



ATTICUS PLANNING

Address: PO Box 247, Tavistock, PL19 1FJ

Telephone: 01822 270 020

Email: hello@atticusplanning.co.uk

Website: www.atticusplanning.co.uk

**ESSO EG SHIRLEY
CHEETHAM HILL ROAD
CHEETHAM HILL
MANCHESTER
M8 0PL**

**PROPOSED DEMOLITION OF EXISTING PETROL FILLING STATION &
CONSTRUCTION OF NEW FILLING STATION & DRIVE THROUGH CAFÉ**

SEQUENTIAL ASSESSMENT

JULY 2022

REPORT CONTROL SHEET

Document Title	Sequential Test
Proposal	Proposed demolition of existing petrol filling station and construction of new filling station and drive through café
Address	ESSO EG Shirley, Cheetham Hill Road, Cheetham Hill, Manchester, M8 0PL
Client	Euro Garages Limited
Project Number	AP21029

Author:	Checked By:	Date:	Status:	Revision:
Emily Robinson		15/07/2022	Final	

CONTENTS

1	INTRODUCTION.....	1
2	PLANNING POLICY CONTEXT	2
3	SEQUENTIAL TEST	3
3.1	LEGAL CONTEXT	3
3.2	AVAILABILITY	4
3.3	SUITABILITY	4
3.4	VIABILITY	5
3.5	ASSESSMENT	5
3.6	SUMMARY	10
4	CONCLUSION	11

1 INTRODUCTION

- 1.1.1 Atticus Planning is retained by Euro Garages Limited to obtain planning permission for the proposed demolition of existing petrol filling station and construction of new filling station and drive through café at ESSO EG Shirley, Cheetham Hill Road, Cheetham Hill, Manchester, M8 0PL.
- 1.1.2 The application is made to Manchester City Council as the Local Planning Authority (LPA), is submitted in full, and relates to the parcel of land outlined in red on the submitted Location Plan. The supporting Planning Statement provides a detailed description of the site and review of relevant planning policies.
- 1.1.3 As part of the application, the applicant is required to undertake a sequential test as the proposed drive through café, being a main town centre use, is proposed outside of a defined centre. The test has been carried out in accordance with Paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) (2021) and Policy C 9 'Out-of-centre development' of the Manchester Core Strategy (2012).
- 1.1.4 This statement provides the results of this test in the context of relevant planning policy.

2 PLANNING POLICY CONTEXT

- 2.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in NPPF 2021.
- 2.1.2 The statutory development plan for the site consists of the Manchester Core Strategy (2012) and saved policies within the Unitary Development Plan (UDP) (saved 2012). Material considerations comprise national policies set out within the NPPF (2021), as well as the Manchester City Council's Guide to Development in Manchester Supplementary Planning Document (2007).
- 2.1.3 Where an out-of-centre site is being put forward for a main town centre use, Policy C 9 of the Core Strategy requires applicants to undertake a sequential assessment of available sites which can accommodate the development within the area's designated centres, as per the Council's retail hierarchy set out at Policy C 1 'Centre Hierarchy', or within allocated retail sites.
- 2.1.4 Paragraphs 87 and 88 of the NPPF provide a further policy framework against which the proposal will be adjudged and explain how a sequential assessment should be applied. They state that:

