



COTSWOLD
District Council

PLANNING AND LICENSING COMMITTEE – WEDNESDAY 9 SEPTEMBER 2026

ADDITIONAL PAGES

Agenda No 8

25/03800/FUL- Bourton Industrial Park Bourton-on-the-Water Glos GL54 2HQ

Objection Comment received from Martin Robeson Planning Practice on behalf of Tesco Stores Ltd. Please see attached correspondence dated 4 September 2026

Our Ref: 2995/MR/LT20260904

4th September 2026

Harrison Bowley
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MRPP
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PLANNING PRACTICE

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Via Email: Harrison.Bowley@Cotswold.gov.uk

Dear Harrison,

ERECTION OF AN ALDI FOODSTORE, A COSTA DRIVE-THRU, ASSOCIATED CAR PARKING AND OTHER ASSOCIATED WORKS, BOURTON INDUSTRIAL PARK, BOURTON-ON-THE-WATER, GLOUCESTERSHIRE, GL54 2HQ. PLANNING REFERENCE: 25/03800/FUL

We act on behalf of Tesco Stores Limited and submit representations in respect of the above application. Tesco trade from an edge of centre Superstore on Fosse Way, Stow-on-the-Wold.

We have recently reviewed the Officer's Report relating to the application and our representations focus on two related main development plan considerations. These concern the loss of a site allocated for employment development by virtue of Policy S11 - BOW_E1 and conflict with Policy EC2 Safeguarding Employment Sites. We note that the latter Policy is not specifically identified amongst the list of relevant Policies set out at section 5 of the Officer's Report.

The Officer's Report explains the variations that have been made to historic and more recent planning permissions to assist in facilitating the development. It explains that "*The recent permission would enable the remainder of the employment units permitted as part of outline permission 15/03318/OUT to be constructed on the retained area of the approved employment site should permission for the new foodstore and drive-thru coffee shop be granted*" (paragraph 10.13). However, it appears that there is no intention to facilitate the provision of additional employment units or even their services and related infrastructure as part of the application proposal. This is notwithstanding the Officer confirming that, "*The development of this application would effectively result in the loss of two of the employment units permitted under 15/03318/OUT in the event that permission is granted for this scheme*". There are cases e.g. at Stourport where the infrastructure for associated new employment units was provided in connection with the grant of planning permission for the new foodstore (22/0180/HYB).

The allocation under Policy S11 limits the use of the site to B1, B2 and B8 uses. Class B1 is now part of the Use Class E(g). The Officer has correctly identified that "*It is considered that the use of both buildings would fall outside Use Class E(g). As such, the current proposal would constitute a departure from the development plan, in particular, Local Plan Policy S11*" (paragraph 10.11). Furthermore, the Officer confirms that "*The existing Local Plan employment allocation contributes to the Council's supply of employment land (Class E(g) and B Use Classes)*". And that "*Allocated sites such as the current site make a positive contribution to the [Local Plan] requirement*".

Importantly the Officer explains that *"In addition, the site has permission for employment units. It has therefore previously been established that the site can reasonably be developed for Class E(g), B2 and B8 Uses"*. Thus, it is found that *"...the loss of part of the existing employment allocation could still have implications for the Council's supply of employment land"*. The Report then explains the necessity to *"...to establish whether there are sufficient material considerations to justify a departure from the Local Plan"* (paragraph 10.12).

The Report then identifies that Policy EC2 Safeguarding Employment Sites is *"...considered relevant to this application"* particularly since its second criterion provides that *"Established and allocated employment sites will be retained for B Class employment uses, unless there is no reasonable prospect of the site being used for employment purposes"* (paragraphs 10.13 and 10.14). Importantly, the Officer confirms that since *"...permission exists for employment development on the site [and] it is therefore considered that there is a reasonable prospect that the site could be used for employment purposes"*. The relevant requirement in Policy EC2 for the retention of the site for B Class employment uses is therefore met.

The Officer then seeks to identify 'other material considerations' that might indicate that the force of the two principal development plan policies should not be upheld. These comprise:

- a) The generation of employment and contribution to the local economy.
- b) The flexibility inherent in the Use Class Order to operate retail uses within existing business park buildings without the need for planning permission.
- c) The proposal would not reduce the level of employment land permitted on the industrial park below the allocated local plan figure.
- d) The new Local Plan will contribute to meeting future.

Our response is:

- a) In terms of creating jobs, the site is already allocated for employment generating uses falling within the Business Use Class. The Officer accepts that *"...the existing outline permission is extant and could be built out at any time in the future" ... "for Class E(g), B2 and B8 Uses"*. Little, if any, weight can therefore be given to this consideration. In addition, the applicant's Economic Impact Assessment confirms that there will be 'Displacement' factor reducing the number of jobs by 50%.
- b) The flexibility created by the Use Class Order 2020 is, in the context of this proposal illusory. As the Officer confirms, a change of use to retailing of a building constructed as a factory would only be lawful if the Council did not impose, as would inevitably be expected and as is recognised by the Officer, *"conditions restricting such a change of use"*. Therefore, no weight can be given to this consideration.
- c) The comparison of the extent of land being lost against that remaining is an inappropriate measure of the harm caused by the loss of a site specifically allocated to accommodate Business Use development. This can only be seen as a negative factor and can provide no weight as another material consideration.

- d) Relying on a future Local Plan to make up the deficit created by the loss of the existing allocation cannot be seen as a positive factor. It creates an unknown and potentially ominous consideration. As a potential consideration it could only have weight if a proposed site is identified now and its impacts are considered as part of this planning application. That is not proposed and therefore no weight can be given to this consideration.

Thus, in summary, the four asserted 'other material considerations' that are put forward by the Officer to outweigh or justify a departure from two of the most important Local Plan Policies, comprise matters that have, 'little if any weight'; 'no weight'; 'negative weight' and, 'no weight'.

The Officer then reviews other remaining Employment Policies. The Report identifies that Policy EC1 which is permissive of certain types of employment is not "*aimed primarily at B type use classes...rather than retail type uses*" (paragraph 10.18). Reliance is then sought on Policy EC3. Whilst titled 'All Types of Employment Generating Uses' the Policy is restricted in its support to sites "*...that are not currently identified as an Established Employment Site (EES)*". However, as we have explained above, Policy EC2 Safeguarding Employment Sites confirms that "*Established and Allocated Employment Sites will be retained for B Class employment uses...*" Therefore, the two need to be read together. The purpose of the Plan-making system in allocating sites is that they contribute to the stock of future employment land once built out. It is therefore incorrect to assert that Policy EC3 is available to support the generation of retail employment from an Allocated Employment Development Site.

The Officer's Report then turns to NPPF Policies asserting that E2: Meeting the need for business land and premises and Policy E4: Rural business development, are relevant. Reference is made to part 1.a. of E2 but the extracts provided in the Officer's Report cannot be considered relevant to the determination of the application. National Policy relating to retail development is set out in section 8 of the NPPF where Policies address 'main town centre uses' including allowing them to 'adapt to changing community and business needs'. The Policy approach in section 7 focuses on business investment with the only reference to retailing being to "farm shops" as part of the enhancement of farm viability and sustainability.

In conclusion, our thorough analysis has demonstrated the key conflicts with important, relevant development plan policy. It has also identified the lack of material considerations that have any meaningful substance. Those listed at section 12 of the Report summarise matters addressed above and cannot be considered "*...to carry the significant weight that would be necessary*" to provide reasons to depart from the key provisions of the development plan that we have very carefully set out above.

Yours sincerely



Martin Robeson

Via Email: martin.perks@Cotswold.gov.uk