

APPLICATION NUMBER: 23/01320/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01320/FUL	Nick Brookman	30 October 2024

DETERMINATION DATE

1 November 2024 (Extension of time)

Address: Moto Birch Westbound Services, M62 Junction 18-19, Heywood, OL10 2QH

Proposal: Retrospective application for the retention of electric vehicle charging hub consisting of 6no. EVC points and associated equipment.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: LA

DATE: 30.10.24

SITE

This application relates to the Westbound Moto Birch M62 services.

The site is located to the East of Junction 18 (M60) of the M62, two miles from the M60 Manchester Ring Road, and a similar distance beyond Junction 19 (A6046). The site is located to the South of the M62 on the Westbound carriageway. Access to the site is off the dedicated slip road from the M62 Westbound and is bordered to the North by the M62 and farmland beyond, to the West and South by Whittle Lane, and by farmland to the East.

The site is contained to a space to the south of the main car park which was formally a piece of part existing hardstanding, part green space with a cluster of semi-mature trees located to the edge of where the newly constructed charging infrastructure has been built.



Above: The application site captured on Google Street View date approx. June 2021.

The application site and wider westbound service station site is located in the Green Belt.

PROPOSAL

Full planning permission is sought in retrospect for the installation of six vehicle charging points and associated equipment, infrastructure and hardstanding.

The planning statement submitted alongside this application explains that development commenced at the site in October 2023 'in order to meet the Government strategy for charging at motorway service areas and avoid operational delays'.

As constructed, the EV Hub provides 6no. charging bays, including 1no. oversized bay which caters for users needing additional space to manoeuvre around their vehicle. The associated equipment comprises 6no. high power charging upstands along with power cabinets, substations and communications & meter housing.

Plans submitted highlight an excavation to a depth of approximately 0.6m to facilitate new infrastructure below ground and 6no. power cabinets and 6no. charging posts sited to the front of each bay.



Above: The application site captured on Google Street View date approx. July 2024.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

Policy JP-S1 Sustainable Development
Policy JP-G7 Trees and Woodland
Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity
Policy JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

- | | |
|----|--|
| E1 | Establishing thriving town, district and local centres |
| E2 | Increasing jobs and prosperity |
| E3 | Focusing on economic growth corridors and areas |
| P2 | Protecting and enhancing character, landscape and heritage |
| P3 | Improving design of new development |
| G4 | Protecting Green Belt |
| G6 | Enhancing green infrastructure |
| G7 | Increasing the value of biodiversity and geodiversity |
| G8 | Managing water resources and flood risk |

G9	Reducing the impact of pollution, contamination and land instability
T2	Improving accessibility
DM1	General Development requirements

Unitary Development Plan (UDP):

G/D/2 Green Belt

RELEVANT SITE HISTORY

20/00683/FUL - Installation of 16 no. electric vehicle charging parking spaces on perimeter of existing car parking area – Approved 26/08/2020

Eastbound Site:

24/00267/FUL - Retention of electric vehicle charging hub consisting of 12no. EVC points and associated equipment. – pending.

CONSULTATION RESPONSES

Highways and Engineering

No objection.

United Utilities

No comments received.

GMEU (Ecology)

Owing to the submission of a proposed landscaping plan GMEU have commented that *"We are satisfied that the tree planting proposals are adequate. We have run this site through a metric and given the area where the trees were removed is now partly modified grassland, more than 10% net gain is achieved"*.

REPRESENTATIONS

A notice was posted in the vicinity of the site and no responses were received.

ANALYSIS

Principle of Development

The application site is located within the Green Belt as allocated under the Rochdale Unitary Development Plan Proposals Map. The National Planning Policy Framework, states that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence'*.

Paragraph 152 of the NPPF confirms that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Paragraph 153 requires that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to*

the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

Paragraph 154 states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the listed exceptions. Paragraph 155 also sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. With this in mind, it is considered that this application would benefit from exception 155 (c) and this is expanded on in more detail below.

CS Policy G4 also confirms that development will also be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.

Exception Test

The Framework does not define local transport infrastructure. However, the provision of EV charging points is inevitably necessary to support the use of EVs in accordance with the Governments overall aim of reducing carbon emissions.

In this instance, the application site forms part of the west bound service station at Birch Services which is sited in the Green Belt. The Framework states that a requirement for a Green Belt location must be demonstrated to benefit from exception (c) of NPPF paragraph 155 and that such development must also preserve the openness of the Green Belt.

Whilst the westbound service station happens to be in the Green Belt, the development is not itself a form of development that inherently requires a Green Belt location. To that effect, there is no supporting information with this application that directly demonstrates any particular quantitative or qualitative deficiency in EV charging facilities in a relevant catchment area or network. It is however duly noted that the applicant has applied for the retention of 12 EV charging points on the eastbound carriageway under application 24/00267/FUL which at the time of writing is pending determination.

It is material to note that since the adoption of Places for Everyone in March 2024, eastbound services site is removed from the Green Belt and thus a presumption in favour of sustainable development would apply. If this application is approved or if the development subject to the application was lawfully already in situ, it could be argued that the charging points on the eastbound carriageway would therefore provide a more suitable alternative location outside of the Green Belt and therefore, there would not be a requirement for the charging points on the westbound services to be located within the Green Belt.

However, it would serve to be entirely impractical for westbound travellers to utilise those charging points on the eastbound services as there is no direct access or crossover bridge to facilitate this. In the face of the Birch Service layout in terms of both sites being physically detached from a vehicular access perspective, it would be entirely ill-thought out for one direction of travel to benefit from EV charging facilities without the other.

