



**SECTION 77 OF  
THE TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (CONSULTATION)  
(ENGLAND) DIRECTION 2021**

**Planning Application submitted to Cheshire East Council  
Site Address: Land a Junctions 7/8 of  
the M56 Motorway  
CEC ref. 22/0872M  
Trafford Council ref. 107928/ART16/22**

**STATEMENT OF REPRESENTATIONS OF  
TRAFFORD COUNCIL AS  
ADJOINING LOCAL PLANNING AUTHORITY**

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## **1.0 PURPOSE OF THIS STATEMENT**

- 1.1 This Statement of Representations has been prepared on behalf of Trafford Council (as local planning authority). It is associated with a full planning application submitted to the neighbouring authority of Cheshire East Council (ref. 22/0872M). Following the recent resolution of Cheshire East Council, the planning application has been referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021. Consideration is now being given as to whether the application should be called in by the Secretary of State for his determination. This Statement of Representations conveys Trafford Council's strong objections to the application. The Statement is intended to be treated as a request for the Secretary of State to exercise his call-in powers in this instance.
- 1.2 The foundations of Trafford Council's objection is that this is an application for a major out-of-town retail and leisure destination in the Green Belt masqueraded as a motorway service area. Its approval would conflict with national policy on matters central to the planning system (Green Belt and the achievement of sustainable development), and moreover the proposal could have significant, adverse long-term impacts which would be experienced most acutely within the Trafford Borough. In reflecting the strength of objection, it is confirmed that Trafford Council would be a willing participant at a call-in inquiry.

## **2.0 A SUMMARY OF PROCEDURAL MATTERS**

- 2.1 By letter dated 18th March 2022 from Cheshire East Council – and in accordance with Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Trafford Council was notified of planning application ref. 22/0872M. This was in recognition of the application site's proximity to the Trafford boundary and that the development proposed could affect land within it.
- 2.2 The application proposes: *Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle*

*links (including diversion of cycle track) and earthworks/enabling works. The site address is: Land between Junctions 7 and 8 of the M56.*

2.3 Upon receipt of the consultation request, the local planning authority initiated its own internal consultations, including on highways and on heritage matters. External advice was also sought from the Council's retained retail planning consultant. Queries and concerns regarding the proposal were being raised by local councilors and a letter of objection from a local resident to Trafford Council was received (which was subsequently forwarded to Cheshire East to be considered alongside its representations). In view of the scale of the proposal, the nature of the issues raised and the potential for harm, and the level of both councillor and corporate interest, a decision was made by the Council's Head of Planning and Development for the consultation response to be reported to Trafford's Planning and Development Management Committee.

2.4 At its meeting of 19<sup>th</sup> January 2023, the Committee resolved that it would object to the application. This objection was formally communicated to Cheshire East Council by letter dated 20<sup>th</sup> January 2023. The letter reports the nature of the objection, as follows:

*Trafford Council OBJECT to the application on the grounds that it would be inappropriate development in the Green Belt, harming openness and visual amenity, and would harm the setting of the Watch Hill Scheduled Ancient Monument and there would be no very special circumstances that would outweigh the harm to the Green Belt and other harm. Trafford Council also raises concern about the potential impact on Altrincham, Hale and Bowdon centres, and the impact of additional traffic on roads within Trafford.*

2.5 Whilst not encouraging of this course of action but in acknowledgement of the possibility that Cheshire East maybe minded to grant planning permission, the letter also advised on a number of conditions that should be imposed with the purpose of minimising the adverse effects.

2.6 On 25<sup>th</sup> October 2023, the application was reported to Cheshire East's Strategic Planning Board with a recommendation of approval subject to conditions, the completion of a Section 106 legal agreement, and referral of the application to the Secretary of State (with reference to The Town and Country Planning (Consultation) (England) Direction 2021). The recommendation was endorsed, and thus the need for referral to the Secretary of State was triggered. It is understood that this took place, via a letter to the Planning Casework Unit, on 26<sup>th</sup> October 2023. It is anticipated that the referral bundle will have included Trafford Council's letter of objection (along with Cheshire East's officer report).

It has been noticed by Trafford Council that this committee report does not include the full wording of recommended conditions. Instead only a broad summary of the purpose of each condition is cited.

- 2.7 By letter dated 3<sup>rd</sup> November 2023, Trafford's Head of Planning and Development advised the Planning Casework Unit of the intention of this Council to make further representations to the Secretary of State (to which this Statement conforms) as part of the call-in consideration process. An acknowledgement of this course of action was sent by email by the Planning Casework Unit to the Head of Planning and Development on 9<sup>th</sup> November 2023.
- 2.8 At this stage it is considered important to identify an omission made by Cheshire East in its officer report to the Strategic Planning Board (and possibly then repeated in the referral documentation). Under the Town and Country Planning (Consultation) (England) Direction 2021), the need for referral is twofold in this instance. It is triggered since the proposal comprises inappropriate development on land allocated as Green Belt which consists of or involves the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more and which would have a significant impact on the openness of the Green Belt (as has been recognised and referred to by Cheshire East). However, additionally, the proposal also amounts to development which consists of or includes retail, leisure or office uses and which is to be carried out on land which is out-of-town and which is not in accordance with a development plan and which consists of or involves the provision of a building or buildings where the floorspace to be created by the development is 5,000 square metres or more. The Town and Country Planning (Consultation) (England) Direction 2021) confirms that references to floorspace within this Direction mean the gross floorspace in a building or buildings when measured externally. This second reason for referral has not been recognised by Cheshire East.

