Development Management - Delegated Officer Report

Application Number: AWDM/0276/19 Recommendation – Approve

Site: Unit 1 Tesco, Holmbush Centre, Upper Shoreham Road Shoreham-By-Sea

Proposal: 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

Date of site visit: 25 February 2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the exit lobby projection (49sqm) midway along the front elevation of the Tesco superstore. This lobby was originally only open for use by customers exiting the store for a limited period of time. More recently it has been used as a Virgin Holidays shop, accessed internally.

The planning permission ADC/0049/06 for the superstore as enlarged (which was a revised scheme following the original permission SU/12/04) is subject to a condition stating:-

7. The gross floorspace of the Tesco superstore as proposed to be extended shall not exceed 9,910 square metres (of which not more than 2,100 square metres shall be used for the display and sale 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 LPA on an application in that behalf.

Permission was granted in 2012 for the Virgin Holidays shop and was subject to the following condition:

1. This permission relates solely to the relaxation of condition 07 of permission ADC/0049/06 to enable the use of this exit lobby as a concession by Virgin Holidays only and condition 07 shall otherwise continue to apply to the superstore premises.

The current application seeks to change the occupier of the lobby from Virgin Holidays to Holland & Barrett. The concession store will continue to be ancillary to the larger superstore and will continue to be accessed internally from the superstore. No external changes or increase in floor area are proposed.

Relevant Planning History

AWDM/0886/14 - Community room extension and extension to sales area on west elevation with mezzanine. Extension to storage area to rear of store.

AWDM/0104/12 - Application for variation of condition 7 of planning permission ADC/0049/06 to enable continued use of former lobby at front of store by Virgin Holidays

ADC/0049/06 - Extensions to south (front) and west side and alterations to car park and to access road/roundabout adjoining bus layby (revised scheme)

Consultations

West Sussex County Council: The **Highways** Officer has no objection.

Adur and Worthing Councils: The **Environmental Health** Officer has no objection.

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 27
National Planning Policy Framework (February 2019)

Planning Assessment

The condition 07, insofar as it prevents subdivision into smaller shop units, was carried over from the original permission SU/12/04 for the Tesco enlargement. It followed advice in para 3.31 of PPS6 which applied at that time. This suggested that conditions should be imposed to specify the maximum overall floorspace, etc and “to prevent developments from being sub-divided into a large number of smaller shops or units” in order to “ensure the character of a development cannot subsequently be changed to create a form of development which the LPA would originally have refused”.

The NPPF takes a town centre first approach to significant retail development and only allows out of centre development where the sequential test has been met; no significant harm to existing designated centres is evident and the site is accessible by all modes of transport.

In this case, however, there is no change to the retail floor area and the proposal is simply substituting one concession store for another.

It utilises a very minor amount of existing gross floorspace within the Tesco superstore. It is not a separate unit or shop as it has no separate external entrance and, if it were operated by Tesco, it would not contravene any restrictive condition. There are no Holland & Barrett shops currently in Shoreham and it is unlikely to have a detrimental impact upon the viability of the town centre.

In terms of conditions, it is proposed to reimpose the conditions attached to AWDM/0886/14 which is the most recent permission covering the store as a whole.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Time limit
3. Use by Holland & Barrett only and no further changes
4. No retail use of mezzanine
5. Community room use only
6. Internal access to community room
7. No lighting

Is recommendation contrary to letter(s) of representation? N

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.

Case Officer: Peter Barnett Date: 20 March 2019

Authorised by: Gary Peck Date: 20 March 2019