"87. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

3 SEQUENTIAL TEST

3.1 Legal Context

- 3.1.1 In line with policy, as the proposed development includes a town centre use in an out-of-centre location, it is necessary to demonstrate that there are no available, suitable and viable sequentially preferable sites that could accommodate it.
- 3.1.2 It is important at the outset to correctly interpret and apply the sequential test, taking into account case law and relevant appeal decisions. For example, as highlighted in the case of *[2012] UKSC 13 - Tesco Stores Limited (Appellants) v Dundee City Council*, the Supreme Court ruled that “suitable” means “suitable for the development proposed by the applicant” and the Secretary of State in the Rushden appeal decision (APP/G2815/V/12/2190175, June 2014), has confirmed that the sequential test needs to be considered in the context of the specific development proposed by the applicant, and not simply a “class of goods” approach or some attempt at disaggregation that might otherwise seek to accommodate elements of the proposed development on a smaller, sequentially preferable site. Whether, therefore, a site is considered suitable for the commercial requirements of a developer/retailer, clearly needs to be considered in light of the specific application proposal. The two decisions referred to above assist when applying the sequential test.
- 3.1.3 Whilst we acknowledge the requirement for some flexibility in applying the sequential test, as referred to in the National Planning Guidance, this needs to be applied sensibly in the context of scale and format, as it is clearly not the purpose of national or local planning policy to require a developer to seriously compromise their proposal by requiring them to disaggregate it into its constituent parts. Indeed, the Secretary of State in the *Rushden* decision expressly acknowledged that the NPPF does not require an applicant to disaggregate in any way a specific development proposal. In reality, therefore, whilst there may be some limited scope to reduce the scale of the proposed development, it would be wholly unreasonable to expect the applicant/retailer to amend a proposal by splitting up its key component parts, to the extent that it no longer meets their business requirement and becomes unviable.

- 3.1.4 Based on the above, it is therefore necessary to consider the proposed development as a whole for which full planning permission is sought, within which the main town centre use comprises the drive through café.

3.2 Availability

- 3.2.1 The NPPF (Paragraph 24) helpfully sheds light on the correct interpretation of this aspect of the test, and simply asks whether town centre or edge of centre sites are “available”. Importantly, it does not ask whether such sites are likely to become available during the remainder of the plan-period. Put simply, the correct approach is to ascertain whether a site is available now, rather than speculate if a site may become available at some indeterminate future date.

3.3 Suitability

- 3.3.1 Suitability relates to whether the proposed development can be reasonably and successfully located at a particular site. There are a number of key considerations in this respect.
- 3.3.2 Firstly, as previously indicated, the test is only relevant in the context of the “requirement” the proposed development will meet – in this case a drive through café on a main arterial A-road, a road side facility which will meet the food and drink needs of passing motorists, as well as local residents and workers. The site also must be for sale, as opposed to being offered up on a leasehold basis.
- 3.3.3 Secondly, the basic business requirement of the applicant, who is to remain owner and operator of both the petrol station and drive through café, is of fundamental importance. Significant in this respect is the current requirement for both the café and petrol station buildings to be of a certain size and internal configuration as well as being able to maintain a certain level of car parking, as well as circulation space and pick-up areas for the drive through unit. Therefore, a development of broadly the same size and format as proposed is essential; units materially smaller with reduced parking numbers and no space for a drive through lane would not meet the applicant’s business needs.
- 3.3.4 Also, to reiterate, planning policy cannot require a proposal to be split up between separate sites. The NPPF does not require “disaggregation”, as evidenced by the *Rushden* decision.

