

Erection of single-storey pavilion building for use as a restaurant, with associated landscaping and external works at Dial House Hotel High Street Bourton-on-the-Water Cheltenham Gloucestershire GL54 2AN

Full Application 26/01098/FUL	
Applicant:	Dial House (Bourton) Limited
Agent:	Planning Ventures Ltd
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Jon Wareing
Committee Date:	9 September 2026
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Design and Impact on Heritage Assets and the Conservation Area
- (c) Impact on the Cotswolds National Landscape
- (d) Impact on Residential Amenity
- (e) Ecology and Biodiversity
- (f) Parking, Highways and Transport
- (g) Flood Risk

2. Reasons for Referral:

- 2.1 This application has been called to the Planning and Licensing Committee by Cllr Jon Wareing on grounds of impact upon amenity and following a request by Bourton Parish Council. The referral has been agreed by the Review Panel subject to a Site Inspection Briefing, which is scheduled for the 2nd September 2026.

3. Site Description:

- 3.1 The application site forms part of the grounds to the rear of Dial House Hotel. Dial House Hotel is a Grade II listed building located to the northern side of High Street, Bourton-on-the-Water. Its origins date from the 17th Century when it was erected as a dwelling house, which was the use until 1988 when permission was granted for its current use as a hotel. It has accommodation on 3 floors, with dormer window to the roof, with single storey extensions to the rear.

- 3.2 The site is located outside the Key Centre defined for Bourton-on-the-Water in the Local Plan, although it is within the Settlement Boundary for the town. It is also within the Bourton-on-the-Water Conservation Area and the Cotswold National Landscape.
- 3.3 The application area to the rear has the character of an enclosed hotel garden; the western side is laid to gravel and used for hotel parking, with the eastern side mainly lawn and planting. Residential properties surround the rear of the site.

4. Relevant Planning History:

- 4.1 09/01088/LBC - Internal alterations to existing attic bedrooms to create two bedrooms with en-suite bathrooms - Approved 19/06/2009.
- 4.2 17/03141/FUL - Landscaping works to front and rear - Approved 18/10/2017.
- 4.3 20/01556/FUL - Change of use of premises to residential use - Approved 26/06/2020.
- 4.4 22/01626/FUL - Retention and siting of Tipi, decking and mobile toilet unit for 24 month temporary period - Approved 27/04/2023.
- 4.5 23/00207/LBC - Erection of signage on listed/curtilage listed structures (Retrospective) - Approved 22/05/2023.
- 4.6 23/00220/ADV - External freestanding/wall mounted signs within curtilage of the Dial House (Retrospective) - Approved 22/05/2023.
- 4.7 23/03089/FUL - Replace Maxi's Tipi structure with a single-storey pavilion for use as a restaurant and bar, including toilet, kitchen facilities and external landscape work - Withdrawn 22/11/2023.
- 4.8 24/00802/FUL - Replace tipi structure with a single-storey pavilion for use as a restaurant and bar, including lavatory, existing kitchen facilities and external landscape works - Refused 06/06/2024

5. Planning Policies:

- NPPF National Planning Policy Framework
- DS1 Development Strategy
- DS2 Dev within Development Boundaries
- S11 S11 - Bourton-on-the-Water

- EC8 MainTown Centre Uses
- EC10 Tourist Facilities & Visitor Attractions
- EC11 Tourist Accommodation
- 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
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Conservation Officer: No objection subject to conditions
- 6.2 Environmental Health Noise: No objection subject to conditions
- 6.3 Environmental Health Air Quality: No objection subject to conditions
- 6.4 Gloucestershire County Council Highways Officer: No objection subject to conditions
- 6.5 Tree Officer: No objection subject to site specific tree protection measures.
- 6.6 Defence Infrastructure Organisation - Safeguarding: No objection.
- 6.7 Biodiversity Officer: No Objection subject to conditions.