### **3.0 OTHER RELEVANT INFORMATION**

#### **The Trafford Borough**

- 3.1 Trafford is a metropolitan borough located in the south west of Greater Manchester. To its north and east Trafford adjoins the metropolitan boroughs of Salford and of Manchester, and to the south and west the unitary authorities

of Cheshire East and of Warrington. The boundary between Trafford and Cheshire East is formed by the course of the River Bollin.

- 3.2 Trafford is a borough of contrasts. It contains some of the most deprived neighbourhoods in the country. These are generally located in the northern part of the borough, towards the boundaries of Salford and Manchester, and comprise densely populated areas with limited open space. However, southern Trafford is regarded as being affluent with attractive, leafy residential suburbs centred around the town of Altrincham (including Hale, Hale Barns and Bowdon). Average property prices in Trafford are the highest in Greater Manchester. A similar level of prosperity extends into north-east Cheshire (within Cheshire East), encompassing the towns of Wilmslow and Knutsford. On the whole Trafford is a highly accessible borough. The route of the A56 and the Metrolink line both provide good north-south connections between Manchester city centre and the towns to the south (to Stretford, Sale and Altrincham). In addition, Trafford is served by good links to the motorway network. The M56 is readily accessible from southern Trafford, and with this providing an easy route to Manchester Airport.

### **The Application Site**

- 3.3 The application site, which extends to 15.8 hectares, is located wholly within the administrative area of Cheshire East. However, at its closest point the application site is within approximately 200 metres of the Trafford boundary, across the River Bollin. The site comprises a farmstead known as Yarwood Heath Farm which includes a collection of agricultural buildings and a farmhouse as well as grazing land. It is accessed from Yarwood Heath Lane.
- 3.4 The site is located at Junction 7/8 of the M56 motorway. The two junctions are part of the same interchange complex which serve to form a loop around the application site (by the A556). The site is situated within the Green Belt (part of the wider North West Green Belt) which continues northwards into Trafford. This part of the Green Belt, which encompasses much of the M56 corridor and a wide belt beyond, serves to prevent the merger of the cities, towns and villages of Greater Manchester, Merseyside and Cheshire. The site is also within an area of special landscape character, as defined by Cheshire East, and which adjoins an equivalent designation (an area of landscape protection) within Trafford.
- 3.5 Beyond the application site, the landscape is largely rural although major highway infrastructure is also dominant. There is a Scheduled Ancient Monument (Watch Hill) – within Trafford’s administrative area - approximately

400 metres to the north of the site. The monument includes a motte and bailey on a promontory formed by the bank of the River Bollin on the south side and the steep side of a gorge on the north side.

### **The Highway Network**

- 3.6 To the north Junction 7/8 connects with the Bowdon roundabout which, via the A56 Dunham Road, provides a direct route to Altrincham to the north. The distance is approximately 2 miles (3.2 kilometres). To the south the A556 - which was upgraded to a dual carriageway in 2017 - leads towards Knutsford (via the old Chester Road) and further southwards it connects with Junction 19 of the M6.
- 3.7 The M56 motorway serves the Cheshire and Greater Manchester areas. It runs east to west from the south of Manchester to the north-western area of Chester (where it links with routes for North Wales). It also connects with the M6, M53 and M60 motorways. Covering some 33 miles (54 kilometres) and including 15 junctions, there are two service areas along the route (Chester Services at Junction 14 and Lymm Services at Junction 9, which also serves the M6). Manchester Airport is accessed off Junction 5 of the M56. In addition to Junction 7/8 of the M56 offering ease of access to the Altrincham area, Junction 6 also provides a convenient link (the suburb of Hale Barns is approximately 1 mile (1.6 kilometres) from the junction).

### **The Development Proposed**

- 3.8 The application provides for the development of a new motorway service area (MSA) at the site. The applicant is Tatton Services Limited, which is a joint venture between Westmorland Ltd and the Tatton Group (the latter being part of the Tatton Estate). The proposed MSA would be known as Tatton Services.
- 3.9 The majority of the existing buildings would be demolished; one building (the farmhouse) would be retained and one barn would be part-retained. Both would be used for purposes associated with the MSA. The proposal involves the erection of three main buildings: an amenity building (6,292 square metres gross floorspace), a 100 bed hotel (4,009 square metres gross floorspace), and a fuel filling station (980 square metres gross floorspace). Some smaller ancillary buildings/structures are also proposed. Other works include areas of parking for all categories of vehicle, vehicular circulation routes, a service yard, pedestrian and cycle links, areas of open space, new landscaping, drainage, and earthworks/enabling works.