3.4 Viability

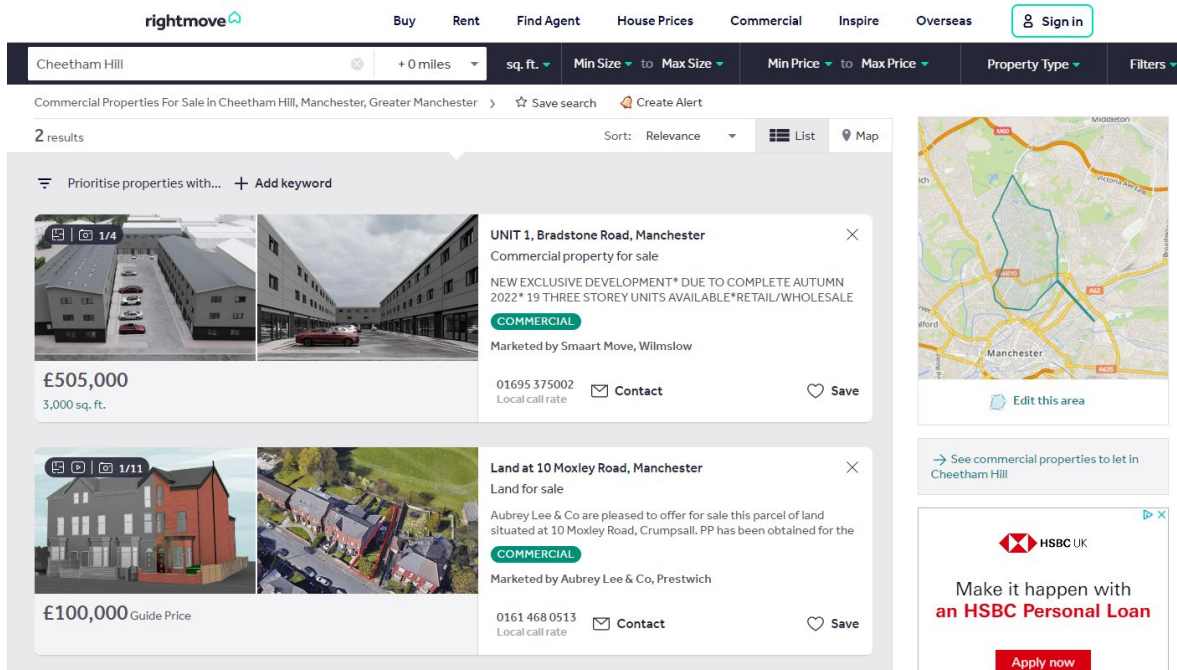
3.4.1 Sites should not present any obvious economic obstacles to the proposed development.

3.5 Assessment

3.5.1 A search of potential alternative, sequentially preferable sites for sale within the District Centres of Cheetham Hill and Harpurhey and Local Centre of the Lansdowne Road / Crumpsall Lane has also been carried out. Cheetham Hill is by far the most obvious centre to focus upon, being only 250m from the site to the north west, but the other two centres have been covered for robustness. In addition, a search of property and land within the allocated retail site at Cheetham Hill Road / Queens Road / Elizabeth Street (as per Policy CC18 of the UDP) has also been undertaken.

3.5.2 The search was carried out on 13th July 2022 using the commercial property search tool on websites Rightmove, PrimeLocation and Zoopla. The application site area is 0.27 hectares and a search of sites in broadly the same size have been undertaken.

3.5.3 Screenshots of the search results are included below, starting with Rightmove then followed by PrimeLocation and Zoopla.



The screenshot displays the Rightmove website interface for a commercial property search in Cheetham Hill, Manchester. The search parameters are set to 'Cheetham Hill' with a radius of '+ 0 miles'. The results are sorted by 'Relevance' and show 2 results. The first result is 'UNIT 1, Bradstone Road, Manchester', a commercial property for sale at £505,000 (3,000 sq. ft.). The second result is 'Land at 10 Moxley Road, Manchester', a land for sale at £100,000 (Guide Price). A map on the right shows the location of the search area in Cheetham Hill, Manchester.

