

Supplementary Papers for Eastern BCP Planning Committee

Date: Thursday, 19 March 2026



6. Schedule of Planning Applications

Please refer to the Planning Committee Addendum set out on the following pages for any further updates on the planning applications listed on the agenda.

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EASTERN BCP PLANNING COMMITTEE – 19 MARCH 2026

ADDENDUM SHEET

6a
Address
Application number

Update:
Modify condition no. 24 to update floorspace as follows.

24 Goods restriction

There shall be no more than **1,175** square metres net retail floor area provided within the foodstore, of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods, and at no time shall more than 4,000 individual lines of goods be sold from the retail unit hereby permitted.

Reason: To protect the vitality and viability of defined centres and in accordance with the application submission.

Note - attached letter from Tesco's planning agent

Note - objection email from local resident (shortened version to be read out at Committee).

Note - the attached document responding to the objection from Tesco and late representation from a local resident.

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Our Ref: 2995/MR/LT202601XX

16 March 2026

Wendy Lane
Director of Planning and Transport
BCP Council
Civic Centre
Bourne Avenue
Bournemouth
BH2 6DY

MRPP
MARTIN ROBESON
PLANNING PRACTICE

*Town Planning Consultants
Development Advocacy*

21 BUCKINGHAM STREET
LONDON WC2N 6EF
TELEPHONE: 020 7930 0007
FACSIMILE: 020 7930 4049

Via Email: wendy.lane@bcpcouncil.gov.uk

Dear Wendy,

**ITEM 6a PLANNING COMMITTEE THURSDAY 19TH MARCH 2026
PROPOSED OUT OF CENTRE FOODSTORE (LIDL), WESTOVER RETAIL PARK,
CASTLE LANE WEST, BOURNEMOUTH, BH9 3JS. REFERENCE: P/25/02224/FUL**

As you are aware, we act on behalf of Tesco Stores Limited in respect of the above application. We have previously made representations dated 19th January 2026 and 26th November 2025, and to the earlier application which the Council refused in January 2025.

We have very carefully reviewed the latest Officer's Report and noted and commented on changes in content since the version to the January meeting and the various material that has been provided by the Applicant, their consultants and others. Our representations primarily focus on the Report's content but has regard to matters that are not yet appropriately addressed.

Consistency of decision-making

The January 2025 application was refused contrary to the recommendation set out by Officers. The Local Planning Authority resolved to refuse the application including for the reason that *"The scheme would fail to make efficient use of land by not bringing forward a mixed use scheme and is therefore contrary to Paragraph 11 and Chapter 11 of the National Planning Policy Framework"*. This was informed by advice from Council's Planning Policy Officer, Urban Design and other specialists.

In making that decision it must remain a highly important matter for the LPA to continue to have regard to it now – over a little over a year later. It was not a decision that has since been before the Secretary of State or the Courts, where the approach taken by the Council, was found to be deficient. It is not therefore for Officers to depart resolve position of the LPA unless there were truly convincing reasons for doing so. Neither the Applicant nor Officers have demonstrated that this is the case. There has been no change in national policy, no change in the adopted Development Plan, and no

convincing evidence justifying departure from the resolved position. Consistency in decision-making is an important public expectation of national and local government.

Relevance of the Evidence Base

At the time of the January 2025 decision, there was an emerging Local Plan that promoted mixed use development on the site. However, and importantly, the resolution to refuse permission does not refer to that emerging policy including in the context of the proposal failing to make efficient use of the land. Thus, contrary to the Officer's Report, the withdrawal of the emerging Local Plan makes no difference to the matter as seen by the LPA's members in January 2025. The emerging policy had little relevance then and was not relied upon by members in their decision-making.

However, the Officer's Report is incorrect in asserting that we identified the Council's earlier decision to refuse as relying upon (site specific) policies in the then emerging Local Plan (paragraph 58). The Officer then misleadingly paraphrases his Planning Policy Officer's advice suggesting that the evidence base developed for the emerging Local Plan cannot be relied upon (paragraph 59). However, that appears to be directly at odds with the Case Officer's earlier review of the 'Planning Policy Context' that "... *the evidence base which supported the draft Plan must still be given some weight. Of relevance is the housing needs assessment (2021) which identified a greater need for housing and the BCP Retail and Leisure Study (2021) identified an oversupply of retail floorspace*" (paragraph 32).