- 3.10 The development would be accessed off Yarwood Heath Lane via the southern arm of the Bowdon roundabout. All MSA traffic would use this access, including eastbound and westbound M56 traffic, traffic from the A56 Dunham Road to the north (to/from Altrincham), and traffic from the A556 to the south.
- 3.11 Westmorland Ltd is a family business with an established reputation for delivering high-quality and bespoke MSAs. Its growing portfolio includes Tebay Services (M6), Gloucester Services (M5) and Cairn Lodge Services (M74). Westmorland services are unique within the MSA market. This is in terms of their food and beverage facilities, the supporting retail range, the quality of the internal and external environment, and the superior customer experience that they offer. These services are strikingly different from more standard MSAs, managed - for example - by Moto, Welcome Break and Roadchef and which are often supported by franchises for refreshments and for retail services operated by well-known, high street businesses.
- 3.12 The application submission to Cheshire East acknowledged, within its Planning Statement, that [the Westmorland] 'MSAs are supported by farmshops and kitchens entirely curated and produced by the Westmorland family, with homemade food and produce from local suppliers'. Accordingly, a key component of the Westmorland package is the foodhall. Within the development proposed for Tatton, this offer would be contained within the proposed amenity building (6,292 square metres gross). It would include a farmshop and kitchen, incorporating facilities for the sale and consumption of hot and cold food and beverages, and it would also extend to a first floor. In addition, a 'kitchen garden' is to be located adjacent to the amenity building to provide further outdoor space.
- 3.13 Tatton Estates is the largest private landowner in Cheshire East.

## **Planning Policy and Guidance**

### The Development Plan

- 3.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.15 The development plan for Cheshire East comprises the Cheshire East Site Allocations and Development Policies Document (adopted on 22<sup>nd</sup> December 2022) and the Cheshire East Local Plan Strategy 2010-2030 (adopted on 27<sup>th</sup> July 2017). The development plan for Trafford consists of the Trafford Core



Strategy (adopted 25<sup>th</sup> January 2012) together with saved policies of the Revised Trafford Unitary Development Plan (adopted on 19<sup>th</sup> June 2006). Substantial weight is also now afforded to the emerging Places for Everyone joint development plan document being prepared by nine Greater Manchester authorities (which is presently subject to consultation on a series of Main Modifications). Whilst the application site is outwith Trafford (and Greater Manchester), it is clear that many of the policy purposes and objectives of a development plan extend beyond authority boundaries.

### National Policy

- 3.16 The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.

### Green Belt

- 3.17 The Green Belt in this location separates the edge of the built up area of southern Trafford from the more rural, outlying towns and villages of Knutsford, Lymm and High Legh. The general policies controlling development in the countryside apply with equal force in Green Belts, but in addition there is a general presumption against inappropriate development within them. Current Government advice in relation to Green Belts is provided in chapter 13 of the NPPF. 'The Government attaches great importance to Green Belts', paragraph 137 states. 'The fundamental aim of Green Belt policy', it is explained, 'is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. In advising local planning authorities when dealing with planning applications affecting the Green Belt, paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, substantial weight should be attached to any harm to the Green Belt, paragraph 148 explains. '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' the paragraph continues. The construction of new buildings should automatically be treated as inappropriate in the Green Belt, according to paragraph 149.
- 3.18 Policy PG3 of the Cheshire East Local Plan Strategy sets out the primary purposes of the Green Belt and it also reiterates the general presumption against inappropriate development other than for specified purposes or where

very special circumstances can be demonstrated. A similar approach is embodied in Policy R4 of the Trafford Core Strategy.

#### Other Relevant Policies

- 3.19 The NPPF is clear that local planning authorities should adopt a 'town centre first' approach when assessing applications for 'main town centre uses'. This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and viability (see paragraph 86). Main town centre uses' are defined as: 'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development.' This approach is also reflected within the development plan for Trafford. Its Policy W2 defines a network and hierarchy of centres across the Borough which commences with Altrincham as the Principal Town Centre.
- 3.20 The NPPF, by means of paragraphs 104 and 105, recognises the role that the planning system can play in managing patterns of growth in order that the environmental impacts of traffic and transportation infrastructure can be identified and mitigated, and to ensure that opportunities to promote walking, cycling and public transport use are pursued. 'Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes,' the paragraphs continue. Allied to this, paragraph 186 of the NPPF states that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management. Policy L4 of the Trafford Core Strategy also seeks to manage travel demand by reducing the need to travel and by increasing accessibility by non-car modes, whilst Policy L5 advises that new development should mitigate and reduce its impact on climate change factors, including air pollution, and should contribute towards reducing carbon emissions.
- 3.21 Protecting and enhancing the historic environment is also an important component of the NPPF (see paragraph 189). The document uses the term 'heritage asset' which is defined as: 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).' Paragraphs 201 and 202 of the NPPF set out an approach for assessing 'substantial' and 'less than substantial' harm to the significance of

designated heritage assets as a result of new development proposals (this requires balanced judgement to be applied when having regard to the scale of harm and the public benefits arising). Policy R1 of the Core Strategy is clear that applicants will be required to demonstrate how a new development would protect, preserve and enhance Trafford's heritage assets, including their wider settings.