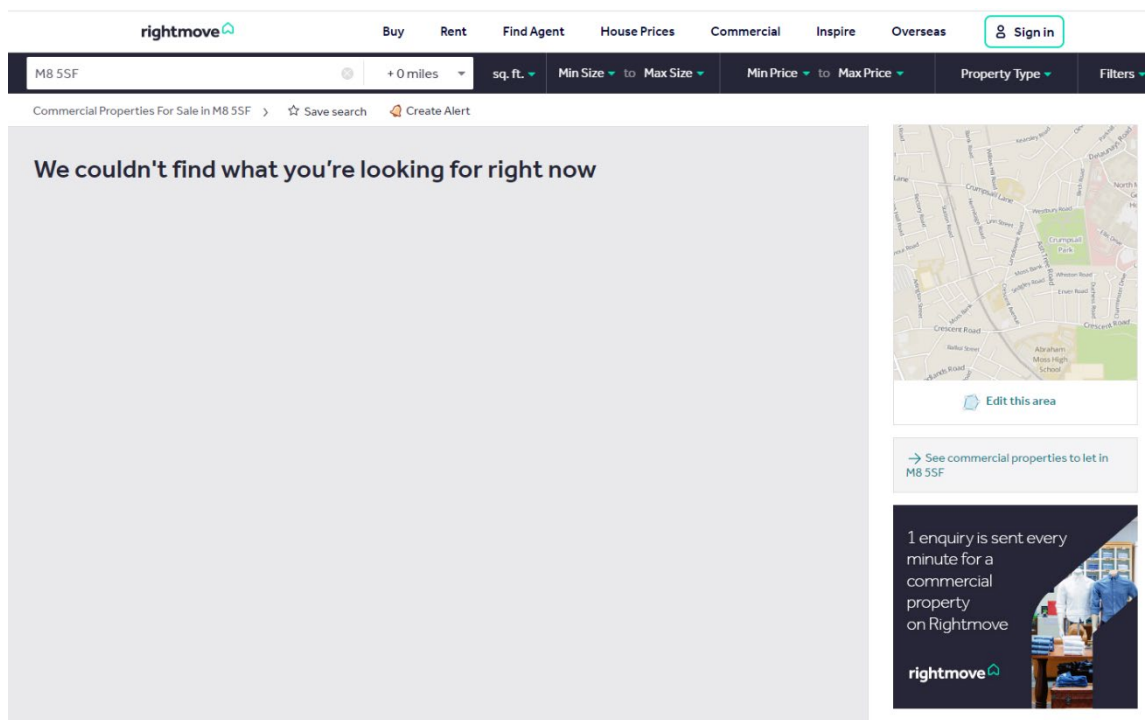
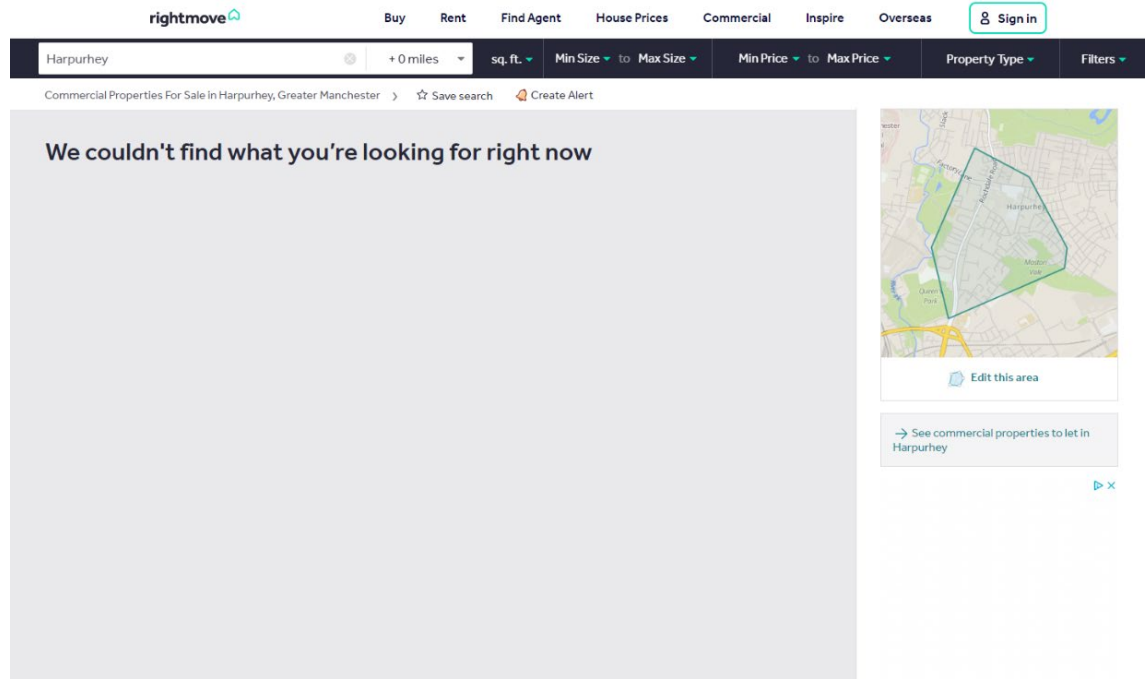


Figure 1: Rightmove results for Cheetham Hill District Centre, Harpurhey District Centre and Lansdowne Lane Local Centre

3.5.4 As can be seen at Figure 1, the search via Rightmove showed no commercial sites for sale within any of the three centres.



