipated at Dobbies Gillingham.

Table 7.4: Average Trip Rates (Stirling, Southport, Preston and Milton Keynes) and Anticipated Trip Generation

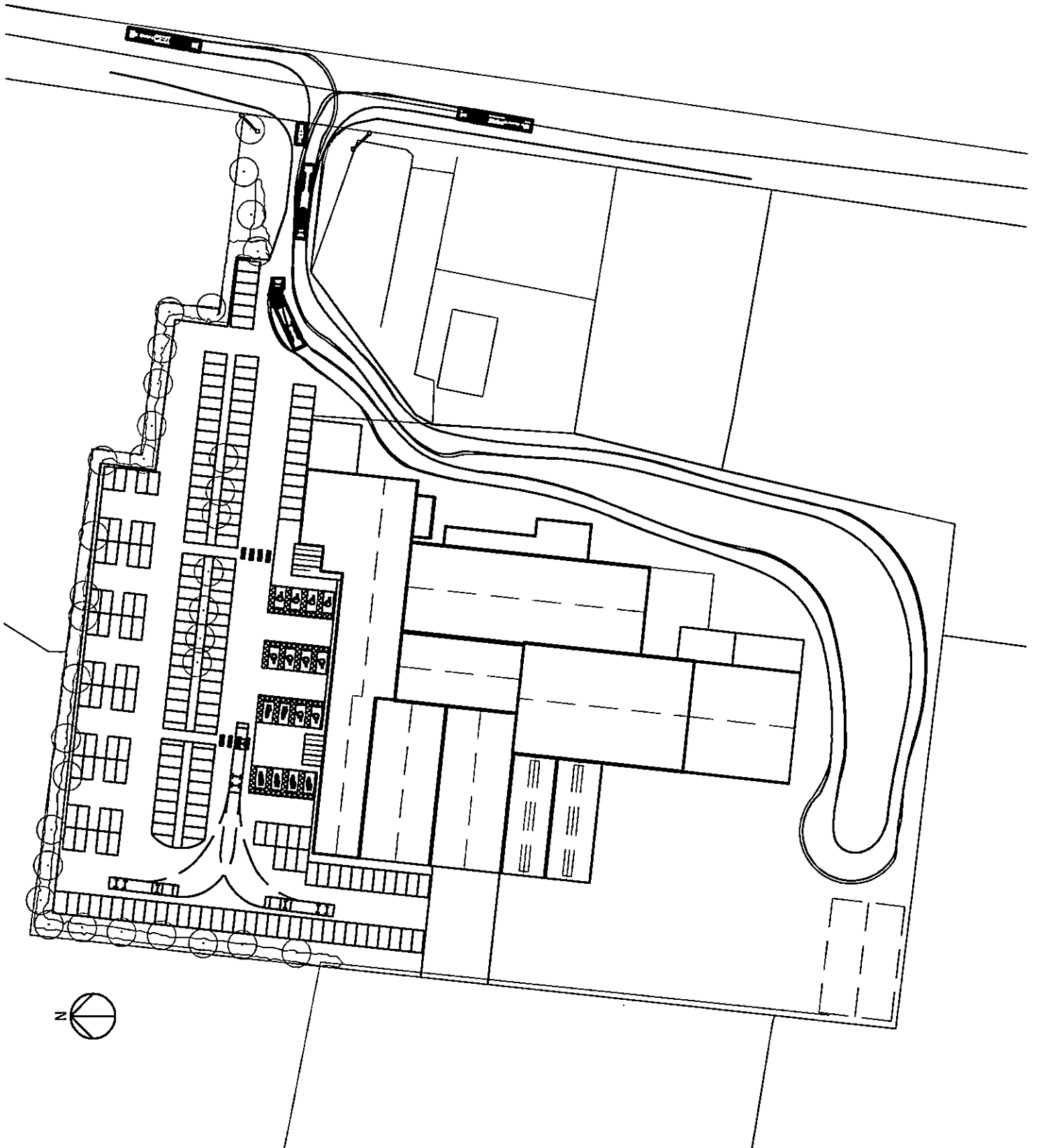
Scenario	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
08:30-09:30	0.243	0.106	0.354	0.518
	24	10	35	16
09:00-10:00	0.369	0.182	0.575	0.842
	36	18	56	26
09:30-10:30	0.590	0.293	0.849	1.280
	58	29	83	42
10:00-11:00	0.746	0.434	1.058	1.647
	73	43	104	58
10:30-11:30	0.812	0.594	1.238	1.998
	80	58	121	74
11:00-12:00	0.840	0.673	1.381	2.443
	82	66	135	104
11:30-12:30	0.882	0.705	1.442	2.697
	86	69	141	123
12:00-13:00	0.867	0.744	1.459	2.749
	85	73	143	126
12:30-13:30	0.847	0.753	1.536	2.857
	83	74	150	129
13:00-14:00	0.800	0.7989	1.582	2.910
	78	78	155	130
13:30-14:30	0.833	0.890	1.634	3.122
	82	87	160	146
14:00-15:00	0.810	0.962	1.662	3.357
	79	94	163	166
14:30-15:30	0.665	0.947	1.630	3.363
	65	93	160	170
15:00-16:00	0.744	0.844	1.456	3.227
	73	83	143	173
15:30-16:30	0.757	0.808	1.205	2.976
	74	79	118	174
16:00-17:00	0.494	0.792	0.910	2.433
	48	78	89	149
16:30-17:30	0.348	0.618	0.617	1.795
	34	61	60	115
17:00-18:00	0.299	0.447	0.459	1.427
	29	44	45	95
17:30-18:30	0.232	0.429	0.237	0.935
	23	42	23	68
18:00-19:00	0.187	0.347	-	-
	18	34	-	-
18:30-19:30	0.112	0.184	-	-
	11	18	-	-

7.7.3 This represents an anticipated two-way trip generation at Dobbies Gillingham of:

- Average AM Weekday Network Peak-34 Vehicles;
- Average PM Weekday Network Peak-126 Vehicles
- Average Saturday Network Peak- 279 Vehicles; and
- Average Saturday Dobbies Peak- 329 Vehicles.