- 3.22 At paragraph 174, the NPPF advises that planning policies and decisions should contribute to and enhance the local environment. This is to be achieved by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Core Strategy Policy R2 also refers to the importance of protecting and enhancing landscape character and of recognising the value of Trafford's countryside assets, including not only their immediate location but also their surroundings. This policy is supported by Policy L7 which is clear that new development should be appropriate to its context and should appropriately address matters such as scale, density and massing when having regard to the character of the area.

## **4.0 THE POSITION OF TRAFFORD**

### **Overview**

- 4.1 The proposal involves a development on a very substantial and significant scale. The application is accompanied by a vast suite of technical documents, including an Environmental Statement. Widespread consultation, with statutory and non-statutory parties, has been required. Excluding any pre-application discussions, the application has been in the system for assessment by Cheshire East for over 18 months. In view of the scale and the sensitive location of the development, referral to the Secretary of State on two grounds has been necessary.
- 4.2 The site would undergo exceptional visual and physical change as a result of the development. Presently majority grazing land and open fields with vegetation, the site would be transformed with extensive areas of hard surfacing for parking and vehicular circulation routes, three large buildings/structures and other smaller built form, and interventions to ground levels and some regrading works. The proposed amenity building has a height of 9.3 metres over two floors, whilst the proposed hotel – within a three-storey structure – extends to 11.2 metres. The site would be illuminated by lighting columns of up to 12 metres. The parking area would provide 888 spaces, including for coaches and lorries. The extent of landscaping and new planting is welcomed but the

proposal remains development on a very considerable scale relative to the site's existing condition.

- 4.3 This development is proposed in the Green Belt; a longstanding and highly effective planning designation to prevent urban sprawl and to keep land permanently open. The Green Belt, by virtue of its crucial strategic role and its typical expansive and cross-boundary extent, is a matter of utmost importance to affected local planning authorities.
- 4.4 The site is located adjacent to the southern boundary of Trafford, separated by the River Bollin, loops of the A556 and strips of intervening vegetation and open land (a distance of some 200m at the nearest point). The site is situated within 2.3 miles (3.7 kilometres) of the town centre of Altrincham. This is Trafford's principal town centre; it is readily accessible *by car* from the application site via the A56 (with no requirement for a motorway journey) and it supports one of Trafford's largest residential populations. Lower order centres of Hale (district) and Bowdon (local) are within 2.6 miles (4.8 kilometres) and 2.2 miles (3.5 kilometres) of the site respectively, also accessible via the A56 and local roads (by car). The nearest designated centre in Cheshire East (the town centre of Knutsford) is much further afield (5.6 miles/9 kilometres). Lymm (Warrington) is 4.8 miles (7.7 kilometres) away.
- 4.5 The site forms part of a wider landscape swathe which has been recognised by both Cheshire East and Trafford as representing the highest quality and most valued landscape in the area. The development would affect the setting of Trafford's only Scheduled Ancient Monument; scheduled monuments are regarded by the NPPF as assets of the highest significance.
- 4.6 A plan contained at Appendix A illustrates the application site relative to the Trafford boundary. It also shows the designated centres of Altrincham, Hale, Bowdon and Hale Barns, and the local route of the A56. The location of the Scheduled Ancient Monument is identified, along with the Green Belt and Trafford's landscape designation. A combination of the scale and nature of the proposal, together with the site's proximity to Trafford (including to its centres of population and given the ease of car-borne journeys) serves to produce a scenario with a range of far-reaching, adverse land-use planning impacts for Trafford. This Council, unable to exercise its own decision-making powers, is rightfully deeply concerned, as reflected in its objection. Many of the impacts arising from the development - it is considered – would fall more severely on this adjoining authority.

## Westmorland Services

- 4.7 It has been made clear that the concept of the Westmorland-owned MSA is markedly different from the more standard motorway service station. The typical fast-food outlets and high-street coffee chains are eschewed in favour of a farm shop and kitchen selling local produce. The environment is pleasant, with buildings designed to match the local vernacular and attractive landscaping with ponds, woodland and dedicated walking routes. A recent survey (October 2023) on behalf of Which? ranked Gloucester, Tebay and Cairn Lodge as the three best motorway services in the UK (out of a list of nearly 70).
- 4.8 The standard MSA is intended to provide a rest area for drivers (and passengers) to leave a motorway to refuel/recharge and to rest, eat and drink, shop, access a WC and possibly to stay overnight in a hotel. Such is their offer, familiarity and ambience that recreational visits by those not seeking respite from the motorway is expected to be negligible. It is considered that the superiority of the Westmorland experience is such that a dedicated visit for enjoyment *as a destination in its own right* is a likely prospect. Of course, the potential for this to occur is dependent on the proximity and accessibility of the MSA; an arduous and/or lengthy journey may serve as a deterrent for some customers (one which involves entering/leaving/re-entering/leaving the motorway which could be congested, for instance). However, the location of this proposed MSA is different since it could be accessed via local roads. Moreover, this local road network provides quick links to a large and relatively prosperous residential community (namely Altrincham) and to wider Trafford and the Manchester conurbation beyond (to which it is largely contiguous). This is not the case for Tebay and Cairn Lodge services which are located on extremely remote and rural stretches of the motorway network, at considerable distances from large centres of population. Whilst the Gloucester example maybe less geographically isolated (although not benefiting from a metropolitan location to the same extent as Tatton), this service station can only be accessed from the M5.
- 4.9 The development proposed is thus unique. It is not a conventional MSA, neither in its offer and nor in its siting. It is notably higher-grade and would be accessible to non-motorway traffic. The attraction of the proposed MSA as a retail and leisure destination easily reachable *by car* to Trafford residents is of great concern. It is at odds with the primary purpose of the planning system, to contribute to the achievement of sustainable development (see paragraph 7 of the NPPF).

