

Our Ref: 20-00934

12 September 2022

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Dear Sir/Madam,

Re: Application for the Variation of Planning Condition 10 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 10 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 (Ref: PP-11541752) on 12th September 2022:

- Completed Planning Application Forms;
- Application Covering Letter (this letter) dated 12th September 2022;
- Noise Assessment Addendum, prepared by Miller Goodall; and
- Decision Notice for Application Ref. 130189/FO/2021.

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 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	Decision Date
038328	Erection of non-food retail buildings, garden centre and restaurant	Withdrawn	10 th July 1991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/22/0379	Discharge of conditions 22 (BAPA), 24 (fume extraction) and 35 (ground	Pending	

floor structures) attached to
planning permission referenced
130189/FO/2021

The Proposal

Delivery hours are restricted by Condition 10 attached to Planning Permission Ref: 130189/FO/2021 which states:

“10) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

*07.30 to 20.00 hrs Monday to Saturday;
No deliveries/waste collections on Sundays and Bank Holidays.”*

The proposed Variation is sought:

“Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

05:00 to 00:00 Monday to Sunday (including Bank Holiday)”

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

This section assesses whether the proposal is policy compliant on both a national and local level.

Delivery hours are restricted by Condition 10 attached to Planning Permission Ref: 130189/FO/2021. As previously set out, the Condition states:

"10) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

07.30 to 20.00 hrs Monday to Saturday;

No deliveries/waste collections on Sundays and Bank Holidays."

The proposal seeks permission to allow the proposed Lidl foodstore to extend the permitted delivery hours. Varying Condition 10 will allow the proposed Lidl store to receive a necessary delivery on a Sunday and a Bank Holiday within the permitted delivery hours. No deliveries on a Sunday and a Bank Holiday causes operational issues for the store and make servicing the proposed store difficult.

Policy DM1 states that planning proposals should have regard to effects on amenity including privacy, light, noise, air quality and litter.

The application is therefore supported by an Addendum Noise Report, prepared by Miller Goodall. Noise from deliveries was assessed and worst-case noise monitoring was undertaken at the site to determine whether extended delivery hours were possible at the site. The Noise Addendum concludes that the impact of

deliveries from noise emissions from the proposed Lidl store is low when assessed to BS 4142:2014+A1:2019 and it is considered that extended delivery hours are appropriate for the site and the condition (10) can be amended.

The assessment has determined that delivery hours between 05:00 to 00:00 Monday to Sunday, including bank holidays would be acceptable at the site.

On a national level, paragraph 174 of the NPPF states that *“decisions should contribute to and enhance the natural and local environment by prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution”*. Therefore, in light of the above Noise Impact Assessment conclusion, it is considered that this variation of condition would be in accordance with Paragraph 174.

In addition, the proposal is considered to be in accordance with Paragraph 81 of the NPPF, where planning decisions should help create the conditions where businesses can expand and adapt. The proposal will also increase economic growth and productivity of the store, which in terms of the NPPF should be given significant weight.

Conclusion

After consideration of relevant planning policy at national and local level, it is deemed that this application for the variation of Planning Condition 10 is acceptable in principle. The application will not create an unacceptable impact upon the amenity of neighbouring properties and is therefore considered acceptable in planning terms.

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 (Sep 12, 2022 15:16 GMT+1)

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