Officers consider that the provision of this highly appropriate infrastructure is essential in this motorway service location providing direct links across the M62 from Liverpool to Leeds with links to Manchester, and access to other key routes such as the M61, the M60, M6 and M1 Motorways. The application is accompanied by a detailed supporting letter setting out that whilst the application site is within a Green Belt location, this location is highly accessible at a major developed site which helps

to facilitate sustainable transport and in turn reduce carbon emissions to help reduce the impacts of climate change.

The provision of the EV charging points catering for all EV vehicles is a key piece of infrastructure in this strategic highway location providing necessary charging points for members of the public to efficiently re-charge their vehicles and move onward with their journeys. Accordingly, for the reasons identified above, and provided the development preserves the Green Belt openness and does not conflict with the purposes of including land within the Green Belt, the proposal would not be an inappropriate form of development under NPPF paragraph 150 (c).

Openness

Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is an essential characteristic of the Green Belt that has a spatial as well as visual aspects.

As a result of this development, there is inevitably be a greater impact on the openness of the application site by the simple merit of the quantum of development that is proposed. But nonetheless, the courts have held that openness does not imply freedom from any form of development.

In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for example. Officers have therefore considered the proposal having regard to its individual merits, including its location, scale and form and the site context and the development would preserve the openness of the Green Belt for the reasons set out below.

In this instance, the application site sits within the existing car parking area of the wider service station. Given the sprawl and scale of the surrounding built environment it is considered that the harm to the visual component of openness would be exceptionally limited to an enclosed setting. The development as proposed is sited well within the limits of the existing service station consisting of the existing buildings, signage, alternative EV charging facilities and existing hardstanding. The development has not resulted in any encroachment into the countryside of surrounding Green Belt.

Having considered the placement of the proposal in the context of the existing forms of development at this location, and for the reasons outlined above, it is not considered that the development is inappropriate development within the Green Belt. The proposals are considered to be acceptable in principle and therefore accord with the requirements of Policies DM1 and G4 of the adopted Core Strategy.

Impact on Visual Amenity, Character and Appearance

Policies DM1, P1, P2 and P3 of the Council's adopted Core Strategy require development proposals to demonstrate high quality design. In addition, paragraphs 131 of the National Planning Policy Framework (NPPF) state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes onto state that planning policies and decisions should ensure that developments function well

and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

PfE Policy JP-P1 sets out the ambition for Greater Manchester to become one of the most liveable cities in the world, consisting of a series of beautiful, healthy and varied places and sets out a number of requirements for new development to adhere to which generally conform to the guidance set out in the documents linked above. This includes creating places which respect and acknowledge the character and identity of the locality and are visually stimulating, creating interesting and imaginative environments.

The overall design is acceptable in the context of the existing built environment and existing neighbouring land uses at this location which remains very much commercial in nature with the adjacent Tesla chargers and wider service station site. As such, it is considered that the proposals would accord with the requirements of Policies DM1 and P3 of the adopted Core Strategy and the National Planning Policy Framework and relevant policies in PfE.

Highways

Policy T2 seeks a satisfactory level of accessibility and parking, requiring that in all circumstances, the safety, accessibility and amenity of those who live in an area will have priority. The Councils Highways team were consulted on this application and they have no objection to the proposal.

The provision of a net addition to parking at this location is supported and no highway safety concerns are presented with the proposal sited within the area of the existing car park utilising existing access arrangements. Moreover the proposal will increase the EV charging provision at this strategic location and this is considered to be in accordance with Policy T2 of the adopted Core Strategy and the NPPF.

Ecological Impacts

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G9 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 180d and 185 b) to achieve demonstrable net gain for biodiversity.

When determining planning applications paragraph 186 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. CS Policy G6 expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. The replacement should be at a ratio of 2:1.

The application in question seeks permission in retrospect and the development as constructed required the removal of a cluster of trees. While not protected, the removal of these trees represents a loss of an existing provision.

This application was submitted before Biodiversity Net Gain (BNG) became mandatory for Minor Applications on 2nd April 2024 and for that reason the proposed development is exempt from providing 10% BNG. However, to compensate for their loss and to conform to policy requirements, the development proposes a planting plan of 14 new trees within the application site.

Following consultation with GMEU the proposed planting plan (Landscape Mitigation Plan Drawing No MH9165-001 Rev A), has been run through the BNG metric and given the area where the trees were removed is now partly modified grassland, more than 10% net gain is achieved. Accordingly, subject to condition, the scheme is considered to be acceptable in accordance with Core Strategy Policy G6, PfE Policy JP-G9 and the NPPF.

RECOMMENDATION

Grant subject to the following conditions:

1. This permission relates to the following plans and documents unless otherwise required by further conditions below:
 - ☐ Site Location Plan Drawing 7928_340 rev B
 - ☐ General Site Layout Drawing ref ENV2269-100 Rev C
 - ☐ Block Plan and Elevations Drawing 7928_341 Rev A
 - ☐ Setting out plan Drawing ENV2269-103 Rev C
 - ☐ Finishes Plan Drawing ENV2269-104 Rev C
 - ☐ Linework Drawing ref ENV2269-105 Rev C
 - ☐ Details sheet Drawing ENV2269-106 Rev C
 - ☐ Landscape Mitigation Plan Drawing No MH9165-001 Rev A.
 - ☐ Supporting Letter Dated 4 January 2024.
 - ☐ Smarter Mobility Terra HP high power charging leaflet

and the development shall be carried out in accordance with these drawings and documents hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted

Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. Within the next planting season, replacement trees shall be planted in accordance with the approved Landscape Mitigation Plan Drawing No MH9165-001 Rev A. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 10 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interest of visual amenity and biodiversity and in accordance with Policies P3, G6, G7 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework and PfE.

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority,
and;
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in

a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Report Author Nick Brookman