

**PLANNING AND LICENSING COMMITTEE**

**11<sup>TH</sup> APRIL 2018**

**ADDITIONAL PAGES UPDATE**

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**DISTRIBUTED AT THE COMMITTEE MEETING**

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Additional Representations on Schedule Items**

**Pages 1 - 27 30**

**ADDITIONAL PAGES ON SCHEDULE ITEMS**

Item	Ref. No	Content
01	17/03826/REM	<p><b>Further comments from Down Ampney Parish Council</b></p> <p>– see attached letter dated 5<sup>th</sup> April 2018 with attachments</p>
02	18/00737/FUL	<p><b>Case Office Update:</b></p> <p>Officer's Assessment:</p> <p>For clarification, on page 48 of the schedule it is Moreton in Marsh Town Council that are raising concerns with regard to the removal of this condition, Batsford Parish Meeting are in support, as detailed in their response on pages 45-46.</p> <p><b>Town Council Response:</b></p> <p>– Moreton in Marsh Town Council require Condition 30, footpath links to remain in place for pedestrian safety and should not be removed from the application.</p> <p><b>Comment from Cllr Julian Beale:</b></p> <p>This site lays within Fosseridge Ward prior to the Boundary change and I have had considerable involvement, therefore I hope it will be helpful to Members to receive these thoughts.</p> <p>When used as storage facility for scrap vehicles to be dismantled elsewhere, the site was a visual blight on the entrance to Moreton in Marsh, with cars and vans sometimes piled five high. I believe it is of critical importance to the North Cotswolds that such an activity is never resumed; therefore I welcomed the Permission granted in February for ten dwellings.</p> <p>Sound reasons of cost, space and land ownership make prohibitively difficult the provision of a footpath/cycleway and I cannot see the justification, especially not whilst pedestrian access into Moreton over the railway bridge remains as a potentially dangerous challenge.</p> <p>I contend that smaller and thus cheaper dwellings which anticipate access by private car are the right answer to the threat which has hovered for years over the northern approach to this important Town and, as a local resident; I strongly support the Application before you.</p>

<b>03</b>	<b>17/04950/FUL</b>	<b>Case Officer Update:</b>  For information, please see attached breakdown of materials used on individual plots
<b>04</b>	<b>16/05169/FUL</b>	<b>Further objection from Aspbury Planning Ltd acting on behalf of Warners Retail Limited</b>  – Please see attached letter dated 8 <sup>th</sup> April 2018

# DOWN AMPNEY PARISH COUNCIL

4 St Mary's Field, Meysey Hampton, Cirencester, GL7 5HE  
[downampneypc@gmail.com](mailto:downampneypc@gmail.com)

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Ms. C. Baker  
Senior Planner  
Cotswold District Council  
Cirencester  
GL7 1PX

5<sup>th</sup> April 2018

COTSWOLD DISTRICT COUNCIL

- 9 APR 2018

Off Ref:  
Ack:

**Ref: Planning Application No. 17/03826/REM – Reserved Matters Application -  
Land at Broadway Farm, Down Ampney**

Dear Ms Baker,

I am writing to you in connection with the above application which was deferred from the last Planning meeting (14<sup>th</sup> Feb) by the Applicant following advice from the Planning Team Leader, Mike Napper, to allow all parties (excluding the elected members) to meet to resolve the drainage and sewerage issue.

The comments in the document that you received for the “original Planning Committee meeting on 14<sup>th</sup> Feb” from the Down Ampney Parish Council still apply but we would like to explain what has occurred since that date and why the Parish Council has major concerns. We believe that since there has been no resolution to the drainage and sewerage issues and that the officers are still going to deal with this “under compliance” rather than reserved matters, it effectively excludes all of us as elected members from the process. If you would like an additional copy of our original document please let me know and I will ensure you have one for your meeting.

The impression that the LLFA has withdrawn its objection to the application is misleading. This is not because there is an agreed solution to the surface water issues but due to the fact that sewerage and flood risk is not being considered as part of this reserved matters application. Please see page 10 (e) Drainage of Case Officers report. This is in spite of drainage being listed under main issues, see page 3 of Item No 01 Case Officers report. Both will be dealt with under Compliance Application which we find surprising for such important topics which were highlighted by the Appeal Inspector.

Since the deferment, both the PC and the Ward member requested to be included in the dialogue regarding drainage and sewerage which was not considered appropriate by officers. For your information, I enclose the email exchange with Mike Napper which amongst other things makes it clear that the application coming before you on 11<sup>th</sup> April is by no means comprehensive since it excludes the biggest items of concern identified by the Planning Inspector – drainage and sewerage.

As we have highlighted in our earlier document, we have major concerns over both sewerage and surface water problems. We believe that the whole issue of surface water and sewerage should be a matter for the committee to determine under reserved matters. It makes no sense to expect you as a Committee to determine other matters such as site layout and landscaping only for these to run the risk of coming back to Committee because they are undeliverable.

Whilst we understand that we as a Parish Council will be able to comment on-line when the Compliance issues are presented, this is not the same as full engagement with PC, CDC, Developer, LLFA and Thames Water.

We believe that you as a Committee should not accept that the surface water and sewerage issues be dealt with by Compliance. Also that you should request that the Application is deferred again and that officers involve both the Committee and Down Ampney Parish Council in the whole issue of surface water and sewerage without which the scheme cannot be built. To have people's involvement in Planning matters was, after all, a key element in the Localism Act.

We attach the latest letter from the LLFA and the original letter dated 7<sup>th</sup> Dec 2017 from Thames Water, who both list their concerns.

Yours sincerely

A black rectangular redaction box covering the signature of Cllr Ray Jenkins.

Cllr Ray Jenkins

*Chairman*

*On Behalf of Down Ampney Parish Council*



Lead Local Flood Authority

Shire Hall  
Gloucester  
GL1 2TH

Claire Baker  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

email: naveen.tangri@gloucestershire.gov.uk

Please ask for: Naveen Tangri

Phone: 01452427472

Our Ref: C/2017/039457

Your Ref:  
17/03826/REM/LLFA

Date: 23 March 2018

Dear Claire Baker,

**TOWN AND COUNTRY PLANNING ACT 1990  
LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION**

**LOCATION: Land At Broadway Farm Down Ampney Gloucestershire  
PROPOSED: Reserved Matters Application in conjunction with outline  
planning permission reference 15/01567/OUT for demolition of redundant  
buildings and redevelopment with up to 44 dwellings**

Further to the meeting / discussion yesterday with you and applicant LLFA would like to withdraw the objection on reserve matter application. **However please note that issue of surface water drainage and site layout should be considered together. If the proposed layout proves not suitable for the surface water drainage scheme the applicant will need to amend the layout and submit a new application.**

LLFA can not discharge the condition on surface water drainage on the compliance application (ref.no. 17/03995/comply/LLFA).

Applicant needs to demonstrate that where surface water will be disposed off the site and whether they have consent from relevant authority for that discharge. Recent conversations with Highways legal agreement team suggested that they cannot accept any connection to their Highway drainage system from proposed development.

I am also copying this email to Planning officer for compliance application (Sue Bremner).

NOTE 1 :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

NOTE 2 : 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.

NOTE 3: 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.

Yours sincerely,

Naveen Tangri

SuDS Engineer

**Letter from Thames Water dated 7<sup>th</sup> Dec 2017.**

-----Original Message----- From: BCTAdmin@thameswater.co.uk [mailto:BCTAdmin@thameswater.co.uk] Sent: 07 December 2017 09:41 To: Planning mail Subject: 3rd Party Planning Application - 17/03826/REM

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Council Offices Trinity Road Cirencester Glos

Our DTS Ref: 35623 Your Ref: 17/03826/REM

GL7 1PX 7 December 2017 Dear Sir/Madam Re: LAND AT ,  
BROADWAY FARM , DOWN AMPNEY, CIRENCESTER,  
GLOUCESTERSHIRE, GL7 5QS

**Waste Comments** With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied -  
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

**Surface Water Drainage** - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a



combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

Supplementary Comments

Waste: In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the increased flows from the proposed development, a drainage strategy must be submitted detailing the foul and surface water strategies. With details on the proposed connection point, the connection method, and the discharge rate from the onsite sewage pumping station. If initial investigations indicate that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study.

Yours faithfully Development Planning Department

Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth,

WD3 9SQ Tel:020 3577 9998 Email:  
devcon.team@thameswater.co.uk

This is an automated email, please do not reply to the sender. If you wish to reply to this email, send to devcon.team@thameswater.co.uk

From: Ray Jenkins [REDACTED]  
Subject: BROADWAY FARM DEVELOPMENT  
Date: April 3, 2018 at 11:15 AM

To: Geoffrey Tappern [REDACTED] antony mathews [REDACTED]

Dear Mr. Napper  
Re: Broadway Farm Development.