7. View of Town/Parish Council:

- 7.1 Bourton-on-the-Water: *The Parish Council OBJECTS to this application as it deems it detrimental to the curtilage of a listed building and on the grounds of potential noise and nuisance to neighbouring residents.*

Specific concerns are:

1. *Noise, that could adversely affect neighbouring residents from increased customer numbers, the location of the proposed Orangery near to bordering gardens, ventilation machinery;*
2. *Odour impact and light pollution;*
3. *The Council would prefer that the net biodiversity gain be made entirely on site and not offset;*
4. *Scope of kitchen facilities, seeming inconsistencies within the plan that require clarification;*
5. *Noise assessment carried out in November, a quieter time for the village, not representative of busy, peak tourist periods;*
6. *History of general breaches of planning conditions at the location is of concern.*

8. Other Representations:

- 8.1 12 objections and 1 general comment received. To summarise the main issues raised are:

Principle / intensification of use

- Concern that the proposal would intensify commercial restaurant use within the rear garden of the hotel, close to residential properties.
- Objections that the village already has sufficient restaurants/eateries and that the proposal would contribute to over-tourism.
- Concern that the development could lead to further expansion or future kitchen/service facilities.

Residential amenity

- Significant concern regarding noise from customers, music, outdoor seating, staff activity, gravel surfaces, waste/bottle handling, plant, extraction and servicing.
- Concern that the noise assessment was undertaken in winter and does not reflect peak summer/evening use.
- Concerns regarding loss of privacy/overlooking from the pavilion and garden areas towards nearby dwellings.

- Concerns regarding light pollution and loss of quiet enjoyment of neighbouring homes and gardens.
- Concerns regarding odour/smoke/fumes from the pizza oven, flue, extraction and plant.

Design/heritage

- Objections to a permanent modern pavilion within the historic garden setting of the Grade II listed Dial House Hotel.
- Concern that the development would harm the character and appearance of the Bourton-on-the-Water Conservation Area and the setting of nearby listed buildings.
- Some concern that submitted visuals do not fully show the relationship with surrounding residential properties.

Highways/parking/access

- Concern regarding increased footfall, servicing activity and vehicle movements associated with the restaurant use.
- Concern regarding existing visitor pressure in Bourton-on-the-Water, including traffic and parking impacts.

Management/compliance

- Concerns regarding the applicant's compliance with previous temporary permissions/conditions relating to tipis, toilet block and decking.
- Concern that proposed management measures, opening hours, music controls and customer number limits may not be adhered to unless secured by condition.

Other matters

- Requests that any permission include strict controls on opening hours, music, outdoor use, waste handling, plant noise, lighting and management arrangements.
- Non-material concerns include business competition, staffing availability, applicant motives and financial matters.

One general/neutral representation was received.

To summarise the respondent does not object in principle but raises concern that, without formal controls, the proposal could result in unacceptable noise

impacts on nearby residential properties. They request that the applicant's stated controls on opening hours and music within the Management Plan are secured by planning condition, to prevent future changes through management or licensing. The comment also notes concern that the building and outdoor seating area do not appear to include sufficient sound insulation or noise mitigation.

9. Applicant's Supporting Information:

Arboricultural Report including Arboricultural Constraints, Impact Assessment, Tree Protection and Method Statement, Bauder Green Roof Literature, CDC Biodiversity Self-Assessment Form, CDC BNG Statement, Design and Access Statement (x2 parts), Ecology Technical Note incorporating BNG Assessment, Heritage Statement, Management Plan Appendix 1, Noise Impact Assessment incorporating Noise Management Plan, Planning Statement Appendices, Statement of Community Involvement (Appendices x3), Statutory Biodiversity Metric Calculation Tool (Natural England) XLXS and PDF (Headline Results) versions, Sustainability and Energy Statement, Transport Statement.

10. Officer's Assessment:

- 10.1 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.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 The application seeks planning permission for the erection of a single-storey pavilion building for use as a restaurant within the rear garden of the Dial House Hotel, with associated landscaping and external works. The proposed building would provide approximately 162sqm gross internal floor area, with a seated capacity of 40 people internally and 20 No. people seated externally on the proposed terrace. The building would include a kitchen, bar, seating area and WC facilities.