## **Main Town Centre Uses**

- 4.10 The proposed development provides for a significant quantum of ‘main town centre uses’. These are proposed in an ‘out-of-town’ location. As defined by the NPPF, this is a location that is out-of-centre and which is also outside of an existing urban area. The applicant has consistently failed to recognise that the proposal involves main town centre uses (retail development, restaurants - included within the ‘leisure’ description - and hotels - included within the ‘tourism and culture’ description - are all included within the NPPF definition). Instead it has maintained that an MSA is not a main town centre use. The application involves the provision of a building with a gross floorspace of 6,292 square metres to be used for retail and leisure purposes, together with a 100-bed hotel (4,009 square metres). The NPPF requires applications for new retail and leisure development - when proposed outside of town centres and which are not in accordance with an up-to-date plan – to be accompanied by an assessment of town centre impact where the development is over 2,500 square metres of gross floorspace (unless there is a locally set threshold). This is in addition to the other principal national policy test: the sequential approach in the provision of new main town centre uses. Upon submission, this application did not attempt to address such crucial town centre policy requirements despite the quantity of floorspace proposed. This major omission in the applicant’s planning documentation and its wider planning case was identified by Trafford Council.
- 4.11 It is the in-centre impact of the retail and leisure floorspace that is of most critical concern to this Council. The proposed amenity building and farmshop selling premium food products and offering indoor and outdoor seating and dining - all within an attractive, landscaped setting - would have local appeal and would very fittingly cater for the Altrincham market.
- 4.12 Altrincham town centre’s health has been varied in recent years. Up until relatively recently it was the subject of an exceptionally high vacancy rate and had lost a clear role and function. However, it has been reinvigorated in recent years as a consequence of public and private investment. The new Altrincham Market Hall, and the unique (and independent) food and beverage offer that has developed around it, has had the most transformative effect, along with wider public realm improvements. Hale district centre is also generally vital and viable, and is similarly supported by a strong restaurant and café offer. Notwithstanding this, both Altrincham and Hale are still susceptible to wider market pressures. This includes the continued popularity of online shopping, the demise of a number of high street retailers (which has affected Altrincham in particular, including Wilkinsons and Debenhams in recent years), inflation

and rising food and fuel prices, and the prospect of a national recession. This Council must ensure that its designated centres continue to be the hub of retail, commercial and leisure activity, that they support healthy footfall and facilitate linked trips at all times of the day, and that they remain inclusive and accessible environments for the communities that they support. The proposed amenity building would compete directly with comparable in-centre retail and leisure facilities, by virtue of its niche range, quality atmosphere and independent offer. It would provide an alternative place to meet, drink and shop, achievable within a short duration (given its proximity and the availability of free parking). In view of the service-bias of Altrincham and Hale (in reflecting the national picture as the role of town centres has gradually diversified) and which in turn significantly underpins their present health, there is a real prospect of adverse, long term harm as a consequence of combined retail and leisure trade being diverted out-of-town.

- 4.13 The applicant claims that only 998 square metres of the 6,292 square metres amenity building would be used for retail sales, and only a further 1,712 square metres would be dedicated to dining (including a servery), including a first floor level. In the event of Cheshire East being minded to approve the planning application, Trafford Council's objection letter to Cheshire East advised that a condition must be used with the purpose of restricting the amount of trading floorspace for the separate retail and dining components to that claimed by the applicant, as well as limiting the proportion of retail floorspace dedicated to comparison (or non-food sales). Precise floorspace and percentage figures were stated. Whilst the officer report refers to such a request and infers a general agreement to this approach, this Council has not seen evidence of Cheshire East's insistence on the exact figures quoted or of the applicant's subsequent acceptance. In the absence of such conditions, the impact on Trafford's designated centres would be further elevated and the level of harm would intensify. At present it is claimed that up to 2,373 square metres of the proposed amenity building would offer back of house space (to plant, stores, the kitchen and so on) which allows for very considerable expansion at a later date.

### **Encouraging Car-borne Traffic**

- 4.14 The route from south Trafford to the application site involves going beyond the urban area towards the motorway network and to major A roads leading into north Cheshire. There is no bus service from Altrincham southwards along the A56. There are also no footways or cycle lanes. Whilst the proposal involves some improvements to pedestrian and cyclist facilities along Yarwood Heath Lane closer to the MSA, it does not seek to rectify the absence of connectivity

– for walking, for cycling and by public transport – between the development site and northwards towards Altrincham. Of course, the application is profiled on the basis that the primary purpose of the proposed MSA is to cater for drivers on the motorway (and not for shorter trips made locally). This Council strongly questions this notion for the reasons stated.

