

Erection of an Aldi food store, a Costa drive-thru, associated car parking and other associated works at Bourton Industrial Park Bourton-on-the-Water Gloucestershire GL54 2HQ

Full Application 25/03800/FUL	
Applicant:	Hackling Holdings Ltd, Aldi Stores Ltd and Costa Ltd
Agent:	Ridge And Partners LLP
Case Officer:	Martin Perks
Ward Member(s):	Councillor Jon Wareing
Committee Date:	9 September 2026
RECOMMENDATION:	PERMIT subject to completion of a S106 legal agreement covering the delivery of Biodiversity Net Gain, issuing of a Great Crested Newt District Licence by NatureSpace, no objection from Biodiversity Officer (together with associated conditions), and no objection from Gloucestershire County Council Highways (together with associated conditions/obligations).

1. Main Issues:

- (a) Retail Development and Impact on the Vitality and Viability of Bourton-on-the-Water Key Centre and Other Centres
- (b) Design and Impact on the Character and Appearance of the Cotswolds National Landscape
- (c) Access and Highway Safety
- (d) Flooding and Drainage
- (e) Biodiversity
- (f) Noise, Disturbance, Light Pollution and Impact on Residential Amenity

2. Reasons for Referral:

- 2.1 This application has been referred to Planning and Licensing Committee as it falls into the major development category as set out in the Town and Country Planning (Development Management Procedure) (England) Order Regulations 2015.

3. Site Description:

- 3.1 This application relates to a grassed field which is located on the northern edge of the village of Bourton-on-the-Water. The application site measures approximately 1.1 hectares in size and is located within Bourton-on-the-Water Development Boundary as designated in the Cotswold District Local Plan 2011-2031. The north-western boundary of the application site abuts the aforementioned development boundary.
- 3.2 The application site is located within an area allocated for employment development in the Local Plan. It is subject to Local Plan Policy S11 - BOW_E1 Land north of Bourton Industrial Estate/Business Park for B1, B2 and/or B8 class uses (3.38 ha). The proposed development falls within the southern part of the aforementioned site allocation. The remainder of Bourton Industrial Park located outside of the aforementioned allocated site is designated in the Local Plan as an Established Employment Site (Bourton-on-the-Water Industrial Estate EES1).
- 3.3 The south-western boundary of the application site adjoins an existing highway (Meadow Way) which extends from the A429 (to the north-west) to existing residential and employment development to the south of the application site. A post war housing development is located to the south-west of Meadow Way. The south-eastern boundary of the application site lies adjacent to an access road (Bourton Link) which serves business units on Bourton Industrial Park. A number of industrial units and associated outdoor storage areas are located to the south-east and east of the application site.
- 3.4 The north-western boundary of the site runs alongside the A429 for approximately 60m. A line of trees and hedging define the boundary between the aforementioned highway and the application site. A further section of the north-western boundary of the site, measuring approximately 90m in length, adjoins a grassed/tree lined area measuring approximately 0.2 hectares in size. The aforementioned area lies between the application site and the A429.
- 3.5 The site is located within the Cotswolds National Landscape
- 3.6 A Public Right of Way (HBW1) extends in a roughly south-west to north-east direction alongside the north-western boundary of the application site.
- 3.7 An oak tree located adjacent to the north-western boundary of the application site is the subject of a Tree Preservation Orders (TPOs).

- 3.8 Salmonsbury Meadows Site of Special Scientific Interest (SSSI) is located approximately 650m to the south-east of the application site.
- 3.9 The site is located within Flood Zone 1. Flood Zones 2 and 3 are located to the north/north-east of the application, approximately 100m from the site at their closest point. The River Eye is located approximately 120m to the north of the site. It is designated as a Main River by the Environment Agency.

4. Relevant Planning History:

Application Site

- 4.1 CD.6236 Extraction of Gravel and restoration to agriculture. Refused 1981
- 4.2 CD.6236/A Retention of alterations to provide enlarged vehicular access. Permitted 1981
- 4.3 CD.6236/B Infill of dis-used gravel pit up to original ground level. Permitted 1990
- 4.4 15/03318/OUT Extension of Bourton Industrial Park to provide B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) employment units (Outline application). Permitted 2018
- 4.5 18/04764/REM Extension of Bourton Industrial Park to provide B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) employment units (Reserved Matters application pursuant to outline permission 15/03318/OUT). Permitted 2019
- 4.6 25/03769/OUT Variation of Condition 4 (plans) of permission 15/03318/OUT (Extension of Bourton Industrial Park to provide B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) employment units (Outline application)) to enable reduction in site area. Permitted January 2026.
- 4.7 25/03770/REM Variation of condition 1 (plans) of permission 18/04764/REM (Extension of Bourton Industrial Park to provide B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) employment units (Reserved Matters application pursuant to outline permission 15/03318/OUT)) to enable amendments to layout of approved scheme. Permitted January 2026.

Adjacent Land to South

- 4.8 09/03506/FUL Extension of Bourton Business Park to provide two new business premises (B1, B2, B8) with associated access and landscaping works (including relocation of soil as part of the proposed building works). Permitted 2011
- 4.9 11/05310/FUL Erection of B1, B2, B8 Business unit (amendment to design and siting of Pulham's Coach Depot approved under permission 09/03506/FUL, and to incorporate a Heavy Goods Testing Station). Permitted 2012

Land to South-West

- 4.10 06/03287/FUL Erection of 74 dwellings, with associated landscaping, parking, garaging and new access. Permitted 2007
- 4.11 07/03168/FUL Erection of 74 dwellings, with associated landscaping, parking, garaging and new access (Amendment to permission CD.3132/3/K including repositioning of plots 18, 19, 20, 24, 25, 26, 27, 42 48-55, 64 and 65, repositioning of garages of plots 5, 6, 13, 14, 18-20, 43-45, change of house type for plots 37-39, 43-45, change to orientation of plots 46 and 47). Permitted 2008

5. Planning Policies:

- DS2 Dev within Development Boundaries
- S11 S11 - Bourton-on-the-Water
- EC1 Employment Development
- EC3 All types of Employment-generating Uses
- EC7 Retail
- EC8 MainTown Centre Uses
- EC9 Retail Impact Assessments
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: Further information requested. Comments attached and incorporated into this report.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions.
- 6.3 Gloucestershire County Council Public Rights of Way: Comments received. Recommends improvements to the connection with the adjacent Public Right of Way and its crossing point over the A429.
- 6.4 Biodiversity Officer: Comments incorporated into report.
- 6.5 Tree Officer: No objection subject to condition.
- 6.6 Environmental and Regulatory Services Contamination: No objection subject to condition.
- 6.7 Environmental and Regulatory Services Air Quality: No objection.
- 6.8 Environmental and Regulatory Services Noise: No objection subject to condition.
- 6.9 Thames Water: No objection.

7. Views of Parish Council:

- 7.1 Response received on the 15th January 2026:

' The Parish Council has No Objection to the erection of the Aldi supermarket but does object to the drive-through nature of the Costa Coffee on the grounds of:

- *Diminished air quality caused by cars idling*
- *Lighting and environmental impact; The Council would ask that the development complies with Cotswold National Landscape's "Dark Skies" policy*
- *The Council requests that a Pulhams bus stop is located nearer to the supermarket entrance*
- *The Council asks that Cotswold District Council Environmental Health Officer's objection regarding a lack of noise and lighting survey is addressed*

- *The Council has concerns over drainage in the Costa area which may not be sufficient and could lead to surface water flooding and*
- *Pollution from the car park itself - tyre rubber, oil etc. '*

8. Other Representations:

8.1 Approximately 8 objections, 158 support and 3 general comments received.

8.2 Main grounds of objection are:

i) There is obviously no requirement for a Costa coffee on the site. There are ample local businesses and cafes already providing this and we do not need a national faceless corporate chain offering the same. Furthermore a drive in will increase traffic flow and pollution in close proximity to a residential area.

ii) Bourton has a wide range of existing hospitality venues, including coffee shops that provide for both locals and tourists. The introduction of a Costa has the potential to increase traffic flow, cause environmental damage through the inappropriate disposal of takeaway cups. We know through experience that tourists create environmental issues due to excessive litter disposal and Costa would only exacerbate the issues. There are clearly sufficient hospitality venues in the local area many of which are independently owned and run by local people. The introduction of a national chain would be detrimental to an already struggling hospitality industry and would impact economically on local businesses.

iii) Totally agree to Aldi. Absolutely object to Costa- the nature of the village is a local community: based around local cafes. We do not need an organisation taking business away from our local proprietors who are providing services and employment to local people.

iv) Costa Coffee is owned by Coca-Cola which has a poor ethical track record - an American-style drive-through is a terrible idea for the English countryside, the environmental impact will also be raised with the disposal of plastic cups and packaging. These types of businesses will not be in keeping with the general area, people come to the Cotswolds to see quaintness and unique things and not to see the same dominant chains that they can see everywhere else.

v) There is already an Aldi store that people can travel to in Moreton-in-Marsh, having too many of these stores within a reasonable distance of each other will undermine the look and intrinsic nature of the area.

vi) The site is located within a designated Area of Outstanding Natural Beauty (AONB), where great weight must be afforded to the conservation and enhancement of landscape character. The introduction of additional artificial lighting associated with the development would result in material light pollution, adversely affecting the rural character and visual amenity of the area. While the applicant proposes downlighting to mitigate this impact, such measures are insufficient to prevent harm to the intrinsic dark-sky environment that is fundamental to the designation.

vii) The surrounding area is already experiencing significant and persistent problems with litter management. The introduction of a Costa Coffee outlet is likely to materially exacerbate this issue, with increased volumes of takeaway packaging and associated waste. This impact would extend beyond the immediate site and into neighbouring villages, particularly Bourton-on-the-Water and Lower Slaughter, where litter bins are already regularly overflowing.

viii) Experience demonstrates that litter is frequently discarded indiscriminately rather than responsibly, with little regard for the detrimental effects on wildlife and the wider environment. On numerous occasions, wind-blown litter has entered the adjacent river system, causing further environmental harm. The provision of bins within the application site will not adequately address or mitigate this wider, cumulative impact.

ix) Developments of this nature commonly introduce temporary or semi-permanent promotional signage, including point-of-sale advertisements. Such signage would further detract from the visual quality of the AONB, contributing to visual clutter and undermining the rural and scenic character that planning policy seeks to protect.

x) The local highway (A429) network is already under considerable strain. The main road regularly experiences traffic collisions at nearby junctions. During the previous summer period alone, four accidents occurred within a three-week timeframe, one of which tragically resulted in a fatality (which we have raised with Highways). The existing carriageway layout and junction design are demonstrably struggling to accommodate current traffic levels.

xi) The proposed development would inevitably generate additional vehicular movements, further intensifying congestion and increasing the risk to

highway safety. This concern is particularly acute given the substantial volume of tourist traffic and coach movements already present in the area. The development would therefore exacerbate an already unsafe and constrained highway situation.

xii) Whilst I have no objection in principal to the proposal to introduce a budget supermarket option in Bourton which will be to the benefit of some residents I do have various concerns regarding the proposed application, the primary one being the possibility that the customer base will prove to be insufficient to support the introduction of a second major supermarket in the village. If the existing Co-Op becomes unviable to the extent that it is forced to close then this will leave residents significantly worse off in terms of the convenience provision. This will be especially true if another supermarket provider is unable to be attracted into the area due to an insufficient customer base, and the existing Co-Op site is lost to housing. This is recognised by Aldi itself (Retail Sequential Assessment 1.19) which states that it provides a very limited range of items and no fresh food offerings, which it acknowledges as insufficient to satisfy the entire convenience needs of the local population.

xiii) In 1.14 it is stated that "With the higher volume Aldi achieves greater purchasing power". Other major supermarkets offering a wider choice of products and a local fresh food range are unable to benefit from the same buying power which pressures Aldi's producers to sell to them at deflated prices (in itself a policy which is not in favour of British producers). Whilst Aldi do support some British producers their bulk buying strategy appears to leave far less opportunity to support local producers as is the case within the existing Co-Op.

xiv) Retail Sequential Assessment - In 1.20 it is stated that "In high population density areas such as towns and cities several Aldi stores... can be sustained". Bourton is not a high population density area - it is a village of approx. 4,000 residents - and an Aldi store is already located some 7-8 miles away in Moreton in Marsh, itself a town of only around 5,000 residents. The "high population density area" argument is therefore irrelevant when used to support the introduction of another Aldi store here.

xv) In 3.24-25 the applicant has arbitrarily extended the customer catchment area to a 15 minute drive, rather than the usual 5-10 minutes. This appears to be primarily for the purposes of including the population of towns such as Stow and Moreton into its calculations regarding potential customer numbers. However, as Moreton already has its own Aldi store (providing the exact same limited Aldi core range of goods) and Stow is nearer to Moreton than Bourton,

there is no logical reason to believe that either set of residents will be part of Bourton Aldi's customer base.

xvi) Retail Impact Assessment - Section 4: The applicant makes various assertions regarding a significant clawback of existing "leaked expenditure". I would argue that there will be minimal clawback from areas to the north of Bourton for the reasons set out in the above para, and that it's completely unrealistic to expect clawback from any stores in Cirencester as Aldi and Lidl are already represented in that location. 4.20 states that 88% of trade will be from the Study Area. I believe the Study Area to be misleading as it is based upon the arbitrary 15 minute driving catchment area and includes Stow, Moreton and Cirencester which already have access to Aldi/Lidl stores. 4.23 states that "the Co-Op will only lose 8.7% of convenience shopping" and that this is not sufficient for the store to close. This seems to be an argument based upon the need for it to be true to support the application rather than hard evidence. Whilst I understand that some form of standard formula is necessary to establish the potential impact of a new store, there are too many assumptions, manipulations and unknowns, particularly in terms of the study sample sizes (only 100 telephone studies in the GL54 area) I remain seriously unconvinced that the village can support a second major supermarket.

xvii) Flood Risk - The existing SuDs opposite the location site is significantly overgrown with weeds and other vegetation and, to my knowledge, has not and is not being inspected/maintained by whichever maintenance company Bloor instructed following completion of the estate at that time. I'd question whether it's able to provide the same capacity to store flood waters as was intended when it was constructed, and this would certainly raise additional concerns if an adjacent large area is to be built on. I would ask that, if planning permission is granted, a condition is imposed which requires the specific inspection of this pond by the relevant authority and written confirmation that it retains the necessary capacity to store and dispose of flood waters and that this will not be negatively impacted by further construction on the applicant site.