You will be aware of the feeling of discontent by residents at Down Ampney concerning the above development and the intransigent attitude by the developer to meet with us to discuss issues of concern.

As a result of the degree of anxiety within the village, and pressure placed upon him, our Parish Chairman reluctantly resigned together with another member of the committee thus demonstrating the strength of feeling within the village.

I have been asked to take on the role and, as such, am contacting you to express our deepest concerns over the lack of support we believe is due from yourselves over this matter.

We approached our Ward Member Cllr. Fowles with a request that he attempted to set up a joint meeting with yourself, Sanctuary and representatives of our Parish Council to discuss the serious issues related to the site ( Surface water and sewage disposal together with the disposition of houses on the site) that affect us all at Down Ampney.

This was deemed necessary by my colleagues as Sanctuary have refused to discuss issues, or meet with us, following their preliminary presentation earlier last year. At that meeting we considered that they were honourable people and would work with us. However this has not proven to be the case.

Down Ampney Parish Council wishes to be considerate and helpful in all matters related to this, and other developments within our village, and believed we could work with them albeit we have been foisted with a 100% increase in the number of houses to be built on the land.

We understand that you believe it unnecessary to have such a meeting and that it is for us to contact Sanctuary. I reiterate that attempts to meet with them have been fruitless.

As the Planning Committee meet on the 11th April there appears no time to arrange and fulfill such a meeting, even with your participation.

We are lobbying the Committee members as strongly as we can and trust their good sense, and consideration for local feeling, will result in conditions being placed on the inevitable consent of reserved matters that will ultimately comfort my parishioners.

As a Parish Council, we will endeavour to monitor the development at every stage to ensure that conditions attached to the consent are complied with involving yourselves as a matter of course in compliance, insisting that each condition is signed off before occupation of the dwellings can occur.

I trust you understand our concerns and disappointment that your office could not facilitate such a meeting.

Yours sincerely  
Cllr. Ray Jenkins  
Chairman Down Ampney Parish Council

Fwd: BROADWAY FARM DEVELOPMENT (17/03826/REM) cleaned up copy  
April 5, 2018 at 5:58 PM  
Geoffrey Tappern

-----Original message-----

From: Mike Napper@cotswold.gov.uk  
Date: 03/04/2018 10:25:47 AM  
To: rayjay  
Cc: geoffrey.tappern; govmanneygc@gmail.com; Kevin Field@cotswold.gov.uk  
David Fowles@cotswold.gov.uk; Claire Baker@cotswold.gov.uk  
Subject: RE: BROADWAY FARM DEVELOPMENT (17/03826/REM)

Good morning, Cllr Jenkins and thank you for your message.

We certainly understand the strength of feeling in the local community regarding the above development, which has been evident since the submission of the outline application in 2015. We also understand the natural concerns regarding what will be a sizeable development in relation to the current size of the village. Nevertheless, the principle of the development and the amount of development was, of course, established by the Appeal decision in 2016. The current application is therefore solely to consider the details of the outline permission, rather than to reconsider the principle.

In terms of the issues in respect of the current application that have been raised in representations made by the community to the Council, the concerns have been fully and comprehensively expressed in writing. We are therefore fully informed of the issues insofar as they relate to the application proposals and the related planning policy considerations.

One of the major concerns clearly relates to surface water drainage and the Council's Case Officer, Claire Baker, has been proactive in ensuring that the applicant is fully aware of the issue and has facilitated direct communication between the County Council as the Lead Local Flood Authority, who are the Council's technical drainage advisors on major development schemes, and the applicant. The issue raised is still under discussion in relation to the applicant needing to meet the requirements of the drainage condition attached to the overarching outline permission, which is a matter for the separate condition compliance application prior to the commencement of any development, in relation to which the local community are again be able to provide comments. As the drainage issue is not directly related to the matters for consideration under the current Reserved Matters application (i.e. details of appearance, landscaping, layout and scale), the application can now be presented to Planning Committee. If the outcome of the compliance application results in the need for revisions to a scheme previously approved under Reserved Matters, the applicant has been advised that a future application may be required to consider those amendments.

I am also aware that issues regarding land ownership have been raised, which are a legal matter between the applicant and the third parties concerned. Again, if the resolution of any dispute results in the need for the applicant to change the layout, a further application would be required.

Whilst we do meet with members of the local community, on such occasions we need to ensure there is a clear productive purpose in doing so. In this case, the representations from the local community, including from the Parish Council, have clearly set out the concerns to allow them to be fully understood by the Council's officers and its consultees, and to ensure that they are before Members of the Planning Committee in their considerations. Please be assured that all of the representations relevant to the application are valued and are properly taken into account by officers in reaching their recommendations.

We welcome the engagement of the community in these matters and recognise its desire to ensure that the development is carried out in a way that respects the existing residents and the local environment. I hope that this clarifies our position, but if you nevertheless have any queries regarding my response, please contact me.

Kind regards,

**Mike Napper DipTP, MRTPI**

**Team Leader (Development Management)**

**Cotswold District Council**

**[www.cotswold.gov.uk](http://www.cotswold.gov.uk)**

*Planning Service Customer Feedback Questionnaire - Have we responded to your enquiry or dealt with your application? - Please take a few minutes to complete our short feedback questionnaire at the link below to assist us in our continuous programme to improve standards of service to our customers and residents. Thank you.*

<http://www.cotswold.gov.uk/residents/planning-building/planning/customer-feedback/>

# AMENDED PLOTS

Approved Layout - IDP Materials and Boundary Dispersion

Bovis Materials Plans (as built)

Customer  
Care  
Complaints  
Received to  
Date

Dispersion Plan CI292\_MAT Rev.B

**AS APPROVED**

**AS BUILT**

Plot No. House (F) House (T) Garage (F) Garage (T) Plot No. House (F) House (T) Garage (F) Garage (T)

Plot No.	House (F)	House (T)	Garage (F)	Garage (T)	Plot No.	House (F)	House (T)	Garage (F)	Garage (T)
1	Stone	Bradstone	Stone	Slate	1	Stone	Bradstone	Stone	Slate
2	Stone	Bradstone	Stone	Slate	2	Stone	Bradstone	Stone	Slate
3	Stone	Bradstone	Stone	Slate	3	Stone	Bradstone	Stone	Slate
4	Render	Slate	Stone	Slate	4	Render	Slate	Stone	Slate
5	Stone	Bradstone	Stone	Bradstone	5	Stone	Bradstone	Stone	Bradstone
6	Stone	Slate	Stone	Slate	6	Stone	Slate	Stone	Slate
7	Stone	Slate	Stone	Slate	7	Stone	Slate	Stone	Slate
8	Stone	Bradstone	Stone	Slate	8	Stone	Bradstone	Stone	Slate
9	Stone	Bradstone	Stone	Slate	9	Stone	Slate	Stone	Slate
10	Render	Bradstone	Stone	Bradstone	10	Render	Slate	Stone	Bradstone
11	Stone	Bradstone	Stone	Bradstone	11	Stone	Bradstone	Stone	Bradstone
12	Brick	Slate	-	-	12	Stone	Slate	-	-
13	Brick	Slate	-	-	13	Stone	Slate	-	-
14	Brick	Slate	-	-	14	Brick	Slate	-	-
15	Brick	Slate	-	-	15	Brick	Slate	-	-
16	Render	Slate	-	-	16	Render	Slate	-	-
17	Brick	Slate	-	-	17	Brick	Slate	-	-
18	Brick	Slate	-	-	18	Brick	Slate	-	-
19	Brick	Slate	-	-	19	Brick	Slate	-	-
20	Brick	Slate	-	-	20	Brick	Slate	-	-
21	Brick	Slate	-	-	21	Brick	Slate	-	-
22	Brick	Slate	-	-	22	Brick	Slate	-	-

