

## Heatons and Reddish Area Committee

29<sup>th</sup> July 2024

### DEVELOPMENT APPLICATIONS

#### Report of the Deputy Chief Executive and Chief Planning Officer

##### ITEM 1

**DC/091482**

##### SITE ADDRESS

Units 7 To 8, Mercedes Benz Of Stockport, Brighton Road,  
Heaton Mersey, Stockport, SK4 2BE

##### PROPOSAL

Permanent placing of a new storage container

##### ITEM 2

**DC/088058**

##### SITE ADDRESS

410 Didsbury Road, Heaton Mersey, Stockport, SK4 3BY

##### PROPOSAL

New dwelling to the garden at the rear of 410 Didsbury Road

### **INFORMATION**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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## **ITEM 1**

<b>Application Reference</b>	<b>DC/091482</b>
<b>Location:</b>	Units 7 To 8, Mercedes Benz Of Stockport Brighton Road Heaton Mersey Stockport SK4 2BE
<b>PROPOSAL:</b>	Permanent placing of a new storage container
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	05.04.2024
<b>Expiry Date:</b>	Extension of time agreed 31.07.2024
<b>Case Officer:</b>	Jeni Regan
<b>Applicant:</b>	LSH Auto Uk Ltd
<b>Agent:</b>	Rob Westbrook Architects

### **DELEGATION/COMMITTEE STATUS**

Heatons and Reddish Area Committee.

The application has been referred to Committee as a result of 14 letters of objection.

### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the permanent siting of a container within the secure parking area of the site, to provide dry storage of electric car batteries. The proposed container would measure 6.1m long, 2.4m wide and 2.6m high. The container would be sited on 3 existing car parking spaces. As outlined in the submission, the cabin would be a purpose made metal (shipping) container, that would be delivered ready formed on a vehicle and off loaded onto the existing hard surfacing. The container would have an internal bunded system to prevent any damaged or leaking batteries to not affect the surrounding site surfacing and wider environment. The number of batteries retained on site is stated as approximately 10 stored at any one time.

The batteries are delivered already palleted and the container would be side loaded using a forklift, which already operates on the site. The container requires no services internally and there is no requirement for additional lighting, as the operations will use the existing external lighting located around the site. As the container will be sited on the existing hardstanding, there is no requirement for or changes to surface or foul drainage on the site.

In terms of the proposed location of the container, this has been amended since the original submission due to concerns raised by local residents and the Case Officer. The original siting was in the north-western corner of the secure car park adjacent to Craig Road and the end of Craig Close. However, the scheme has been amended and the container is now proposed to be sited in the south-eastern corner of this area of car parking, immediately adjacent to the secure vehicle access gates into the rear areas of the site. This can be seen in the drawings pack.

## **SITE AND SURROUNDINGS**

The application site is situated between the M60 Motorway and the A5145 Didsbury Road and comprises a 4.5 hectare site which includes a car showroom, sales facility, car preparation and repair facility, MOT test centre and car storage with associated access/junction, parking, landscaping and infrastructure.

The area to the North of the site is characterised by predominantly residential properties on Didsbury Road, Craig Road, Craig Close, Russell Gardens, Hamilton Crescent and Langham Road and commercial/industrial premises immediately North of the central portion of the site. To the East of the site are residential properties on Didsbury Road and Brighton Road and a small retail park at Kings View. The site is adjoined to the South by the M60 motorway. To the West of the site is a sports facility and open space.

The main part of the application site is allocated within the Town Centre/M60 Gateway (TCG4.3 : Didsbury Road) and the North Eastern portion of the site is allocated within a Predominantly Residential Area.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

The main part of the application site is allocated within the Town Centre/M60 Gateway (TCG4.3 : Didsbury Road) and the North Eastern portion of the site is allocated within a Predominantly Residential Area

### **Saved policies of the SUDP Review**

<https://www.stockport.gov.uk/topic/current-planning-policies>

- TCG1 : TOWN CENTRE AND M60 GATEWAY
- CDH1.2 : NON-RESIDENTIAL DEVELOPMENT IN PREDOMINANTLY RESIDENTIAL AREAS

### **LDF Core Strategy/Development Management policies**

<https://www.stockport.gov.uk/topic/current-planning-policies>

- CS7 : ACCOMMODATING ECONOMIC DEVELOPMENT
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT

- CS9 : TRANSPORT AND DEVELOPMENT
- CS10 : AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on the 19th December 2023 replaced the previous NPPF (originally issued 2012 & revised July 2018, February 2019, July 2021 and September 2023). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