7.7.4 The above trip generations have been utilised in the junction analysis, the results of which are outlined in the next chapter.

APPENDIX C – SWEPT PATH ANALYSIS



**APPENDIX D – AECOM RESPONSE TO GLOUCESTERSHIRE
COUNTY COUNCIL COMMENTS**

Response to Gloucestershire Highways Comments dated 23rd November 2017

Gloucestershire comments in black

AECOM response in red.

Data

Please can the TRICS and flow output data be submitted along with the output data from the three surveyed flagship stores. The TRICS data (Table 2.1) was included in the appendices of the report. Attached is the Dobbies trip generation data which was quoted in Table 2.2.

Layout

Tracking will need to be demonstrated for the largest most regular vehicle expected to site. The vehicle should be able to enter the site (from both directions) whilst passing a stationary estate car at the junction, manoeuvre within the site and egress in a forward gear.

The largest vehicle should have 500mm clearance to boundaries (vertical kerb-line structure, tree, formal parking space etc) and between vehicles.

Please see attached AutoTrack analysis which shows a vehicle moving into and out of the service yard. It should be noted, however, that this is no change from the current situation. There have never been any issues with access into the site.

Parking

Gloucestershire currently does not have local car parking standards with any local standards superseded by the NPPF. The parking provision should be calculated in accordance with the methodology set out by Paragraph 39 of the NPPF.

Therefore the proposed parking arrangements will need to be justified and it is recommended that the applicant undertake a parking accumulation survey and factor up the results against the sq m of the site.

The level of parking provision provided should be sufficient for the expected type and number of vehicles and must not result in any indiscriminate parking occurring upon the highway which may affect the free flow of other road users.

Para 39 of the NPPF does not set out a methodology; rather it presents some factors which should be considered when developing a methodology.

Garden Centres are highly seasonal and so a parking survey undertaken in December (or indeed November, or January / February) is not likely to be representative of year round conditions. Given the nature of the site, the strategy has been to maximise the number of spaces within the overall parking lot.

Notwithstanding this, the Dobbies data has been used to identify an accumulation for a Saturday which shows an increase in accumulation of 34 vehicles. The proposal gives an increase in 50 spaces, so the risk of parking on the highway is minimised:

Data from Dobbies Stores					
Difference in Space	2,095	m2			
	Arrivals	Departures	Arrivals	Departures	Accumulation
08:30 - 09:30	0.354	0.163	7	3	4
09:30 - 10:30	0.849	0.431	18	9	13
10:30 - 11:30	1.238	0.759	26	16	23
11:30 - 12:30	1.442	1.256	30	26	27
12:30 - 13:30	1.536	1.321	32	28	31
13:30 - 14:30	1.634	1.489	34	31	34
14:30 - 15:30	1.63	1.733	34	36	32
15:30 - 16:30	1.205	1.772	25	37	20
16:30 - 17:30	0.617	1.179	13	25	8
17:30 - 18:30	0.237	0.698	5	15	-1

In addition please can the parking bay dimensions (including disabled bays) and aisle widths be annotated on plan. Spaces should also comply with the minimum recommended dimensions of 2.4m wide and 4.8m long and 3.6m wide and 4.8m long for disabled bays all with an aisle width of 6.0m to facilitate ease of.

See attached. The parking spaces exceed the minimum recommended dimensions at 2.5m wide by 5.0 metres long and 3.6m wide and 6m long for disabled bays. The aisle widths all exceed 6m.

Confirmation should also be provided for the overflow parking arrangements when a delivery occurs. It appears as though cars will be prevented from entering/ egress at least 14 parking spaces when deliveries take place. However if a car parking accumulation survey is undertaken this may identify that preventing access to these blocked spaces may not be an issue.

See above – deliveries can be managed to avoid issues with car parking in the same way that this is managed now.

The lorry shown turning above the storage yard has been removed from the site layout plan as no deliveries will be made to the storage yard and therefore no lorries will block parking spaces in this location. All deliveries will be made to the east/south of the site as shown on the autotrack analysis attached. This is the same access as the existing deliveries arrangements.

With regards the suggestion that the footpath alongside the A429 should be extended to the site (emails between Martin Perks and Lucas Arinze dated 1st December), NMU trips have been requested. We don't have any data on NMU trips to garden centres and we are not sure how we would get this data, to do so would require finding a similar garden centre which has a footpath. The number of NMU trips is likely to be very small, given the location of the site outside the curtilage of an existing settlement and the fact that due to the generally bulky nature of products on sale, garden centres are not generally places that people walk/cycle to. As such we would suggest that the provision of a formal footpath to the site is disproportionate to the proposals.