## AS APPROVED

## AS BUILT

23	Render	Slate	-	-
24	Brick	Slate	-	-
25	Brick	Slate	-	-
26	Brick	Slate	-	-
27	Brick	Slate	-	-
28	Stone	Bradstone	Stone	Slate
29	Stone	Slate	Stone	Slate
30	Stone	Slate	Stone	Slate
31	Render	Bradstone	Stone	Slate
32	Stone	Bradstone	Stone	Slate
33	Stone	Bradstone	Stone	Slate
34	Render	Bradstone	Stone	Slate
35	Stone	Bradstone	Stone	Slate
36	Brick	Slate	-	-
37	Brick	Slate	-	-
38	Stone	Bradstone	Stone	Bradstone
39	Stone	Bradstone	Stone	Slate
40	Render	Slate	Stone	Slate
41	Stone	Slate	Stone	Slate
42	Stone	Bradstone	Stone	Slate
43	Stone	Bradstone	Stone	Slate
44	Brick	Slate	-	-
45	Brick	Slate	-	-
46	Brick	Slate	-	-
47	Brick	Slate	-	-
48	Brick	Slate	-	-
49	Brick	Slate	-	-
50	Brick	Slate	-	-
51	Brick	Slate	-	-
52	Brick	Slate	-	-
53	Brick	Slate	-	-
54	Brick	Slate	-	-
55	Brick	Slate	-	-

23	Render	Slate	-	-
24	Stone	Slate	-	-
25	Stone	Slate	-	-
26	Stone	Slate	-	-
27	Stone	Slate	-	-
28	Stone	Bradstone	Stone	Slate
29	Stone	Slate	Stone	Slate
30	Stone	Slate	Stone	Slate
31	Render	Bradstone	Stone	Slate
32	Stone	Bradstone	Stone	Slate
33	Stone	Bradstone	Stone	Slate
34	Render	Bradstone	Stone	Slate
35	Stone	Bradstone	Stone	Slate
36	Brick	Slate	-	-
37	Brick	Slate	-	-
38	Stone	Slate	Stone	Slate
39	Stone	Slate	Stone	Slate
40	Render	Bradstone	Stone	Slate
41	Stone	Bradstone	Stone	Slate
42	Stone	Slate	Stone	Slate
43	Render	Slate	Stone	Slate
44	Brick	Slate	-	-
45	Brick	Slate	-	-
46	Brick	Bradstone	-	-
47	Brick	Bradstone	-	-
48	Brick	Bradstone	-	-
49	Brick	Bradstone	-	-
50	Brick	Slate	-	-
51	Brick	Slate	-	-
52	Brick	Slate	-	-
53	Brick	Slate	-	-
54	Brick	Slate	-	-
55	Brick	Slate	-	-

# AS APPROVED

# AS BUILT

56	Brick	Slate	-	-
57	Brick	Slate	-	-
58	Brick	Slate	-	-
59	Brick	Slate	-	-
60	Stone	Bradstone	Stone	Not Specified
61	Render	Slate	Stone	Not Specified
62	Stone	Slate	Stone	Not Specified
63	Stone	Bradstone	Stone	Not Specified
64	Stone	Bradstone	Stone	Not Specified
65	Stone	Bradstone	Stone	Not Specified
66	Render	Slate	Stone	Not Specified
67	Stone	Slate	Stone	Not Specified
68	Stone	Bradstone	Stone	Bradstone
69	Stone	Bradstone	Stone	Slate
70	Stone	Bradstone	Stone	Slate
71	Render	Bradstone	Stone	Slate
72	Render	Bradstone	Stone	Slate
73	Stone	Bradstone	Stone	Slate
74	Stone	Bradstone	Stone	Slate
75	Stone	Slate	Stone	Slate
76	Stone	Slate	Stone	Slate
77	Stone	Slate	Stone	Slate
78	Render	Slate	Stone	Bradstone
79	Stone	Bradstone	Stone	Bradstone
80	Stone	Bradstone	Stone	Bradstone
81	Stone	Bradstone	Stone	Bradstone
82	Stone	Bradstone	Stone	Bradstone
83	Render	Slate	Stone	Slate
84	Stone	Slate	Stone	Slate
85	Stone	Slate	Stone	Slate
86	Stone	Bradstone	Stone	Slate
87	Stone	Bradstone	Stone	Slate
88	Render	Bradstone	Stone	Slate

56	Brick	Slate	-	-
57	Brick	Slate	-	-
58	Brick	Slate	-	-
59	Brick	Slate	-	-
60	Brick	Slate	Brick	Slate
61	Stone	Slate	Stone	Slate
62	Stone	Bradstone	Stone	Slate
63	Stone	Bradstone	Stone	Slate
64	Brick	Slate	Stone	Slate
65	Stone	Slate	Stone	Slate
66	Stone	Slate	Stone	Slate
67	Stone	Slate	Stone	Slate
68	Render	Slate	Stone	Slate
69	Stone	Slate	Stone	Slate
70	Stone	Bradstone	Stone	Slate
71	Render	Slate	Stone	Slate
72	Stone	Slate	Stone	Slate
73	Stone	Bradstone	Stone	Slate
74	Stone	Bradstone	Stone	Slate
75	Render	Slate	Stone	Slate
76	Brick	Slate	Stone	Slate
77	Render	Slate	Stone	Slate
78	Brick	Bradstone	Stone	Slate
79	Stone	Slate	Stone	Slate
80	Render	Slate	Stone	Slate
81	Render	Slate	Stone	Slate
82	Stone	Bradstone	Stone	Slate
83	Render	Slate	Brick	Slate
84	Brick	Slate	Brick	Slate
85	Render	Slate	Stone	Slate
86	Stone	Bradstone	Stone	Slate
87	Stone	Bradstone	Stone	Slate
88	Stone	Slate	Stone	Slate

# AS APPROVED

# AS BUILT

89	Render	Bradstone	Stone	Slate
90	Stone	Slate	Stone	Slate
91	Render	Slate	Stone	Slate
92	Stone	Slate	Stone	Slate
93	Stone	Bradstone	Stone	Slate
94	Stone	Bradstone	Stone	Slate
95	Render	Bradstone	Stone	Slate
96	Stone	Bradstone	Stone	Slate
97	Brick	Slate	-	-
98	Brick	Slate	-	-
99	Brick	Slate	-	-
100	Brick	Slate	-	-
101	Render	Slate	Stone	Slate
102	Render	Slate	Stone	Slate
103	Stone	Slate	Stone	Slate
104	Render	Bradstone	Stone	Bradstone
105	Stone	Bradstone	Stone	Slate
106	Stone	Bradstone	Stone	Slate
107	Stone	Slate	Stone	Slate
103	Render	Slate	Stone	Slate
109	Stone	Slate	Stone	Slate
110	Stone	Bradstone	Stone	Bradstone
111	Stone	Bradstone	Stone	Bradstone
112	Stone	Slate	Stone	Slate
113	Stone	Slate	Stone	Slate
114	Stone	Slate	Stone	Slate
115	Render	Bradstone	Stone	Bradstone
116	Stone	Bradstone	Stone	Bradstone
117	Stone	Bradstone	Stone	Bradstone
118	Render	Bradstone	Stone	Bradstone
119	Stone	Bradstone	Stone	Slate
120	Stone	Bradstone	Stone	Bradstone
121	Stone	Bradstone	Stone	Bradstone

89	Render	Slate	Stone	Slate
90	Stone	Bradstone	Stone	Slate
91	Stone	Bradstone	Stone	Slate
92	Stone	Slate	Stone	Slate
93	Stone	Slate	Stone	Slate
94	Render	Bradstone	Stone	Slate
95	Stone	Bradstone	Stone	Slate
96	Stone	Slate	Stone	Slate
97	Brick	Slate	-	-
98	Brick	Slate	-	-
99	Brick	Slate	-	-
100	Brick	Slate	-	-
101	Render	Slate	Brick	Slate
102	Render	Slate	Brick	Slate
103	Brick	Bradstone	Brick	Slate
104	Stone	Slate	Stone	Slate
105	Stone	Slate	Stone	Slate
106	Render	Slate	Stone	Slate
107	Stone	Bradstone	Stone	Slate
108	Stone	Bradstone	Stone	Slate
109	Stone	Bradstone	Stone	Slate
110	Stone	Slate	Stone	Slate
111	Stone	Slate	Stone	Slate
112	Stone	Slate	Stone	Slate
113	Stone	Bradstone	Stone	Slate
114	Stone	Bradstone	Stone	Slate
115	Stone	Slate	Stone	Slate
116	Stone	Slate	Stone	Slate
117	Stone	Bradstone	Stone	Slate
118	Render	Bradstone	Stone	Slate
119	Stone	Slate	Stone	Slate
120	Stone	Bradstone	Stone	Slate
121	Stone	Bradstone	Stone	Slate