- 10.5 The building would be a contemporary orangery-type structure, with two Cotswold rubble-stone end pavilions, ashlar detailing, a glazed central section, a rear service wing in pre-patinated copper cladding, green roof elements and roof-mounted photovoltaic panels. The submitted scheme follows the earlier refusal of application 24/00802/FUL for a replacement tipi structure with a single-storey restaurant and bar pavilion, which was refused for the following reasons which relate to heritage and amenity grounds:

"1. The site of the proposed 'pavilion'/restaurant building lies within the historic garden and setting of Dial House, which is a grade II listed building, comprising a high-status 17th century house, which underwent a significant refurbishment in the early 20th century and lies within the Bourton-on-the-Water Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of both preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character or appearance of the conservation area. The current proposal, by virtue of the development of the open, historic rear garden, and by virtue of the scale and uncharacteristic design would neither preserve the special architectural or historic interest of the Dial House, nor preserve nor enhance the character and appearance of the Bourton-on-the-Water Conservation Area, nor sustain the significance of either as a designated heritage asset. The harm would be less-than-substantial albeit considerable, and not be outweighed by any resultant public benefits that are dependent upon that harm. As such the proposal conflicts with paragraph 202 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Sections 66(1) and 72(1) of the 1990 Act. The proposal is also contrary to Policies DS2, and EN1, EN2, EN4, EN10 and EN11 of the Cotswold District Local Plan 2011-31.

2. The proposed permanent structure including the outside kitchen area, and its proposed use as a restaurant and bar has the potential to result in unacceptable levels of noise, smells and light such that the development would result in a significant adverse impact upon residential amenity and local residents quality of life. Insufficient evidence has been provided in respect of existing and potential noise levels and proposed noise management at the site and the proposal is therefore contrary to Policies EN2 and EN15 of the Local Plan and paragraph 135 of the National Planning Policy Framework (NPPF, as amended)."

- 10.6 Following the above refusal the applicant has entered into detailed pre-application discussions, references 25/00285/PAYPRE and 25/01849/PAYPRE. The current planning application has responded to the advice given and the proposed pavilion has been repositioned at the site and redesigned following the Conservation Officer's advice. In addition, the previous application was not supported with either a noise impact assessment or proposed noise management plan. In response a noise impact assessment and noise management plan accompany the current application, which have enabled Environmental and Regulatory Services to make a full assessment of the potential impact of the proposal upon residential amenity as discussed within the following sections of the report.

(a) Principle of Development

- 10.7 The site is located within the Development Boundary for Bourton-on-the-Water, which is identified as a Principal Settlement in the Local Plan where employment and residential development are directed in the first instance. Policy DS2 therefore supports development in this location in principle.
- 10.8 The site lies adjacent to, but outside, the Key Centre designated for Bourton-on-the-Water under Policy EC7 of the Local Plan. Policy EC8 is also relevant as the proposal would involve a restaurant use, which is a main town centre use. 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."

10.9 It is considered that the proposal is consistent with the relevant criterion d) and e) of Policy EC1.

10.10 Policy EC3, "Proposals for all types of employment-generating uses", is also relevant. It states:

"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."

10.11 The proposal relates to an existing business and would provide additional employment-generating floorspace within Bourton-on-the-Water's Development Boundary near to the key centre. The principle of the development is therefore acceptable under Policies DS2, EC1, EC3, EC7 and EC8, with support also derived from the site's relationship with the established hotel and visitor economy. The proposal is also considered to be consistent with the objectives of the NPPF in supporting sustainable economic growth, existing businesses and the visitor economy. This is subject to the detailed considerations of design, heritage impact on the listed building and Conservation Area, landscape impact, residential amenity, highway safety and biodiversity, which are assessed in the following sections of the report.

10.12 It should also be noted that the 2024 refusal under reference 24/00802/FUL related to the design, heritage and amenity impacts of that earlier pavilion scheme, rather than establishing an in-principle objection to additional restaurant floorspace associated with the hotel.

(b) Design and Impact on Heritage Assets

10.13 Dial House Hotel is a Grade II listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the listed building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.14 The application site is located within the Bourton-on-the-Water Conservation Area. The Local Planning Authority is also statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with Section 72(1) of the same Act.