Thus, the Planning Policy Officer is quite right to draw attention in bold text in her latest consultee response (7th August 2025) as to how the policy at para 128 of the NPPF should be evidenced:

"a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; Obviously in BCP we have a significant identified need for housing with a housing land supply of just 2.1 years and a Housing Delivery Test result of below 75%. We also know from the previous Housing and Economic Housing Land Availability Assessment that there will be significant challenges in having enough land available to meet the housing needs going forward. On the other hand, the BCP Retail and Leisure Needs Assessment 2021 shows that there is combined over-supply of 10,398 m² gross of retail and food/beverage floorspace and other non-retail services up to 2033 and there is no quantitative need to increase the combined amount of retail, food/beverage and leisure/cultural floorspace in BCP up to 2033."

Therefore, whilst we accept that no weight can now be given to policies in the now withdrawn emerging Local Plan, relevance should be attached to the evidence that has been produced to support the Council's various planning processes, whether Local Plan preparation or in regard to determination of planning applications.

Furthermore, it is incorrect for Officers to suggest that we argued that "the evidence base underpinning those policies remains valid and should therefore continue to inform the decision" as though it were being relied upon as policy. Our point is simply that the Council's evidence base remains relevant, whether considering retail or

housing development. The assertion that *“an evidence base is not a development plan policy and cannot be used as one”* misrepresents the significance of the evidence held by the Council in informing planning judgements (paragraph 59.3).

Weight of the LP and decision Notice discrepancy

We raise what appears to be an important anomaly. The resolution to refuse on the ground that there was no mixed-use scheme was extended beyond the wording made on 23rd January 2025. That relied only on the scheme being *“contrary to Paragraph 11 and Chapter 11 of the National Planning Policy Framework”*. However, it was somehow extended in the Decision Notice (30th January) to rely additionally on *“...and Policy P19 Site M1 in the emerging BCP Local Plan”*. This change seems explicable. As a result, the Officer appears to misleadingly assert that we rely upon the now historic emerging Local Plan (paragraph 58), and that Members do not either.

Proactive and positive approach to development

It is important to appreciate the purpose of relevant text in Chapter 11 of the NPPF. Paragraph 126 emphasises that Local Planning Authorities should take a *“proactive approach in identifying and helping to bring forward land that may be suitable for meeting development needs... in order to secure better development outcomes”*. Out of this context paragraph 128 asks that *“Local planning authorities should take a positive approach to applications for alternative uses of land”* (i.e. instead of retail warehousing to supermarket) with the emphasis on *“where this would help to meet identified development needs”*. And this is targeted so that *“In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand...”*. In other words, reflecting the circumstances that apply to application site.

However, the Officers report in seeking to address the important considerations in Chapter 11, fails to have proper regard in its paragraph 60, to the approach that the NPPF promotes and in particular through its paragraph 128. The rider put by the Officer in the three bullet points at the end of paragraph 60 seeks to inappropriately introduce text that is not part of the relevant content of the NPPF.

The attempt to demonstrate non-viability

The Applicant has put forward three alternative mixed-use schemes and Officers have sought advice from their highways colleagues on their acceptability. The Highway Officer's shortcomings (email of 13th February 2026 reported in the Addendum) primarily identifies parking provision issues. However, two matters arise. First, in reviewing an appropriate mixed use scheme, the landowner can amend the scheme content to reduce the scale of the retail component. The identity of the landowner and their purpose for acquisition is not a relevant consideration and as is well known, to most purchasers of land within Britain, *“let the buyer beware”*. As the Officer has pointed out, no viability study assessment of these alternatives has been carried out and the Council should see merit in requiring such work to be undertaken together with, as necessary, an assessment of the nature of a scheme (s) that would be viable.

Second, we note that the Case Officer in seeking advice from the Highways Officer specifically identifies that whilst “there will clearly be a parking shortfall but could this be agreed given the sustainable location” (email from Steve Davies 22nd January) We are not aware of any reasoned response.

Furthermore, the Urban Design officer who has made relevant comments on the proposals should be invited to advise on the opportunity an acceptable mixed use scheme on this site.