# As APPROVED

# As BUILT

122	Render	Bradstone	Stone	Bradstone	122	Render	Slate	Stone	Slate
123	Stone	Bradstone	Stone	Bradstone	123	Stone	Slate	Stone	Slate
124	Stone	Slate	Stone	Slate	124	Stone	Slate	Stone	Slate
125	Stone	Slate	Stone	State	125	Stone	Bradstone	Stone	Slate
126	Render	Slate	Stone	Slate	126	Render	Slate	Stone	Slate
127	Stone	Bradstone	Stone	Bradstone	127	Stone	Bradstone	Stone	Slate
128	Render	Bradstone	Stone	Bradstone	128	Stone	Slate	Stone	Slate
129	Stone	Bradstone	Stone	Bradstone	129	Stone	Slate	Stone	Slate
130	Stone	Slate	Stone	Slate	130	Render	Bradstone	Stone	Slate
131	Stone	Slate	Stone	Slate	131	Stone	Bradstone	Stone	Slate
132	Render	Slate	Stone	Slate	132	Stone	Slate	Stone	Slate
133	Stone	Slate	Stone	Slate	133	Stone	Slate	Stone	Slate
134	Stone	Bradstone	Stone	Slate	134	Render	Slate	Stone	Slate
135	Stone	Slate	Stone	Slate	135	Stone	Slate	Stone	Slate
136	Render	Bradstone	Stone	Bradstone	136	Stone	Bradstone	Stone	Bradstone
137	Stone	Slate	Stone	Slate	137	Render	Slate	Stone	Slate
138	Stone	Slate	Stone	Slate	138	Render	Slate	Stone	Slate
139	Render	Bradstone	Stone	Bradstone	139	Stone	Bradstone	Stone	Bradstone
140	Stone	Slate	Stone	Slate	140	Stone	Slate	Stone	Slate
141	Render	Bradstone	Stone	Slate	141	Render	Slate	Stone	Slate
142	Stone	Bradstone	Stone	Slate	142	Stone	Slate	Stone	Slate
143	Stone	Bradstone	Stone	Slate	143	Stone	Bradstone	Stone	Slate
144	Stone	Bradstone	Stone	Slate	144	Stone	Slate	Stone	Slate
145	Stone	Bradstone	Stone	Bradstone	145	Render	Slate	Stone	Slate
146	Stone	Bradstone	Stone	Bradstone	146	Stone	Slate	Stone	Slate
147	Brick	Slate	Brick	Not Specified	147	Brick	Bradstone	Brick	Bradstone
148	Brick	Slate	Brick	Not Specified	148	Brick	Bradstone	Brick	Bradstone
149	Brick	Slate	Brick	Not Specified	149	Brick	Bradstone	Brick	Bradstone
150	Brick	Slate	Brick	Not Specified	150	Brick	Bradstone	Brick	Bradstone
151	Brick	Slate	Brick	Not Specified	151	Brick	Slate	Brick	Bradstone
152	Brick	Slate	Brick	Not Specified	152	Brick	Slate	Brick	Bradstone
153	Brick	Slate	Brick	Not Specified	153	Brick	Slate	Brick	Bradstone
154	Brick	Slate	Brick	Not Specified	154	Brick	Slate	Brick	Bradstone

Approved

Houses

Stone	52%	44%	Bradstone
Render	19%	56%	Slate
Brick	29%		

Garages

Stone	93%	24%	Bradstone
Brick	7%	61%	Slate

As Built

Houses

Stone	52%	34%	Bradstone
Render	19%	66%	Slate
Brick	29%		

Garages

Stone	88%	11%	Bradstone
Brick	12%	89%	Slate

The Planning & Development Manager  
Cotswold District Council,  
Council Offices,  
Trinity Road,  
Cirencester,  
Gloucestershire,  
GL7 1PX  
FTAO Mr M Perks

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

8 April 2018

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. FOSSEWAY GARDEN CENTRE, STOW ROAD, MORETON-IN-MARSH, GLOUCESTERSHIRE GL56 0DS**

We refer to the above Application and to the Report thereon to the Planning Committee on Wednesday 11 April. We act on behalf of Warners Retail Limited, the operator of the 'Warner's Budgens store in Moreton-in-Marsh (hereinafter referred to as 'the Objector') and we are writing to comment specifically on the Committee Report and Recommendation. This letter should be read in conjunction with the previous objections to the Application submitted by Asbury Planning Limited and by Bancroft Consulting Limited and we also ask that it is drawn to the attention of the members of the Committee before it deliberates on the Application.

The Objector submits that the Committee Report and Recommendation (CR&R) is unsound and misdirects the Committee for the reasons set out below. Accordingly planning permission should be *refused* for the reason set out below.

In summary the objector contends:

- The Committee Report does not address the planning considerations in this case fully, effectively/robustly or correctly;
- Not only is the proposed development not sustainable, it is highly *unsustainable*;
- The proposal clearly and materially conflicts with the provisions of the adopted and emerging development plan;
- It would be seriously detrimental to the vitality and viability of Moreton-in-Marsh Town Centre;

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- It is a form of development that is manifestly inappropriate in the open countryside and in the AONB;
- It would have a significant adverse impact on the local highway network and particularly on the free and safe flow of traffic on the A429;
- The material submitted in support of the Application is technically defective and self-serving.

At Page 83, fourth paragraph of the CR&R the Officer's Assessment records that the existing business developed in an incremental manner in its early years and then describes how the development has evolved subsequently. The Objector considers that the owners of the Fosseway Garden Centre have sought a progressive, creeping/incremental commitment to an ever broader range retail uses, by a combination of stealth/unauthorised development followed by ex post facto regularisation and explicitly through a succession of planning applications.

What is now proposed is, in effect, a huge free-standing destination '*department store*' in the open countryside with a total sales area of 7,042 square metres/76,000 square feet and a covered sales area alone of 4,456 square metres/48,000 square foot (see CR&R Page 85) – a 64% increase in the covered sales area. This easily qualifies as one of the largest, if not *the* largest single retail outlet anywhere in Cotswold DC. This is *5-times* the net retail floorspace of the existing Warners Budgens (WB) store (the largest shop in Moreton) and *3-times* the WB store as extended; *3.5-times* the recently completed Aldi store at Fosseway Farm; and, *3.3-times* the size of the Tesco store in Stow-on-the-Wold (See Page 93, third paragraph of the CR&R)! The proposed additional floorspace to be devoted to 'non garden centre items' alone (1307 square metres) is the equivalent of a medium-sized supermarket, such as the new Aldi and Tesco in Stow-on-the-Wold.

The Site's capacity to function as a free-standing shopping destination is reinforced by: the level of free on-site car parking, which the application proposes to increase by 29% (from 181 to 233 spaces [CRR Page 86, final paragraph), more than twice the size of the largest public car park in Moreton; by the large on-site cafeteria – Timothy's Restaurant; and by the large children's play area (both of which are themselves 'town centre' uses). These features, taken together with the distance from the Site to the Town Centre - involving a round trip of more than 1700 metres/1 mile on foot via a narrow, intermittent footway beside a busy, heavily trafficked major road (the A429) - mean that it is simply not credible to expect that patrons will undertake shared simultaneous shopping trips to the proposed facility and the Town Centre.

The Applicant continues to peddle the argument – first advanced in support of the Fosseway Farm (now Aldi) proposal – that the additional qualitative and quantitative shopping provision at Fosseway Garden Centre will contribute to the 'clawback' of spending currently 'leaking' to stores and centres outside the Moreton-in-Marsh retail catchment. We have commented previously on this alleged phenomenon and, in particular, that much of the so-call leakage is merely spending that is legitimately directed to higher order retail centres and the retail services they provide, that a significant element of this spending is being diverted to internet shopping and that, realistically, the potential for meaningful clawback of spending is always going to be very limited.

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Moreover clawback is only a public/community benefit to Moreton if the spending is redirected to the *Town Centre*. If, as will inevitably happen here, the spending clawed back, such as it is, is redirected exclusively to the new free-standing department store, that is merely a *private commercial benefit* to the proprietors of the store.

Moreover, this is a retail facility with demonstrably poor access to public transport and in an isolated out-of-town location, so that it will be patronised exclusively by the private motor car and all such journeys are inherently unsustainable.

In the Objector's submission the CR&R fails to give sufficient weight to the fact that the proposal engages a clear and material conflict with the provisions of the adopted and emerging development plan and with the NPPF and then to take the correct structured approach in addressing this conflict. Thus, paragraph 12 of the NPPF makes clear that development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. (see also Section 38[6] of the Planning and Compulsory Purchase Act 2004 – as referenced in the first paragraph on Page 87 of the CR&R). This should be the starting point for the CR&R.

