

Planning Department
Manchester City Council
PO Box 532
Manchester
M60 2LA

Our ref: 20-00934
Date: 19 January 2023

Dear Sir/Madam,

Re: Application for the Variation of Planning Condition 33 under Section 73 of the 1990 Town and Country Planning Act (as amended) pursuant to Planning Permission 130189/FO/2021 at Fallowfield Retail Park, Birchfields Rd, Manchester M14 6FS

On behalf of Lidl Great Britain Limited ('Lidl') we are instructed to submit a S73 Planning Application in respect of the above site. This planning application proposes to vary Condition 33 of Planning Permission Ref. 130189/FO/2021, which was approved on 12th May 2022.

We enclose the following documents relevant to the planning application, which was submitted via the Planning Portal (PP-11857177) on 19th January 2023:

- Completed Planning Application Forms; and
- Application Covering Letter (this letter) dated 19th January 2023.

The planning application fee of £234.00 has been paid through the Planning Portal website.

Site and Surroundings

The application site forms the southern extent of the existing retail park. Fallowfield Retail Park is bound by Birchfields Road to the west, Moseley Road to the south, railway lines to the east. The wider area surrounding the site is contains a mixture of residential and educational institutions to the west and north, commercial units to the south; and railway lines to the east.

Relevant Site Planning History

A search of the Council's online planning register revealed a long planning history, with the key applications summarised in the table below.

Reference	Description	Decision
038328	Erection of non-food retail buildings, garden centre and restaurant	Withdrawn 10 th July 1991

042615	Erection of buildings to form a neighbourhood shopping centre including a restaurant/leisure facility with 303 vehicle parking spaces after demolition of existing bus depot	Approved 21 st January 1993
043793/MO/CENTL2/93	Erection of a neighbourhood shopping centre comprising 8 retail units and a "drive-thru" restaurant including 258 car parking spaces after demolition of existing bus depot	Approved 23 rd September 1993
070183/OO/2003//N2	OUTLINE APPLICATION for siting and means of access to increase shopping floorspace by 614 sqm with alterations to car park	Approved 18 th February 2004
076259/FO/2005/N2	Erection of a detached single storey retail unit (500 sqm) adjacent to Blockbusters involving alterations to car park and landscaping	Withdrawn 13 th September 2005
079605/FO/2006/N2	Erection of single storey building (494sqm total) comprising class A1 retail use. Associated alterations to existing parking and landscaping	Approved 3 rd August 2006
090133/FO/2009/N2	Change of use of retail unit (Class A1) to health centre (Class D1) and associated external alterations	Approved 16 th July 2009
128975/DEM/2020	Prior Approval for the demolition of the overhead canopy relating to units 3 and 4 Fallowfield Shopping Centre Birchfields Road Manchester M14 6FS	Approved 26 th January 2021
131990/DEM/2021	Prior Approval for the demolition of units 4-8 and 10 at Fallowfield Shopping Centre	Approved 25 th November 2021
130189/FO/2021	Demolition of existing units 4, 5, 6, 7, 8, and 10 and erection of a single storey building to form new retail foodstore (Use Class E) and separate hot food delivery unit (sui generis) with associated car parking and landscaping.	Approved 12 th May 2022
CDN/22/0687	Discharge of condition numbers 12 (Cycle Parking), 18 (Car Park Management) and 30 (noise management plan) from Planning Permission 130189/FO/2021	Approved 26 th October 2022
134931/JO/2022	Variation of condition 10 (servicing hours) attached to planning permission referenced 130189/FO/2021 to allow servicing Monday to Sunday (including Bank Holiday) 05:00 to 00:00 hrs	Refused 21 st November 2022

The Proposal

Condition 33 states:

"Prior to the commencement of above ground works, full details of all necessary offsite highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

- *The provision of signal-controlled pedestrian facilities at the Birchfields Road access junction;*
- *Bus stop improvements to the nearest bus stops to the site. Namely, seat provision;*
- *Improvements to pedestrian routes serving the development the north and east of the site, including the path along the boundary between the retail park and the neighbouring school, the route that leads to the halls of residence (Unsworth Park), the uncontrolled crossing at Kingsway/Moseley Road roundabout. The improvements shall entail new dropped kerbs and tactile pavement to crossing points and the resurfacing of the central crossing section across the central reserve adjacent to the Kingsway/Moseley Road roundabout.*

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation."