- 10.15 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality, and Policy EN1 seeks the protection, conservation and enhancement of the built, natural and historic environment.
- 10.16 Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation, and Policy EN11 permits development affecting Conservation Areas where it preserves and, where appropriate, enhances their special character and appearance.
- 10.17 Chapter 20 of the NPPF seeks to conserve and enhance the historic environment, with great weight given to the conservation of designated heritage assets.
- 10.18 The Dial House derives significance from its legible 17th-century origin, 1920s restoration and its role as a high-status historic building within the village centre; the listed boundary wall derives significance from its 20th-century rubble-stone construction and the enclosure it provides to the adjacent footpath network. The rear garden contributes to the setting of the listed building and the character of the Conservation Area as an enclosed green space, although the submitted Heritage Statement records that the northern part of the present garden was historically a separate orchard and was later incorporated into the hotel grounds.
- 10.19 The earlier refused scheme was found to cause less than substantial harm, described as considerable, by virtue of development of the open historic rear garden and by virtue of the scale and uncharacteristic design which was proposed. The current scheme has been materially amended following pre-application discussions.
- 10.20 The proposed pavilion would be single-storey and would sit within the enclosed rear garden of the hotel, with the main south-facing elevation addressing the Dial House and a rear service range behind. The design has evolved through pre-application discussion from a more general pavilion form to a contemporary orangery arrangement, using Cotswold rubble stone, ashlar detailing, Crittall-style metal glazing, structural glazing, pre-patinated copper cladding and green roof elements.
- 10.21 The Conservation Officer advises that the current proposal draws direct references from traditional orangeries, would be a high-quality and sympathetic addition, and would preserve the setting and significance of Dial House and the

listed wall and the character, appearance and significance of the Conservation Area, subject to conditions controlling materials, sample panels, large-scale details and solar panel installation. The objectors' concerns regarding harm to the historic garden and Conservation Area are noted, but the amended siting, low height, retained garden openness and detailed materials response are considered to materially distinguish the proposal from the previously refused scheme.

- 10.22 For these reasons, and subject to the recommended detailed-design conditions, the proposal would preserve the setting and significance of the listed building and listed wall and would preserve the character and appearance of the Bourton-on-the-Water Conservation Area. No harm to designated heritage assets is identified, and subject to the recommended conditions, the proposal is considered to accord with Local Plan Policies EN1, EN2, EN10 and EN11 and Chapter 20 of the NPPF and specifically Policy HE6 of the NPPF which relates to 'Proposals affecting designated heritage assets'.

(c) Impact on the Cotswolds National Landscape

- 10.23 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.24 Local Plan Policies EN4 and EN5 are relevant, and great weight is given to conserving and enhancing the natural beauty, landscape character and special qualities of the National Landscape.
- 10.25 Chapter 19 'Conserving and enhancing the natural environment' and specifically Policy N4 'Protected Landscapes' of the NPPF is relevant and this advises that "*Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas...*"
- 10.26 The proposed pavilion would be sited within the enclosed rear garden of an existing hotel in the built-up centre of Bourton-on-the-Water, rather than extending built form into open countryside. The building would be low in height, with green roof elements and a landscape scheme. It is considered that due to its location and sympathetic design and appearance the proposal would conserve the natural beauty of the Cotswolds National Landscape and would not have a significant detrimental impact on the wider natural or historic

landscape. It accords with Local Plan Policies EN4 and EN5 and Chapter 19 and Policy N4 of the NPPF.