We note that CR&R accepts (Page 98/2<sup>nd</sup> paragraph) that "in the 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." This is a remarkable admission because if the facility is no longer a garden centre it can only be considered to be a general retail outlet – in plain language – *a shop*. There is no way that a shop – and certainly a shop of the massive scale proposed here – can rationally and fairly be regarded as development appropriate to a rural area, let alone an AONB, and therefore consistent with the relevant provisions of the development plan and with national policy in the NPPF.

There is a demonstrable conflict with *Policy 19* of the adopted Local Plan in that the proposal does not 'relate well to existing development' (i.e. the town of Moreton-in-Marsh) and explicitly engages clauses (d) and (e) of the Policy (as cited in the third paragraph on page 87 of the CR&R – under the heading 'Planning Policy Guidance Concerning Retail Development and Impact on Moreton-in-Marsh Commercial Centre). There is no need to go to Policy 25 to interpret and apply the provisions of Policy 19 and the author of the CR&R has, therefore, misdirected members with regard to the provisions of and weight to be accorded to this Policy in its own right.

Notwithstanding the commentary in the preceding paragraph, we contend that there is unequivocal conflict with Local Plan *Policy 25* and specifically with clauses (b) and (c) thereof. In the circumstances and having regard to the context, including the location, and to the scale of the development proposed in this case, then to state that as the CR&R does: "*It is evident that Policy 25 can be supportive of retail development outside established commercial centres subject to the above criteria being addressed*"; is a feeble, self-serving and wholly misleading interpretation of the provisions, aims and objectives of this Policy and which effectively turns them on their head.

The same comment applies to the qualification in the last paragraph on Page 88 of the CR&R in relation to the provisions of the NPPF:

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"It is evident from the above that the NPPF seeks to focus new retail development on existing town/village centres. *However, it can 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.*"

Paragraph 23 of the NPPF, under the heading '*Ensuring the vitality of town centres*' clearly sets out the Government's overriding support for **town centres** as a primary consideration and that development outside town centres must be the exception, clearly justified and demonstrably evidence led. Once again the comment in the CR&R seeks to dilute the clear policy position (see also NPPF paragraph 27 and PPG [as referenced on page 89 of the CR&R]).

Given the advanced stage the emerging Local Plan has reached, the Objector submits that **substantial** weight can and should now be given to its provisions and certainly more than is accorded to it in the CR&R (Page 91/1<sup>st</sup> paragraph where the author suggests they should be accorded only 'moderate' weight. In this context see paragraph 216 of the NPPF). The review of the provisions of the emerging Local Plan is also incomplete with relevant policies being omitted.

Generally, the CR&R under-plays the planning policy significance of the Application Site being wholly out-of-town and therefore in the open countryside. Specifically, it makes no reference to **Policy DS2** – 'Development Within Development Boundaries'. The Policy is couched in positive term with respect to development proposed within settlement boundaries and it must be axiomatic that development **outside** such boundaries is **contrary** to the Policy and, therefore, to the Plan's overall strategy. No reference is made this Policy in the CR&R however.

The relevant town centre and retail policies in both the adopted and emerging Local Plans make no reference to out-of-town retail development. The same is true of the relevant paragraphs of the NPPF. The only reference to 'out-of-town' in *any* of these documents is in the glossary to the NPPF. The Glossary does not constitute policy or guidance. Out-of-town does not feature in the sequence of locations listed in national or local policy and in the policy 'cascade'. It follows that out-of-town is not a retail location that is addressed by policy and out-of-centre but not out-of-town is the most remote location from the town centre that is entertained by policy. The scope of the sequential test under paragraph 24 of the NPPF stops out-of-centre and goes no further. It is inappropriate therefore to simply conflate out-of-town with out-of-centre when applying policy. Out-of-town is a significant step further than out-of-centre. This important distinction is not highlighted in the CR&R. This distinction **was**, however, drawn and relied on as material by the Authority in determining the planning applications at Fosseway Farm (13/01971/OUT) and by Sainsbury's (13/02296/FUL) on the east side of the A429 in Committee Reports in September and December 2013. The current CR&R is therefore inconsistent with the approach adopted by your Authority in 2013.

The Application Proposal therefore conflicts fundamentally with **Policy EC8** Clause 1 of the emerging Local Plan and, additionally, without prejudice to this assertion, with clauses 2 and 3 and sub-clauses a. to e. inclusive and a. and b. respectively thereof.

Thus, it is submitted that the proposed development is not: of a size, scale, function and intensity appropriate to Moreton-in-Marsh and certainly not to an isolated out-of-town

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location in the open countryside; is not consistent with the strategy for Moreton; will not help to maintain an appropriate mix of uses in the Moreton Town Centre – on the contrary; will make *no* contribution to the quality, attractiveness and character of the settlement, indeed, in light of the potentially devastating impact on the vitality and viability of the Town Centre the proposal would be likely to detract from those qualities; and, is not consistent with the floorspace provision requirements for Moreton identified in the latest evidence (the up-to-date evidence base for the emerging Local plan). Nor is it accessible and well-connected to the centre by public transport, walking and cycling. The CR&C does not engage specifically with any of these criteria.

The advanced stage that the emerging Local Plan has reached and the substantial weight that should be accorded to it as a consequence is also important to consideration of the Main Modification to the Plan extending the defined Moreton-in-Marsh Town Centre Boundary to *include* the Objector's (WB) store therein. This is a significant change in circumstances which goes both to the policy approach to be taken by the decision-maker and the impact of the Application Proposal on the vitality and viability of the Town Centre as a whole.

In considering previous out-of-centre retail proposals in Moreton-in-Marsh in 2013 (see above), the Council has made much of the fact that the WB store did not then enjoy the ('policy') protection of inclusion in the defined Town Centre. The imminence of the adoption of the Local Plan including the relevant Main Modification means that the WB store *will* shortly enjoy such protection is a very important material consideration that should not, therefore, be dismissed as a marginal issue simply because the LP has not yet been formally adopted, as it has in the Applicant's submissions and in the CR&R. We will return to this in addressing the Sequential Assessment and the Impact Assessment below.

We will address transport impacts further below, but in the meantime, we note that there is no reference to Policies INF3 – 'Sustainable Transport' - and INF4 – 'Highway Safety' in the CR&R. The Objector contends that there is clear conflict with these policies but, the failure of the CR&R to engage with them at all is a serious omission which goes to the soundness of the Report.

We turn now to consideration of the Sequential Test and the Impact Assessment

The Objector submits that the Applicants Sequential Assessment and the CR&R's examination of it is flawed, with the result that the author of the CR&R misdirects themselves and the Committee.

The correct approach to the Sequential Test is to consider whether there are sites available in sequentially preferable locations which can accommodate some (through disaggregation) or all of the proposed floorspace. The sites do not need to be available to the promoter of the development/the applicant, merely to have a reasonable prospect of being delivered in the foreseeable future/the same timeframe as the proposed development.

The Applicant's Sequential Assessment considers the sum of the so-called 'non garden centre uses' (but excluding furniture and pet products) – 1152 square metres (rounded down to 1000 square metres) – as if it were a discrete and integrated retail unit.

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This effectively misrepresents the format, which is in fact an ad hoc collection of 'departments'/sections/products dispersed within and functionally/operationally subordinate to the so called garden centre use. (See proposed planning condition: Schedule b) on Page 97 and the proposed 'Product Restriction Plan on Page 112 of the CR&R). This particular combination of products does not correspond to any current/recognised discrete retailer trading format/offer. There is no procedural justification for treating this random combination of products as a single store format with a minimum floorspace of 1000 square metres. There is, therefore, inadequate 'disaggregation' of the proposed 'non-garden centre' floorspace. The Objector submits that the floorspace should be disaggregated on a product group-by-product group basis as listed in the proposed planning condition. Self-evidently the disaggregated elements could be more easily accommodated on sites within and on the edge of the Town Centre. Amongst other things it is clear that, the 'convenience' products elements (food etc.) could be comfortably accommodated in the committed WB's extension, whilst other product groups could probably be accommodated within or by means of extensions to existing TC stores both in Moreton and In Stow. There is no functional need, nor operational justification or precedent for accommodating these disparate products in a single store under one roof. The Applicant has simply not undertaken the SA on this basis and it is, therefore unsound and not robust as is the CR&R's acceptance of it.

In light of the foregoing commentary, Page 92 3<sup>rd</sup> paragraph misdirects the Committee, because the circumstances in 2013 – and, particularly, the store trading format sought then – were materially *different* (significantly larger and in a recognised integrated trading format – a convenience supermarket) and thus the circumstances were significantly different and not comparable. The Councils decision and the Court of Appeal's subsequent endorsement are clearly distinguishable for the current circumstances and should not be relied upon in the instant case therefore.