- 4.15 Accordingly, in the absence of any alternative means of accessing the site, customers from Altrincham and surrounding area would have to resort to the private motor vehicle (or taxi). Thus, the development would encourage, almost exclusively, car-borne trips in relation to those journeys beginning from, and concluding, locally. It is therefore evident that the proposal comprises a highly unsustainable pattern of development. This is by virtue of it encouraging the need to travel by car to access main town centre uses, thereby adding to congestion along the A56, increasing car emissions and adversely impacting upon air quality, and working against the desire to support active lifestyles.
- 4.16 In its reliance on car-borne travel, the development would not be available to all sections of the community. Furthermore, it could undermine the viability of other comparable facilities and amenities in more central locations and which do offer inclusive access. Indeed, the characteristics of the development that would result would be in direct contradiction with the sustainable development objective which forms the foundation of the planning system.

### **The Need Case**

- 4.17 The cornerstone of the applicant's case in favour of the proposed development is that it would meet an unmet need for an MSA in this location on the motorway network. Department for Transport Circular 01/2022 (Strategic Road Network and the Delivery of Sustainable Development) has been well-documented in the submission. This sets out national policy on the provision of roadside facilities; it advises that the maximum distance between signed motorway service areas should be 28 miles. When applying this as a standard, a Gap Analysis Report submitted with the application demonstrates a paucity in MSA provision along relevant stretches of the Strategic Road Network which routes past the site would encompass. The development proposed would satisfy this geographical deficiency, it is asserted.
- 4.18 The importance of the Government's policy on the spacing of MSAs is wholly acknowledged, in the interests of motorist welfare and the safety of all uses of the Strategic Road Network. However, aspects of the applicant's claims within the Gap Analysis Report should be treated with caution, it is considered. For example, it fails to recognise the contribution to roadside services made by



Lymm Services. This is situated at Junction 9 of the M56 (and also the M6 at Junction 20). This is one junction down from the application site, a distance of less than 6 miles. Whilst somewhat rudimentary in its offer, Lymm Services caters for both trucks and cars. It is operated by Moto and includes a collection of retail, coffee and fast-food outlets, along with a fuel/recharge station, a hotel and personal amenities. It is open 24 hours a day, 7 days a week. Lymm Services is not covered in the Gap Analysis Report since it is categorised as a truckstop rather than a signed MSA. However, the facility is the subject of an outstanding outline planning application (submitted by Moto to Warrington Council) which would involve its extension and conversion to create a fully-fledged MSA from the M56. Whilst the application may be subject to a holding objection (dated September 2023) from National Highways, it is an application – submitted in January 2023 – which remains under consideration. The application at Tatton Services has been objected to by Moto, as referenced in the officer report to the Strategic Planning Board.

- 4.19 Lymm Services provides many of the essential amenities and features that are sought by motorists when seeking to refuel, rest or take refreshments. Proposals for its transformation are being assessed; there is no evidence that present concerns are wholly insurmountable and are not capable of being addressed within a reasonable timeframe. For the applicant to disregard Lymm Services is high convenient and very contrived. Whilst it may not be categorised as an MSA, it is considered that the existence of the facilities at Lymm serves to heavily moderate the strength of the applicant's need case.
- 4.20 A further factor which undermines the crucial need argument relied upon by the applicant is, of course, the site's location adjacent to an expansive metropolitan area. The M56 – which is a relatively short motorway – connects Chester with south Manchester. There are a number of towns and settlements along its corridor. Such is the application site's particular proximity to built up Trafford that drivers seeking a comfort break or a refuel/recharge station could readily utilise existing amenities within or on approach to the urban area. There is a petrol station, operated by Shell, on the A56 at Bowdon within a mile (1.6 kilometres) of the application site. It has recently been refurbished and includes a small Waitrose shop, a Costa Express, toilets, and 24 hour access to fuel. The local centre of Hale Barns, which includes a Booths foodstore, is within 1.1 miles (1.7 kilometres) of Junction 6, and then there is a very substantive food, leisure and rest provision focussed around Junction 5 for Manchester Airport.
- 4.21 The site's location is far from being on an isolated section of the motorway, disconnected from alternative provisions and resources, and where the identification of a gap in roadside services would demand attention with the

backing of a credible case. The argument in favour of Tatton Services is just not that compelling, and this is of most significance to any decision-taker in the context of the claim for very special circumstances. Any need for an MSA on the wider network would be better met elsewhere where the gap in facilities is more genuine and the new establishment would then fulfil its primary purpose in supporting motorist and road-user welfare.