Further to the ongoing discussions and subsequent to the meeting held between the Council, the Highways Authority, TfGM and the applicant in January 2023, the applicant wishes to amend the wording of the condition to the following:

"Prior to occupation, full details of all necessary offsite highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

- *The provision of signal-controlled pedestrian facilities at the Birchfields Road access junction;*
- *Bus stop improvements to the nearest bus stops to the site. Namely, seat provision;*
- *Improvements to pedestrian routes serving the development the north and east of the site, including the path along the boundary between the retail park and the neighbouring school, the route that leads to the halls of residence (Unsworth Park), the uncontrolled crossing at Kingsway/Moseley Road roundabout. The improvements shall entail new dropped kerbs and tactile pavement to crossing points and the resurfacing of the central crossing section across the central reserve adjacent to the Kingsway/Moseley Road roundabout.*

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation."

Whilst positive progress has been made between the parties with respect to the offsite highway works referenced within this condition, this has taken slightly longer than originally anticipated. Therefore, the applicant wishes to amend the condition submission timing requirements to allow for construction progress to be made on site which will assist the delivery of the project. A variation to the timing of Condition 33 is proposed on this basis.

Planning Policy

National Planning Policy

The Government published the latest iteration of the National Planning Policy Framework (NPPF) in July 2021. The document confirms that the purpose of the planning system is to contribute to the achievement of sustainable development via three overarching objectives: an economic objective, a social objective and an environmental objective.

Paragraph 11 of the NPPF requires Local Planning Authorities to apply a presumption in favour of sustainable development during decision-making. This means that authorities should approve development proposals that comply with relevant policies without delay. Where there is an absence of relevant development plan policies or if the policies are out-of-date, planning permission should be granted unless:

- i. *“The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or*
- ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Turning to planning conditions and obligations, **Paragraph 56** states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

In building a strong and competitive economy, **Paragraph 81** requires Local Planning Authorities to place significant weight on the need to support economic growth and productivity by taking into account local business needs.

Paragraph 174 relates to conserving and enhancing the natural environment and states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia:

- Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should, wherever possible, help to improve local environmental conditions.

Local Planning Policy

The adopted Development Plan for Manchester City Council consists of the ‘Saved policies’ of the Unitary Development Plan for the City of Manchester (1995) and Manchester Core Strategy (2012). The following policies are considered to be relevant to the proposed development:

Policy DM1 (Development Management) states that all proposals for new development should have regard to:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding area in terms of design, scale and appearance as well as character;
- Effects on amenity including privacy, light, noise, air quality and litter;
- Accessibility by sustainable modes of transport and for disabled people;
- Community safety and crime prevention;

- Vehicular access and car parking;
- Ecology, flood risk and drainage; and
- Refuse storage and collection.

Assessment and Conclusion

Condition 33 attached to Planning Permission ref: 130189/FO/2021 requires the full details of all off site highways works to be submitted and agreed prior to the commencement of any above ground works.

To enable progress to be made on site, whilst discussions are ongoing, the applicant is proposing to amend the condition timing. The change would allow for the full details of the offsite highways works to be submitted and agreed prior to occupation.

The proposal will not change the requirements of the condition, only the timing, and it is therefore considered to be in accordance with local and national policy. On this basis, it is considered that this application for the variation of Planning Condition 33 is acceptable in principle.

We trust that the information submitted in support of the application is all deemed to be satisfactory, and we look forward to confirmation of early validation and determination of the application. However, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact the undersigned.

Yours faithfully,


J Ambrus (Jan 19, 2023 15:47 GMT)

Joshua Ambrus
MPLAN MRTPI
Senior Planner
joshua.ambrus@rapleys.com
07467 955284