The relevant paragraphs in this case are as follows:

Introduction - Paras 1, 2

Chapter 2: Achieving Sustainable Development – Paras 7, 8, 11, 12

Chapter 4: Decision-Making – Paras 38, 47

Chapter 12: Achieving Well-Designed and Beautiful Places – Paras 131, 135, 136, 137, 139

*Para.225 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **RELEVANT PLANNING HISTORY**

There are a large number of applications registered against this address, however the main applications of interest to this application are as follows:

DC065529 : Screening Opinion for the redevelopment of the site to provide a 13,700 square metre car showroom building and 17,100 square metre car preparation facility, with associated access, parking and landscaping : EIA Not Required – 03/05/17.

DC/066233 : Full planning application for demolition of all structures on site and the erection of a car showroom and associated parking (Sui Generis use), after sales facility, car preparation and repair facility including body shop, MOT Test Centre (B2 use), car storage (B8 use), associated infrastructure, landscaping, access and junction improvements.; Decision Date: 30-APR-18; Decision: GTD

Reference: DC/069700; Type: ADV; Address: Brighton Road Industrial Estate , Brighton Road, Heaton Mersey, Stockport, SK4 2BE; Proposal: Provision of various illuminated and non-illuminated building signs, access road signs, car park signs, flag signs and sign to site entrance for car dealership; Decision Date: 13-SEP-18; Decision: GTD

Reference: DC/075667, Type: ADV, Address: Unit 2 Office World , Kings View, Heaton Mersey, Stockport, SK4 2LQ, Decision: GTD, Decision Date: 04-MAR-20, Proposal: Proposed installation of 3 no. internally illuminated high level building signs, 1 no. internally illuminated fascia sign to front and 4 no. non-illuminated directional panels at the site entrance and within the site boundary

Reference: DC/081396, Type: MMA, Address: Units 7 To 8, Mercedes Benz Of Stockport , Brighton Road, Heaton Mersey, Stockport, SK4 2BE, Decision: GTD, Decision Date: 25-NOV-21, Proposal: Application for the Variation of Condition 21 (Opening Hours) attached to planning permission DC/066233 to allow the extension of the permitted operating hours for the site

Reference: DC/082087, Type: ADV, Address: Mercedes-Benz Of Stockport, Brighton Road, Heaton Mersey, Stockport, SK4 2BE, , Decision: GTD, Decision Date: 20-SEP-21, Proposal: Signage to assist customers on-site including 1 no. LED digital display, 9 no. non-illuminated directional signs, 3 no. non-illuminated replacement parking signs and 1 no. replacement vinyl to existing entrance sign

Reference: DC/083783, Type: FUL, Address: Mercedes-Benz Of Stockport, Units 7 To 8, Brighton Road, Heaton Mersey, Stockport, SK4 2BE, , Decision: GTD, Decision Date: 16-FEB-22, Proposal: Erection of a Concierge Kiosk

Reference: DC/087360, Type: MMA, Address: Units 7 To 8, Mercedes Benz Of Stockport , Brighton Road, Heaton Mersey, Stockport, SK4 2BE, Decision: GTD, Decision Date: 13-MAR-23, Proposal: Variation of condition 21 of planning permission DC/081396 to amend the operating hours of the Body and Paint Centre to align with the servicing operating on the site (between 06:00 and 22:00 Monday to Friday, 06:00 and 17:00 on Saturday and 11:00 and 17:00 on Sunday)

Reference: DC/088435, Type: ADV, Address: Mercedes Benz Of Stockport, Brighton Road, Heaton Mersey, Stockport, SK4 2LQ, , Decision: GTD, Decision Date: 14-JUN-23, Proposal: Replacement building signage on southern elevation - 2 no. internally illuminated individual letter signs

Reference: DC/088871, Type: P14J, Address: Mercedes-Benz Of Stockport, Units 7 To 8, Brighton Road, Heaton Mersey, Stockport, SK4 2BE, , Decision: PARA, Decision Date: 25-JUL-23, Proposal: Proposed roof mounted 200kW solar PV

system comprising of 526 x Canadian Solar 380w modules. Flat roof system mounting kit to be, utilised.

## **NEIGHBOUR'S VIEWS**

The owners/occupiers of 352 surrounding properties were notified in writing of the application. In response to the original neighbour notification exercise, letters of objections were received from 11 addresses in response to the application, including a petition with 105 signatures.