xviii) Costa Coffee drive-thru - The only potential benefit from this element appears to be to enhance financial viability of the site. There is the potential for significant littering in and around the site, and there are already innumerable hot drinks outlets in the village itself; there's certainly no local need for a multinational fast drinks chain to be introduced which will also be the first business visitors to Bourton will see.

xix) Overtourism and visitor pressure. The village is already heavily oversubscribed by tourism. The proposed development would further increase

visitor numbers, footfall, and transient traffic, placing additional strain on local infrastructure, services, and public spaces that are already under pressure. Rather than serving local need, the proposal would act as a further tourist attractor.

xx) Traffic, congestion and safety. The proposal, particularly the inclusion of a drive-thru facility, would significantly increase vehicle movements within and around the village. Local roads and junctions are not designed for high-frequency commercial traffic, creating increased congestion, safety risks, and conflict with pedestrians and cyclists. This would materially harm the safety and accessibility of the village environment.

xxi) Scale, character and appropriateness of development. The scale and nature of the proposed commercial development is inappropriate for the size, character, and setting of Bourton-on-the-Water. Large-format retail and drive-thru development represents an urban form of development that is fundamentally out of keeping with the village's rural and heritage character.

xxii) Impact on local businesses and community sustainability. The proposal risks undermining the existing local economy by displacing independent village businesses and altering the commercial balance of the community, reducing economic diversity and local distinctiveness.

xxiii) Environmental impacts. The development would contribute to increased noise, light pollution, vehicle emissions, and general environmental degradation, particularly associated with drive-thru vehicle queuing and idling. This is incompatible with the environmental sensitivity of the village setting.

xxiv) The proposal fails the sequential test as it has not been demonstrated that the Costa drive-thru could be disaggregated from the retail foodstore. There are many examples where Aldi and Costa have submitted standalone proposals. They are not reliant on one another, despite the development proposed here.

xxv) The shopper survey study area for Bourton-on-the-Water also includes Northleach and Stow-on-the-Wold. Given the location of residents within such a wide zone, it is not unexpected that trade is lost to surrounding foodstores, given that many residents will be closer to those stores. The evidence does not support the applicant's proposition that Bourton-on-the-Water needs a new foodstore to stem lost trade.

xxvi) The catchment areas used in the RIA raise issues with the way expenditure is presented. Looking into the detail of Bourton-on-the-Water, its population is understood to be around 4000-4300, indicating a total convenience expenditure for the town of only £13-£14m. The results of the shopper survey indicate that most trade is drawn from zone 1. We would expect this also to be the case for the Aldi, given its similar size. The weighting in the RIA has clearly been amended to divert trade from out of centre stores, at the expense of in and edge of centre locations. The trade diversion is simply not credible. It has been manufactured to reduce the impact on in centre locations; reduce the diversion from the Co-op in Bourton-on-the-Water despite its similar size, the clear overlap of catchments; increase trade diversion from out of centre stores a significant distance away which are not afforded any retail policy protection and then claim 24% of trade from elsewhere. The proposed Aldi store would be highly unlikely to claw back such significant amounts of trade currently going to popular superstores in Cirencester and Stow-on-the-Wold. As such, the impact on the Co-op would be significantly higher than that presented, as a minimum 20% of the Aldi's trade coming from the Co-op.

xxvii) It is noted that there has been a decline in the number of retail operators within the centre from 7 in 2014 to 5 in the applicant's assessment.

xxviii) The applicant's own assessment is that the Co-op would be trading at around 73% of company average levels. If Co-op's more plausible view is adopted, then the Co-op would be subject to a trade diversion resulting in a turnover of closer to £10.3m or around 66% of the company average.

xxix) The loss of trade from an edge of centre Co-op will be to the detriment of the vitality and viability of Bourton-on-the-Water. There will be a direct impact on the Key Centre.

xxx) The proposal will undermine the aim of Policy EC8 which seeks to support retail proposals that are accessible and well connected to the centre by public transport, walking and cycling.

xxxi) The proposal fails to accord with Local Plan Policies EC7, EC8 and EC9 and the NPPF.

xxxii) Harm to the character and appearance of the Cotswolds National Landscape.

xxxiii) Loss of an allocated employment site.

8.3 **Main grounds of support are:**

- i) This can't come soon enough. Perfect site, and is definitely needed.
- ii) The scheme will bring low cost shopping options to the village, but it will also provide work opportunities to local youths where transport links can be difficult. I am less convinced we need the Costa Coffee, but overall support the proposal.
- iii) Our only current option is the vastly overpriced Co-Op. They price food and goods to suit the hordes of tourists - not the locals.
- iv) I don't think the Costa will have any impact on the cafes and coffees shops in the village at all. Very few will venture out of the village and go to Costa although they may visit the drive through Costa to and from home on their daily work commutes spending money they wouldn't ordinarily have done.
- v) It will be good for jobs and the business rates paid to the local authority will be of great benefit.
- vi) There is a need for some competition and enhancement of supermarket provision in the area. The Co-op through no fault of its own has become a tourist store, and child pick up location for the local secondary school. Not always stocked well and on the pricey side, not what one would expect of a Co-op.
- vii) Tesco in Stow whilst further away, has recently extended and offers better service, although twice recently there have been no parking places either in store, or in the public car park due to its successful use.
- viii) There is already room for an additional facility in the area, feeding the near local area/ villages, and keeping within a sustainable travel distance. With the forecast increase in house building this proposal will satisfy some of that but will hardly be a long term answer.
- ix) Apart from those travelling through Bourton at certain times, the access will be excellent for a lot.
- x) It could be argued that those small food providers on the estate may be affected, but on balance I think their service is far more specialised than a Costa drive through provides, and probably better priced.

xi) Whilst in a different Planning class, there are multiple uses already on the Industrial Estate, and the infrastructure is already in place for a development such as this, including provision for what may be seen as increased traffic, which already has a forward plan in place when needed.

xii) Fully support the building of Aldi store, providing normal residents with affordable, accessible shopping, instead of the over inflated tourist prices we are forced to pay at present. At last an amenity for the locals, instead of pandering to tourists and associated businesses.

xiii) I support the proposals for a new Aldi store in Bourton-on-the-Water because a closer store would save the 40-minute (at best) round trip to Moreton or Carterton to shop at Aldi.

xiv) I support the new Aldi because the catchment area is currently dominated by Midlands Co-op. Residents should have a choice of better value outlets, providing a wider choice of both food & non food items at competitive prices. In addition, the planned easy access straight off the Fosse Way avoids adding to Bourton traffic congestion, particularly round the Cotswold school. The addition of employment opportunities must be welcomed.

xv) We desperately need a low price supermarket in the village. We live in Bourton and would definitely use the store where it is planned. Our current main supermarket is the Coop which we only use for minor purchases because their choice and stock is at the same time poor and expensive.

xvi) We normally use Tesco in Stow or occasionally Aldi at Moreton, but obviously both require a car journey and a local store would be much more convenient and appealing. The only other small supermarket here is the Londis in the village centre, also expensive and inconvenient for parking.

xvii) Bourton on the Water is a thriving village, but like many rural areas, it faces challenges around affordability and choice. A new Aldi would introduce a broader range of competitively priced groceries, helping families, older residents, and those on tighter budgets manage the rising cost of living without needing to travel long distances. At present, many residents rely on supermarkets in Stow on the Wold, Moreton in Marsh, or Cheltenham, which increases traffic on rural roads and disadvantages those without easy access to transport. A local Aldi would reduce unnecessary travel and keep essential shopping within the community.

xviii) The store would also create new employment opportunities, offering stable jobs for local people and supporting the economic vitality of the area. Aldi has a strong reputation for fair wages and career progression, which would be a welcome addition to the local employment landscape.

xix) A new Aldi would improve affordability, increase choice, reduce travel, and support local employment.

xx) This will significantly improve my carbon footprint as I will be able to walk to shop at Aldi rather than drive to Moreton and I support a wider choice of supermarkets for village residents.

xxi) There are several families/ single parents/ elderly persons all on low incomes who will greatly benefit. There will always be nay sayers and 'nimbys' but it is time for the council to see the bigger picture. As regards a Costa - its impact on the existing coffee shops will be negligible because who will actually walk up out of the village to get a coffee? On the other hand why shouldn't residents in that location plus all the workers on the industrial state have the option.

xxii) Have to travel to other supermarkets including Aldi in Moreton, am disabled/unemployed so have an Aldi here will be a godsend. I can't afford the fuel to keep driving to other places just to get a better choice and cheaper prices. For once please do something good for locals rather than just for the tourists.

xxiii) As a single mother of two children, who cannot currently drive and having to get shopping delivered by the bigger supermarkets which isn't cheap and doesn't always have what I need.

xxiv) Nowhere for the locals to shop unless you want tea coffee or cake, or are prepared to pay extortionate prices. I have to travel to Stow-on-the-Wold or Moreton-in-Marsh to do my grocery shopping as I cannot afford to shop on Bourton. I am one of the lucky ones who have transport, but still don't want to be stuck in queues of traffic everywhere in the summer to do my shopping.

xxv) As a Northleach resident I feel it would give more choice to shopping in the area, and give some healthy competition to the Coop and allow local people more choice.

xxvi) A new Aldi would improve choice, competition, and affordability while serving the everyday needs of the local community, not just visitors.

8.4 **General comments are:**

i) The design should include additional trees at the junction of A429 and Meadow Way to reduce the noise and light pollution that the additional traffic will cause to the residents of Stanway Green.

ii) In the event that planning permission is granted I'd ask that a condition is imposed which prevents any form of construction work on a Sunday. Whilst the application site is on the edge of an Industrial Estate, the estate is not a traditional one but is a mixed use site with a number of residential developments incorporated into its design. Although residents are aware of the industrial setting of these homes it is not unreasonable for them to expect some consideration to be given to the mixed use nature of the estate and to be able to have 1 day's respite each week from any form of build noise during the construction phase.

iii) I would ask that some consideration be given to the fact that construction and delivery vehicles will be using reversing sirens during both the construction and operational phase. These are not background noises, but are extremely intrusive, especially early and late when there will be little other background noise, and this will have a significant impact on nearby residential properties.

iv) If planning permission is granted, I would ask that a condition be imposed which requires the provision of a bus shelter at the nearby bus stop in Meadow Way. The applicant puts a case that the bus service will be used by its customers as part of its sustainable travel policy, and bus users currently have no shelter from the weather. A shelter was installed in connection with the construction of Bourton Chase Phase III when there was no bus service in the estate, and was removed before the service was introduced....in itself, bizarre. In recognition of a likely increase in the number of users at this stop, it seems only reasonable that a shelter now be provided.

v) I would like to request additional planting of trees on the corner of the A429 and Meadow Way to screen the local houses on Stanway Green from any increased traffic and noise pollution due to the development. Traffic lights on the junction would increase the number of stationary vehicles and so residents would appreciate increased privacy.

8.5 **Lower Slaughter Parish Council**

'LSPC objects to the planning application.'

8.5.1 Whilst there are views for and against the supermarket, the inclusion of the Costa Drive-thru is the principal reason for objection.

8.5.2 The Drive thru coffee shop will lead to increased congestion and traffic issues. Vehicles idling and stop-start driving cause greater emissions and takeaway packaging and coffee cups will result in increased litter in the AONB.

8.5.3 A Drive-thru food and drink take-away site is inappropriate to the local context and there is already plentiful provision of alternative coffee options in the area from independent retailers.'

9. Applicant's Supporting Information:

- Active Travel England Route Audit Report
- Arboricultural Impact Assessment
- Biodiversity Net Gain Assessment
- Design and Access Statement
- Ecological Assessment
- Economic Impact Assessment
- Flood Risk and Drainage Report
- Landscape and Visual Appraisal
- Outline Planting Specification/Establishment
- Planning Statement
- Ground Investigation Preliminary Phase II Report
- Retail Impact Assessment
- Retail Sequential Assessment
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment
- Travel Plan
- Environmental Noise Assessment
- Air Quality Assessment
- Highways Response Technical Notes

10. Officer's Assessment:

Background and Proposed Development

- 10.1 Outline planning permission was granted in 2018 (15/03318/OUT) for the development of the current application site and land lying to its north-east and east for the *'Extension of Bourton Industrial Park to provide B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) employment*

units (Outline application).' The site area of the aforementioned permission extends to approximately 5.6 hectares. Reserved Matters approval for details relating to Layout, Appearance, Scale and Landscaping were subsequently approved in 2019 under reference 18/04764/REM. The approved scheme takes the form of 15 industrial units with a combined floorspace of 12,384 sq metres. The size of the approved units ranges from 584 sq m to 1,122 sq metres, with each unit measuring approximately 9m in height. The external walls of the units are a mix of reconstituted Cotswold stone and metal cladding. Roofs would be covered with a profile sheeting.

