

Our Ref: 2875/JF/LT20180209

12th February 2018

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MRPP
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By Email Only

Dear Simon,

**FP/161/17/PL: TESCO EXPRESS 126 FELPHAM WAY FELPHAM PO22 8QW
VARIATION OF CONDITION 15 IMPOSED UNDER FP/133/08/ RELATING TO HOURS
OF SERVICING/DELIVERIES**

As you know, the above application is on the agenda for Committee on 14th February 2018. We have taken the opportunity to review the Report and have a number of concerns, the majority of which stem from drafting or presentational errors, which may in turn prejudice how the report is received.

We would like to firstly raise concern with the 'description of the application'. This fails to represent the negotiated position (ie, following discussion with the County Council) and we fear wrongly reflects the proposal now put to Members. It should be made clear at the outset that Tesco is no longer seeking deliveries from 0600 and has agreed not to make deliveries on weekdays between 1500 and 1800 (ie, an improvement over the prevailing situation). This could be achieved through an addendum stating "*...as amended by correspondence dated X*" or "*following negotiation, this was revised to...*" so that Members and public immediately understand what is now proposed.

The report should also be clear that the objection by Middleton-on-Sea Parish Council relate to the application as first submitted and that subsequently, the application has changed notably, both in terms of the proposed times, but also the additional condition relating to delivery management. The same can be said for all but one of the public objections. Likewise, we believe more could be said that, were it not for the objection made by Middleton-on-Sea Parish Council (relating to the original proposal) the application would not in fact have come before the Committee at all.

We would also raise concern with the description used in respect of the current operation of the car park, where it is asserted that delivery vehicles cannot enter the site. Whilst it is acknowledged that the current conditions are not ideal (hence the agreement to submit a Delivery Management Plan), this assertion is not accepted. It has potential negative implications and may generate unnecessary concern.

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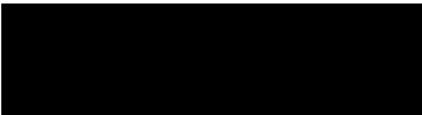
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We understand that a request has been made to use photographs within the officer presentation to Members and we would be grateful to receive a copy of any material that is intended to be used, so that we can check its origination and prepare any necessary commentary in response.

Finally, applications for approval pursuant to s73, generate a new planning permission. Indeed, paragraph 21a-031-20140306 of the NPPG confirms that “... *decision notices for the grant of planning permission under Section 73 should also repeat relevant conditions from the original planning permission unless they already been discharged*”. Text within the Committee Report appears to suggest that the Council propose to issue, if approved, a separate, standalone consent, to be read alongside the extant consent. This would be a procedural error and we encourage officers to heed the advice of the NPPG in terms of issuing a wholly new (amended) consent for the existing development.

We would be extremely grateful if you could consider these matters and confirm to us whether and how you propose to make any adjustments to the Committee Report, so that we understand what might or might not need to be said in our own presentation to Members.

Yours sincerely,

A black rectangular redaction box covering the signature of Jessica Ferguson.

Jessica Ferguson

A black rectangular redaction box covering the contact information of Jessica Ferguson.