Turning to the assessment of impact, including cumulative impact, the Cotswold Retail Study Update 2016 (CRSU) and the instant Application, were both produced/submitted before the Aldi store at Fosseway Farm opened for trading in late 2017. The 4<sup>th</sup> paragraph on Page 93 of the CR&R, referring to Page 5,110 of the Cotswold Retail Study Update 2016 is out-of-date and potentially misleading for members not familiar with the area. The impact of this store on trading patterns and the vitality and viability of the Town centre as a whole, which will, henceforth, include the WB store, has yet to be properly assessed on the basis of actual, rather than merely projected impacts. At best, therefore, *any* significant increase in retail floorspace within the Moreton –in–Marsh Town Centre catchment area, *wherever located*, is potentially damaging and *premature*. Notwithstanding this contention the *cumulative* impact of the proposed development together with the nearby Aldi store, not just on vitality and viability, but also on traffic conditions on the A429 (see below) has not been fully and effectively assessed in the Application material.

In this context we draw attention to the last paragraph of the CR&R on Page 93, referring to paragraph 8.4 of the CRSU, which the Objector contends has not been afforded significant weight in assessing impact. It states:



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*"In relation to the key objectives for the study, we have found that for all settlements any surplus quantitative need which does not exist is likely to be very small and the previous identification of a need for net additional floorspace in Moreton-in-Marsh and Bourton-on-the-Water has been met by the grant of planning permission for new foodstores in these settlements."*

The logical conclusion from this statement must be that the additional floorspace proposed on the Application Site is not objectively justified and that spending in this out-of-town facility in the open countryside will be necessarily abstracted from available spending in the Town Centre. We have already above dismissed the fallacious argument that the new development will clawback spending currently 'leaking' outside the catchment area.

The Objector submits that the *combination* of the new Aldi store plus the proposed development on the Application Site will have an altogether *greater* cumulative impact on the Town Centre than the Applicant or the CR&R suggests, because of the close geographical proximity of the two stores, with scope for direct and complementary functional interaction, their distance from the Town Centre and the poor pedestrian and public transport accessibility. Both facilities will be accessed primarily by car borne shoppers and in combination will offer a significant alternative destination shopping facility to the Town Centre. The mistake in granting planning permission to the Aldi store should not be compounded by the granting of permission for the Application Proposal therefore.

The Objector cannot see in the Applicant's submitted material or the CR&R that any assessment has been made of the impact of the development on the weekly market in Moreton-in-Marsh. Amongst other things, along with WBs and other independent retailers in the Town Centre, the Market sells locally produced food and other products, including gifts etc. proposed to be sold from the extended floor area on the Application Site. The Market is an important qualitative component of the retail offer in Moreton Town Centre and contributes strongly to the appeal of the Town to visitors. We contend that the 'non-garden centre' product range to be offered at the Application Site will compete directly and harmfully with the Market. Moreover, the impact of the development could be significant on individual market stalls, which would potentially have a significant knock on effect on the vitality and viability of the Market more generally and, consequently, the Town Centre as a whole. We can see no evidence that this impact has been assessed.

It seems to be generally acknowledged (not least by the proposal now to include it within the defined Town Centre) that the WB store *anchors* the Town Centre economically and that there is a high level of shared journeys to the store and the rest of the Town Centre, a phenomenon that has been accentuated by the location of the Post Office in the Store and will be further accentuated when the extension is completed. Even without considering the very narrow margins that traditional town centre shops, especially convenience stores, now trade on, a cumulative impact of *15.2%* of WB's turnover, as acknowledged by the Applicants (Page 94, 5<sup>th</sup> paragraph of the CR&R), a figure the Objector considers to be much too low in any event, is likely to prove fatal for the Company. Given its key social and economic anchoring role, the loss of the WB store and very probably of least one of the other town centre convenience stores would be devastating for the Town Centre as a whole and would lead to highly unsustainable out-of-centre/out-of-town car-borne shopping.

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The Objector considers that the CR&R completely under estimates and is complacent about cumulative retail impacts on a vulnerable Town Centre. Undue reliance on the overly optimistic assessments of the health, vitality and viability of the Town Centre in the CRSU (which also predates the Brexit referendum and, the subsequent fall in the pound and the consequent rise in import [including] food costs) is highly dangerous. The Objector's direct commercial experience of Moreton Town Centre over a sustained period is that it is now in a very vulnerable economic condition. In the current climate of economic uncertainty and fragility the precautionary principle is to be preferred to an overly-confident and clearly commercially self-serving prognosis advanced by the Applicant who self-evidently has neither a stake in nor an evident concern for the Town Centre. Indeed its overtly out-of-town trading model is wholly antipathetic to a town centre-first approach. With the decision on this Application, the Council now holds the future of Moreton-in-Marsh Town Centre in its hands and the Objector urges it not to play fast and loose with that responsibility.

The Applicant proposes a small job increase with the development, but this is likely to be outweighed by loss of jobs in the retail sector within the Town Centre if the development proceeds.

It has already been noted that the CR&R acknowledges that the character of the Application Site would be fundamentally changed by this proposal, from a Garden Centre to a general retail/shop use on what is demonstrably a very large scale. This must inform the proper approach to the development proposals from what might be considered to be a presumption in favour of proposals consistent with a Garden Centre use, - which tends normally to be located in out-of-town, rural areas - to a presumption against large scale retail development in the open countryside. The CR&R completely fails to grapple with this change and its approach appears to be predicated on the feeble "horse has already bolted" state of affairs which the Objector does not accept, but which has been largely self-inflicted by a complete failure to acknowledge and effectively control the evolving status of the so-called Fosse Way Garden Centre to date. Thus it is difficult to escape the conclusion that the Applicant/its predecessors has, over the years, consciously and with intent, exploited the historic passivity, credulity and malleability of the LPA so as to secure a progressively less restricted retail use on a massive scale.

Rather than starting with a correct presumption against the Application proposals – because they are contrary to policy and are unsustainable, the CR&R consistently seeks to be an apology for and to find ways around the clear objections to them. This goes above and beyond the obligation to plan positively and looks very like an abject surrendering of the duty to act in the community's interest and specifically to protect the vitality and viability of town centres and to prevent inappropriate major development in the open countryside and in the AONB.

This is perhaps summed up by the proposed long and complicated planning condition purportedly seeking to regulate the proposed use. This despite the fact that similar conditions have failed to prevent the unsatisfactory, inappropriate and harmful evolution of the development on the Application Site to date. This is because the conditions in question were and are fundamentally flawed and, in the Applicant's submission, incapable of effective enforcement.

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Thus, we note that condition proposes to change the reference to foodstuffs for consumption of the premises from "confectionary and gift foods" to "Locally produced food *and* speciality food products". There is no (limiting) definition of what "speciality food products" are, whilst "locally produced food" is said to be that produced with a 40 mile radius of the Store.

We submit that this clause seeks to hide behind the apparent benefits and popularity of local food produce, but it is wholly deceptive. Thus, a 40-mile radius covers 5,000 square miles and encompasses the whole of the South Midlands sub-Region and beyond. We pose the rhetorical question as to whether this genuinely constitutes 'local' produce and why this is a peculiar benefit justifying a manifest and substantial relaxation of control of the food product range, especially when WB, other independent shops and the weekly market in Moreton Town Centre already provide a wide range of local food?

The Objector also questions how such a hugely complex, specific and wide ranging planning condition can be effectively enforced? In an era when Local (Planning) Authority, and particularly planning enforcement resources are stretched, how is the Authority to find the personnel and their time to undertake the regular, frequent and complicated/time-consuming checks of individual products and floorspace areas that are required for effective enforcement of the condition, against a background where the Applicant has consistently sought to push the envelope of acceptable products in the past?

The Objector says bluntly that this condition will go the way of similar conditions previously and the Applicant, with a lack of proper supervision, will variously ignore, stretch and chip away the restrictions until inevitably it is in a position are ready to bring forward fresh and ex post facto proposals to further consolidate a general and unrestricted retail use.

The CR&R is flawed, therefore, because instead of starting with and giving effect to the clear and fundamental planning objections to the proposed development by refusing planning permission, it is complicit in a process of feeble acquiescence with wholly unacceptable large scale development in the open countryside and the demonstrable misuse of planning conditions.

Turning to traffic generation and highway safety, given the LHA's previously expressed reservations of the LHA and the third party objections on transport grounds, it is difficult to see how the conclusions in the 4<sup>th</sup> paragraph on page 104 of the CR&R can be sustained without the benefit at least of the final comments of Gloucester County Council and a more substantive commitment on the part of the Applicant and only a half-hearted statement – "*The applicant has agreed in principle to make a reasonable contribution to such works.*". Accordingly we submit that this recommendation is premature and prejudicial judgement of the transport issues.

