RAPLEYS

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

Our ref: 20-00934
Date: 13 February 2026

Dear Sir/Madam,

Re: Application for the Variation of Planning Conditions 9 & 11 under Section 73 of the 1990 Town and Country Planning Act (as amended) pursuant to Planning Permission 139751/FO/2024 at Fallowfield Retail Park, Birchfields Rd, Manchester M14 6FS.

We are instructed to submit a S73 planning application on behalf of Lidl Great Britain Limited ('Lidl') at the abovementioned site.

The planning application fee in the amount of £586.00 has been paid via the Planning Portal (PP-14701889) on 13 February 2026.

In addition, we would be grateful if you could take into account the contents of this letter in determining the application.

We enclose the following documents relevant to the planning application:

- Completed Planning Application Forms;
- Application Covering Letter (this letter) dated 13 February 2026; and
- Noise Assessment, prepared by Miller Goodall.

Site and Surroundings

The application site forms the southern extent of the existing Fallowfield 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.

Planning History

A review of Manchester City Council's online planning records has revealed the following planning applications, which are deemed to be of relevance to this planning application.

Planning Application Reference	Description of Development	Decision	Date of Decision
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	12th May 2022

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139751/FO/2024	Erection of a new foodstore (Use Class E) and 1no. retail unit (Use Class E) and 1no. hot food delivery unit (sui generis) with associated car parking and landscaping.	Approved	26th July 2024

The Proposal

Planning Permission Ref. 139751/FO/2024, includes Conditions 9 and 11 which imposes opening and delivery hours restrictions on site. Planning permission is sought to vary the wording of both conditions.

Condition 9 is currently worded to permit opening hours to the following:

> *"The retail units (Class E) hereby approved shall not be open outside the following hours:-*
>
> *07:00 to 23.00 hrs Monday to Sunday;*
> *10.00 to 17.00 hrs Sundays and Bank Holidays"*

The following variation is sought:

> *"The retail units (Class E) hereby approved shall not be open outside the following hours:-*
>
> *07:00 to 23.00 hrs Monday to Sunday (including Bank Holidays);*
> *10.00 to 17.00 hrs Sundays"*

Condition 11 is currently worded to permit delivery hours to the following:

> *"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 following variation is sought:

> *"Deliveries, servicing and collections, including waste collections, shall not take place outside of the following hours: 06:00 to 23:00 hours Monday to Saturday; and 07:00 to 18:00 hours on Sundays and Bank Holidays."*

National and Local Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) was most recently updated in December 2024. It sets out the purpose of the planning system of achieving sustainable development and how these are expected to be applied.

The NPPF states that noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).

Additionally, the NPPF states planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to **significant adverse impacts** on health and the quality of life;
- Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. "

Section 6 of the Framework (Building a strong, competitive economy) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The Planning Practice Guidance (PPG) states that when preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. The PPG states that when determining applications, local authorities should consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

Local Planning Policy

The Development Plan for Manchester City Council comprises the following:

- Core Strategy (2012)
- Places for Everyone (2024)

The relevant policies are outlined below.

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.

Planning Assessment

This section assesses whether the proposal is policy compliant at both national and local level. As previously set out, this application seeks to vary Conditions 9 & 11 attached to Planning Permission Ref. 139751/FO/2024.

Condition 9 is currently worded to permit opening hours to the following:

> *"The retail units (Class E) hereby approved shall not be open outside the following hours:-*
>
> *07:00 to 23.00 hrs Monday to Sunday;*
> *10.00 to 17.00 hrs Sundays and Bank Holidays"*

The following variation is sought:

> *"The retail units (Class E) hereby approved shall not be open outside the following hours:-*
>
> *07:00 to 23.00 hrs Monday to Sunday (including Bank Holidays);*
> *10.00 to 17.00 hrs Sundays"*

Condition 11 is currently worded to permitted delivery hours to the following:

> *"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 following variation is sought:

> *"Deliveries, servicing and collections, including waste collections, shall not take place outside of the following hours: 06:00 to 23:00 hours Monday to Saturday; and 07:00 to 18:00 hours on Sundays and Bank Holidays."*

The proposal seeks permission to allow the Lidl foodstore to extend the permitted opening and delivery hours. Varying Condition 9 will allow the store to increase its trade during bank Holidays.

The adjusted Condition 11 will allow the proposed Lidl store to receive a necessary delivery on a Sunday and a Bank Holiday within permitted delivery hours.

Not being able to receive deliveries on a Sunday and a Bank Holiday causes significant operational issues for the store and make servicing the 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 a 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 report concluded the following:

> *" The predicted rating levels during the various extended periods have been compared with the corresponding representative background sound levels to determine the likely impact in BS 4142 terms. The assessment predicts a low noise impact during all assessed periods, and it is therefore recommended that HGV deliveries can be permitted to occur between 06:00 – 23:00 hours Monday – Saturday, and 07:00 – 18:00 Sundays and Bank Holidays, without adversely impacting the residential amenity of the worst-affected noise-sensitive receptors."*

It is therefore considered that the proposed development would have no detrimental impact on any nearby sensitive receptors, nor would there be a material change to the impact of the site on the amenities of neighbouring uses.

The additional delivery hours would better align this particular store with Lidl's nationwide operational requirements and would make it a more viable proposition for the retailer, which would be in line with NPPF's aspiration to support economic growth.

Furthermore, it should be noted that Bank Holidays are not subject to the Sunday Trading Act 1994, which restricts the maximum hours of trade for larger format retail stores. A Bank Holiday is a normal trading day, and Lidl operate their stores from 8am to 10pm on Bank Holidays. Therefore, the variation of Condition 9 is needed to secure this position, and deliveries are needed to support the store trading in this context.

On this basis, it is considered that the proposal is compliant with DM1, as well as the overarching principles outlined in the NPPF.

Conclusion

The application seeks to vary the opening and delivery hours to meet the operational requirements of our client.

After consideration of relevant national, regional and local planning policies, it is considered that this application for the variation of Conditions 9 & 11 is policy compliant and will not result in an unacceptable impact on the amenity of neighbouring properties.

The application is therefore considered acceptable in planning terms and there is a compelling case for the granting of permission without delay.

We trust that the enclosed information is sufficient to enable you to validate the application and we look forward to receiving your confirmation in due course. Rapleys will be pleased to address any matters raised through the consultation process.

Please contact us should you require any further information.

Yours faithfully,

[redacted]

Rapleys LLP