Find your dream home

[Sign in/Register](#)

[For sale](#)
[To rent](#)
[Sold prices](#)
[New homes](#)
[International](#)
[Find agents](#)

[Property for sale](#)
[Commercial property for sale](#)
[New homes](#)
[Commute time](#)
[International property for sale](#)
[Find estate agents](#)
[Help to buy scheme](#)

PrimeLocation > Commercial for sale > Greater Manchester > Manchester > Ancoats > Cheetham Hill Road property for sale

Commercial properties for sale in Cheetham Hill Road, Manchester M8

No results found [☆ Save your search](#) [🔔 Get instant alerts](#) [📑](#) [🗪](#) [📍](#)

Sorry, we were unable to locate any results matching your search criteria. Please amend your search options or try searching again.

Are you interested in?

- [Property for sale in Manchester](#)
- [Sold house prices in Manchester](#)
- [Local agents in Manchester](#)

Narrow your search by property type

- [All commercial properties for sale in Manchester](#)
- [Offices for sale in Manchester](#)
- [Retail premises for sale in Manchester](#)
- [Industrial for sale in Manchester](#)
- [Leisure/hospitality for sale in Manchester](#)



Find your dream home

[Sign in/Register](#)

[For sale](#)
[To rent](#)
[Sold prices](#)
[New homes](#)
[International](#)
[Find agents](#)

[Property for sale](#)
[Commercial property for sale](#)
[New homes](#)
[Commute time](#)
[International property for sale](#)
[Find estate agents](#)
[Help to buy scheme](#)

PrimeLocation > Commercial for sale > Greater Manchester > Manchester > Harpurhey property for sale

Commercial properties for sale in Harpurhey

No results found [☆ Save your search](#) [🔔 Get instant alerts](#) [📑](#) [🗪](#) [📍](#)

Sorry, we were unable to locate any results matching your search criteria. Please amend your search options or try searching again.

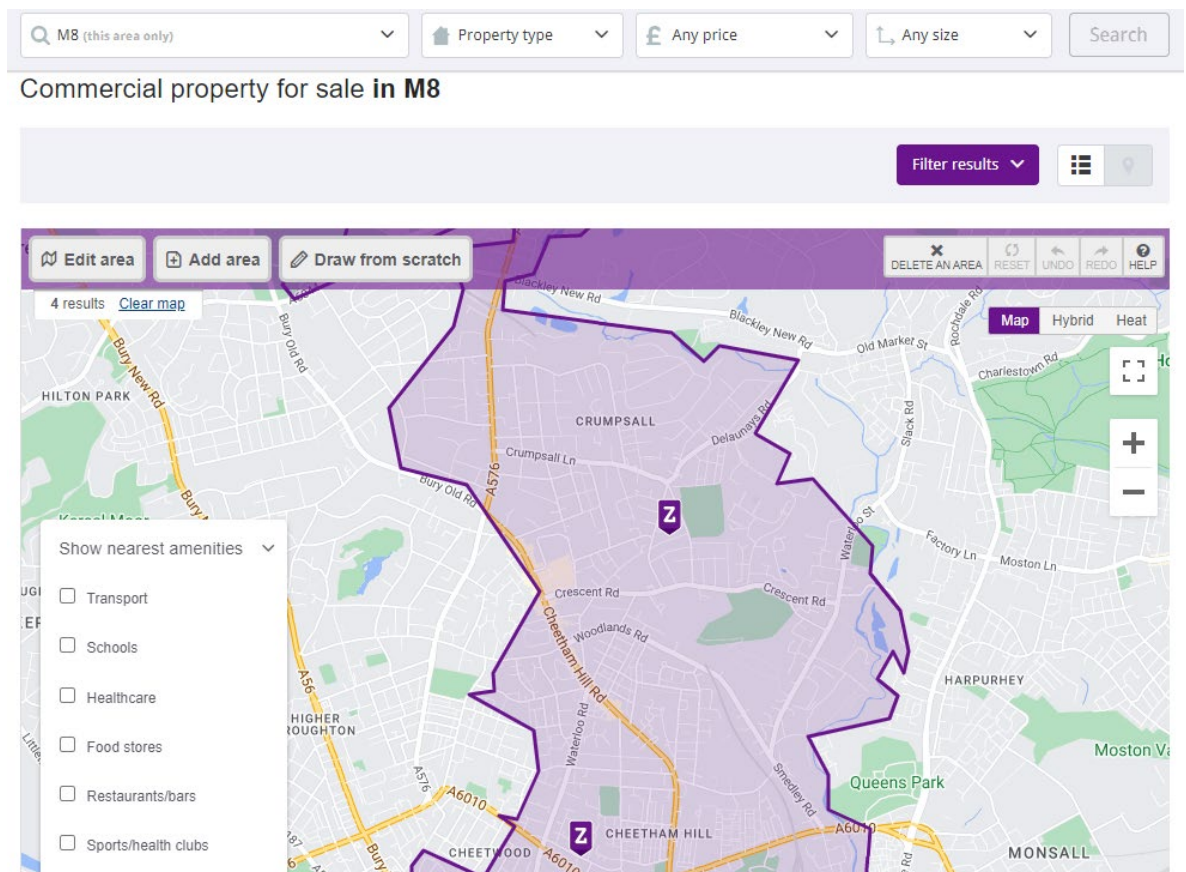
Are you interested in?