Conclusions

The Council's previously resolved position is an important consideration to ensuring consistency in decision making bearing in mind there has been no change in national or development plan policy, or evidence that would justify departing from the January 2025 position. The Officer's Report also mischaracterises aspects of the Council's evidence base and does not properly address the policy approach set out in Chapter 11 of the NPPF, particularly in relation to supporting alternative uses of land that help meet identified development needs. Given the significant housing need, the evidence of retail oversupply, the absence of robust viability evidence, and unresolved matters relating to highways and design, it would be premature to reach a final decision at this stage. Further work and clarification from the applicant and relevant officers would therefore be necessary in order for Members to reach a properly informed and rational decision.

Yours sincerely,

Martin Robeson

cc: steve.davies@bcpcouncil.gov.uk

Email Objection from local resident dated 16/3/26.

Dear All

I am writing (E Mailing you all) as I'm bitterly disappointed to learn at the 11th hour that the initial application as above to install a LIDL supermarket at Westover Retail park which was initially rejected has now I believe been agreed following fresh changes .

Mistakenly I now discover that there was no obligation other than on the Case Manager to notify me or other objectees to the fresh application nor I believe a legal requirement to do so (I could be wrong) .

My knowledge of local or national planning rules is limited ,although I would like to think a degree of common sense is allowed to prevail although that sometimes seems to have disappeared .

I would indeed wish all planning committee members here to consider the implications fully of allowing even amended proposals to be given the go ahead and if even at this late stage reject them for the following reasons.

1. The junction at which this proposed fresh development would take place is a major route east to west - various schools -Castlepoint, Cooper Dean and the Spur Rd and not least Royal Bmth Hospital and Christchurch /Boscombe . At the best of times exiting from Muscliff Lane requires waiting some length of time , and often traffic on Castle lane with Yellow Box junction prevents crossing. The inevitable increased flow of traffic a supermarket right at this junction will create is only going to massively impact the junction and only add to the gridlock that often happens at many times during the day . Not least rush hour , school closing and opening times and generally most of the day.

2. The necessity and or benefit of LIDL there is tenuous to say the least - traffic fumes will increase exponentially and for all that i believe more room for cycle lanes has been made is going to make no significant difference to this , since for all that cycling is being encouraged it is clear we do not live in a country for all year round cycling in all weathers.

.3 As alluded to above I believe that any positives for LIDL are seriously overstated. Economically there will be no more money being spent locally as there is only such much to go around.

To the best of my knowledge, I'm sure I will miss some but we have more than an abundance of Supermarkets -Mini Markets all within a 5 mile radius .

Tesco Mini Markets -Express Stores 5

Castlepoint Supermarkets 4

LIDL 3

Co op 1 + 1 Mini Market

Asda 1 Mini Market Filling Station

Tesco Supermaket (Kinson & Castle Lane)

Sainsburys Local Winton

etc etc

I'm sure that with the various other mini marts etc etc that there is more than enough to meet demand and this application is really reaching a saturation point .

4. With this no it is inevitable that one if not more of those in close proximity will close since trade will be taken away from them , so any short term gain will i'm 1000% sure be negated by another stores closure . In particular Co Op in Moordown especially which is not overly busy now ! Indeed I would want this placed on record that i predict closures since I'm certain I will be vindicated if this goes ahead.

5. If online deliveries are allowed from such development this will lead to further traffic flow.

6 . Lastly but not probably least it will result in those stores which are of community benefit closing and possibly not relocating in the town.

This is an application that should not proceed in any shape or form there are more than enough multiple stores around in short distance of one another.

I would hope that what I believe should be the correct decision is taken even at this stage for the good of the area and above all else traffic congestion .

Look forward to hearing from you in due course.

Regards

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Officer comments on Tesco Representation

The representation submitted on behalf of Tesco Stores Ltd has been carefully considered. However, the matters raised do not alter the professional judgment that the application is recommended for approval. The key points raised are addressed below.

Tesco's representation correctly notes that the January 2025 refusal cited Paragraph 11 and Chapter 11 of the NPPF in relation to efficient use of land and mixed-use potential. It is also correct that the evidence base prepared for the (now withdrawn) emerging Local Plan remains part of the Council's broader understanding of development needs. These points are acknowledged and have been taken into account.