### **The Harms Arising**

- 4.22 It has been explained that the proposed development involves a significant quantum of main town centre use floorspace in an out-of-town location. The characteristics and quality of the proposed operation are likely to give rise to a highly attractive retail and leisure destination, which would be easily accessible – by car only – to the local resident population in and around Altrincham. The applicant’s MSA need case – on which it so strongly relies – has not been adequately interrogated by Cheshire East. The NPPF is clear (see footnote 44) that ‘the primary function of roadside services should be to support the safety and welfare of the road user’. Whilst the proposed MSA would undoubtedly perform this role to some degree – and the premium nature of the facilities and environment that Westmorland strive for are to be applauded – this Council asserts that the proposed development as a concept, vision and market opportunity is also intended to serve some role in catering for local needs. It should be noted that, unlike Tebay and Gloucester which offer separate northbound and southbound facilities, the proposed MSA at Tatton would comprise one operation only, positioned on the northern (Trafford) side of the motorway.
- 4.23 In performing this second function the proposal conflicts with a fundamental cornerstone of the NPPF (see paragraphs 7 and 8) since it would facilitate an unsustainable pattern of growth and would not prioritise the location of development within the most central and sustainable areas accessible to all by a choice of transport modes. It doing so it would generate a range of adverse, cross-boundary impacts for Trafford. This includes harm to designated centres (Altrincham, Hale and Bowdon) by diverting trade away from comparable in-centre retail and leisure uses, contrary to the aims of Policy W2 of the Core Strategy as well as the NPPF. On the matter of accessibility and inclusivity, the proposal does not comprise a fully accessible development that would be useable by all and it has not provided any sustainable connections (pedestrian, cycling or improvements to public transport) to Trafford’s adjoining areas. It would place more traffic on local roads and would work counter to objectives to reduce greenhouse gas emissions and improve air quality. This would all be in conflict with policies L4 and L5 together – again – with the NPPF.

- 4.24 There are then a series of more direct physical impacts that would also be experienced over the border within Trafford, as referred to in the objection letter. This includes harm to the setting of the Watch Hill Scheduled Ancient Monument as a consequence of the removal of a more open landscape and the provision of an intense spread of built development and hard surfaces (in conflict with Policy R1). Even with additional landscaping on the northern edge of the application site to further screen the MSA buildings (the details of which remain to be seen), residual harm to setting (of an asset of the highest significance) would still occur.
- 4.25 Furthermore, the proposal would have more general and widespread adverse visual harm. The application site sits alongside an area of landscape quality as recognised by Trafford, which dovetails with a similar designation in Cheshire East. Notwithstanding the intervals of hard surfacing created by the generally low-lying highways infrastructure, the site and its surroundings are currently predominantly open. The application site's nearest built form (within the site itself) is inherently rural in character and appearance. Whilst the site does not form part of Trafford's protected landscape, nevertheless it is considered that it does contribute to the wider perception of it. The site would experience very considerable physical change as a result of this development. There may indeed be some architectural merit to the scheme (when compared with more routine MSA development) and some attempt to reflect a rural vernacular in the design of the buildings proposed and to integrate with the natural landscape is noted. However, the general density, scale and spread of development is wholly inconsistent with the prevailing undeveloped landscape. This would undermine the site's connection with Trafford's adjacent landscape and visual harm – experienced within Trafford - would result. Again, buffer planting, whilst helpful, could only serve to minimise the impacts experienced. Further policy conflict, with reference to the aims of policies R2 and L7, is reported.
- 4.26 These harms *inflicted upon this Council's area* are in addition to the list of harms that Cheshire East identified in its report to the Strategic Planning Board. In addition to the very obvious and substantive Green Belt harm, this includes the significant urbanising effect on its own protected landscape, the removal of mature trees, the loss of 13 hectares of agricultural land (of the best and most versatile quality), harm to a further heritage asset, and the proposal's failure to meet policy requirements relating to decentralised, renewable or low carbon technology.
- 4.27 Cumulatively, this constitutes a mounting list of harms and policy conflicts resulting from the proposed development. This is a further factor of most

significance to any decision-taker in the context of the claim for very special circumstances.

### **Very Special Circumstances**

- 4.28 The Government attaches great importance to Green Belts (paragraph 137 of the NPPF). It is self-evident that the proposal comprises inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147 of the NPPF). The proposal would not preserve openness (an essential characteristic of the Green Belt) and it would directly contravene with a key Green Belt purpose (by representing a permanent encroachment into the countryside). Aside from the inherent harmful impact, in practice the proposed development would harm Green Belt openness to a very considerable degree. It is a new MSA facility on the site of an existing farm. It would remove open grazing land. The proposal involves the provision of over 11,000 square metres of new floorspace contained in buildings extending up to three storeys in height. Space for approaching 900 vehicles to park has been included, together with generous vehicular access and circulation routes in order to conform with standards. The quantity of parking gives an indication of the number of visitors expected each day. The impacts of rows and rows of parked vehicles (including coaches and HGVs) would further undermine openness. Undisputedly the site would experience dramatic physical and functional change and a significant reduction in Green Belt openness is anticipated. The extent of Green Belt harm is therefore vast.
- 4.29 Inappropriate development in the Green Belt can only be justified where there are very special circumstances to override the harm to the Green Belt by reason of inappropriateness, and any other harm caused by the proposed development. There would indeed be additional harms; these harms (including, but not limited to, the Trafford borough) have been explained. They are multifarious and of varying significance but in totality they are considerable and should be afforded great weight.
- 4.30 A high bar is always required in the exercise of demonstrating very special circumstances, and rightly so. It follows that the case in favour of the proposed development would need to be extremely compelling in order for it to have any chance of success. A major element of the applicant's argument for very special circumstances is the need for an MSA in this location. However, this Council maintains that the locational characteristics of the application site have been a driving factor in the site's selection in terms of their proximity to a relatively affluent resident population. In this regard the proposal amounts to a

major out-of-town retail and leisure destination. The intention for the proposal to perform an important function in catering for motorist safety and welfare is propped up by its ability to act as a local attraction. Moreover, it has not been adequately demonstrated that any shortfall in roadside services in this location is so acute and could not be satisfied via other means. Even when allowing for the additional economic benefits arising from the proposal, as covered in the Cheshire East officer report, it is considered an entirely rational and reasonable conclusion that the case for very special circumstances cannot be corroborated.