Members should also note that a re-notification / reconsultation exercise was completed following the submission of amended plans and information on the 31<sup>st</sup> May 2024. Following this, further objections have been received from 3 new addresses (did not object to the original proposals).

The comments received are summarised below:

### **Original Comments:**

- Be able to see the storage facility from residential properties.
- If the batteries in storage should overheat and catch fire they burn fiercely and give off toxic fumes, which can then explode and hurl debris over a large area.
- The site is adjacent to a public footpath, which is used by many residents on the adjoining estate to access the local COOP store.
- The Russell Gardens sheltered accommodation complex is also nearby.
- The insurance assessment deemed it unsafe to store the batteries indoors or near any structures on site, but it seems to be acceptable to locate it at the end of a residential street.
- Are vehicles more important than people?
- If this application is permitted how many more storage contains will they ask for as the number of electrical vehicles increase?
- The car park you will be storing them on is constantly full and tightly pack as I have seen for myself, you have said the emergency services would have easy access to the area, which is very obstructed.
- This is not an industrial site, it's a residential area.
- This is a huge site, alternative locations that do not pose such risks should be explored to ensure the protection of residents and their property.
- Note that the container will "maybe" house up to 10 batteries this is not very reassuring. This document should have a maximum not a maybe.
- 15m distance from residential properties is not far enough.
- Metal is a good conducted of heat and so will this not heat up in the sunshine?
- The proposed site for this container has, what I assume are batteries lying in the open with a picnic table, not 2 meters away from where the staff use as a smoking area with no smoking shelter.

### **Objections following Amended Plans:**

- Object to the proposed site for storage of batteries.
- In their submission, LSH Auto Ltd. admit that they have problems with their insurance company Aviva and the Local Fire Authority and want it at a distance from their own building.

- The new proposed site simply moves the problem nearer to our industrial units (Units 1,2,3A and 3B, as well as unit occupied by Holmes and Potts. These units will have the same problems with their insurance companies.
- Concerned that LSH Auto have not discussed the problem with their industrial units neighbours.
- The position of the container with highly dangerous and flammable lithium batteries so close to our building in a none airconditioned container, poses a significant risk to our workers and visitors.
- We don't want electric car batteries stored near our homes they are dangerous.
- They can catch fire and can't be put out.
- They will also have an effect on the house values.

## **CONSULTEE RESPONSES**

All consultation responses can be viewed in full on the online application file via the Council's public website. However, for the purposes of this report, these are summarised below:

### **GM Fire**

The above proposal should meet the requirements for Fire Service access.

The Fire Service requires vehicular access for a fire appliance to within 45m of every point of the footprint of the building. The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally, if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250 m.

There should be a suitable fire hydrant within 100m of the premises, alternative supplies of water can be discussed with GMFRS.

### **Highways**

The proposal raises no concerns, the loss of 3 parking bays will not have an unacceptable effect on the operation of the site.

A revised location for the container is proposed, which raises no highway related concern as the loss of 3 car parking bays will not have an unacceptable effect on the operation of the site.

### **Health and Safety Executive**

HSE is the statutory consultee for planning applications that involve or may involve a relevant building.

Relevant building is defined as:

- \* contains two or more dwellings or educational accommodation and
- \* meets the height condition of 18m or more in height, or 7 or more storeys

“Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

However, from the information you have provided for this planning application it does not appear to fall under the remit of planning gateway one because the purpose of a relevant building is not met.

## **ANALYSIS**

### **Principle of Development**

The application site is predominantly allocated within the M60 Gateway as defined on the UDP Proposals Map, and comprises an established commercial / employment use. The proposed development would be used for storage purposes in association with the existing use at the site, therefore the principle of the proposal would not conflict with saved UDP policy TCG1 and Core Strategy DPD policies CS7 and AED-1.

The proposal would be ancillary to the use of the car showroom and service centre and assist in the function of the business and thus is considered to be acceptable in principle subject to an assessment on siting, design and residential amenity. Therefore, matters of visual amenity, the protection of residential amenity, and highway safety / parking issues shall be considered in more detail below.

### **Impact on Visual Amenity and Residential Amenity**

The proposed development would be located within the site of the existing Mercedes Benz car showroom and service centre, in an area of the existing car park where public vantage points are limited. The site is bounded by trees and high hedges to the north and west and thus there would be limited views from Craig Road and Craig Close. The container would mainly be viewed from the wider Mercedes Benz site and the adjacent Brighton Road Industrial Estate.

