

ITEM 1 – ADDENDUM REPORT

Application Reference	DC/082052
Location:	Former Hope Mill Site Water Street Portwood Stockport
PROPOSAL:	Outline Planning Application for the erection of Class E foodstore with some matters reserved except access, layout and scale, with associated car parking, servicing, landscaping and wider site works.
Type Of Application:	Outline Application
Registration Date:	07.09.2021
Expiry Date:	Extension of Time agreed
Case Officer:	Jeni Regan
Applicant:	Morbaine Limited
Agent:	

Further Objection received on Behalf of Tesco Stores Limited (28th October 24)

A further objection has been received against the application, which states the following:

“Representations made by us in our letter of 19th June 2024 remain relevant.

At this stage, we make one important additional representation rising from content of the Officer’s Report. In the Officer’s text setting out the Summary that informs decision-making on the application, considerable emphasis is placed upon saved Policy TCG 4.4. The officer is correct in making it clear that the policy “... does not in itself support retail uses on the site and therefore the proposal constitutes a departure from the development plan...”. Indeed, the policy, as explained by the Officer, is limited to relate to an area “...for employment uses (B1, B2 and B8) and leisure including a hotel “. Nevertheless, the Report inappropriately applies the criteria for assessing acceptability for those uses to the application proposals. As a result, the Report misleadingly asserts that since “... the proposed development satisfies the nine requirements within this policy...” it is “...compliant with Policy TCG4.4”.

This places inappropriate weight on the interpretation of an important development plan policy. The decision-making arrived may thus not be reasonable.

There is then an additional, and quite proper concern, that two of the criteria have not yet been shown to be satisfied.

Firstly, criterion (v) requires that “opportunities to encourage the use of public transport and means of access are taken”. But the Officer’s Report explains that “... additional information is still required in relation to customer travel and policy. It is considered that the plan needs to be developed to include further details, including details on the development and measures to encourage customers to travel by sustainable modes.” It is asserted by the Officer that such issues could be addressed through a planning condition. However, as a matter that might go towards overall policy compliance, this seems to be a wholly uncertain and thus unsatisfactory approach.

Secondly, criterion (vi) requires that “the scheme is of a high standard of design, reflecting its prominent position adjacent to the M60”. However, the application is in outline with matters relating to design and external appearance reserved for subsequent approval. Indeed, the Officer’s Report explains that “Limited assessment can be made at this stage in relation to design and visual amenity due to the matter of appearance being considered at the reserved matters application”. The officer can then only speculate as to the visual quality of a future submission.

Unreasonable weight has been given to what is not a wholly relevant development plan policy – TCG4. And to the extent that the policy might have some relevance, at least two of the criteria have not been complied with. They are yet to be the subject of assessment. Having regard to the content of our previous representations and the matters now set out above, we would assert that planning permission ought not be granted.”

Officer Response to Objections

The officers report confirms that the site is designated as an M60 Gateway Site under Policy TCG4.4 of the Saved Unitary Development Plan which welcomes employment and leisure uses. The explanatory text for the policy notes that retail development is not listed as an appropriate use due to its out-of-centre location and poor connectivity, and that such proposals will require a sequential test. On this basis, the application was advertised as a Departure from the Development Plan.

However, whilst the application has been considered to be a technical departure from Policy given TCG4.4 does not expressly support retail use, it is considered that the site allocation does invite development on the site. Reference is also made to the previous appeal decision for retail and leisure development allowed in April 2007, where the Inspector noted that TCG4.4 does not preclude retail coming forward on the site subject to conformity with national policies.

In line with national policies relating to retail developments, the policy explanation for TCG4.4 states that retail uses would need to pass relevant retail policy tests. Again, as outlined in detail within the officers report, it has been shown that the proposed development does pass these retail policy tests. As such, it is considered to be in general conformity with the policy if not strict literal compliance. It is on this basis, that the application has then been assessed against the nine criteria for assessing acceptability.

It is also considered appropriate to highlight that the introduction of Use Class E under The Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020, permits a change between a B1 use and a former A1 retail use, as both of these uses now fall under Use Class E (Commercial, Business and Service). Therefore, development plan policy TCG4.4 significantly pre-dates the updates to the Use Classes Order and is now considered, under current legislation, to be an acceptable and permitted change from B1 to retail use s (i.e. planning permission is not required).

To add further clarity in relation to criterion (v), the officers report discusses the site accessibility and opportunities to access public transport. A detailed review of the site's accessibility was carried out by the Council and a package of works to improve accessibility has been agreed. As such, subject to this package of works being delivered, together with cycle parking, internal access routes, shower / changing facilities and the implementation of a Travel Plan, it is considered that the proposed development is acceptable from an accessibility perspective.

The applicant has submitted a Sustainable Travel Plan completed by Turner and Lowe dated November 2022, which provides a background on travel plans, their benefits and objectives, a summary of the site's accessibility, outlines that staff travel surveys will be carried and outlines how targets will be drawn up once and the travel plan will be monitored. It also outlines various measures that are proposed to be implemented to encourage travel by sustainable modes, including providing staff with travel information packs, providing cycle parking and lockers, putting up posters and information on sustainable travel in staff areas and promoting sustainable travel days / weeks and car sharing.

It is acknowledged that the highway officer has confirmed that additional information would still be required in relation to customer travel and policy and that this information could be submitted via a condition. However, it is considered that sufficient information has been provided at this stage to show, in principle, a commitment to sustainable travel planning and measures to encourage customers to travel by sustainable modes. Therefore, on the basis of all the above points, it is considered that the development does include opportunities to encourage the use of public transport and means of access in general compliance with criterion (v).

Finally, to add further clarity in relation to criterion (vi), it is only possible at this outline stage to assess the information submitted, which includes plans showing the proposed site layout and massing of the proposed buildings. The officers report acknowledges that there is limited information in relation to design and visual amenity. However, it goes on to explain that the site layout is considered to be acceptable with the foodstore building being located to the front of the site with the car parking to the side. On the main approach to the site and views from the adjacent M60, the building will dominate the view rather than large areas of hardstanding and parked cars. It is also highlighted that the indicative landscape plans submitted show areas of planting around and within the car park to break up and soften the appearance of the car parking area. Furthermore, the servicing area and plant areas for the proposed foodstore are shown to the rear of the building to improve the visual appearance of the site from the street scene and adjacent motorway.

The proposed massing plan submitted shows the maximum height of the building to be +8.0m above finished floor level. The existing buildings surrounding the application site (Tesco store and the Porsche dealership) are +11.5m and +9.8m respectively. Therefore, the scale of the proposed building is considered to be appropriate for the surrounding context.

In view of the above factors and the character of the site and surrounding area, it is considered that even on the basis of the limited information at this outline stage, that it is possible to state that the scheme is of a high standard of design, reflecting its prominent position adjacent to the M60. On this basis, the proposal is considered to comply with Core Strategy DPD policy SIE-1 and criterion (vi) of Policy TCG4.4.