Turning, lastly, to the visual impact of the development on the open countryside and on the AONB, the Objector submits that the CR&R has approached this matter in a casual, flawed and incomplete manner.

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There is no attempt to consider and engage with its specific provisions, including the three bullet points in paragraph 116 of the NPPF in the CR&R and the parallel requirements set out by Policies EN4 and EN5 of the emerging Local Plan.

This is a glaring and damaging omission as the provisions of Policies EN4 and EN5 and of NPPF paragraph 116 are clearly material to the proposals and there is, in the Objector's submission, demonstrable and significant conflict with them. Thus, in terms of NPPF paragraph 116, exceptional circumstances have not been demonstrated in this case and there is no evident public benefit, rather the contrary. There is no evidence of 'need' for the development in the context of paragraph 116, including in terms of national considerations and permitting it will actually damage the local economy by virtue of its serious adverse impact on the vitality and viability of the Moreton-in-Marsh Town Centre. There has been no serious attempt to explore the cost and scope of development elsewhere and particularly of meeting the 'need' for the non-garden centre retail element of the development within the Town Centre. (See the analysis of the flawed sequential assessment above).


Mitigation has not been fully and effectively addressed. Thus, there has been no attempt to improve the overall design, external appearance and visual impact of the existing development. Rather the CR&R seems to excuse the proposals by saying they are similar and no worse than the existing buildings. This is a pathetic neglect of the LPA's duty to conserve and enhance the landscape and scenic beauty of the AONB. Landscaping such as it is a function of the land left after the over-development of an already constricted and constrained site for new buildings and car parking and is demonstrably an afterthought, inadequate and ineffective.

Instead of placing the conservation of the scenic beauty of the AONB at the forefront of its analysis as a primary consideration, the assessment of the impact of the development on the AONB and one which crucially informs the approach to other planning policy is relegated to the 20<sup>th</sup> page of a 29-page report, with much of the section being occupied with a simple factual rehearsal of development plan and NPPF policy and of the area's landscape character assessment.

In light of the above representations, the Objector submits that the Committee Report and the Recommendation to grant planning permission, is seriously flawed and materially misdirects the Committee. A proper and complete analysis of the Application Proposals, including a full and effective engagement with the provisions of the development plan and of the NPPF, points strongly to a refusal of permission. The Objector feels at the very least the Application should be withdrawn from the agenda and the CR&R comprehensively revisited. In any event the Application should ultimately be **REFUSED** permission.

We look forward to your urgent response at your earliest convenience and to the reporting of this letter to the Committee ahead of the meeting on Wednesday 11 April.

Yours faithfully



Antony P Aspbury  
Director

Approved Layout - IDP Materials and Boundary Dispersion  
Dispersion Plan C1292\_MAT Rev.B

Bovis Materials Plans (as built)

Plot No.	House (F)	House (T)	Garage (F)	Garage (T)	Plot No.	House (F)	House (T)	Garage (F)	Garage (T)
1	Stone	Bradstone	Stone	Slate	1	Stone	Bradstone	Stone	Slate
2	Stone	Bradstone	Stone	Slate	2	Stone	Bradstone	Stone	Slate
3	Stone	Bradstone	Stone	Slate	3	Stone	Bradstone	Stone	Slate
4	Render	Slate	Stone	Slate	4	Render	Slate	Stone	Slate
5	Stone	Bradstone	Stone	Bradstone	5	Stone	Bradstone	Stone	Bradstone
6	Stone	Slate	Stone	Slate	6	Stone	Slate	Stone	Slate
7	Stone	Slate	Stone	Slate	7	Stone	Slate	Stone	Slate
8	Stone	Bradstone	Stone	Slate	8	Stone	Bradstone	Stone	Slate
9	Stone	Bradstone	Stone	Slate	9	Stone	Slate	Stone	Slate
10	Render	Bradstone	Stone	Bradstone	10	Render	Slate	Stone	Slate
11	Stone	Bradstone	Stone	Bradstone	11	Stone	Bradstone	Stone	Bradstone
12	Brick	Slate	-	-	12	Stone	Slate	-	-
13	Brick	Slate	-	-	13	Stone	Slate	-	-
14	Brick	Slate	-	-	14	Brick	Slate	-	-
15	Brick	Slate	-	-	15	Brick	Slate	-	-
16	Render	Slate	-	-	16	Render	Slate	-	-
17	Brick	Slate	-	-	17	Brick	Slate	-	-
18	Brick	Slate	-	-	18	Brick	Slate	-	-
19	Brick	Slate	-	-	19	Brick	Slate	-	-
20	Brick	Slate	-	-	20	Brick	Slate	-	-
21	Brick	Slate	-	-	21	Brick	Slate	-	-
22	Brick	Slate	-	-	22	Brick	Slate	-	-
23	Render	Slate	-	-	23	Render	Slate	-	-
24	Brick	Slate	-	-	24	Stone	Slate	-	-
25	Brick	Slate	-	-	25	Stone	Slate	-	-
26	Brick	Slate	-	-	26	Stone	Slate	-	-
27	Brick	Slate	-	-	27	Stone	Slate	-	-
28	Stone	Bradstone	Stone	Slate	28	Stone	Bradstone	Stone	Slate
29	Stone	Slate	Stone	Slate	29	Stone	Slate	Stone	Slate
30	Stone	Slate	Stone	Slate	30	Stone	Slate	Stone	Slate
31	Render	Bradstone	Stone	Slate	31	Render	Bradstone	Stone	Slate
32	Stone	Bradstone	Stone	Slate	32	Stone	Bradstone	Stone	Slate
33	Stone	Bradstone	Stone	Slate	33	Stone	Bradstone	Stone	Slate
34	Render	Bradstone	Stone	Slate	34	Render	Bradstone	Stone	Slate
35	Stone	Bradstone	Stone	Slate	35	Stone	Bradstone	Stone	Slate
36	Brick	Slate	-	-	36	Brick	Slate	-	-
37	Brick	Slate	-	-	37	Brick	Slate	-	-
38	Stone	Bradstone	Stone	Bradstone	33	Stone	Slate	Stone	Slate
39	Stone	Bradstone	Stone	Slate	39	Stone	Slate	Stone	Slate
40	Render	Slate	Stone	Slate	40	Render	Bradstone	Stone	Slate
41	Stone	Slate	Stone	Slate	41	Stone	Bradstone	Stone	Slate
42	Stone	Bradstone	Stone	Slate	42	Stone	Slate	Stone	Slate
43	Stone	Bradstone	Stone	Slate	43	Render	Slate	Stone	Slate
44	Brick	Slate	-	-	44	Brick	Slate	-	-
45	Brick	Slate	-	-	45	Brick	Slate	-	-
46	Brick	Slate	-	-	46	Brick	Slate	-	-
47	Brick	Slate	-	-	47	Brick	Bradstone	-	-
48	Brick	Slate	-	-	48	Brick	Bradstone	-	-
49	Brick	Slate	-	-	49	Brick	Bradstone	-	-
50	Brick	Slate	-	-	50	Brick	Slate	-	-
51	Brick	Slate	-	-	51	Brick	Slate	-	-
52	Brick	Slate	-	-	52	Brick	Slate	-	-
53	Brick	Slate	-	-	53	Brick	Slate	-	-
54	Brick	Slate	-	-	54	Brick	Slate	-	-
55	Brick	Slate	-	-	55	Brick	Slate	-	-
56	Brick	Slate	-	-	56	Brick	Slate	-	-
57	Brick	Slate	-	-	57	Brick	Slate	-	-
58	Brick	Slate	-	-	58	Brick	Slate	-	-
59	Brick	Slate	-	-	59	Brick	Slate	-	-
60	Stone	Bradstone	Stone	Not Specified	60	Brick	Slate	Brick	Slate
61	Render	Slate	Stone	Not Specified	61	Stone	Slate	Stone	Slate
62	Stone	Slate	Stone	Not Specified	62	Stone	Bradstone	Stone	Slate
63	Stone	Bradstone	Stone	Not Specified	63	Stone	Bradstone	Stone	Slate
64	Stone	Bradstone	Stone	Not Specified	64	Brick	Slate	Stone	Slate
65	Stone	Bradstone	Stone	Not Specified	65	Stone	Slate	Stone	Slate
66	Render	Slate	Stone	Not Specified	66	Stone	Slate	Stone	Slate
67	Stone	Slate	Stone	Not Specified	67	Stone	Slate	Stone	Slate
68	Stone	Bradstone	Stone	Bradstone	68	Render	Slate	Stone	Slate
69	Stone	Bradstone	Stone	Slate	69	Stone	Slate	Stone	Slate
70	Stone	Bradstone	Stone	Slate	70	Stone	Bradstone	Stone	Slate
71	Render	Bradstone	Stone	Slate	71	Render	Slate	Stone	Slate