The proposed container would be of single storey scale, and would be viewed against the backdrop of the existing Mercedes Benz showroom and service centre and the industrial units on the adjacent industrial estate, which is considered acceptable. Conditions will be imposed that require the ongoing management and maintenance of the container to ensure the appearance and state of repair is acceptable.

Whilst the wider Mercedes Benz site is adjoined to two sides by residential uses, the scale of the proposal and the retained separation to the boundaries with residential properties would be such that impact of the proposed development would be limited. Following the amendments to the siting of the proposed container, the container would be 51.5m away from Valley Court and 68.5m away from the nearest property on Craig Close. The container would also be 21m away from the closest commercial property at Hulme and Potts on Brighton Road Industrial Estate.

Therefore, on this basis, it is now considered that the container would be sensitively sited to the side of the building within an existing enclosed storage yard/service area. The site is adjoined by existing commercial premises, car parks and car storage areas, therefore the siting and size of the proposed development is considered acceptable.



In view of the above, it is considered that the proposed development could be accommodated on the site without causing undue harm to the visual amenity of the area or the residential amenity of surrounding properties, in accordance with Core Strategy DPD policies CS8, SIE-1 and SIE-3.

### **Objections in Relation to Fire Risks**

Many concerns have been raised within local representations in relation to the risk of fire and fumes from the proposed shipping container and the electric car batteries to be stored inside. These concerns are fully acknowledged, however outside of the consideration of fire by the HSE in relation to the design and layout of residential developments, this is not necessarily a material consideration from a planning perspective. The issue of fire safety falls under other areas of legislation and will be fully assessed by the relevant fire safety regulators.

Notwithstanding this, GM Fire were consulted on the application and have raised no objections to the proposed siting of the container in this location. The applicant also looked at alternative site locations and moved the proposed siting further away from the nearby residential properties. They have also responded as follows to the concerns about fire safety:

*'Aviva, recommended that the batteries be stored within a dedicated, external, non-combustible container a minimum 15m from the site buildings and any other structure. This matches the spatial criteria within Mercedes-Benz group own guidance for the safe storage of EV batteries.*

*Further guidance was also sought from the Local Fire Authority who considered their fire fighting strategy in the event of an emergency and also confirmed the battery store facility should be an external non-combustible container away from the main facility to allow them to simplify their strategy.*

*Given feedback from local residents, the applicant has considered several alternative locations and the revised location is deemed to be suitable given the additional distance from residential properties, ease of access for both site conditions and also for emergency services in the unlikely circumstances that there may be a problem. This has also taken into account the emergency services own site assessment.*

*Should there ever be a problem involving fire, the batteries will be contained within the steel container to prevent fire spread. It will also help to contain the movement of smoke across the site or surrounding areas, providing time for the fire brigade to attend.*

*It is also worth putting any risk in context of the site and its surrounding infrastructure. The site contains several hundred cars all with petrol or diesel engines, to the south of the site is the M60 motorway and surrounding the site are many industrial units all of which contain some level of high risk materials and operations. A fire to any of these elements would create a local incident including smoke and fumes. The risk posed of the electric batteries, within a steel container, is not deemed to be any higher than the existing situation.'*

As there are no local or national policies specifically relating to fire risks, there are no material reasons for refusal in relation to fire safety in this case, especially

now that the container has been moved further away from the adjacent residential properties.

### **Highways Considerations**

No objections are raised to the proposal from the Council Highway Engineer, who notes that the proposed development would not be expected to result in any change to the volume or nature of traffic to the site. Whilst it is acknowledged that three parking spaces would be lost by the installation of the proposed storage container, this is considered to be acceptable and would not result in any significant detrimental impact on highway safety.

In view of the above, in the absence of objections from the Highway Engineer, the proposal is considered acceptable from a traffic generation, parking and highway safety perspective, in accordance with Core Strategy DPD policies CS9, T-1, T-2 and T-3.

### **CONCLUSION**

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

The siting of a storage container within the existing car parking area of a car showroom and service centre is considered to be acceptable in principle and in accordance with saved UDP policy TCG1 and Core Strategy DPD policies CS7 and AED-1.

It is considered that following the amendments to the position of the container, the siting, scale and design of the proposed development could be successfully accommodated on the site without causing undue harm to the visual amenity of the area or the residential amenity of surrounding properties. In the absence of objections from relevant consultees and subject to conditional control, the proposal is also considered acceptable with regard to the issues of traffic generation, parking and highway safety.

In view of the above, notwithstanding the fact that approval of the development would constitute a departure from the development plan, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objection raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

### **RECOMMENDATION**

Grant subject to Conditions