

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Nathan Tonge
Euro Garages Limited
C/o Agent

Agent (if used)

Emily Robinson
Atticus Planning Limited
PO Box 247
Tavistock
PL19 1FJ

Part 1 – Particulars of the application/development

Proposal: Erection of new filling station with ancillary retail store (sui generis) with drive through cafe (Class E) following demolition of existing

Location: 332 Cheetham Hill Road, Manchester, M8 0PL

Date of application: 25 August 2022

Application number: 134484/FO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

1, 8, 9,10, 11, 12, 13, 14, The Planning Statement and Retail Impact Statement by Atticus Planning and The Tree Survey by DEP Landscape Architecture, The Flood Risk Assessment 501 Rev A and 500, and the Drainage Strategy Report, Ground Survey

Plans by Envirocheck, The Environmental Site Assessment by GEO 2, Borehole Log by GEO 2, The Transport Assessment by EG Group Limited, stamped as received on the 25 July 2022, Drawing Number 7c, stamped as received on the 25 August 2022, and 01 rev C, 16 and 6b, stamped as received on the 1 November 2022, the Air Quality Assessment by Redmore Environmental, stamped as received on the 12 September 2022, The Site Access Model Junction 9 Report and The Site Egress Model Junction 9 Report by TRL and Base Flow Details by Dynamic Transport Planning, stamped as received on the 14 December 2022. The Noise Assessment By Dragonfly Consulting and the Ecology Report by Rachel Hacking Ecology, The Litter Management Plan by the EG Group and The Waste Proforma, stamped as received on the 15 August 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No above ground works shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and extant policy DC10 of the Unitary Development Plan for the City of Manchester.

5) Prior to the commencement of development, a demolition and construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Measures to control noise,
Dust suppression measures (measures recommended in table 18 of the Redmore AQ assessment dated 31st August 2022 reference 5753r1 which should be directly included within the contractors CMP)
Compound locations where relevant;
Details of an emergency contact telephone number;
A community consultation plan and;

Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

6) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Petrol Filling Station and Associated Retail Use : 24 hours as applied.

The Drive Through : 07:00 to 23:00 Monday to Saturday, 09:00 to 23:00 Sunday and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policies DC10 and DC26 of the Unitary Development Plan.

7) a) Before the use hereby approved commences external lighting shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

8) a) Externally mounted ancillary plant, equipment and servicing including any ancillary equipment associated with the petrol filling station shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

9) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

10) a) Prior to commencement of the development, mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the City Council as local planning authority: A scheme for electric vehicle charging shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

11) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a

Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the

development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason-To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Additionally, that the current works shall not compromise the protection afforded by earlier remedial measures the existing development has had installed as part of planning permission 134484FO/2022 Pursuant to policies DM1 and EN18 of the Core Strategy.

12) The cycle storage arrangements, shall be carried out in accordance with the drawing number 16, stamped as received by the City Council, as Local Planning Authority, on the 1 November 2022. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

13) Notwithstanding the details of the Servicing Management Strategy contained within the Transport Assessment by EG Group Limited, stamped as received by the City Council, as Local Planning Authority on the 25 July 2022. Further details for the management of refuse vehicles servicing the site shall be provided for approval to the City Council, as Local Planning Authority prior to first occupation of the development and remain in place for as long as the development remains in use.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

14) The development hereby approved shall be carried out in accordance with the Transport Assessment by EG Group Limited, stamped as received by the City Council, as Local Planning Authority, on the 25 July 2022.

In this condition a Staff Travel Plan means a document which includes:

- o A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- o Appropriate management structures;
- o Detailed time frames for the delivery;
- o Handover arrangements for the travel plan or its components when the developer's responsibility ceases; and
- o Targets and monitoring arrangements.

Ideally the full Travel Plan should include tailored measures to overcome specific barriers,

or take advantage of opportunities, presented by the site.

In order to encourage sustainable journeys to mitigate the traffic impact of the development, through the Travel Plan, incentives should be offered to staff such as concessionary bus fares, discounted cycles, journey planning etc.

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

15) A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality.

It is also requested the applicant provides a dilapidation survey as part of the Construction Management Plan document. The survey should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Reason-To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

16) The hard and soft landscaping scheme (including replacement tree planting) shown on drawing referenced 01C, received by the City Council as Local Planning Authority on 1 November 2022, shall be implemented not later than 12 months from the date of commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

17) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

In order to avoid/dischage the above drainage condition the following additional information has to be provided:

Final surface water drainage layout including all components, levels, connectivity and proposed overland flow routes for extreme events.