(d) Impact on Residential Amenity

- 10.27 Local Plan Policy EN2 seeks to ensure adequate residential amenity for neighbours with regard given to privacy, loss of light and overbearing impact.
- 10.28 Local Plan Policy EN15 supports development that will not result in unacceptable risk to public health, the natural environment or the amenity of existing land uses through pollution of air, land, surface water or groundwater, or through noise, light, smell or other disturbance.
- 10.29 The proposed building would be single-storey and low in profile, within the rear garden of the existing hotel. Given its scale and position, the building itself would not be expected to result in unacceptable overbearing impact, loss of daylight or loss of privacy to neighbouring occupiers, particularly where the site is enclosed by boundary walls and planting.
- 10.30 The main amenity issue is the operational use of the rear garden for a restaurant pavilion. The previous refusal identified potential unacceptable noise, smells and light impacts and a need for further evidence on noise levels and management. It is acknowledged that representations received in relation to the current proposal raise concerns regarding customer noise, music, service activity, plant, odour, smoke, light pollution and loss of privacy.
- 10.31 A Noise Impact Assessment by ion Acoustics has been submitted to support the current application together with a noise management plan. These documents have been revised during the application process following initial comments from Environmental and Regulatory Services.
- 10.32 It should be noted that the Noise Management Plan proposes hours of 12:00-22:00 Monday to Saturday and Bank Holidays and 12:00-16:00 on Sundays, a maximum of 40 seated customers internally and 20 externally, no events or live music, no music outside, background-level internal music only, external lighting extinguished by 22:00, and restrictions on glass/bottle transfer to 12:00-19:00.
- 10.33 Environmental and Regulatory Services have reviewed the submitted noise information and identified a number of limitations in the assessment, including the absence of a cumulative assessment of music, plant and patron noise, limited assessment of noise in surrounding outdoor amenity areas, the

approach to assessing the ASHP, and the need to control any additional mechanical plant including ventilation and kitchen extraction.

- 10.34 However, Environmental Health has also undertaken its own review and considers that external amenity noise is unlikely to result in an adverse impact to residents. It also considers ASHP noise unlikely to result in a loss of amenity if correctly installed and maintained, and raises no objection subject to conditions. The recommended conditions would secure acoustic attenuation, mechanical ventilation, cumulative plant-noise controls using BS4142, a Noise Management Plan, and separate hours-of-use controls.
- 10.35 The Noise Management Plan would need to be updated to ensure the operational controls are clearly secured and to correct the plant noise control, as ERS advise that BS4142 is an assessment methodology rather than a fixed noise limit. A separate hours of operation condition is also recommended. It should also be recognised that the purpose-built building would provide a more enclosed and better controlled environment than the former tipi structure.
- 10.36 Subject to conditions securing the hours of use, Noise Management Plan, lighting details and plant controls, it is considered that the proposal would not result in unacceptable harm to neighbouring residential amenity. It would therefore accord with Local Plan Policies EN2 and EN15 and Chapter 14 'Achieving Well-Designed Places' and Chapter 17: 'Pollution, Public Protection and Security' of the NPPF.
- 10.37 The Parish Council and third parties challenge the winter timing of the noise survey and raise concerns about customer noise, recorded music, plant, gravel movements, servicing and the external terrace. Those concerns are material, but the proposal is presented as a restaurant extension to the hotel rather than an events or live-music venue, and the draft Noise Management Plan excludes events, live music and outdoor music while limiting hours and customer numbers.
- 10.38 Environmental and Regulatory Services Air Quality have confirmed that a full extraction system normally associated with a full commercial kitchen is not required, but if the pizza oven is fuelled by solid fuel, details must be provided showing how smoke will be controlled so that smoke and odours are not detectable outside the site boundary. The applicant's agent advises that the pavilion would not contain a full catering kitchen. A condition has been recommended following discussion with ERS to ensure that the proposed extraction system is agreed with the Local Planning Authority. Subject to

condition, it is considered that smells and odours can be adequately mitigated for in accordance with Policy EN15.

(e) Biodiversity and Geodiversity

- 10.39 Policy EN8 requires development to conserve and enhance biodiversity and geodiversity, providing net gains where possible.
- 10.40 Chapter 19 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing landscapes, habitats, biodiversity and geodiversity, supporting nature recovery, strengthening ecological networks and securing opportunities for environmental enhancement through development. Development should minimise harm to biodiversity, protect designated sites and Protected Landscapes, and deliver appropriate ecological enhancements.
- 10.41 The Biodiversity Officer has reviewed the supporting ecological information and has raised no objection to the proposal subject to planning conditions.
- 10.42 It is noted that one tree will be lost, however, the supporting information advises that this is not suitable for roosting bats. An external lighting condition has been recommended, and it is considered that this will protect nocturnal species as well as residential amenity.
- 10.43 The proposal is subject to Biodiversity Net Gain and the applicant proposes a mix of on-site delivery and the purchase of units off site. This is acceptable and the Biodiversity Gain Plan will need to be discharged via condition. The Biodiversity Officer has advised that a 10 year Landscape and Ecological Management Plan (LEMP) is required in relation to onsite delivery to ensure appropriate establishment and aftercare details are secured.
- 10.44 Subject to conditions, it is considered that the proposal would conserve and enhance biodiversity in accordance with Local Plan Policy EN8 and Chapter 19 of the NPPF.