- 10.2 The aforementioned permission has been implemented, with 2 units being constructed and occupied. The units in question lie to the east of the current application site. As the approved scheme has been implemented, the existing Outline permission is extant and could be built out at any time in the future. Permission is therefore in place to erect 3 employment units on the current application site.
- 10.3 In order to facilitate the erection of the foodstore and drive-thru coffee shop now proposed, the applicant has also recently obtained permission (25/03769/OUT) to reduce the application site area permitted as part of application 15/03318/OUT and to re-position one of the approved employment units to an area outside the current application site. The aforementioned site area has been reduced by 1.1 hectares from approximately 5.6 hectares to 4.5 hectares. 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. The development of this application site would effectively result in the loss of 2 of the employment units permitted under 15/03318/OUT in the event that permission is granted for this scheme.
- 10.4 This current application seeks to obtain Full planning permission for the erection of a new retail foodstore, drive-thru coffee shop and associated works. The principal elements of the scheme include:
- i) The erection of a single storey retail foodstore building in the north-eastern part of the application site. The proposed building would measure approximately 74m long by 31m wide and would have a shallow mono-pitched roof with a maximum height of approximately 6.2m. The external walls of the proposed building would be faced in a mix of natural stone and metal cladding. The aforementioned cladding would be silver grey and anthracite grey in colour. The natural stone would be used to create feature walls in the south-western

and north-western elevations of the proposed building. The main entrance to the proposed foodstore would be located in its south-western elevation. The roof of the proposed building would be covered in a composite metal sheeting. Solar panels would also be installed on the roof of the building. In terms of floorspace, the proposed building would have a gross internal area of 1,912 sq metres, with a net sales area of 1,154 sq metres. The opening hours of the proposed store are 8am-10pm Monday-Saturday and 10am-4pm on Sundays.

ii) The erection of a drive-thru coffee shop building in the south-western part of the application site, approximately 90m to the south-west of the retail foodstore building. The proposed building would be sited approximately 15m from Meadow Way to its south. It would be single storey and would measure approximately 18m wide by 12m deep. It would have a mono-pitched roof measuring approximately 5.5m in height. The external walls of the proposed building would be constructed in a mix of render, natural stone and vertical timber cladding. The roof would be covered in a metal sheeting. The proposed building would have a gross internal floorspace of 167sq metres. The proposed unit would open to the public between the hours of 6.30am and 10pm.

iii) The creation of a car park in the area lying between the 2 proposed buildings. The car park would provide 127 car parking spaces, which would include 8 disabled access spaces, 8 parent and child spaces, 1 x80kw rapid sharing and 1x 20kw fast sharing EV points. A total 12 customer cycle parking and 2 staff cycle parking spaces are also proposed.

iv) The creation of a new vehicular entrance in the south-eastern boundary of the application site. The proposed entrance would open onto Bourton Link, which is an existing highway serving the established business park.

v) The implementation of highway improvement works at the existing junction of Meadow Way with the A429 Fosse Way. A new traffic light controlled junction would be installed along with associated junction works. Permission for such works has been granted previously as part of the employment development permitted under 15/03318/OUT. However, the aforementioned employment development has yet to reach a stage where the requirement to provide the traffic lights has been triggered. A new zebra crossing and a bus stop would also be introduced onto Meadow Way.

vi) New landscape planting in and around the application site and drainage works.

- 10.5 It is noted that the application description refers to 'Aldi' and 'Costa'. Whilst the aforementioned operators intend to take on the proposed buildings should permission be granted for this scheme, a planning permission would not restrict the use of the site to the respective operators. If permission were to be granted for this development, the retail food store and drive-thru coffee shop could be taken on by another retail operator/coffee shop provider in the future.

(a) Retail Development and Impact on the Vitality and Viability of Bourton-on-the-Water Key Centre and Other Centres

- 10.6 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 planning application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

- 10.7 The application site is located within Bourton-on-the-Water Development Boundary. The following Local Plan policy is considered applicable to this proposal:

- 10.8 Policy DS2 Development Within Development Boundaries

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

- 10.9 In addition, the site is subject to Local Plan Policy S11:

Allocated Employment Development Site

BOW_E1 Land north of Bourton Industrial Estate/Business Park for B1, B2 and/or B8 class uses (3.38 ha).

- 10.10 Whilst Policy DS2 can be supportive in principle of new development within the village's development boundary, Policy S11 seeks to limit the use of the site to B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) purposes. B1 uses typically includes offices, research and development, and light industrial uses. However, it is also noted that the Government introduced the Town and Country Planning (Use Classes)(Amendment) (England) Regulations in 2020. The aforementioned Regulations created a new Use Class E. Uses falling previously within Use Class B1 were transferred to a new Use

Class E(g). As a consequence, it is considered that the Local Plan employment site allocation now covers Use Classes E(g), B2 and B8.

- 10.11 The proposed foodstore would constitute a retail development (Use Class E(a)). The use class of the drive-thru coffee shop is slightly more ambiguous, but it is considered that its primary purpose would be the sale of goods, other than hot food, to visiting members of the public for consumption off the premises rather than for the sale of food and drink where consumption is mostly undertaken on the premises. 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.
- 10.12 The existing Local Plan employment allocation contributes to the Council's supply of employment land (Class E(g) and B Use Classes). The current Local Plan requirement is 24 hectares over the current plan period. Allocated sites such as the current site make a positive contribution to the aforementioned requirement. 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. Whilst it is noted that the application site forms a minor part of a larger industrial park, the loss of part of the existing employment allocation could still have implications for the Council's supply of employment land. It is therefore necessary to establish whether there are sufficient material considerations to justify a departure from the Local Plan.
- 10.13 Criterion 2 of the following Local Plan policy is also considered relevant to this application:
- 10.14 Local Plan Policy EC2 Safeguarding Employment Sites
1. *Within established employment sites, proposals for B Class employment development, including intensification of the site, will be permitted.*
 2. *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.*
- 10.15 In the case of this proposal, it is noted that 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. Notwithstanding this, it is also noted that the proposed development would generate employment and contribute to the local economy. The planning application form states that 48 full time positions would be created. In this

respect, the proposed scheme would create new employment opportunities, as would be the case with the units approved through the extant employment estate scheme. Furthermore, it is also noted that the employment units already permitted could be erected, used for Class E(g) purposes for a short time and then be subject to a change to a retail use (Class E(a)) without the need for planning permission. The changes to the Use Class Order introduced in 2020 provide greater flexibility in terms of the movement between Use Classes. As a consequence, it is now potentially possible for retail, café, office, fitness, creche, medical type uses, for example, to operate within established business parks without the need for planning permission, subject to there being no planning conditions restricting such a change of use. The Government considers that it is reasonable for such uses to operate in locations that would previously have been limited to a more traditional employment use. The changes that have been made to the Use Classes Order since the adoption of the current Local Plan are therefore considered to constitute a significant material consideration in this instance. Moreover, it is noted that the remaining employment site area permitted under 15/03318/OUT would extend to 4.5 hectares, which would continue to be in excess of the 3.38 hectare area identified in Local Plan Policy S11. In this respect, this proposal would not reduce the level of employment land permitted on the industrial park below the allocated figure set out in the Local Plan. Finally, the Council is in the process of producing a new Local Plan which seeks to create a number of strategic level development sites across the District. New employment sites will form part of the new Local Plan development strategy, and will contribute to meeting future employment needs. It is therefore considered that there are a number of significant material considerations that can justify a departure from the Local Plan in this instance.

10.16 With regard to other employment related policies, Local Policy EC1 Employment Development states:

'Employment Development will be permitted where it:

- a. supports the creation of high quality jobs in professional, technical and knowledge-based sectors and seeks to support economic opportunities which capitalise on the strength of existing academic and training institutions and research organisations;*
- b. maintains and enhances the vitality of the rural economy;*
- c. enables opportunities for more sustainable working practices, including home-working;*

d. supports and improves the vitality and viability of Primary, Key, District and Local Centres; or

e. supports sustainable tourism in ways that enables the District to attract higher numbers of longer-stay visitors.'

10.17 Local Plan Policy EC3 Proposals for All Types of Employment-Generating Uses states:

1. 'Within Development Boundaries, proposals for employment-generating uses on sites that are not currently identified as an established employment site will be permitted in principle.'

10.18 With regard to Policy EC1, paragraph 9.3.1 of the Local Plan states that the aforementioned policy addresses '*B class employment needs through land allocations and specific policies.*' Policy EC1 is therefore aimed primarily at B type use classes, including use Class E(g), rather than retail type uses. In contrast, Policy EC3 is intended to cover all types of employment generating uses. Paragraph 9.3.2 of the Local Plan states that '*B Class employment represents less than half of job growth in the District. A greater proportion of jobs growth will occur in other sectors, including construction, retail, leisure, hotels, restaurants, transport, education and health.*' Policy EC3 is therefore more directly related to retail type employment proposals, such as that now proposed, than Policy EC1.

10.19 Policy EC3 can be supportive of employment-generating uses within development boundaries which are not currently identified as an Established Employment Site (EES). Whilst the application site forms part of an allocated employment site, it is not technically included in the Bourton Industrial Estate Established Employment Site (EES1) boundary as shown in the Local Plan. Notwithstanding this, even if the site were considered to be an EES, it is also considered that there are significant material considerations that would justify an exception to Policy EC3 in this instance (as set out previously).

10.20 In terms of national policy, National Planning Policy Framework (NPPF) Policy S3: Presumption in favour of sustainable development states:

'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.'

10.21 With regard to development within settlements, NPPF Policy S4: Principle of development within settlements states:

'1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

a. Have a substantial adverse impact in relation to:

i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or

ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).

b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. '

10.22 It is noted that Policy S4 is supportive, in-principle, of development within settlements, and that such development '*should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.*' However, it is also noted that criterion 2 a i indicates that the impact of development on an allocation of land for a particular use in a development plan has the potential to represent an adverse effect which could substantially outweigh the benefits of a proposal. In the case of this application, it is noted that the proposed use would generate employment and contribute to the rural economy in a manner that would be similar to the allocated employment use. In addition, and as mentioned previously, the extant permission for employment development on the industrial estate would remain higher than the site allocation even if this scheme were to proceed. It is also noted that an industrial unit erected on the site could potentially change to a retail use in the future under permitted development rights without the need for planning permission. In light of these factors, it is considered that the safeguarding of this part of the allocated site is no longer appropriate in this particular instance given the nature of the proposed use. It is therefore considered that there are a number of factors which weigh in favour of this proposal and that the scheme would not have a substantial adverse impact in relation to the allocation or safeguarding of land for employment purposes.

10.23 In addition to the above, the following NPPF policies are also considered relevant to this proposal:

10.24 NPPF Policy E2: Meeting the need for business land and premises

'1. To support business growth, substantial weight should be given to:

a. The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt...'

10.25 NPPF Policy E4: Rural business development

'1. In applying policy E2, the sustainable growth of businesses in rural areas should be supported, including through:

a. The conversion of existing buildings and well-designed new buildings;

b. The development and diversification of agricultural and other land-based businesses;

c. Facilities to support rural leisure and tourism and measures to retain and expand accessible local shops and services; and

d. Development to maintain and enhance farm viability and sustainability and support domestic food production, such as improved accommodation for livestock, on-farm reservoirs, greenhouses, polytunnels, farm shops and temporary accommodation for seasonal workers (where this accommodation is ancillary to the agricultural use and not for permanent occupation).

2. Development proposals to meet business needs in rural areas may need to be located outside settlements, and in locations that are not well served by public transport. In these circumstances:

a. Development proposals should take opportunities, where they exist, to use previously developed land, and sites that are physically well-related to existing development; and

b. The siting and design of development should be appropriate having regard to the character of its surroundings.'

10.26 The current proposal is considered to accord with the aspirations on Policies E2 and E4 in terms of supporting business growth and benefiting the rural economy.

10.27 In addition to the above, it is noted that the Council is in the process of producing a new Local Plan for the District. The emerging Cotswold District Local Plan 2026-2043 is currently at the Regulation 19 consultation stage. It is anticipated that the plan will be submitted for examination in December 2026. In terms of the weight that can be given to the emerging Local Plan it is necessary to have regard to guidance the National Planning Policy Framework (NPPF). Policy DM4: Emerging development plan proposals of the NPPF states:

'1. When preparing and considering development proposals, relevant policies in emerging development plans may be given weight according to:

a. The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c. The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).'

10.28 The emerging Local Plan indicates that the current application site would continue to form part of land allocated for Class E(g), B2 and B8 uses in the new plan. The site allocation is listed as '*Bourton-on-the-Water Land north of Bourton Industrial Park 4.9 hectares*' and forms part of draft Core Policy 5: Meeting Employment Needs in Cotswold District. The proposed allocation for the industrial park totals 4.9 hectares. The current permission for employment development in the estate, minus this current proposal, would equate to 4.5 hectares. The current proposal would therefore result in a minor reduction in the intended allocation, albeit that the current proposal would still generate employment and contribute to the rural economy. It is considered that this reduction would not result in a significant conflict with the emerging Local Plan. Moreover, it is considered that limited weight can be given to the emerging Local Plan at the current time as it is still at the consultation stage. Consultation responses are not yet known and the plan has yet to be submitted for examination. It is considered that the potential conflict with the emerging Local Plan would not substantially outweigh the benefits of the proposal in this instance.

Main Town Centre Uses

10.29 The proposed foodstore and drive-thru coffee shop constitute Main Town Centre Uses as defined in Annex 2: Glossary of the NPPF. In addition, as the application site is located more than 300m from Bourton-on-the-Water Key Centre, it is considered to constitute an '*out of centre*' location having regard to the guidance in Annex 2. The application site is located approximately 1km (as the crow flies) from the village's Key Centre.

10.30 The current proposal is subject to the following policies:

10.31 Local Plan Policy EC7 Retail

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

- *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: Northleach and South Cerney.*

2. In settlements that are not listed in clause 1, proposals for small local shops and services will be permitted if they would enhance a settlement's viability and help to meet the needs of, and are conveniently accessible to, the local community.

3. Provision will be made for 400sqm (net) of convenience goods and 2,100sqm (net) of comparison goods retail floorspace within Cirencester over the Plan period (in accordance with policies S1, S2 & S3). Within the other nine settlements identified in the retail hierarchy, the retail strategy supports proposals in their defined centres which maintain and enhance retail provision and the wider health of the centre.

10.32 The following criteria in Local Plan Policy EC8 Main Town Centre Uses are considered applicable to this application:

1. The preferred sequence of locations for Main Town Centre Uses in Cirencester are the:

- a. Primary Shopping Area*
- b. Town Centre*
- c. Edge of Centre*
- d. Out of Centre*

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 Area 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.

7. When considering proposals for main town centre uses beyond the 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, leisure, recreation, arts, cultural and community facilities; and

d. except where the proposal is in conformity with an allocation for main town centre uses elsewhere in the Plan, 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 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 area 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.

10.33 Local Plan Policy EC9 Retail Impact Assessments states:

'Proposals for retail development with a net increase of 100sqm or more, or, proposals that relate to floorspace of 100sqm 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.

10.34 In terms of national policy, NPPF Policy TC3: Main town centre uses outside town centres states:

- 1. A sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan.*
- 2. The sequential test means that main town centre uses involving new development should be located within town centres identified in the development plan; then, if this is not feasible, in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre locations, preference should be given to accessible sites which are well connected to the town centre by sustainable transport modes.*
- 3. Applicants and local planning authorities should exercise flexibility when considering issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*
- 4. Where a development proposal fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in policy TC4, it should be refused.*
- 5. This sequential test does not apply to applications for small scale rural offices or other small scale rural development.*

10.35 TC4: Assessing the impact of development on town centres

- 1. Development proposals for retail and leisure uses located outside town centres should be accompanied by an impact assessment if the proposal exceeds a floorspace threshold set out in an up-to-date development plan, and is not on a site which is allocated for the proposed use in the plan. If no threshold for impact assessments has been set in the development plan, a default threshold of 2,500m² gross floorspace should be applied.*
- 2. In circumstances where an impact assessment is required, it should be demonstrated that the development would be unlikely to have a significant adverse impact on:*
 - a. Existing, committed and planned public and private investment in a town centre or centres in the catchment area of the proposal;*
 - and b. Town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

10.36 With regard to the emerging Local Plan, Core Policy 51: Town Centre Uses identifies Bourton-on-the-Water Key Centre as a ' Town Centre '. It states that:

'Proposals for retail development outside of Cirencester's Primary Shopping Area and proposals for Main Town Centre uses outside of designated Town Centres should demonstrate 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. Applicants should demonstrate flexibility in respect of scale and format when considering sequentially preferable sites.