- [Property for sale in Manchester](#)
- [Sold house prices in Manchester](#)
- [Local agents in Manchester](#)

Narrow your search by property type

- [All commercial properties for sale in Manchester](#)
- [Offices for sale in Manchester](#)
- [Retail premises for sale in Manchester](#)
- [Industrial for sale in Manchester](#)
- [Leisure/hospitality for sale in Manchester](#)

3.5.5 As can be seen at Figure 2, the search via PrimeLocation showed no commercial sites for sale within any of the three centres.



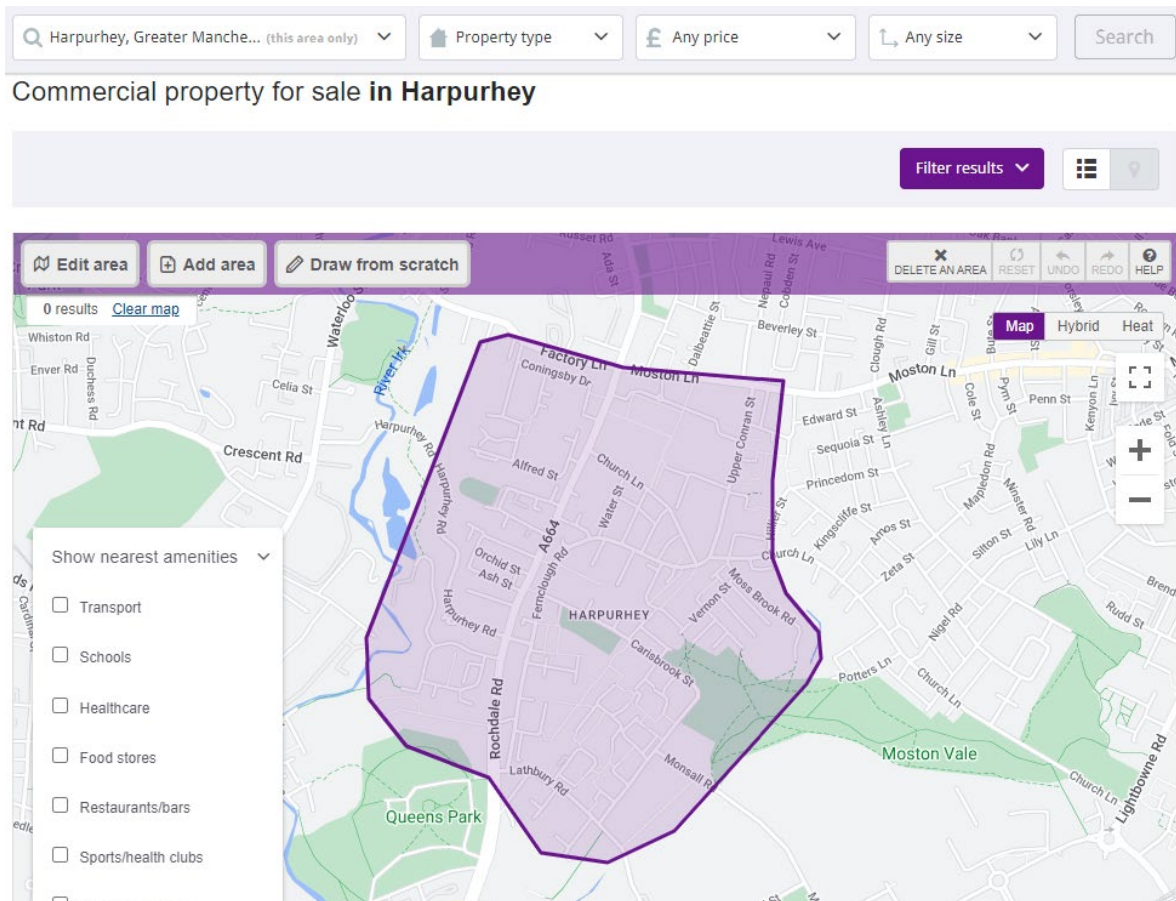


Figure 3: Zoopla results for Cheetham Hill District Centre, Harpurhey District Centre and Lansdowne Lane Local Centre

3.5.6 As can be seen at Figure 3, the search via Zoopla appears to show a property for sale close to the Lansdowne Road / Crumpsall Lane Local Centre, however, this listing's true location is north of Vale Mill Ltd Crumpsall, postcode M8 5UG, which is not within or on the edge of any of the defined centres.

3.5.7 Regarding the retail allocation at Cheetham Hill Road / Elizabeth Street / Queens Road, which is centred around the Manchester Fort Shopping Centre, according to Rightmove, PrimeLocation or Zoopla, there are no properties for sale within it. PrimeLocation lists this property

https://www.primelocation.com/for-sale/commercial/details/60279425/?search_identifier=9fc219f587b0b2184349e952b132581c for sale and Rightmove lists this plot

https://www.rightmove.co.uk/properties/121848002#/?channel=COM_BUY, both of which are in quite close proximity to the allocated site, but neither are considered suitable for the following reasons. Firstly, both sites are not within an identified centre or allocated site, nor are they on the immediate edge of one and therefore offer no better prospects