Trees

- 10.45 The site is within a Conservation Area, which affords trees protection, and Policy EN7 requires development affecting valued trees, hedgerows and woodland to conserve and enhance them.

- 10.46 The Arboricultural Report was prepared in accordance with BS5837:2012 and surveyed 10 individual trees and one group. It records no Tree Preservation Orders on the trees, but confirms the site is within a Conservation Area and proposes the removal of T03, an early mature Category C2 apple tree, to facilitate the pavilion.
- 10.47 The proposed pavilion would sit outside the calculated Root Protection Areas of retained trees, although working area would be required within the RPAs of T05, T10 and T11, to be managed through temporary ground protection and protective fencing. The Tree Officer confirms the arboricultural report is BS5837 compliant and raises no objection subject to site-specific tree protection measures, advising that no trees of significant amenity value will be removed or detrimentally impacted if those measures are followed.
- 10.48 Objectors raise concern regarding hedgerow retention and boundary screening, particularly along the Moore Road side. The landscaping and tree protection conditions would secure the approved tree/hedgerow protection and replacement planting, and the removal of T03 is acceptable in arboricultural terms. The proposal therefore accords with Local Plan Policy EN7.

(f) Highways and Parking

- 10.49 Local Plan Policy INF4 requires development to provide safe and suitable access, and Policy INF5 requires parking provision where necessary to manage the local road network.
- 10.50 Policy TR6 of the NPPF advises that development should only be refused on transport grounds where it would result in a severe adverse impact on the transport network, including cumulative impacts, or an unacceptable impact on highway safety.
- 10.51 The proposal would use the existing vehicular access from High Street, with no alterations proposed to the existing access. The Highway Authority initially raised a holding objection because the application did not demonstrate how additional parking demand could be accommodated alongside the hotel use.
- 10.52 Following additional information, the submitted layout demonstrates 20 car parking spaces, including 3 accessible spaces, 3 electric vehicle charging spaces, and a new cycle store for 10 bicycles. The Highway Authority accepts that the proposal would generate only a modest level of additional vehicle movements and would not be expected to materially affect the operation of the surrounding highway network.

- 10.53 The Highway Authority raises no objection subject to conditions requiring the parking, EV charging and cycle parking provision before first use, and a Construction Management Plan before commencement. Third party concerns regarding parking pressure, traffic and vehicle noise are noted, but the access is existing, the site is within a sustainable location in Bourton-on-the-Water and the Highway Authority concludes that there would not be an unacceptable highway-safety impact or severe congestion impact.
- 10.54 Subject to the recommended conditions, the proposal accords with Local Plan Policies INF4 and INF5 and NPPF Policy TR6.

(g) Flood Risk

- 10.55 Local Plan Policy EN14 requires development to avoid areas at risk of flooding, to avoid increasing flood risk elsewhere and, unless demonstrably inappropriate, to include Sustainable Drainage Systems.
- 10.56 The application site is located within Flood Zone 1. The proposal is small in scale and includes green roof elements and associated landscaping. By virtue of the site's position within Flood Zone 1, it is considered that the proposal will not exacerbate flood risk in the surrounding area in accordance with Policy EN14.

Other Matters

CIL

- 10.57 The CIL rate for this type of development is zero and therefore no CIL is payable.