All proposals for Main Town Centre uses must:

- a) be accessible and well connected to the centre by public transport and active travel links*
- b) complement and enhance the vitality and viability of the Town Centre/ settlement*
- c) help maintain an appropriate mix of uses including, where appropriate, residential use*
- d) maintain or improve, where possible, the health and wellbeing of the District's residents through increased choice and quality of shopping, leisure, recreation, arts, cultural and community facilities*
- e) contribute to the quality, attractiveness, character, and heritage of the settlement, including the Centre, and the street frontage within which the site is located*
- f) be designed to minimise the impact of development on designated heritage assets and Conservation Areas, and*
- g) ensure where feasible that where ground floor redevelopment or alterations are proposed, that access to the upper floors is unaffected or enhanced to enable their availability for other permissible uses.'*

Sequential Test

10.37 This application is accompanied by a Retail Sequential Assessment (RSA) report which has undertaken an analysis of potential alternative sites within and adjacent to the village. It has also undertaken an assessment of other potential

sites within the towns of Stow-on-the-Wold, Moreton-in-Marsh and Northleach. With regard to Bourton-on-the-Water, the area of search includes both the village's Key Centre, as well as other sites that could potentially be suitable, and which are closer to the Key Centre than the current application site. The RSA has assessed a range of sites including: marketed sites, development allocation sites, the brownfield register, and the Council's Strategic Housing and Economic Land Availability Assessment 2021.

- 10.38 The RSA has assessed the suitability of 7 sites within Bourton-on-the-Water. In order to demonstrate a degree of flexibility when considering alternative sites, the applicant has considered sites that could accommodate a size of development approximately 10% smaller than that now proposed. The RSA states that sites under 0.5 hectares have been discounted because they are considered to be of insufficient size.
- 10.39 With regard to the existing Key Centre, it is noted that the aforementioned area is relatively small in size. In addition, it is sensitive in historic, architectural and flood risk terms. The RSA has not identified any suitable sites within the Key Centre that could reasonably accommodate the proposed development. Officers concur with the findings of the RSA in this respect. With regard to other sites, the RSA has considered the former Co-op/Countrywide site on Station Road. However, permission was granted in 2025 (24/00627/FUL) for the erection of 82 dwellings/apartments on the aforementioned site. It is not therefore available for this development. Other sites that have been considered include the British Legion site in the western part of the village, land at Broadlands off Gasworks Lane, land at Manor Fields, land off Pockhill Lane and existing car parks. The aforementioned sites are all subject to a variety of constraints including heritage, landscape, flooding, access, residential amenity and open space restrictions. Officers consider that the findings of the RSA are acceptable in relation to the selected sites. In addition, Officers are not aware of any other sites within or adjacent to the village that could reasonably accommodate the proposed development as an alternative to the site now proposed, even if flexibility in the scale and format of the proposed development is taken into consideration.
- 10.40 The concerns of an objector regarding the disaggregation of the development into 2 elements (ie the Aldi foodstore and the Costa Drive-thru) are noted. In response, the applicant argues that the retail foodstore and drive-thru are inter-linked and form part of an integrated development proposal. The applicant also states that the proposed units are complementary in nature and will share a number of key elements such as access and car parking. In addition, the proposal is not a speculative scheme but is made by 2 named operators who

are seeking to develop the site in a collaborative manner. In response, Officers acknowledge that there are instances where a drive-thru coffee shop and a retail store can be developed in isolation and can operate independently of one another. However, this scheme does adopt an integrated approach to the development of the site and it is understandable why the 2 operators would wish to be sited alongside one another, especially in light of the location of the site next to the A429.

- 10.41 Notwithstanding the above, Officers have considered whether there are alternative, suitable sites within or adjacent to the village that could reasonably accommodate the retail foodstore or drive-thru in isolation from one another. With regard to the retail foodstore, it is considered that this element of the scheme, when combined with the need for car parking and service areas, would represent a size of development that could not reasonably be accommodated on sites below the 0.5 hectare site selection threshold set out by the applicant. In addition, and for the reasons set out previously, it is also considered that none of the sites identified in the Sequential Test could would suitable or available for the foodstore alone.
- 10.42 With regard to the drive-thru element of the scheme, it is also considered that the sites identified in the Sequential Test would not be suitable for such a development for the reasons already stated, such as landscape, heritage, access, flood risk or residential amenity. With regard to smaller sites, Officers have undertaken a review of property websites and the Council's Strategic Housing and Economic Land Availability data. No suitable sites for the proposed drive - thru have been identified through this process.
- 10.43 In addition to the above, it is noted that criterion 3 of NPPF Policy TC3 does not explicitly include a requirement for disaggregation to be taken into account. The document titled *'Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation August 2026'* states: *'Policy TC3 has however been amended to remove the additional wording on disaggregation. This had been added with the intention of reflecting relevant parts of the Planning Practice Guidance, but the government accepts that its inclusion as proposed could imply undue rigidity in the way the sequential test is intended to work.'*
- 10.44 With regard to the availability of alternative sites in other nearby settlements, it is noted that the Key/Local Centres in question are modest size and are sensitive in heritage terms. None of the respective areas contain sites of sufficient size to accommodate the proposed development, either as a single entity or in a disaggregated form. In addition, the relatively high density nature of the core

of the settlements also means that there no suitable edge of centre sites available. The RSA has not identified any suitable alternative sites within the settlements in question. Officers agree with these findings.

- 10.45 It is considered that there are no sequentially preferable sites available as an alternative to the current application site. Notwithstanding this, in considering this proposal, it is also necessary to have regard to criterion 7 of Local Plan Policy EC8 and Policy TC3 of the NPPF states *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre by sustainable transport modes.'* In this instance, the application site is located over 1 km from the village centre and at the northern edge of the settlement. It is therefore located some distance from many of the residents in the village. However, it is noted that the site is located within the village's development boundary and has therefore been deemed through the Local Plan process to represent a relatively sustainable location for new development. It is also possible for pedestrians to access the site via a network of illuminated footways. In addition, the access routes are relatively flat and it is considered that the development would be reasonably accessible for both pedestrians and cyclists. Bus stops are also located within the vicinity of the application site. Whilst future customers are likely to use the private motor car to access the proposed development, it is considered that the site could reasonably be accessed by pedestrians and cyclists and that the development would not be reliant solely on customers using motor vehicles. It is therefore considered that the site is reasonably accessible by a range of sustainable transport modes and accords with the requirements of Local Plan Policy EC8 and Policy TC3 of the NPPF.
- 10.46 In light of the above, it is considered that the proposal reasonably addresses sequential test requirements and that the sequential test is passed.

Retail Impact Assessment

- 10.47 The floorspace of the proposed development is in excess of 100 sq metres. In accordance with the requirements of Local Plan Policy EC9, the applicant has submitted a Retail Impact Assessment (RIA) with this application. The RIA has assessed the potential impact of the proposed development on Bourton-on-the-Water Key Centre and other centres including those in Northleach, Stow-on-the-Wold and Cirencester. The impact of the proposal on a number of existing out-of-centre/edge of centre operators such as the Co-op on Station Road in Bourton-on-the-Water and Tesco in Stow-on-the-Wold have also been assessed.

10.48 The proposed retail foodstore would have a gross internal floorspace of 1,912 sq metres, with a net sales area of 1,154 sq metres. Of the aforementioned sales area, 80% would be used for convenience goods and 20% for comparison goods. Convenience goods are typically everyday items that are purchased frequently, such as food items. Comparison goods are higher-value, infrequently purchased items (like electronics, furniture, clothes) that consumers actively compare across different stores for price, quality, and features before buying. The proposed Drive-thru coffee shop would have a floor area of 167 sq metres.

10.49 The RIA states that the predicted convenience and comparison goods turnover of the Aldi store in 2030 would be £10.8m and £2.2m respectively.

10.50 The RIA has identified a catchment area, from which the majority of the new foodstore's trade would be drawn:

'4.5 Indeed, a 10-minute drive is recognised as a reasonable and acceptable distance to travel for convenience shopping, regardless of the nature of the operator. It is generally accepted that where residents are required to travel beyond this distance, it often indicates a severe deficiency in the quantity and/or quality of local convenience retail provision.'

10.51 In addition, household surveys and retail expenditure data for convenience and comparison goods form part of the RIA. The respective data takes into account the socio-economic characteristics of the local population to provide local consumer expenditure calculations. Paragraph 4.7 of the RIA goes on to state:

' The Study Area for the household survey has been defined based on several key factors: the geographical area within which the relevant residential population (specifically that of Bourton-on-the-Water) is expected to undertake the majority of its retail (convenience and comparison) spending; the area from which the proposed development is likely to draw most of its retail trade (i.e. its expected sphere of influence, based on factors such as scale and retail offer); and the presence of existing competing retail centres in surrounding areas that may influence future patterns of trade.'

10.52 The RIA divides the District into a number of zones which are referred to as Study Areas. Study Area 1 includes Bourton-on-the-Water, Stow-on-the-Wold and Northleach and their environs, with Moreton-in-Marsh and Chipping Campden falling into Study Area 3 and Cirencester/Fairford/Lechlade falling into Study Area 5. Areas to the west and east of the District falls with Study Areas 2 and 4.

10.53 With regard to convenience goods expenditure, the RIA states:

'4.13 It should be noted that cumulatively, 48.0% of Zone 1 convenience expenditure is being lost to retail destinations located outside of Zone 1, which indicates high leakage of expenditure.

4.14 The key convenience destinations for Zone 1 residents are:

- The out-of-centre Tesco Superstore in Stow-on-the-Wold - drawing 24.7% of Zone 1 expenditure.*
- Various out-of-centre stores in Cirencester (including Tesco Extra, Waitrose, Lidl and Aldi) - cumulatively drawing 18.6% of Zone 1 expenditure.*
- The out-of-centre Co-Op Food, Station Road in Bourton-on-the-Water - drawing 18.1% of Zone 1 expenditure.*
- The out-of-centre Aldi in Moreton-in-Marsh - drawing 12.0 % of Zone 1 expenditure*

4.15 Market share analysis further indicates that cumulatively, these destinations are significantly outperforming industry benchmarks, trading at 137% of expected levels. Notably, discounter stores such as Aldi and Lidl are trading at an even higher rate, averaging 250% of benchmark performance.

4.16 As a result, whilst the proposed Aldi store is designed to serve the population within its 10-minute drivetime catchment (notably those living in Zone 1), in reality, it will divert trade from stores located beyond its immediate catchment area and thus "claw-back" leaked expenditure.'

10.54 Paragraph 4.20 of the RIA goes on to state:

10.54.1 'It is assumed that around a third (33.3%) of Aldi's trade would be diverted from Zone 1's main retail provisions - namely Tesco Superstore, Fosse Way in Stow-on-the-Wold and Co-Op Food, Station Road in Bourton-on-the-Water. These stores are geographically the closest to the application site. Although the Tesco store is located further from the application site than the Co-op, the anticipated trade diversion is significantly higher from the Tesco (23% compared to 10%). This is primarily because the Co-op performs a much stronger top-up shopping function, likely due to its edge-of-centre location relative to Bourton's Key Centre - according to the household survey, over 28% of the Co-op's turnover is attributed to top-up shopping, whereas Tesco derives

just under 8% of its turnover from such trips. Consequently, the Co-op serves a different trading function compared to the proposed development, which, due to its out-of-centre location, is expected to have a stronger focus on main food shopping. Furthermore, the Co-op store offers an upmarket retail experience - the Co-op has been recognised as one of the top stores in Europe and the best in England by leading retail experts. The store places a strong emphasis on local produce (featuring a delicatessen counter, a fresh fish counter, local cheeses, pies, cooked meats, an olive bar, an artisan bakery, etc) and provides an interactive in-store experience, including cooking demonstrations. As such, the Co-op's offer is distinctly different from the value-oriented, deep-discount model of Aldi. Consequently, the Co-op fulfils a different retail function and serves a separate customer base compared to the proposed development, and hence it is unlikely that the Aldi will compete with the Co-op on a like-for-like basis.

10.54.2 It is assumed that, on the basis of a like-for-like offer, around a third (31.3%) of Aldi's trade would be diverted from other 'deep discounters' in the Study Area - namely Lidl and Aldi in Cirencester, and Aldi, Stow Road, Moreton-in-Marsh.

10.54.3 It is expected that 7% of Aldi's trade would be clawed back from out-of-centre stores Tesco Extra in Cirencester. This would mean that circa 23% of Aldi's trade would be clawed back from out-of-centre stores in Cirencester (including Tesco Extra, and the Lidl and Aldi already mentioned above), reflecting the fact that Cirencester is around a 25-minute drive from Bourton-on-the-Water and is beyond a reasonable/convenient distance for convenience shopping

10.54.4 Around 12% of Aldi's trade would be clawed back from locations outside of the Study Area and other locations outside of the Cotswolds DC Council area, reflecting the fact that these locations are outside of the reasonable convenience catchment area but currently attract 12.3% of Zone 1 convenience expenditure.

10.54.5 It is considered that very little of Aldi's trade would be drawn from designated centres in the Study Area - around 2.7%. Indeed, the existing in-centre convenience offers do not include supermarkets of comparable size, and are aimed at top-up shoppers as opposed to main food purchases, as evidenced by the Household Survey.

10.54.6 Around 2% of Aldi's trade would come from other out-of-centre stores in the District Area. '

10.55 With regard to the impact of the proposal on Key Centres, paragraph 4.23 of the RIA states:

10.55.1 ' Bourton-on-the-Water Key Centre - The in-centre convenience offer consists of 5 units, hosting a Budgens store, a post office/convenience store, two bakeries, and a sweet shop. The centre has a strong convenience top-up function (as evidenced by the household survey), and it has no supermarkets of comparable size to the proposal. The centre would lose 1.5% of its convenience trade as a result of the Aldi scheme. The quantitative convenience impact of the proposals will not be significant enough for any of the town centre convenience stores to close. As such, the level of proposed impact will be insignificant.