than the application site. Secondly, UDP Policy CC18 states that the Council does not normally permit the expansion of retail uses in the area around the Cheetham Hill Road / Elizabeth Street / Queens Road allocated site. Thirdly, the site on Rightmove covers a development of 19, recently constructed, purpose built retail / wholesale units which by their very nature are unsuitable whilst the one on Zoopla is earmarked for a residential development and the site area is too small.

- 3.5.8 Of course, if a suitable site were to become available within any of the centres or allocated retail site identified at Paragraph 3.5.1 during the course of the application, the applicant will review them as appropriate. It is considered unlikely that such a site would become available, owing to the fact all three centres and the retail allocation are heavily built up, with the former comprising mostly terraced properties, with the latter consisting largely of a purpose built retail park where drive through units are already in existence.

3.6 Summary

- 3.6.1 It is clear that there are no sites identified in our sequential search that are suitable, available and viable to accommodate the application proposal.
- 3.6.2 Based on the above, it is considered the proposal passes the sequential test and compliance with CS Policy C 9 can be achieved.

4 CONCLUSION

- 4.1.1 It has been concluded that there are no sequentially preferable sites currently available within the identified centres and retail allocation.
- 4.1.2 It is considered that a satisfactory sequential test has been carried out to demonstrate compliance with Paragraphs 87 and 88 of the NPPF and it is clear that planning permission for the proposed development should not be withheld on sequential grounds.