

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 It is also correct that the evidence base prepared for the (now withdrawn) emerging Local Plan remains part of the Council's broader understanding of development needs.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the application of Chapter 11 of the NPPF, and the continuing relevance of the evidence base developed for the (now withdrawn) emerging Local Plan.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- The previous decision was made in the context of the then-emerging Local Plan, which has since been withdrawn.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.