11. Conclusion:

- 11.1 For the reasons outlined above, the proposed pavilion is considered acceptable in principle and would support the continued operation and viability of the existing hotel business, with associated modest economic benefits including local employment and support for Bourton-on-the-Water's visitor economy. The amended design would preserve the significance of the listed building, listed wall and Conservation Area, and would conserve the natural beauty of the Cotswolds National Landscape. Whilst neighbour and Parish Council concerns regarding noise, odour, lighting and operational intensification are noted, the impacts are considered capable of being adequately controlled through conditions relating to hours of use, noise management, plant, extraction, lighting, parking, trees and biodiversity. Overall, it is considered that the proposal would accord with all relevant Policies within the Local Plan and the

NPPF, and it is recommended that planning permission is granted subject to conditions.

12. Proposed 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 numbers: Site Location Plan (Drawing No. 24.1585/00), Proposed Site Plan (Drawing No. 24.1585/03 Rev H), Proposed Pavilion Plan/Roof Plan as proposed (Drawing No. 24.1585/04 Rev C), Proposed Pavilion Elevations as Proposed (Drawing No. 24.1585/05 Rev D).

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, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling for the ashlar and the rubble stone 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 and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies EN2 and EN11, 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.

5. No windows, doors, glazed roof, eaves/green roof construction or recessed copper downpipes shall be installed or constructed in the development hereby approved until their detailed design has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include large-scale drawings at a minimum scale of 1:5, together with full-size moulding/cross-section profiles where relevant, and shall cover:

- the framing of the windows, doors and glazed roof;
- the eaves and green-roof construction of the pavilion building; and
- the recessed copper downpipes.

The development shall thereafter be carried out only in accordance with the approved details and retained as such at all times.

Reason: To ensure that these detailed elements are appropriately designed and finished in a manner which preserves the character and appearance of the Conservation Area and the setting/significance of nearby heritage assets, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant development plan policies.

6. The solar panels hereby approved shall be installed flush with the roof surface and shall not be surface-mounted or otherwise project above the plane of the roof.

Reason: To safeguard the appearance of the development and preserve the character and appearance of the Conservation Area.

7. The design, layout and acoustic attenuation of the building hereby approved shall be carried out in full accordance with the recommendations and details set out in the Noise Impact Assessment A2212 R01a dated 2 July 2026.

No changes to the approved design, layout or acoustic attenuation measures which would affect noise attenuation from the building shall be implemented unless and until details of those changes have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.

Reason: To safeguard the amenity of nearby occupiers from noise arising from the approved use, in accordance with the National Planning Policy Framework and relevant development plan policies.

8. i) Any mechanical plant subject to this application shall be maintained in-line with the manufacturer's guidelines and the noise rating level shall remain within/below the specified criteria as detailed below;

ii) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall meet the requirements of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendment, with the proviso that the background noise level shall be taken to be the background noise level (L90) prior to development in order to prevent the occurrence of creeping ambient noise. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

iii) Where, additional plant is proposed over the one stated ASHP for this application then the following additional conditions shall apply;

Prior to first beneficial use of any mechanical plant a follow up Acoustic Assessment demonstrating full compliance with condition ii) shall be submitted to (and improved in writing by) the Local Planning Authority. The Acoustic Assessment shall be produced by a suitably qualified Acoustic Consultant, accredited by the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC).

Reason: In order to protect the amenities of nearby residential occupiers in accordance with Local Policy EN15 and the National Planning Policy Framework.

9. Prior to the first use of the development hereby approved, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority.

The approved NMP shall be implemented in full upon first beneficial use of the development and shall be reviewed annually thereafter, with each review recorded in writing, including any noise complaints, concerns, actions taken or staff training undertaken.

Any alteration to the approved NMP shall be submitted to and approved in writing by the Local Planning Authority before being implemented. The NMP, and records of its annual review, shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: To safeguard the amenity of nearby occupiers from noise and disturbance associated with the approved use in accordance with Policy EN15.

10. The pavilion building hereby approved shall not be open to customers or operate outside the following hours:

Monday to Saturday and Bank/Public Holidays: 12:00 to 22:00 hours

Sundays: 12:00 to 16:00 hours

Food and drink shall only be served within these hours. The external terrace shall be cleared and unoccupied by customers by 22:00 hours.

Reason: To safeguard the amenity of nearby occupiers from noise and disturbance associated with the approved restaurant use.