10.55.2 We also note that the edge-of-centre Co-op could lose up to 8.7% of its convenience trade. This level of impact is likely to be exaggerated, as our assessment of the store indicated that its survey derived turnover is likely to be underestimated. As such, the 8.7% impact represents a worst-case scenario. We note that the store is not protected by policy, but we do recognise that, due to its location, it is likely to facilitate linked trips between its customers and the centre. It is considered that, given the store's upmarket offer and a top-up function, this level of impact will not be sufficient for the store to close down. As such, there will be a limited indirect impact on Bourton-on-the-Water Key Centre.

10.55.3 Stow-on-the-Wold Key Centre -The in-centre convenience offer consists of 9 units, hosting a small Co-op convenience store, two independent bakeries, a newsagent/post office, a cheese shop, three sweet shops/confectioners, and an organic food. We understand the centre to have a strong convenience top-up function (as evidenced by the household survey), and it has no supermarkets of comparable size to the proposal. The centre would lose 0.6% of its convenience trade as a result of the Aldi scheme. The quantitative convenience impact of the proposals will not be significant enough for any of the town centre convenience stores to close. As such, the level of proposed impact will be insignificant.

10.55.4 Northleach Local Centre - The convenience offer is made up of 5 units, anchored by the Budgens store, and also includes a greengrocer's, a butcher's, and a bakery. We understand the centre to have a strong convenience top-up function (as evidenced by the household survey), and it has no supermarkets of comparable size to the proposal. The centre would lose 1.6% of its convenience trade as a result of the Aldi scheme. The quantitative convenience impact of the proposals will not be significant enough for any of the town centre convenience stores to close. As such, the level of proposed impact will be insignificant

10.55.5 Cirencester Town Centre - Within the centre, there are 22 convenience stores, including 2 supermarkets (Tesco Metro and an M&S Simply Food). There are 3 smaller convenience stores (including Morrisons Daily, Tesco Express), and 12 specialist food stores (butcher's bakers, greengrocers, health food stores and delis). The centre would lose 1.3% of its convenience trade as a result of the Aldi scheme. The quantitative convenience impact of the proposals will not be significant enough for any of the town centre convenience stores to close. As such, the level of proposed impact will be insignificant.'

10.56 With regard to comparison goods, the RIA predicts that 90% of the Aldi's trade/turnover will be drawn from within Study Area 1. A further 10% would arise from outside the Study Area, such as through tourism. The RIA states that over 75% of comparison goods expenditure in Study Area 1 is spent outside the respective area. It predicts that approximately 13% of the proposed retail store's trade would be drawn from nearby designated centres, with the majority (6.4%) coming from Cirencester and 4% from out-of-centre locations.

10.57 In relation to the impact of comparison goods expenditure on existing Key and Local Centres, paragraph 4.33 of the RIA states:

'10.57.1 Bourton-on-the-Water Key Centre - is a robust, healthy, and attractive centre. It features a well maintained environment and minimal vacancies. Its offer is heavily influenced by its appeal as a popular tourist destination. The majority of shops are independently owned, creating a unique and authentic shopping experience, while services and comparison retailers form the backbone of the centre's overall offering. Bourton-on-the-Water successfully serves a dual role - catering to the steady influx of tourists while simultaneously meeting the everyday needs of its local community.'

10.57.2 Cirencester Town Centre - is a healthy and attractive centre with a vacancy rate lower than the national average and a wide range of goods and services that are representative of its status as the principal commercial centre in the District. It boasts a strong comparison and service shopping function, catering effectively to diverse consumer needs. Additionally, the centre is increasingly focusing on expanding and diversifying its leisure and cultural offerings to enhance its appeal and visitor experience.'

10.57.3 Moreton-in-the-Marsh Key Centre - is a vibrant and thriving centre, characterised by a high quality environment and very low vacancy rates. The offer is predominantly dominated by comparison retailers, reflecting its status as a popular tourist destination. Additionally, the centre boasts a diverse range of services, enhancing its appeal to both residents and visitors. The majority of

retailers are independent businesses, contributing to the town's unique character. Moreton-in-the-Marsh effectively serves a dual role, catering to the everyday needs of the local community while also accommodating a steady influx of tourists.

10.57.4 Northleach Local Centre - is a vital and sustainable Local Centre that effectively serves its immediate community by focusing primarily on service provision and offering a well-balanced selection of everyday essentials.

10.57.5 Stow-on-the-Wold Key Centre - is a vibrant, thriving, and attractive centre. It benefits from a high quality environment, very low vacancy rates, and a diverse retail offering for a town of its size, strengthened by its status as a popular tourist destination. The centre effectively serves a dual role, meeting the daily needs of the local population while also catering to a well-established influx of visitors.'

- 10.58 In addition to the findings in the RIA, Officers have also had regard to this Council's Cotswold Retail Study Update (2016) which was published in 2017. Officers have also visited the Key and Local Centres in Bourton-on-the-Water, Stow-on-the-Wold, Northleach and Moreton-in-Marsh to understand the mix and type of uses currently operating from the respective centres together, as well as to understand the level of existing vacancy rates. With regard to the 2016 Retail Study Update, paragraphs 5.68 and 5.69 of the aforementioned document states the following in relation to Bourton-the-Water Key Centre:

10.58.1 'Bourton-on-the-Water is a healthy and attractive centre, and which is one of the most well-known centres in the Cotswolds due to its character and visitor attractions. The centre of Bourton arguably has more retail units than would be expected for a settlement of this size although the volume of visitors to the centre enables a large number of retail and services to operate in a viable manner. The retail offer in the centre is orientated towards top-up food shopping and a high number of gift shops which means that many shopping trips from local residents are lost to surrounding settlements. However, the proposal to build a new replacement Co-op foodstore is likely to retain a greater amount of main and top-up food shopping trips.

10.58.2 A key issue for Bourton-on-the-Water going forwards will be the interaction between the needs of local residents and the high level of demand from visitors/tourists. The latter element heavily influences the type of businesses in the village centre and leads to local residents having to travel elsewhere to meet their day to day shopping needs. With little opportunities for new development in and around the village centre, there is likely to be pressure

for new shops and services (to meet local needs) elsewhere within the village. This is an issue which will require careful control by the District Council.'

- 10.59 In addition, the Retail Study did not identify any particular issues in relation to the economic health of other centres in the settlements mentioned previously. It is noted that the aforementioned study was undertaken prior to Covid and that people's shopping patterns have undergone a degree of change in the subsequent period. However, on inspection of the existing centres, it is evident that the various centres have a low number of vacancy rates and continue to be attractive to tourists, with many businesses catering for visitors to the area.
- 10.60 It is noted that an objection has been received on behalf of the Co-op which questions the accuracy and validity of a number of assertions made in the RIA. In particular, concerns have been raised with regard to the shopper survey study areas, the potential impact of development on Bourton-on-the-Water Key Centre and the Co-op and an over-statement of potential clawback of retail expenditure leaving the village. The concerns are summarised in the objections section of the other representations section of this report.
- 10.61 With regard to the study area, it is noted that the Council's Cotswold Retail Study Update (Update 2016) included Northleach in the same Study Area as Bourton-on-the-Water. There is therefore a precedent for this approach. Whilst Stow-on-the-Wold was included in a separate Study Area at that time, it is considered that the applicant's current approach is not unreasonable. The use of post codes and 10 minute drive distances is considered to relate to a reasonable catchment area.
- 10.62 With regard to the impact of the proposal on the vitality and viability of Bourton-on-the-Water Key Centre, it is noted that centre is subject to high numbers of visitors. As a consequence, the income of many businesses is derived largely from visitor expenditure rather than from local residents. In terms of retail foodstores, an existing Budgen's operates on the village's High Street. A planning application submitted in 2018 (18/00120/FUL) indicates that the aforementioned store has a net trading area of 450sqm. The aforementioned store is therefore noticeably smaller than the retail store now proposed and offers a more limited range of products. The high numbers of tourists visiting the centre also means that it has a different customer base to the foodstore now proposed. Having regard to the tourist focused nature of the village centre, the range and mix of uses in the centre and the low number of vacant units (which indicates a relatively healthy centre), it is considered that the level of trade (convenience and comparison goods) that would be drawn from the centre to the proposed foodstore would be limited and would not have a

significant adverse impact on the vitality and viability of the Key Centre. It is also considered that the proposed drive-thru coffee shop would not have an adverse impact on the aforementioned centre. The drive-thru nature of the proposed building is different to the more traditional coffee shops/cafes in the centre. The proposed building would be more likely to attract passing motorists rather than tourists or local residents who would be visiting the village centre and utilising a café as part of that experience.

- 10.63 With regard to the impact of the proposed development on the existing Co-op store located on Station Road in Bourton-on-the-Water, it is noted that the aforementioned business is located outside the village's Key Centre. As such, it is not afforded any direct policy protection through the Local Plan or the NPPF. However, it is still considered reasonable to understand the impact of the proposed development on the existing store, given that the Co-op occupies an edge-of-centre location and therefore occupies a more sustainable location for retail development than the store now proposed. The existing Co-op store was granted permission in 2014 (14/00654/FUL) as a replacement of an existing store located to the north of the current business. The existing store has a gross floor space of 1800 sqm, of which approximately 1300sqm constitutes retail floorspace. At the time of the original application, the store was to include 1264sqm of convenience goods floorspace and 36sqm comparison goods floorspace.
- 10.64 The existing Co-op store is located approximately 200m from the village's Key Centre. It also lies adjacent to one of the village's main public car parks. The proximity of the store to the village centre and the car park means that it draws trade from visitors to the village. The store is also located in close proximity to the village's secondary school which also accounts for some customers. The position of the store means that it can attract a different customer base to that which would be associated with the out of centre store proposed on the current application site. In addition, it is noted that Co-op and Aldi stores currently co-exist in Moreton-in-Marsh. A Tesco Express is also present in Moreton-in-Marsh Key Centre. This indicates that Co-op and Aldi stores can, in-principle, operate successfully alongside one another in a similar sized Cotswold settlement. Permission was granted for the Aldi store in Moreton-in-Marsh in 2017 (16/04611/FUL). It is similar in size to the store now proposed. The Co-op opened their store in Moreton-in-Marsh in 2020. It therefore moved into the town after the opening of the Aldi and with an understanding of the potential impact that an Aldi would have on its future operations.
- 10.65 It is noted that the Co-op state that a minimum of 20% of Aldi's trade could come from the Co-op. However, this claim has not been substantiated with any

evidence. As a comparison, the retail impact assessment produced in connection with application for the Aldi in Moreton-in-Marsh in 2016 indicated that the new store would have an impact of -16.7% on the Budgen's (now Co-op) store. Notwithstanding this, the 2 respective stores continue to operate alongside one another. Whilst the proposed foodstore has the potential to draw an element of trade from the existing Co-op, it is considered that the trade draw would not be at a level that would pose a significant risk to the future operation of the Co-op, especially when the different site contexts, and the fact that the Aldi will attract retail expenditure that is already leaking from the village to other settlements are taken into account. This is evidenced by the large number of local residents who have written in support of the scheme on the grounds that this proposal would reduce the need to travel to other foodstores outside of Bourton-on-the-Water. The proposed store would help to address this latter matter and improve consumer choice.

10.66 The comments of an objector regarding the lack of demonstrable need for another retail foodstore in the village are noted. However, there is no policy requirement for the applicant to demonstrate a need for their store. Policy and guidance seeks to ensure that the proposal would not have a significant adverse impact on the existing centres rather than a requirement to demonstrate a need for the new store. Whilst it is noted that the existing Co-op store was opened in the last decade and is therefore a relatively recent addition to the settlement, it must also be noted that it is a replacement of a previous store that already existed in the village. As such, its construction allowed for the improvement of existing retail floorspace/facilities in the village rather than the introduction of an entirely new retail operator into the settlement. Moreover, it is also evident that Bourton-on-the-Water has been subject to significant residential growth in the current Local Plan period. The Council's Housing Supply report - May 2025 states that in the period between April 2011 and the 31st March 2024, the village has been subject to 431 new dwellings with a further extant permissions for 24 dwellings in place. As a consequence, the residential population of the village has grown in recent years, which further increases the pressure to improve the retail provision on offer in the settlement.

10.67 With regard to the impact of the proposal on other Key Centres and edge of centre/out of centre operators, it is noted that there are Co-op and Budgen's convenience stores in the centres of Stow-on-the-Wold and Northleach respectively. Both stores offer a basic range of items which cater more for top-up shopping than the main weekly shop. In both instances, it is noted that many residents in either settlement travel to other retailers for their main shopping needs. In both instances, this can include trips to the Tesco store on the northern edge of Stow-on-the-Wold. Permission was granted in 2023

(23/00847/FUL) to extend the retail sales area of the Tesco store to 1879sqm. The aforementioned store is therefore larger than the store now proposed and draws in trade from a wide area. Its extension also post-dates the opening of the Aldi in Moreton-in-Marsh, which is located a similar distance from the Tesco store to the store now proposed. There is therefore no indication that the opening of the aforementioned Aldi has had a significant adverse impact on the Tesco store. It is also considered that the proposed store would be unlikely to draw a significant additional amount of trade away from the existing stores in the centres of Stow-on-the-Wold or Northleach. The main change is likely to be a change in retail destination for those persons already leaving the settlements to shop elsewhere. With regard to the impact of an additional foodstore on the existing edge of centre Tesco store in Stow-on-the-Wold, it is considered that the aforementioned store, by virtue of its size and retail offer, would continue to attract a significant level of trade from a wide area and that the proposal would not have a significant adverse impact upon it.

