Reference: 12822-5/L006CH

London

9 February 2012

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Mr Keith Morgan
Adur District Council
Planning, Regeneration and Wellbeing
Portland House
Richmond Road
Worthing
BN11 1LF

Dear Mr Morgan,

Planning application ref. AWDM/0104/12 – Retrospective Application for Virgin Holidays Concession at Tesco, Holmbush Centre, Shoreham

On behalf of our client, Tesco Stores Ltd, we write in response to your email dated 7th February 2012, relating to the above planning application.

As you are aware, the wording of the proposed condition to be varied is as follows:

> *"The gross floorspace of the Tesco superstore as proposed to be extended shall not exceed 9,910sqm (of which not more than 2,100sqm 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 or units without permission from the Local Planning Authority on an application in that behalf".*

The Virgin concession utilises existing space within the store and has not resulted in an increase in the total floorspace of the store. Further, the Virgin concession does not fall under the definition of 'non-food comparison goods'. As such, there is no restriction in terms of the **use** of the space as a travel agency (Class A1). The only restriction within the above condition which we may contravene relates to the subdivision of the Tesco into small shops or units.

As stated within the planning application, it is our opinion that the Virgin concession does not constitute a separate unit or shop as there is no separate external access to the area. However, the application has been made in any case in order to formalise the matter. It is

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certainly the case that if the walls were removed from around the Virgin concession, there would be no suggestion that a separate shop unit has been created, and as such the concession would be entirely in accordance with the above condition.

As emphasised earlier, there is no restriction in terms of the use of the space, apart from sales of 'non-food comparison goods'. As such, Tesco have a clear fall-back position to use this area as a wide range of A1 retail space (provided it does not constitute 'non-food comparison goods'). This would be permitted development and would not require a planning application.

It is important to note this fall-back position when considering the vitality and viability of existing town centres. Also of note is the fact that the concession measures only 49m² in size. This is considerably below the 200m² threshold set out within Policy EC14 of Planning Policy Statement 4, above which a sequential test is required. Further, this policy also states that town centre policies apply to planning applications for town centre uses**, unless they are ancillary to other uses**. The Virgin concession is clearly ancillary to the wider Tesco superstore. The concession would not be able to be accessed unless the Tesco store is open as it does not have its own means of access, and therefore the concession cannot operate as a separate unit. Further, the concession is not closed off to the rest of the store at any time, even when shut, and the staff working in the concession use the main store staff facilities, such as lockers and staff rooms. As such, the concession is clearly an ancillary unit rather than an independent one, and therefore the 'town centre first approach' which you refer to does not apply to this application, firstly because of the small size and scale of the proposal, and secondly because the concession is ancillary to the wider Tesco superstore.

In terms of the draft National Planning Policy Framework, we would highlight paragraph 74 which states that 'In considering applications for planning permission, local planning authorities should apply the presumption in favour of sustainable development'. Given the above arguments, we would suggest that this presumption should be applied.

Finally, we note that an objection has been posted on your website from a member of the public, relating to potential inconvenience to customers through only having one entrance point, and possible resulting restrictions to quick evacuation of the store. I can confirm that, prior to Virgin Holidays occupying the space, the exit lobby in question was closed with the exception of peak periods (i.e. at Christmas time), and at other times the door was only used as an emergency exit. The emergency exit is still in place and the furniture in the concession has been arranged to ensure the throughway is clear.

I hope the above satisfactorily answers your questions and that you are able to progress the application to approval. If however you have any further queries, please do not hesitate in

contacting me.

Yours sincerely,



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