11. Prior to the installation of the pizza oven, the design of the extraction system shall be submitted to the local planning authority for approval. The design shall include measures to control cooking odours and smoke emissions. The submission shall also include an Odour Risk Assessment.

Prior to first use of the pizza oven, the approved extraction system, including smoke control, shall be installed and commissioned. The approved extraction system shall be operation at all times during the operation of the pizza oven.

Reason: To ensure there is adequate control of cooking odours and smoke from the pizza oven to prevent loss of amenity to nearby residents.

12. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will minimise light spill and clearly demonstrate that areas to be lit will not disturb or prevent nocturnal species using their territory. All external lighting shall be installed only in accordance with the specifications and locations set out in these details.

Reason: To protect residential amenity and to protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, Chapter 19 of the National Planning Policy Framework, Policy EN8 and EN15 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Silverback Arboricultural Consultancy Ltd tree protection plan 251205-DH-TPP-NB&AM Dec 2025 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. 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.

14. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

15. The pavilion restaurant hereby permitted shall not be first brought into use until the vehicular parking, accessible parking spaces, electric vehicle charging spaces, cycle parking and manoeuvring facilities shown on Drawing No. 24.1585/03 Rev. H have been provided in full. The approved facilities shall thereafter be retained, maintained and kept available for their intended purposes at all times.

Reason: To ensure that adequate off-street parking, manoeuvring, electric vehicle charging and cycle parking facilities are provided and retained in the interests of highway safety, accessibility and sustainable travel.

16. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall thereafter be implemented for the duration of the construction works.

The Plan shall include, where applicable:

- parking for vehicles of site personnel, operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposal of waste resulting from demolition and construction works;
- hours of construction operations;
- measures to protect users of the public highway, including pedestrians and cyclists; and
- details of vehicle routing to and from the site.

Reason: In the interests of highway safety, the free flow of traffic on the public highway and residential amenity.

17. A 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily limited to, the following information:

- a) Description and evaluation of features to be managed, including locations shown on a site map;
- b) Establishment details, including preparation of the land;
- c) Landscape and ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management linked to the Gloucestershire Local Nature Recovery Strategy, including ensuring the delivery of at least a 10% net gain in habitat units;
- e) Appropriate management options for achieving the aims and objectives;
- f) Prescriptions for all management actions;
- g) A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- h) Details of the body or organisation responsible for the implementation of the plan;
- i) Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and

j) Timeframe for reviewing the plan. The LEMP shall be implemented in accordance with the approved details, and all habitats shall be retained in that manner thereafter.

Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), Chapter 19 of the NPPF, and Local Plan policy EN8.

18. The development shall be undertaken in accordance with the recommendations contained in sections 8.6, 8.7 and 8.8 of the Ecological Technical Note v1.2 (Aurochs Ecology, 31st March 2026). All of the recommendations shall be implemented in full according to the specified timescales and thereafter permanently retained.

Reason: To ensure wildlife is protected and enhanced in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, Chapter 19 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19. The pavilion building hereby approved shall be used only as a restaurant ancillary to, and operated in association with, the Dial House Hotel, and shall not be occupied, let, sold, leased or operated as a separate planning unit.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, the pavilion building shall not be used for any other purpose, including any other use within Class E.

Reason: The application has been assessed on the basis of an ancillary restaurant use associated with the existing hotel. A separate or alternative use could give rise to different impacts, including in respect of residential amenity, highway/parking demand and the character and appearance of the Conservation Area, which would require further assessment by the Local Planning Authority.

Informatives:

1. Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

2. It is expected that contractors are registered with the Considerate Constructors Scheme and comply with the Code of Considerate Practice in full. Particular reference is drawn to the principle of "Respecting the Community", which requires constructors to give the utmost consideration to their impact on neighbours and the public by:

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work activities on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The Construction Management Plan should clearly identify how the Principal Contractor will engage with the local community and this should be tailored to local circumstances. Contractors should also confirm how they will manage local concerns and complaints and provide an agreed Service Level Agreement for responding to any such issues.

Contractors should ensure that courtesy boards are provided and that information is shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This informative does not remove or alter any obligations under existing legislation.