- 10.68 The creation of the drive-thru coffee shop is considered not to be of a size or form that would draw significant levels of trade from other coffee shop/café outlets in nearby settlements.
- 10.69 With regard to Moreton-in-Marsh, it is noted that there is already an Aldi present in the settlement. As such, it is considered unlikely that residents of Moreton-in-Marsh would be likely to travel to Bourton-on-the-Water to utilise the new foodstore.
- 10.70 Having regard to the distance of the site from Cirencester and the range of retail providers present in the aforementioned settlement, it is considered that the current proposal would not have a significant adverse impact on the town.
- 10.71 The comments of the parish council and other respondents about the proposed Costa drive-thru are noted. However, it is not possible to refuse this application based on the name of the applicant. A planning permission would be for the proposed building and its use rather than a specific operator. As set out above, the creation of a drive-thru is considered acceptable in principle at this location.
- 10.72 In light of the above, it is considered that the proposed development could be undertaken without having a significant adverse impact on the vitality or viability of existing centres or edge of centre businesses. It is also considered that the proposal has the potential to improve customer choice and help to address the leakage of retail expenditure from the settlement. It is therefore considered that the proposal accords with Local Plan Policies EC7, EC8 and EC9 and guidance in Section 8 of the NPPF.

(b) Design and Impact on the Character and Appearance of the Cotswolds National Landscape

10.73 The application site is located within the Cotswolds National Landscape (CNL) (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of Way Act 2000).

10.74 The following policies are considered applicable to this proposal:

10.75 Local Plan 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.*

10.76 Local Plan Policy EN2 Design of the Built and Natural Environment states:

Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.

10.77 Local Plan 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.

10.78 Local Plan 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.

10.79 Local Plan Policy INF7: Green Infrastructure states:

1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.

2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.

3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).

10.80 In terms of national policy, NPPF Policy N4: Protected Landscapes states:

1. Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.

10.81 NPPF Policy DP3: Key principles for well-designed places states that: '*Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development*

plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.'

10.82 In addition to the above, the Council's Cabinet, at its meeting on the 8th May 2025, resolved to *'endorse the recommendation of the report that the Cotswolds National Landscape Management Plan 2025-2030 be used:*

- 'as a material consideration in the determination of planning applications (where compatible with relevant Local Plan and national policy)'

10.83 The Cotswolds National Landscape Management Plan 2025-2030 includes a number of policies which are considered applicable to this application, including:

10.84 Policy CE1. Landscape

CE1.1 Proposals that have the potential to impact on, or create change in, the landscape of the Cotswolds National Landscape (CNL), should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the CNL Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that have a potential impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.'

10.85 Policy CE4: Local distinctiveness

'CE4.1 Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this local distinctiveness. This should include:

- being compatible with the CNL Board's Landscape Character Assessment, Landscape Strategy and Guidelines, Local Distinctiveness and Landscape Change and any relevant position statement or guidance published by the Board.

- *being designed to respect local settlement patterns, building styles, scale and materials in accordance with design guidance prepared by local planning authorities;*
- *using an appropriate colour of Cotswold limestone to reflect local distinctiveness.'*

10.86 Policy CE5: Tranquillity

' CE5.1 Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

CE5.3 Proposals that have the potential to impact on the tranquillity of the CNL should have regard to - and be compatible with - the CNL Board's Tranquillity Position Statement.'

10.87 Policy CE6: Dark Skies

' CE6.1 Proposals that have the potential to impact on the dark skies of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting.

CE6.2 Measures should be taken to increase the area of dark skies in the CNL by removing and, where removal is not possible or appropriate, reducing existing sources of lighting.

CE6.3 Proposals that have the potential to impact on the dark skies or dark landscapes of the CNL should have regard to and be compatible with:

- *The National Landscapes Board's Dark Skies and Artificial Light Position Statement.*
- *Cotswolds National Landscape Technical Lighting Design Guidance*
- *Best practice standards and guidance, in particular, that published by the Institution of Lighting Professionals. '*

10.88 The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 17A Vale of Bourton. This in turn falls within Landscape Character Type Pastoral Lowland Vale.

10.89 The LCA identifies the *'Development, expansion and infilling of settlements including residential, industrial and leisure'* as a Local Force for Change.

10.90 The LCA identifies the following matters as *'Potential Landscape Implications'*:

- *Intrusion of expanded settlement fringes into the landscape including within the setting of the AONB.*
- *Degradation of views to, from and across the Pastoral Lowland Vale.*
- *Impact or loss of views of key features such as church towers across the landscape.*
- *Erosion of distinctive settlement patterns due to settlement growth and coalescence.*
- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes.*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.*
- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, Highway fencing, kerbs and traffic calming measures*
- *Introduction and accumulation of lit areas and erosion of characteristically dark skies. '*

10.91 The LCA's Landscape Strategies and Guidelines states:

- *Maintain the open, sparsely settled character of the Pastoral Lowland Vale by limiting new development to existing settlements.*

- *Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements in areas of open landscape.*
- *Ensure that new development does not adversely affect the wider rural landscape and views to and from the AONB.*
- *Ensure new development is proportionate and does not overwhelm the existing settlement.*
- *Ensure that new development does not adversely affect settlement character and form or impact on views of key features such as church towers/spires.*
- *Avoid ribbon development along major access or through routes.*
- *Avoid developments incorporating standardised development layout, suburban style lighting, construction details and materials that cumulatively can lead to the erosion of peaceful landscape character. Layout of development should respect local built character and avoid cramming up to boundaries resulting in hard suburban style edge to the settlement.*
- *Control the proliferation of suburban building styles and materials.*
- *Conserve the existing dark skies.*
- *Adopt measures to minimise and where possible reduce light pollution.*
- *Retain existing trees, dry stone walls, hedges etc as part of the scheme.*
- *Ensure new development is visually integrated into its surroundings and does not interrupt the setting of existing settlements. Break up harsh edges of new development with appropriate and adequate tree planting ideally in advance of the development taking place.*
- *Ensure the density of new development reflects its location relative to the 'core' of the settlement and its proximity to the surrounding rural landscape.*
- *Consider the impact on local Public Rights of Way as settlements expand and take into account any required improvements.*
- *Ensure development proposals safeguard and provide new links and enhancements to the Public Rights of Way network.'*

- 10.92 The area of the application site proposed for the new foodstore, drive-thru coffee shop and car park is currently set to grass and has the appearance of a field. In addition, it currently forms a green buffer between the developed part of the industrial park to the east and the A429 to the west. Notwithstanding this, it is noted that the aforementioned part of the site is allocated for employment development in the Local Plan and that permission has been granted previously to erect industrial/warehouse style units on the land in question. It is evident from the site allocation and the previous permission for the development of the site that the site is one that could be developed for commercial purposes without causing an unacceptable level of harm to the CNL. Whilst such development has the potential to cause a degree of harm to the character and appearance of the CNL, the site context and the economic benefits arising from such development have been considered previously to outweigh the loss of the land in question. In addition, the area of the site proposed for junction improvements and the installation of traffic lights relates to existing highway land on which permission has been granted for similar works in the past.
- 10.93 With regard to the landscape and visual impact of the scheme, the existing site is bordered by the A429 to the west, an industrial park to the east and post war housing to the south. In addition, the site is located within the village's development boundary. Public views of the site are limited largely to the A429 to the west, Bourton Link estate road to the east, Meadow Way to the south and Public Right of Way HBW1, which runs alongside the north-western boundary of the application site. Due to the relatively flat nature of the landscape surrounding the site, together with existing vegetation and buildings, the site is not readily visible from medium or long range vantage points. Views that are available place the site in context with existing village development.
- 10.94 The applicant has submitted a Landscape and Visual Appraisal report with this application. The summary section of the report states:
- *'Views of the Proposed Development will be limited to those from local viewpoints directly overlooking the site, where enhanced landscape buffers will screen views from the adjacent roads along the western and eastern boundaries. Costa DT will be setback from the site boundary which will help reduce the buildings mass from the adjacent roads and PRow's and the Aldi store is setback within the site to limit its visibility and maintain a sense of openness.'*

- *Proposed tree planting will also soften views of built form from medium distance views on elevated locations to the west of the Site and increase tree cover within the view.*
- *Views from elevated viewpoints to the east of the Site will be no more visible than the existing industrial buildings, resulting in a barely distinguishable change.*
- *The Site does not contain any landscape features that make a significant contribution to the character and appearance of the AONB. The Proposed Development will not have any materially detrimental impact on the Cotswolds AONB in terms of the appreciation of its scenic beauty and character.*
- *Any potential negative effects can be mitigated through careful placement of built form, with a suitable planting strategy employed to ensure that the Proposed Development both protects and enhances the key characteristics and special qualities of the CNL within the Pastoral Lowland Vale, as well as be in accordance with the Vale of Bourton LCT.'*

10.95 With regard to views from the A429, it is noted that the site can be seen through a line of existing roadside trees. However, the site is also viewed against a backdrop of existing commercial development, including outdoor coach parking. An existing housing development is also located to the south of the site. As a consequence, the site is seen primarily in context with existing village development rather than the wider Pastoral Lowland Vale landscape. In order to mitigate the impact of new development, the applicant is also proposing to retain existing trees, to plant a further 62 trees and to introduce new shrub/hedge planting as part of new landscape planting. In combination with the single storey nature of the proposed buildings and the space that would be created between them, it is considered that the proposed development would not have an adverse impact on the character or appearance of the CNL when viewed from the A429, especially in light of the extant permission for commercial development that already exists for the site and the relatively low sensitivity nature of this part of the A429 as a receptor, whereby its users are focusing mainly on the highway rather than the surrounding landscape.

10.96 With regard to the adjacent Public Right of Way, it is considered that this is a more sensitive receptor than the A429 given that it is used principally by pedestrians. In this instance, the footpath lies between the application site and the A429. There is therefore less screening of the site than that experienced from the aforementioned highway. Notwithstanding this, the application site is

still seen against a backdrop of existing commercial development which, in turn, has an impact on the experience of users of the Public Right of Way. In addition, the footpath is bordered to the west by the A429, which generates high numbers of vehicle movements. It is also noted that the Public Right of Way extends for a further 90m along the A429 to the north-east of the application before crossing the highway and continuing to the village of Lower Slaughter. A combination of existing development and heavy traffic therefore already have an impact on the tranquillity, landscape and visual quality of the stretch of Public Right of Way in question. Furthermore, it is also acknowledged that permission is in place to erect commercial units on the site now proposed for the foodstore, drive-thru coffee shop and car park. In light of these factors, it is considered that the proposed development would have low to negligible impact on users of the Public of Right of Way and the character or appearance of the CNL.

- 10.97 With regard to views from Meadow Way to the south and Bourton Link to the east, it is evident that the site is viewed in context with existing employment and residential development as well as the A429. Existing roadside vegetation to the west limits longer range views through the site to the open countryside to the west of the A429. Views through the site to the north are also limited to a certain extent by existing trees and commercial units. The application site therefore appears relatively contained when viewed from the aforementioned roads and has limited visual interconnectivity with the wider Lowland Pastoral Vale landscape. In light of the single storey nature of the proposed buildings and the fact that the space between buildings would continue to allow a degree of visual permeability through the site, it is considered that the proposed foodstore/drive-thru and car park would not have an adverse impact on the character and appearance of the CNL when viewed from Bourton Link or Meadow Way.
- 10.98 With regard to the proposed junction improvements to Meadow Way/A429, it is noted that planning permission has been granted previously to upgrade the junction and to introduce traffic lights. Condition 21 of Outline permission 15/03318/OUT requires the junction improvements to be completed at a point when the aforementioned employment development generates more than 139 two way vehicles in any hour. The employment development is yet to reach such a threshold. However, the upgrade works have been factored into the future development of the employment estate and would need to be undertaken in the event that the employment estate continues to be built out, regardless of the outcome of this planning application. The impact of the traffic lights on the character and appearance of the CNL, including their impact on dark skies have been considered previously and deemed to be acceptable given the economic

and employment benefits arising from the approved scheme. In this regard, the current proposal is considered not to have a materially greater impact on the CNL than the development that could already undertaken as a result of permission 15/03318/OUT. In addition, it is noted that traffic lights are already present on the A429 at a point approximately 430m to the south-west of the Meadow Way junction. Their installation would not therefore result in the introduction of a form of development which is alien to the area.

10.99 With regard to tranquillity, it is noted that the proposed development would be located adjacent to an existing industrial park which generates heavy goods traffic, coaches and service vehicles. In addition, the nearest units are not subject to any operating hours conditions. In the case of this proposal, it is considered reasonable to attach conditions which will limit the opening hours of the proposed buildings in order to restrict overnight or early morning activity, and to limit disturbance to the occupants of residential properties to the south of the site. The proposed retail and coffee shop uses are considered not to constitute forms of development that would generate a level of noise or disturbance that would have an adverse impact on the tranquillity of the CNL.

10.100 In relation to dark skies, the proposed buildings are single storey and include a limited amount of glazing. In addition, the site is located adjacent to roads which have street lights. Residential properties are located to the south of the site. The applicant has submitted a lighting plan with this application which sets out the proposed illumination of the car park, which would consist of a mix of bollards and 4m/6m high columns. A condition is proposed which would prevent the external lighting being kept on overnight.

10.101 In terms of design, the proposed foodstore would be a linear building and would have a relatively plain and functional appearance. The proposed building would incorporate a shallow mono-pitched roof and be single storey in height. The external walls of the building would be faced in a mix of metal cladding and natural stone. The applicant has agreed to use natural stone rather than artificial stone following discussions with Officers. The natural stone would be used on feature walls in the south-western and north-western elevations of the building. The use of stone on the aforementioned elevations would therefore add interest to the front elevation of the store and the elevation facing the A429. The use of metal cladding on other elevations would be consistent with the materials used on employment units within the adjacent industrial park. It is considered that the proposed materials are appropriate for the site and its location adjacent to the entrance into the village. The level of glazing proposed for the building is considered to be relatively modest, with the principal area of glazing being located in the building's north-western elevation and a smaller area located in

the front (south-western) elevation of the store. The building's service/delivery yard would be located at the south-eastern end of the proposed building. Having regard to the relatively simple linear form of the building, the choice of materials and the site context, it is considered that the design of the building is respectful of local character and distinctiveness in accordance with Local Plan Policy EN2.

10.102 With regard to the drive-thru coffee shop building, the proposed building utilises natural stone, stone coloured render and timber cladding. Whilst the overall design of the building is fairly generic, the use of the aforementioned materials does provide a visual connection with the Cotswolds. In combination with its relatively modest size and position adjacent to an industrial park, it is considered that the design of the building is acceptable.

10.103 The current proposal would generate economic benefits and employment. It could also potentially reduce the number of local residents travelling further afield to do their shopping. The proposed scheme could therefore also generate a number of public benefits that would weigh in favour of the proposal. In addition, the site is seen in context with existing residential and commercial development and is bordered on 3 sides by roads. The proposal would not therefore result in a significant encroachment of development into the open countryside.