- 4.31 The flimsiness of the very special circumstances case – on a policy matter (Green Belt) of such central importance to the workings of the planning system - is of grave concern to this Council in principle. This concern is exacerbated in the context of the adverse, cross-boundary impacts that would be inflicted on Trafford as a result.

## **5. CONCLUSIONS**

- 5.1 The purpose of this Statement of Representations has been to present and expand Trafford Council's deeply-felt objections to an application submitted to Cheshire East Council on land which adjoins the borough. Whilst the proposed development may be profiled as an MSA with premium characteristics, for this Council it represents a major out-of-town retail and leisure destination which would be highly attractive to its local population (when travelling by car). It is intended that this Statement is reviewed, alongside other relevant information, as part of an assessment as to whether the Secretary of State should exercise his call-in powers in taking over the determination of the planning application.
- 5.2 It is accepted that the Secretary of State has to take published government criteria into account when deciding whether or not to call-in a planning application. This is set out in a Written Ministerial Statement (WMS) dated 26<sup>th</sup> October 2012. This advises that the Secretary of State will, in general, only consider using the powers of call-in if planning issues of more than local importance are involved. The WMS continues by identifying some examples where this could be the case, although it is made clear that each application would be considered on its individual merits. These instances include where an application:
- May conflict with national policies on important matters;
  - May have significant long-term impacts on economic growth [and meeting housing needs] across a wider area than a single local authority (*my parenthesis added*);

- Could have significant effects beyond its immediate locality; and
- Could give rise to substantial cross-boundary, or to national, controversy.

- 5.3 Trafford's Statement of Representations has demonstrated that this MSA application falls quite plainly into the category of triggering planning issues of more than local importance. The proposal conflicts with national policy. This includes on the matter of achieving sustainable development on which the planning system – via the NPPF – is predicated. In facilitating substantial out-of-town development in a location that is, and would remain, highly inaccessible, it would individually contradict all three overarching objectives. On the environmental objective, it would profoundly impact upon the Green Belt by providing a substantive, permanent encroachment into the countryside. In doing so it would inflict harm to the natural and the historic environment. It would deliver a highly unsustainable pattern of development (with no allowance for local sustainable travel), and would run counter to crucial climate change principles associated with reducing congestion and carbon emissions and improving air quality. On the economic objective, by offering decentralised retail and leisure uses it would threaten the viability of town centres which serve as key drivers of an area's economic prosperity. On the social objective, the proposal fails to provide for inclusive use given its car-dependency and would not encourage healthy, active lifestyles.
- 5.4 Along with this widespread inconsistency on the matter of sustainable development, the proposal – in its application – is in conflict with one of the most established and effective policy tools of the planning system: the Green Belt. It is maintained that the case for very special circumstances to justify a grant of planning permission has not been fully evidenced. Whilst it is accepted that conclusions surrounding very special circumstances remain a matter for the decision-taker, in the interests of the integrity of Green Belt policy, it is considered that greater scrutiny of the argument for very special circumstances for this proposed MSA is warranted.
- 5.5 The implications of this proposal would not be confined to Cheshire East. For Trafford, the proposal could inflict a series of significant adverse impacts within this authority area to the detriment of its communities. It has been explained that this Council, with the support of the private sector, has worked hard to develop a strategy for its town centres in order to improve their future resilience against the backdrop of considerable economic and consumer change. Altrincham (the Principal Town Centre) in particular has had to diversify and in response has developed a unique and independent food, drink and retail brand. This proposal has the potential to significantly undermine the very positive

progress (including beyond Altrincham) that has been, and continues to be, made. In addition, the harm to Green Belt openness and the weakening of the Green Belt's function and purpose would also be experienced within Trafford, given the strategic and cross-boundary role that the designation plays in this location. It is to be noted that the gap between Trafford's built up area (i.e. non-Green Belt) and the development site is very considerably shorter – and thus more sensitive – than the equivalent distance affecting Cheshire East. The adverse consequences of increased traffic on local roads, elevated carbon emissions, worsening air quality and restricted accessibility would all be felt within Trafford as would heritage, landscape and visual harm.

- 5.6 Accordingly, for this Council the criteria within the WMS supports the powers of call-in being utilised in this instance. It is considered that this would be a wholly justified, fitting and proper course of action. This is in order that the Secretary of State can be assured that the planning system deals with a significant application - and one which generates a range of issues of more than local importance - in the appropriate way. To reiterate, Trafford Council would participate in any subsequent public inquiry. This Council is grateful for your consideration of its request.