ADUR DISTRICT COUNCIL

Miss Lucy Battersby
Montague Evans LLP
5 Bolton Street
London
W1J 8BA

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0276/19

Details of Development
APPLICATION FOR VARIATION OF CONDITION 1 OF PERMISSION AWDM/0104/12 TO ENABLE USE OF FORMER EXIT LOBBY AS A CONCESSION STORE BY HOLLAND & BARRETT

Location of Development
UNIT 1 TESCO HOLMBUSH CENTRE UPPER SHOREHAM ROAD SHOREHAM-BY-SEA WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 19th February 2019.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
05/06/2019

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice:-

Reference/Drawing Number	Version	Date Rec
PROPOSED LEASE PLAN	Drg No 3178pg	19.02.2019
EXTG RETAIL LAYOUT	Drg No 3178gag- A3	24.05.2019
EXTG RETAIL LAYOUT	Drg No 3178gag - A0	24.05.2019
PROPOSED RETAIL LAYOUT	Drg No 3178gag1-A3	24.05.2019
PROPOSED RETAIL LAYOUT	Drg No 3178gag1-A0	24.05.2019

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. This permission relates solely to the use of the exit lobby as a concession by Holland & Barrett only and for no other changes to the layout of the Tesco store. The gross floor area of the Tesco store shall not exceed 11,297 square metres (of which not more than 2,570 square metres shall be used for the sale and display of non-food comparison goods) and it shall not be further extended by internal changes such as the insertion of mezzanine floors nor subdivided into smaller shops without permission from the Local Planning Authority on an application in that behalf.

Reason: *To prevent unacceptable impact on the vitality and visibility of existing town centres as shopping areas having regard to national policy set out in the National Planning Policy Framework.*

04. The mezzanine floor permitted by application reference AWDM/0886/14 shall be used for storage only and not as a sales area.

Reason: *To prevent unacceptable impact on the vitality and viability of existing town centres as shopping areas having regard to national policy set out in the National Planning Policy Framework.*

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05. The community room permitted by application reference AWDM/0886/14 shall be used only for purposes within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *In the interests of amenity having regard to national policy set out in the National Planning Policy Framework.*

06. The community room permitted under application reference AWDM/0886/14 shall be accessed only through the Tesco store.

Reason: *In the interests of amenity having regard to national policy set out in the National Planning Policy Framework.*

07. No external lighting or floodlighting shall be installed on the building or within the associated car park, except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of amenity including the setting of the South Downs National Park and to comply with policy 34 of the Adur Local Plan and national policy set out in the National Planning Policy Framework.*

08. Parking provision in the Tesco customer car park and rear service yard shall comprise a minimum of 644 cars and 24 cycles and shall be used only for access and parking of vehicles and cycles incidental to the Tesco store.

Reason: *To ensure adequate provision for parking clear of the highway and encourage use of cycles, to comply with national policy set out in the National Planning Policy Framework.*

09. Access to the Holland & Barrett concession shall be solely internally through the existing superstore and there shall be no external access whatsoever (except for purposes of emergency escape).

Reason: *Permission is granted solely having regard to the small scale and ancillary nature of the use.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Ref: AWDM/0276/19

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).