72	Render	Bradstone	Stone	Slate	72	Stone	Slate	Stone	Slate
73	Stone	Bradstone	Stone	Slate	73	Stone	Bradstone	Stone	Slate
74	Stone	Bradstone	Stone	Slate	74	Stone	Bradstone	Stone	Slate
75	Stone	Slate	Stone	Slate	75	Render	Slate	Stone	Slate
76	Stone	Slate	Stone	Slate	76	Brick	Slate	Stone	Slate
77	Stone	Slate	Stone	Slate	77	Render	Slate	Stone	Slate
78	Render	Slate	Stone	Bradstone	78	Brick	Bradstone	Stone	Slate
79	Stone	Bradstone	Stone	Bradstone	79	Stone	Slate	Stone	Slate
80	Stone	Bradstone	Stone	Bradstone	80	Render	Slate	Stone	Slate
81	Stone	Bradstone	Stone	Bradstone	81	Render	Slate	Stone	Slate
82	Stone	Bradstone	Stone	Bradstone	82	Stone	Bradstone	Stone	Slate
83	Render	Slate	Stone	Slate	83	Render	Slate	Brick	Slate
84	Stone	Slate	Stone	Slate	84	Brick	Slate	Brick	Slate
85	Stone	Slate	Stone	Slate	85	Render	Slate	Stone	Slate
86	Stone	Bradstone	Stone	Slate	86	Stone	Bradstone	Stone	Slate
87	Stone	Bradstone	Stone	Slate	87	Stone	Bradstone	Stone	Slate
88	Render	Bradstone	Stone	Slate	88	Stone	Slate	Stone	Slate
89	Render	Bradstone	Stone	Slate	89	Render	Slate	Stone	Slate
90	Stone	Slate	Stone	Slate	90	Stone	Bradstone	Stone	Slate
91	Render	Slate	Stone	Slate	91	Stone	Bradstone	Stone	Slate
92	Stone	Slate	Stone	Slate	92	Stone	Slate	Stone	Slate
93	Stone	Bradstone	Stone	Slate	93	Stone	Slate	Stone	Slate
94	Stone	Bradstone	Stone	Slate	94	Render	Bradstone	Stone	Slate
95	Render	Bradstone	Stone	Slate	95	Stone	Bradstone	Stone	Slate
96	Stone	Bradstone	Stone	Slate	96	Stone	Slate	Stone	Slate
97	Brick	Slate	-	-	97	Brick	Slate	-	-
98	Brick	Slate	-	-	98	Brick	Slate	-	-
99	Brick	Slate	-	-	99	Brick	Slate	-	-
100	Brick	Slate	-	-	100	Brick	Slate	-	-
101	Render	Slate	Stone	Slate	101	Render	Slate	Brick	Slate
102	Render	Slate	Stone	Slate	102	Render	Slate	Brick	Slate
103	Stone	Slate	Stone	Slate	103	Brick	Bradstone	Brick	Slate
104	Render	Bradstone	Stone	Bradstone	104	Stone	Slate	Stone	Slate
105	Stone	Bradstone	Stone	Slate	105	Stone	Slate	Stone	Slate
106	Stone	Bradstone	Stone	Slate	106	Render	Slate	Stone	Slate
107	Stone	Slate	Stone	Slate	107	Stone	Bradstone	Stone	Slate
108	Render	Slate	Stone	Slate	108	Stone	Bradstone	Stone	Slate
109	Stone	Slate	Stone	Slate	109	Stone	Bradstone	Stone	Slate
110	Stone	Bradstone	Stone	Bradstone	110	Stone	Slate	Stone	Slate
111	Stone	Bradstone	Stone	Bradstone	111	Stone	Slate	Stone	Slate
112	Stone	Slate	Stone	Slate	112	Stone	Slate	Stone	Slate
113	Stone	Slate	Stone	Slate	113	Stone	Bradstone	Stone	Slate
114	Stone	Slate	Stone	Slate	114	Stone	Bradstone	Stone	Slate
115	Render	Bradstone	Stone	Bradstone	115	Stone	Slate	Stone	Slate
116	Stone	Bradstone	Stone	Bradstone	116	Stone	Slate	Stone	Slate
117	Stone	Bradstone	Stone	Bradstone	117	Stone	Bradstone	Stone	Slate
118	Render	Bradstone	Stone	Bradstone	118	Render	Bradstone	Stone	Slate
119	Stone	Bradstone	Stone	Slate	119	Stone	Slate	Stone	Slate
120	Stone	Bradstone	Stone	Bradstone	120	Stone	Bradstone	Stone	Slate
121	Stone	Bradstone	Stone	Bradstone	121	Stone	Bradstone	Stone	Slate
122	Render	Bradstone	Stone	Bradstone	122	Render	Slate	Stone	Slate
123	Stone	Bradstone	Stone	Bradstone	123	Stone	Slate	Stone	Slate
124	Stone	Slate	Stone	Slate	124	Stone	Slate	Stone	Slate
125	Stone	Slate	Stone	Slate	125	Stone	Bradstone	Stone	Slate
126	Render	Slate	Stone	Slate	126	Render	Slate	Stone	Slate
127	Stone	Bradstone	Stone	Bradstone	127	Stone	Bradstone	Stone	Slate
128	Render	Bradstone	Stone	Bradstone	128	Stone	Slate	Stone	Slate
129	Stone	Bradstone	Stone	Bradstone	129	Stone	Slate	Stone	Slate
130	Stone	Slate	Stone	Slate	130	Render	Bradstone	Stone	Slate
131	Stone	Slate	Stone	Slate	131	Stone	Bradstone	Stone	Slate
132	Render	Slate	Stone	Slate	132	Stone	Slate	Stone	Slate
133	Stone	Slate	Stone	Slate	133	Stone	Slate	Stone	Slate
134	Stone	Bradstone	Stone	Slate	134	Render	Slate	Stone	Slate
135	Stone	Slate	Stone	Slate	135	Stone	Slate	Stone	Slate
136	Render	Bradstone	Stone	Bradstone	136	Stone	Bradstone	Stone	Bradstone
137	Stone	Slate	Stone	Slate	137	Render	Slate	Stone	Slate
138	Stone	Slate	Stone	Slate	138	Render	Slate	Stone	Slate
139	Render	Bradstone	Stone	Bradstone	139	Stone	Bradstone	Stone	Bradstone
140	Stone	Slate	Stone	Slate	140	Stone	Slate	Stone	Slate
141	Render	Bradstone	Stone	Slate	141	Render	Slate	Stone	Slate
142	Stone	Bradstone	Stone	Slate	142	Stone	Slate	Stone	Slate
143	Stone	Bradstone	Stone	Slate	143	Stone	Bradstone	Stone	Slate
144	Stone	Bradstone	Stone	Slate	144	Stone	Slate	Stone	Slate
145	Stone	Bradstone	Stone	Bradstone	145	Render	Slate	Stone	Slate
146	Stone	Bradstone	Stone	Bradstone	146	Stone	Slate	Stone	Slate
147	Brick	Slate	Brick	Not Specified	147	Brick	Bradstone	Brick	Bradstone
148	Brick	Slate	Brick	Not Specified	148	Brick	Bradstone	Brick	Bradstone

149	Brick	Slate	Brick	Not Specified
150	Brick	Slate	Brick	Not Specified
151	Brick	Slate	Brick	Not Specified
152	Brick	Slate	Brick	Not Specified
153	Brick	Slate	Brick	Not Specified
154	Brick	Slate	Brick	Not Specified

149	Brick	Bradstone	Brick	Bradstone
150	Brick	Bradstone	Brick	Bradstone
151	Brick	Slate	Brick	Bradstone
152	Brick	Slate	Brick	Bradstone
153	Brick	Slate	Brick	Bradstone
154	Brick	Slate	Brick	Bradstone

Approved  
Houses

Stone	52%	44%	Bradstone
Render	19%	56%	Slate
Brick	29%		

As Built  
Houses

Stone	52%	34%	Bradstone
Render	19%	66%	Slate
Brick	29%		

Garages

Stone	93%	24%	Bradstone
Brick	7%	61%	Slate

Garages

Stone	88%	11%	Bradstone
Brick	12%	89%	Slate