

Our Ref: 2995/MR/LT202601XX

16 March 2026

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**MRPP**  
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Via Email: [wendy.lane@bcpcouncil.gov.uk](mailto:wendy.lane@bcpcouncil.gov.uk)

Dear Wendy,

**ITEM 6a PLANNING COMMITTEE THURSDAY 19<sup>TH</sup> 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 19<sup>th</sup> January 2026 and 26<sup>th</sup> 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 (7<sup>th</sup> 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 m<sup>2</sup> 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 23<sup>rd</sup> 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 (30<sup>th</sup> 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 13<sup>th</sup> 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 22<sup>nd</sup> 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**

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