10.104 A condition is proposed which will require the siting of a minimum of 4 litter bins on the application site.

10.105 In principle, and having regard to the planning history of the site, it is considered that the site could be developed for the uses proposed without having an unacceptable impact on the character or appearance of the CNL. It is also considered that the scheme is of an appropriate design and, in combination with new landscaping and sensitive lighting is considered to represent a form of development that would further the purpose of conserving and enhancing the natural beauty of the National Landscape. The proposal is therefore considered to accord with Local Plan Policies EN1, EN2, EN4 and EN5 and guidance in Sections 14 and 19 of the NPPF.

Major Development

10.106 In determining this application, it is necessary to assess whether the proposal constitutes major development for the purposes of Policy N4 of the NPPF. This is distinct from the categorisation of major development set out in the Town and Country Planning (Development Management Procedure) (England) Order

2015, which is based solely on the size of a development. For the purposes of Policy N4, footnote 59 of the NPPF states that whether a proposal is '*major development*' is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the statutory purposes for which the area has been designated or defined.'

10.107 NPPF Policy N4 states:

'2. Proposals for major development within Protected Landscapes should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. To inform a decision about whether exceptional circumstances exist, consideration of such proposals should include an assessment of:

a. The need for the development, including in terms of any national considerations such as maintaining a sufficient supply of minerals, and the impact of permitting it, or refusing it, upon the local economy;

b. The cost of, and scope for, developing outside the Protected Landscape, or meeting the need for the development in some other way; and

c. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.'

10.108 In the case of this proposal, it is noted that the site is allocated for employment development and already has permission for the erection of industrial units. In addition, the site is located adjacent to existing commercial and residential development and is seen in context with existing village development. Whilst the proposed scheme would attract more visitors to the site than the extant permission and change the manner in which the site is perceived, it would not result in a significant encroachment of development into the open countryside or appear as a distinct, separate development unconnected to the village. Traffic generated by the development would also utilise the A429, which is one of the busiest roads in the District. It is therefore considered that the proposal would not have a '*significant adverse impact on the purposes for which the area has been designated or defined.*' As a consequence, the proposal would not constitute major development in the CNL for the purposes of Policy N4 of the NPPF.

(c) Access and Highway Safety

10.109 The proposed development would be served by a new vehicular entrance that would be created in the south-eastern boundary of the application site. The proposed entrance would open on Bourton Link, which connects with Meadow Way to the south-west. Meadow Way connects with the A429 to the north-west and the centre of the village to the south. The proposed entrance is located approximately 150m from the Meadow Way junction with the A429.

10.110 The following policies and guidance are considered applicable to this proposal:

10.111 Local Plan Policy INF4 Highway Safety

Development will be permitted that:

- a. Is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*
- b. Creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*
- c. Provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*
- d. Avoids locations where the cumulative impact on congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*
- e. Has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.*

10.112 Local Plan Policy INF5 Parking Provision

Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

10.113 In terms of national policy, NPPF Policy TR3: Locating development in sustainable locations states:

1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account - including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

e. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

10.114 NPPF Policy TR6: Assessing transport impacts states:

4. Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'

10.115 This application is accompanied by a Transport Assessment (TA) which includes information relating to matters such as vehicle speeds, traffic generation, access visibility, accessibility, pedestrian/cycle movements and highway safety.

10.116 With regard to the proposed site access, the new entrance would open onto an existing estate road (Bourton Link) serving the adjacent industrial park. The existing road has been designed to accommodate larger vehicles such as HGVs and coaches. It also incorporates pedestrian footways and is illuminated. The proposed entrance would be located on a relatively straight section of the estate road. It is considered that adequate visibility can be provided along the highway from the new entrance point. The TA states '*The recorded 85th percentile speeds on Bourton Link, were 30.4mph for eastbound traffic, and 29.2mph for westbound traffic. Based on the recorded speeds, visibility splays in accordance with guidance set out in MfS for 30mph speed limit roads have been presented on the site access arrangements drawing, which demonstrate 43m visibility splays in both directions.*' In addition, Bourton Link is also considered to be of sufficient width and construction to be able to safely accommodate additional vehicle, pedestrian and cycle movements.

10.117 The junction of Bourton Link and Meadow Way is also considered to be of a design and arrangement which can safely accommodate the additional vehicle movements arising from the proposed development.

10.118 With regard to pedestrian accessibility, the initial TA recommended the following highway improvements:

'1. Provision of crossing point with dropped kerbs and tactile paving on Meadow Way, located to the south of the Bourton Link junction; and

2. Provision of crossing point with dropped kerbs and tactile paving on the Bourton Link to the west of the proposed site access.'

10.119 Following discussions, the applicant has also agreed to introduce a formal zebra crossing onto Meadow Way to the south of the application site, together with improved bus shelter facilities on the same road. A tactile crossing across the A429 to the north of the application site is also proposed, as well as surface improvements to the existing Public Right of Way. The proposals would provide improved pedestrian infrastructure and connections with Lower Slaughter to the north-west.

10.120 It is considered that Meadow Way is capable of accommodating additional traffic approaching from the south. However, highway improvements are

deemed to be necessary at the junction of Meadow Way and the A429 in order to ensure that aforementioned junction can operate safely following the implementation of this development. The applicant is therefore proposing to install a new traffic light controlled junction in place of the existing right turning filter lane arrangement. The proposed junction arrangements are consistent with the traffic light junction approved as part of the Outline permission for the extension of the existing industrial park granted under 15/03318/OUT. The principle of introducing such a junction arrangement onto the A429 has therefore been deemed previously to be acceptable in highway safety terms.

- 10.121 With regard to traffic generation, the initial TA states that it *'is estimated that the proposed development would attract 143 trips during the weekday AM peak hour, 174 trips during the weekday PM peak hour and 248 trips during the Saturday (based on Sunday TRICS report for the coffee shop drive-thru) peak hour.*

This trip attraction is greater than the '139 two-way vehicle movements' trigger point for the signalisation of the A429 / Meadow Way junction set out by Condition 21 of the former planning permission, for all three assessed time periods. It is therefore proposed to deliver these improvements as part of the proposed development in accordance with the extant planning permission.'

- 10.122 Following discussions with GCC Highways, the applicant has updated the trip figures to take account of that generated by other similar retail stores suggested by GCC. The revised figures show a two-way trip rate of 143 vehicles in the AM Peak (07:45-08:45), 227 movements in the PM Peak (16:15-17:15) and 278 movements in the Saturday peak period (11:15-12:15). The applicant has also provided details relating to non-car trips. The applicant's submitted information states that the site could attract 323 two-way daily weekday trips on foot, and 348 two-way Saturday walking trips, 46 two way weekday daily cycling trips and 28 two-way Saturday cycling trips, 28 two-way daily weekday public transport trips and two Saturday public transport trips.

- 10.123 Gloucestershire County Council (GCC) Highways has assessed the application and advises that previous concerns relating to active travel provision, Public Right of Way connectivity, public transport infrastructure, Travel Plans and surface water drainage have *'either been satisfactorily addressed or are capable of being secured through planning conditions and obligations.'* For example, it states that *'The revised traffic modelling and trip generation assessment demonstrate that, subject to delivery of the proposed signalisation of the A429 / Meadow Way junction, the development would not result in severe residual cumulative impacts upon the local highway network.'* and that *'the Highway*

Authority has consulted Gloucestershire County Council's Public Rights of Way team, which has confirmed that the submitted proposals are acceptable in principle and that the proposed connection, surfacing and accessibility improvements are appropriate.' Notwithstanding this, GCC Highways considers that further additional information is required with regard to certain technical aspects, such as a Stage 2 Road Safety Audit in relation to the new light controlled junction on the A429. GCC Highways states:

' The Highway Authority recommends that determination of the application be deferred pending:

- *submission of the updated Stage 2 Road Safety Audit for the A429 / Meadow Way junction;*
- *submission of the associated Designers' Response;*
- *completion of the ongoing Section 278 technical review process; and*
- *consideration of any matters arising from those submissions.'*

10.124 It is considered that the above matters primarily relate to highway works issues covered under the Highways Act 1980. The separate consent of GCC Highways would be required for any works affecting the public highway. It is also considered that these are matters that can be reasonably resolved in the near future. It is considered that the development is acceptable in principle in highway terms. However, it is important that the aforementioned details are fully resolved prior to a grant of planning permission, in order to ensure that the design of the stated highway works is acceptable from a highway safety standpoint. It is therefore requested that, if Committee Members are minded to permit this application, that delegated authority is given to permit this scheme, subject to no objection from GCC Highways being raised to the matters set out above, and the attachment of any reasonable conditions or obligations.

10.125 The proposed improvements to the Public Right of Way extending from the site along the A429 towards Lower Slaughter are considered to reasonably address initial comments from GCC Public Rights of Way which sought to secure improvements to the aforementioned route.

10.126 With regard to car parking and the internal layout of the site, the proposed car park would provide 127 parking spaces, which would include 8 disabled access spaces, 8 parent and child spaces and 10 electric vehicle charging spaces. A total 12 customer cycle parking and 2 staff cycle parking spaces are also proposed.

10.127 The car park at the Aldi in Moreton-in-Marsh provides 107 spaces. On the basis that the current proposal also includes a Costa coffee unit, it is considered that the provision of 127 spaces in the composition proposed would be reasonable. It is also considered that the level of EV charging, cycle and disabled access spaces are also acceptable and in accordance with the requirements of Local Plan Policy INF5.

10.128 The internal layout of the site provides adequate turning and manoeuvrability of both visitor and services vehicles and is considered acceptable.

10.129 It is considered, subject to no objection from GCC Highways, that the proposed development can be undertaken without having an adverse impact on highway safety or the operation of the local highway network in accordance with Local Plan Policies INF4 and INF5 and guidance contained in Section 15 of the NPPF.

(d) Flooding and Drainage

10.130 The application site is located within Flood Zone 1, which is the lowest designation of flood zone and one in which new development such as that proposed can be acceptable in principle. Flood Zones 2 and 3 are located to the north/north-east of the application, approximately 100m from the site at their closest point. The River Eye is located approximately 120m to the north of the site. It is designated as a Main River by the Environment Agency.

10.131 This application is accompanied by a Flood Risk and Drainage report. The aforementioned report identifies that the southern part of the site has a susceptibility to pooling or the routing of surface water during periods of extreme rainfall. The area has also been identified as having a medium risk of groundwater flooding due to a high water table. The submitted report states that an existing on-site watercourse would be realigned which would move the areas identified at risk of surface water flooding outside of the areas proposed for development. It states that surface water generated by the development would be collected by the proposed site-wide drainage infrastructure and conveyed to a proposed discharge point on site. With regard to groundwater flooding, the report states that it is *'proposed to set finished floor levels no lower than 300mm above existing ground levels across the site. This will ensure building thresholds are above levels where groundwater emergence at the surface would likely impact buildings.'*

10.132 The proposed drainage strategy proposes the creation of an underground geocellular tank in the southern part of the site. It would accommodate surface water flows from buildings and hard surfaced areas. The drainage report states

' Due to the topography of the site, the shallow nature of the ditch and the depths required for a geo-cellular tank, surface water from the site will require a pumped connection into the redirected ditch network. Surface water will be pumped via a private pumping station to a new manhole, prior to outfalling via gravity into the redirected ditch network.' and *' In total, a storage volume of 1,019.73m³ can be accommodated within the geo-cellular tank to cater for all storm events up to and including the 1 in 100-year +25% climate change event, and accommodate sufficient storage volume in the event of pump failure. Catchpits will be situated upstream of the geo-cellular tank, whilst a bypass separator will be situated downstream to provide further treatment to the surface water. All flows will be directed to a rain garden onsite, before entering the geo-cellular tank. These features will provide extra storage on-site, act as a first treatment stage for any run-off and will ensure adequate surface water treatment is provided.'*

10.133 Foul water would be discharged to an existing private foul water sewer on Bourton Industrial Park.

10.134 The submitted details have been assessed by GCC Lead Local Flood Authority (LLFA) in its role as a statutory consultee for surface water drainage matters. The LLFA initially requested further information regarding the re-alignment of the watercourse and storage capacity. The applicant subsequently provided additional information and details which provide storage capacity of 1,153.18 cubic metres and cater for a 1 in 100 year plus 40% climate change event. Following the submission of this information the LLFA raises no objection to the application.

10.135 It is considered that the proposed development can be undertaken without having an adverse impact on flooding and drainage and in accordance with Local Plan Policy EN14 and guidance in Section 18 of the NPPF.

(e) Biodiversity

10.136 The application site consists of an area of grassland which is bordered to the north-west by trees and understorey vegetation. A field and scrubland is also located adjacent to the northern boundary of the site. The south-eastern and south-western boundaries of the site adjoin roads with commercial and residential development beyond.

10.137 The following Local Plan policy is applicable to this proposal:

10.138 Local Plan Policy EN8 Biodiversity and Geodiversity: Features, Habitats and Species

1. Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

2. Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.

3. Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.

4. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

5. Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity"(41) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

10.139 In terms of national policy, NPPF Policy N2: Improving the natural environment states:

1. To contribute positively to the natural environment, and support nature's recovery, development proposals should:

a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);

b. Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible;

c. Take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local

Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments;

d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;

e. Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;

f. Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and

g. Ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.

2. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.

3. Development proposals may incorporate biodiversity enhancements which exceed the statutory objective for biodiversity net gain, but this should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations. Decisionmakers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt.

10.140 This application is accompanied by an Ecological Assessment (EA), which has advised that the site '*comprises recolonising and bare hardstanding, species-poor grassland and a ditch.*' In addition, the site is currently enclosed by amphibian exclusion fencing, which has been put in place as part of a site management process agreed under a Great Crested Newt European Protected Species licence.

10.141 The EA has assessed the suitability of the site for a range of protected species including bats, nesting birds, badgers, water voles, hedgehogs, reptiles and amphibians including Great Crested Newts. The submitted report has not identified the presence of protected species on the site. The presence of the amphibian exclusion fencing has also limited potential access to species such as Great Crested Newts.

10.142 The Council's Biodiversity Officer advises:

'Birds - The assessments and recommendations pertaining to birds are considered to be sufficient.

Invertebrates - The assessments and recommendations pertaining to invertebrates are considered to be sufficient.

Mammalian species - I consider that the assessments and recommendations pertaining to badgers, hedgehogs, otters and other mammals, with the exception of water voles, are sufficient. I agree with the assessments pertaining to potential impacts to water voles, but recommend that section 5.3.40 is amended to replace the word 'should' with more definitive language like 'must' or 'will' as currently, the recommendations do not read definitively and may be interpreted as optional.'