Where pumped discharge is proposed, evidence that a gravity solution to drain the site is not feasible.

Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;

Updated agreement in principle from United Utilities on the proposed connection point. An email of acceptance of new connection will suffice.

Hydraulic calculations to support the drainage proposal.

Details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

18) The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing P15633/500, Rev A- Dated 07/2022 which was prepared by Goodson Associates. For the avoidance of doubt surface water must drain at the restricted rate of 7.5l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding pursuant to policy EN17 of the Core Strategy.

19) No development approved by this planning permission shall commence until a scheme, with regards to protection of controlled waters, for the management of pollution risks associated with operation of the fuel filling station has been submitted to, and approved

in writing by, the local planning authority. The scheme submitted shall include and address the following components:

- o A Feasibility Assessment that addresses the design and risks related to the storage of hydrocarbons in underground tanks within the extent of the proposed development site.
- o Full details of the fuel storage tank(s) design and associated infrastructure including fuel delivery pipework and containment.
- o Full details of any excavation work, if required, to facilitate the installation of fuel storage and associated infrastructure.
- o Full details of drainage infrastructure within the forecourt and tanker off-loading areas, including details of any contaminant entrainment/monitoring intended.
- o Information relating to the leak detection system, its monitoring and maintenance.

Any changes to components of the scheme shall require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason -To ensure that risks associated with the construction and subsequent operation of proposed development can be suitably managed and will not result in adverse impact to the water environment, in line with paragraph 174 of the National Planning Policy Framework and pursuant to policy EN17 of the Core Strategy.

20) No development approved by this planning permission shall commence until a report detailing the condition, history and, where relevant, scheme for decommissioning of all existing fuel storage tank(s) and associated infrastructure, has been submitted to, and approved in writing by, the local planning authority. The report/scheme submitted shall include:

- o Details of existing storage tank condition including evidence/results of integrity pressure testing undertaken.
- o Details of existing fuel storage infrastructure condition
- o Review of the storage tank history - wet stock records for existing tank(s)
- o Records of any historic contamination events (leakages) associated with the existing tanks(s) and associated infrastructure and, where known, adjacent, any down-gradient groundwater sampling undertaken to understand extent of event impact.
- o Where relevant, a detailed methodology for the decommissioning of fuel tanks and associated infrastructure.

Any changes to components of the report/scheme shall require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason- To ensure that the proposed petrol filling station does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements D2 and D3 of the 'The Environment Agency's approach to groundwater protection', and pursuant to policy EN17 of the Core Strategy for Manchester.

21) Prior to occupation of the development hereby approved, a scheme for the enhancement of the biodiversity on site, shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed scheme shall be implemented in accordance with a timescale to be agreed and retained and maintained thereafter.

Reason -To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

22) Prior to above ground development commencing, an Environmental Standards Statement shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and approved measures shall be implemented in the construction of the approved development.

Reason - In order to minimise the environmental impact of the development, pursuant to policies DM1 and SP1 of Manchester's Core Strategy and the National Planning Policy Framework.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Lighting from illuminated signage shall be designed and installed so as to control glare and overspill onto nearby properties.

The signage will need to be selected and installed to ensure they are auto dimmable so to not exceed 300cd/m² during the hours of darkness

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Cheetham Hill Road and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

Any redundant vehicle crossover / access points will need to be reinstated. This should be undertaken as part of a Section 278 agreement.

It is requested that the footway on Cheetham Hill road is resurfaced. This should be undertaken as part of a Section 278 agreement.

It is also requested that the existing TROs are assessed and where necessary a TRO refreshment undertaken.

The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors (please see www.designforsecurity.org/secured-by-design/ or www.securedbydesign.com for more information).

Developments that are built to this standard are less likely to be susceptible to crime.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces and all petrol/diesel pumps on the forecourt.

Signage should be displayed to indicate the areas of the premises that are restricted to staff only.

Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only.

Dusk till dawn lighting should be installed above all external doors.

The building should be covered by a monitored intruder alarm with a panic alarm function for lone works/out of hours staff.

Date: 21 March 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024