However, the weight that can reasonably be given to these matters in the current decision is limited, for the reasons set out below.

Tesco's representation has been reviewed carefully and raises several relevant issues relating to consistency of decision-making, the application of Chapter 11 of the NPPF, and the continuing relevance of the evidence base developed for the (now withdrawn) emerging Local Plan. These matters have been taken into account; however, for the reasons set out below it does not, in my view, justify maintaining the previous refusal reason.

1. Relevance of the 2025 refusal and Section 11 of the NPPF

It is accepted that the January 2025 refusal relied primarily on Paragraph 11 and Chapter 11 of the NPPF. Those parts of the NPPF remain relevant material considerations and the Council agrees that matters such as efficient use of land and exploring opportunities for housing are important. The emerging local plan policy was referenced as it was clearly a factor at the time.

However, the weight that can be given to the 2025 decision can now be reviewed as each proposal is considered on its own merits and because:

- The previous decision was made in the context of the then-emerging Local Plan, which has since been withdrawn.
- The policy direction relating to mixed-use development on this site was influenced in part by that emerging plan.
- The supporting information before Members in 2025 did **not** include the residential options including parking, access, circulation and servicing assessments which have been provided with the current application.

The NPPF must be applied in full. While Chapter 11 encourages making efficient use of land and considering alternative uses, it also requires development to be appropriate to its context, with safe and suitable access for all users (paragraph 113). Updated highway evidence demonstrates that the mixed-use alternatives

would introduce unacceptable conflicts between residential access, parking, pedestrian movement and supermarket servicing requirements—constraints not fully understood at the time of the earlier refusal.

Therefore, although Chapter 11 still clearly weighs in the planning balance, it cannot reasonably be interpreted as an absolute requirement for mixed use where evidence now shows it would not necessarily be safely or satisfactorily deliverable.

2. Continued relevance of the evidence base (Housing Need Assessment, Retail Study)

Tesco is correct that although the emerging Local Plan has been withdrawn, the evidence base prepared to inform it—including the Housing Needs Assessment and the Retail & Leisure Study—remains part of the Council's understanding of development needs. This evidence is not disregarded and is a material consideration.

However, the weight that can be attributed to it is necessarily limited because:

- The evidence base does not create a site-specific development requirement.
- There is no adopted Development Plan policy requiring mixed use or residential provision on this site.
- The evidence relates to borough-wide need, not to the specific suitability or feasibility of mixed-use development on this out-of-centre site.
- The NPPF requires decisions to balance need with deliverability, site constraints and safety.
- This evidence has not been fully tested at examination. Furthermore, parts of the evidence need to be updated to reflect updated government policy and guidance.

Therefore, while the evidence base is relevant and is acknowledged as such, it has only some weight and this can be added and apportioned in the planning balance. .

Lidl's mixed-use illustrations and the question of viability.

Tesco expresses concern that the applicant has not submitted a full viability appraisal to demonstrate that mixed use would be unviable.

It is accepted that:

- Lidl's mixed-use indicative layouts do not amount to a full viability assessment; and
- They are illustrative only and not comprehensive.

However, they *do* provide meaningful evidence on the practical and physical challenges of accommodating residential uses on the site. Importantly:

- The Transport Officer has independently reviewed these layouts and raised fundamental highway safety concerns, including unacceptable conflicts between residential access, car parking and supermarket servicing movements, insufficient circulation space, and operational risks that cannot be mitigated easily through minor amendments.
- These conclusions do not turn on financial viability. They demonstrate that the incorporation of residential units is operationally constrained, not merely commercially undesirable.

Given this, the absence of a viability appraisal does not weigh heavily against the proposal because the primary barrier to mixed use is physical feasibility and safety, not financial deliverability or applicant preference.

4. Importance of exploring mixed use – but not an overriding requirement here

The Council acknowledges the importance of exploring mixed-use opportunities—particularly in areas with high housing need and retail oversupply. That strategic aim is entirely consistent with Chapter 11 of the NPPF and with good planning practice.

However, on this site:

- Mixed use has been explored;
- Some alternative configurations have been tested;
- The Council's own technical specialists have advised that residential incorporation may result in unacceptable highway and servicing impacts;
- There is no adopted Development Plan policy which specifically requires mixed use in this location; and
- The NPPF does not mandate housing delivery where it would give rise to unsatisfactory or unsafe access arrangements.