&

' Reptiles - I consider that the assessments for potential impacts to reptiles are sufficient. The report recommends that the RAMs (Reasonable Avoidance Measures) proposed to safeguard GCN are implemented to safeguard reptiles as well. I consider that these measures would be suitable to safeguard reptiles, subject to the amendment of wording (i.e. 'should' replaced with more definitive language).'

10.143 The applicant has updated the respective reports to address the above matters. The Biodiversity Officer is satisfied with the aforementioned details, which can also be covered by condition. Notwithstanding this, it is noted that the proposed development has the potential to impact on Great Crested Newts, which are a European Protected Species. The proposed development would also have implications for the Great Crested Newt Licence previously issued by Natural England in relation to this site. In response to this, the applicant has entered into the Council's District Licensing Scheme, which is administered by NatureSpace. At time of writing this report, a District Licence Certificate has yet to be issued. However, it is anticipated that this will be issued in the near future.

10.144 The issuing of a certificate would address the 3 derogation tests set out in the Conservation of Habitats and Species Regulations 2017 and avoid the need for the applicant to obtain a separate European Protected Species Licence from Natural England. If Committee Members are minded to grant permission for this application, it is recommended that a decision notice is not issued until the District Licence Certificate is released and that any associated conditions are attached to a decision notice.

10.145 It is considered, subject to the above, that the proposed development could be undertaken without having an adverse impact on protected species or their habitat in accordance with Local Plan Policy EN8 and Policy N2 of the NPPF. New landscape planting would also introduce ecological enhancements to the site.

10.146 With regard to Biodiversity Net Gain (BNG), the applicant is seeking to provide on-site BNG. The applicant's Biodiversity Net Gain Statement states that '*The development of the site will result in the gain of 0.17 habitat units resulting in the percentage change of 10.76%. Additionally, there will be a net gain of 0.41 watercourse units resulting in a change of 47.89%.*' The Biodiversity Officer is satisfied that the baseline data is accurate. It is therefore considered that the minimum 10% requirement can reasonably be met. A BNG monitoring fee will be required in order for the Council to monitor BNG provision over the next 30 years. This will be secured as part of a S106 legal agreement.

(f) Noise, Disturbance, Light Pollution and Impact on Residential Amenity

10.147 The application site is located at the northern edge of the settlement. It is bordered to the east by an Industrial Park and the west by the A429. It is therefore located in an area which is already subject to a degree of commercial activity and background noise. Notwithstanding this, it is also noted that existing residential development is located to the south of the application site. The proposed Costa coffee building would be located approximately 30-40m from existing housing at its closest point, whilst the proposed foodstore would be located approximately 130-140m from residential properties.

10.148 The impact of the proposal on the occupiers of nearby dwellings has been assessed as part of this application. The applicant has submitted an Environmental Noise Assessment (ENA) and an Air Quality Assessment with this application.

10.149 The following policies and guidance are considered relevant to this proposal:

10.150 Policy EN15 Pollution and Contaminated Land

1. Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

- a. Pollution of the air, land, surface water or ground water sources; and/or*
- b. Generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.*

10.151 NPPF Policy P3: Living conditions and pollution states:

'1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people). '

It also states:

'2. Within this context development proposals should:

c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;

d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);

e. Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and

3. In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.'

10.152 The applicant has provided the following information in relation to the use of the Aldi foodstore:

' Regarding opening and delivery hours, Aldi will be open 8am-10pm Mon-Sat and 10am-4pm Sun, with staff usually arriving a couple of hours prior to opening. They'll deliver across a 24-hour period, but typically only 2-3 direct deliveries per day and 1 milk delivery. The deliveries seal directly onto the bay with no external cage movement. Full size artics and double decks would be used. '

10.153 With regard to the Costa drive-thru, the proposed unit would open to the public between the hours of 6.30am and 10pm. Deliveries would be fewer in number and shorter in duration than those to the Aldi foodstore.

10.154 The submitted ENA has assessed the noise impact of the proposal from a number of scenarios, including noise from drive-thru activity, noise from fixed mechanical services plant, noise from servicing/deliveries and noise from trading activity. Background noise surveys have been undertaken from near existing housing on Stanway Green to the south. With regard to the noise from mechanical services/plant, the ENA states that *'The baseline noise survey established the existing background noise climate as follows; daytime 42 dBA, evening 36 dBA and 28 dBA at night. In view of these measured levels and the guidance above, it is proposed that plant rating noise level limits should be set at 36 dB daytime and 28 dB during the night-time.'* Noise generated from other sources is also considered to fall below the aforementioned levels.

10.155 The Council's Noise Officer is satisfied that the proposed development can be undertaken without causing an unacceptable level of noise to existing residents. A condition is recommended that will require the applicant to undertake a follow-up noise impact assessment following the opening of the foodstore and drive-thru. This will also ensure that additional mitigation can be introduced to plant noise should noise levels exceed existing predictions.

10.156 It is also considered that the proposed development would not have an adverse impact on air quality or odour.

10.157 It is considered that the proposed development is in accordance with Local Plan Policy EN15 and Policy P3 of the NPPF.

Other Matters

10.158 With regard to the arboricultural impact of the scheme, the Council's Tree Officer states ' *The proposal will not result in any tree removal and I am satisfied that the proposed tree protection measures in relation to current site layout (Tree Protection Plan 250729-1.1-BIE-TPP-SH) will adequately prevent any significant detrimental impacts upon retained trees.*' The Tree Officer has suggested that additional tree planting could be introduced into the car parking areas. However, on the basis of the information currently provided and future maintenance issues, it is considered that the current landscaping proposals are acceptable. The proposal is considered to accord with Local Plan Policy EN7.

10.159 With regard to energy efficiency and renewable energy, the proposed development would incorporate solar panels and an air source heat pump. A fabric first energy efficient construction is also proposed, as well as the introduction of water conservation measures. Electric vehicle charging is also proposed. The applicant initially sought to provide 8 EV charging spaces. However, due to grid capacity issues, this has been reduced to 1x 80kw Rapid sharing (between two parking spaces) and 1x 20kw Fast sharing (between two parking spaces). A further 24 passive EV charging bays are also proposed. Additional EV charging points can then be readily incorporated into the development once grid capacity is improved, possibly around 2031. It is considered that the proposal is reasonably addressing the impact of climate change in accordance with Local Plan Policy EN1 and Policy CC2: Mitigation of climate change of the NPPF.

10.160 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

11.1 The proposed development would generate employment and contribute in a positive manner to the rural economy. It would also increase retail choice for local residents. The employment and economic benefits of the proposed development are considered to represent a significant material consideration. In addition, permission has been granted previously for further employment development to the north of the application site, with the result that the release

of this site for the proposed development would not reduce the amount of deliverable employment land within Bourton Industrial Park to a level below that allocated in Policy S11. Furthermore, the proposed development is considered not to conflict with the Local Plan in any other respects. The proposal is also considered to accord with the principles of sustainable development set out in the National Planning Policy Framework. It is considered that there are significant material considerations that justify a departure from the Local Plan in the case of this proposal. It is therefore recommended that the application is granted permission subject to the recommendation set out above.

12. Proposed Conditions:

In pursuance of their powers under the above Act, and having regard to the Town and Country Planning (Development Management Procedure) (England) Order 2015, the development is considered to represent a departure from Local Plan Policy S11. However, the following material considerations are considered to carry significant weight:

The proposed development would generate employment and contribute in a positive manner to the rural economy. It would also increase retail choice for local residents. The employment and economic benefits of the proposed development are considered to be consistent with the aspirations of Local Plan Policy S11. In addition, permission has been granted previously for further employment land to the north of the application site, with the result that the release of this site for the proposed development would not reduce the amount of deliverable employment land within Bourton Industrial Park to a level below that allocated in Policy S11. Furthermore, the proposed development is considered not to conflict with the Local Plan in any other respects. The proposal also accords with the principles of sustainable development set out in the National Planning Policy Framework.

The Council therefore **PERMITS** the above development in accordance with the details given on the application form and submitted plans, which are subject to the following **conditions:**

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

250164-1000 P01,

250164-1300 P05, 250164-1305 P07, 250164-1320 P02, 250164-1350 P04, 250164-1355 P01, 250164-1360 P01, 250164-1365 P01, 250164-1400 P02, 250164-1405 P03, 250164-1450 P02,

250266-RAP-XX-XX-DR-L-2001 P03, 250266-RAP-XX-XX-DR-L-3101 P03, 250266-RAP-XX-XX-DR-L-4101 P06

250266-RAP-XX-XX-DR-TP-3200 P01, 29945-01-230-01 B, P151-420-B,

17-281 H100 C.

250266-RAP-XX-XX-DR-TP-3200 P02, 250266-RAP-XX-XX-DR-TP-3201 P02, 250266-RAP-XX-XX-DR-TP-3202 P01, 250266-RAP-XX-XX-DR-TP-3203 P01

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

3. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

4. i) The retail foodstore hereby permitted shall not open to the public outside the hours of 8am to 10pm on Mondays to Saturdays and 10am to 4pm on Sundays.

ii) The drive-thru coffee shop hereby permitted shall not open to the public outside the hours of 6.30am to 10pm on any day.

Reason: In order to protect the amenity of nearby residents in accordance with Local Plan Policy EN15.

5. The foodstore hereby approved shall be subject to the following floorspace restrictions:

i) The total gross internal floor area of the foodstore hereby permitted shall not exceed 1,912sq metres including any mezzanine floorspace.

ii) The total retail sales area of the foodstore hereby permitted shall not exceed 1,154sq metres including any mezzanine floorspace.

iii) The total retail sales area for the sale and display of convenience goods shall not exceed 923sq metres including any mezzanine floorspace.

iv) The total retail sales area for the sale and display of comparison goods shall not exceed 231sq metres including any mezzanine floorspace.

Reason: It is important that the store remains of a size that is commensurate with the size of the settlement and the application site. A larger store could potentially have an adverse impact on the vitality and viability of Bourton-on-the-Water Key Centre and other centres, lead to an increase traffic movements to and from the site and along the A429 and have an impact on the character and appearance of the Cotswolds National Landscape having regard to Local Plan Policies EC8, INF4, EN4 and EN5.

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

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 Policies EN2, EN4 and EN5

7. 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 Policies EN2, EN4 and EN5.

8. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with Tree Protection Plan 250729-1.1-BIE-TPP-SH.

These measures shall include:

i) Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the Local Planning Authority prior to the start of development. The RPA is defined in BS5837(2012).

ii) Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing by the Local Planning Authority.

The approved tree protection measures shall remain in place until the completion of development.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for the well-being of existing trees.

9. No external lighting shall be illuminated between the hours of 11pm and 6am the following day.

Reason: In order to prevent light pollution in the interests of the character and appearance of the Cotswolds National Landscape and residential amenity in accordance with Local Plan Policies EN4, EN5 and EN15.

10. Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority, unless an alternative timeframe is first agreed in writing by the Local Planning Authority:

i). Full details of proposed building construction techniques to be incorporated into the development to prevent the ingress of soil gas;

ii) Proposals for a clean soil cover system at areas of soft landscaping within the development;

iii) A report specifying all the measures to be taken to remediate the site to render it suitable for the development hereby permitted and a timetable for such works, including the measures set out in i) and ii).

The above details shall be implemented fully in accordance with the approved timetable of works. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of any works being undertaken.

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15. It is important that these details are agreed prior to the commencement of development in order to ensure that contamination and soil gas are fully addressed in the interests of pollution and human health.

11. On completion of the works approved under Condition 10, written confirmation that all works have been completed in accordance with the agreed details, including any independent verification and certification information, shall be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority.. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15.

12. Prior to the first use of the development hereby permitted, a minimum of 4 litter bins shall be provided within the application site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and the litter bins shall be retained in accordance with the approved details for the duration of the development.

Reason; In order to minimise the potential for littering in the interests of the character and appearance of the Cotswolds National Landscape and to mitigate against any potential impact on wildlife in accordance with Local Plan Policies EN4, EN5 and EN8.

13. Within one month of the first use of the retail foodstore and drive-thru hereby permitted, a follow-up Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be conducted by a suitably qualified Acoustic Consultant, accredited by the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC). The assessment shall explicitly demonstrate that the rating level of the sound emitted from the site does not exceed 36 dBA between the hours of 0700 and 2300, and 28 dBA at all other times. Sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises/property, all measurements and assessment shall be made according to BS 4142:2014+A1:2019. Once approved, the rating level shall thereafter remain within/below the specified noise criteria, and all mechanical plant shall be routinely maintained in-line with the manufacturer's guidelines.

Reason: In the interest of residential amenity in accordance with Local Plan Policy EN15.

14. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Outline Drainage Strategy; 29945_01_230_01).

The SuDS Strategy must include a detailed design, maintenance schedule and confirmation of the management arrangements. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

15. No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans.

Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site in accordance with Local Plan Policy En14. It is important that these details are agreed prior to the commencement of development as any construction work could have implications for flooding and drainage in the locality.

Informatives:

1. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

2. Advisory Note Ground Gas Protection Requirements

Where gas membranes are to be installed for the purposes of the protection of buildings from entry of ground gases, the information that shall be submitted by the developer to the Planning Authority must include:

- Confirmation of the appointed ground gas protection membrane installer and the basis for approval (qualifications etc.).
- Confirmation of the appropriate independent third party who will complete the ground gas protection membrane validation works (independent from the installer).
- The proposed validation checking frequency (proportional to the risks from the site and the experience of the installation operatives).
- Detailed design of the ventilation protection measures stating how very good performance will be achieved. This should include detailed drawings of the proposed foundation design.
- The product name and specification of the membrane to be installed.
- The ground gas protection verification report should include but is not limited to the following requirements:
 - Description of the installation including details of parties involved and guarantees offered.
 - Details of any deviation from the original design and explanation and justification.
 - As-built construction drawings/schematic plans and product specification.
 - Verification approach/methodology
 - Quality assurance/verification evidence, including photographs, monitoring/test results and data gathered
 - Details of any deviation from the original design and explanation and justification.
 - As-built construction drawings/schematic plans and product specification.
 - Verification approach/methodology

- Quality assurance/verification evidence, including photographs, monitoring/test results and data gathered

3. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated complaints be received, and therefore the applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring residential properties.

4. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.