Therefore, while the principle of mixed use has been fully considered and is given appropriate weight, it is simply a factor to be weighed in the planning balance and does not justify withholding permission for a scheme that is otherwise policy-compliant and deliverable.

5. Overall planning balance

When assessed against:

- the adopted Development Plan;
- relevant provisions of the NPPF;
- the very limited weight afforded to the withdrawn plan's evidence base; and
- the updated technical evidence now available,

the previous reason for refusal cannot reasonably be sustained.

The application before Members:

- is considered to make efficient use of previously developed land;
- delivers a well-established retailer on a site with existing retail use;
- has been shown to have no significant adverse retail impact;
- addresses initial design and layout concerns; and
- avoids the operational and safety problems inherent in possible mixed-use configurations.

Conclusion

Tesco's representation raises several relevant considerations, including the ongoing importance of exploring mixed-use opportunities and the contextual relevance of the evidence base. These points have been taken into account and are given sufficient weight.

However, they are outweighed by:

- the absence of any adopted policy requiring mixed-use development on this site;
- updated Transport Officer advice demonstrating that residential uses cannot be safely incorporated;
- the fallback retail use; and
- overall compliance with the Development Plan.
- and the general benefits of the scheme.

Accordingly, the officer recommendation to approve remains justified, proportionate, and robust.

Officer comments on Neighbour Representation

A late representation has been received objecting to the revised Lidl proposal at Westover Retail Park. The key issues raised relate to traffic impacts, the number of existing supermarkets in the area, potential store closures, online deliveries, and general concerns about the necessity of the development. The points raised have been reviewed in full and are summarised below with officer commentary.

1. Traffic and Congestion

Officer response:

- The site is already in retail use, historically comprising greater overall floorspace and a larger number of parking spaces than the current proposal.
- While a foodstore can generate a different pattern of trips and may be busier at peak retail times than the current retailers, the Highways Authority has reviewed the applicant's transport assessment and concluded that the

proposal would not result in a “severe” cumulative impact, which is the NPPF test for refusal.

- Access arrangements, trip generation assumptions and junction modelling have been scrutinised, and no objection is raised by highways officers.

2. Air Quality and Vehicle Emissions

Officer response:

- The Environmental Health Officer raises no objection.
- The proposal includes improvements to pedestrian and cycle links which, while not a full solution, are consistent with the Council’s sustainable transport strategy.
- Any increase in vehicle movements is not identified as materially harmful in technical assessments.

3. Need for Another Supermarket / Local Saturation

Officer response:

- The planning system does not apply a retail “need test”.
- National policy focuses on:
 - Sequential approach – whether a more appropriate site exists in a town centre (none identified).
 - Impact assessment – whether the proposal would harm the vitality and viability of nearby centres.
- The Council’s independent retail consultants (Lichfields) confirm the expected trade diversion is low (-3.7% to -1.3%) and not significant.
- No harmful impact on Moordown, Winton, Castlepoint or other centres is anticipated.

4. Potential Closure of Existing Local Stores

Officer response:

- Planning decisions cannot protect individual retailers from competition.
- The relevant test is whether the centre as a whole is harmed.
- Lichfields conclude that the proposal is unlikely to cause store closures or undermine the viability of any designated centre.
- No evidence has been provided indicating that community retail provision would be compromised.

5. Online Deliveries

Officer response:

- Lidl does not operate store-based home delivery, and the proposal does not include any online fulfilment use.
- No material increase in delivery traffic is expected.

6. Overall Acceptability of the Development

Officer response:

- The site is already in retail use; the proposal represents a replacement rather than introducing a new out-of-centre retail location.
- The proposal delivers investment.
- Retail and highway impacts are assessed as acceptable.
- No Development Plan policy requires residential or mixed-use development on this site, and technical evidence shows that mixed-use options would lead to unacceptable highway and servicing conflicts.

Conclusion

The issues raised are acknowledged and have been carefully assessed. However, the technical advice from highways, retail consultants and other specialists does not support refusal on the grounds raised. The proposed development replaces an existing retail use of greater scale and parking capacity, meets national policy tests, and is considered acceptable in the planning balance.

The recommendation to approve therefore remains robust.