BEAMISH PLANNING CONSULTANCY

Our ref. : AB2639/LPA310726

Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

31st July 2026

Dear Sir/Madam,

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTY PLANNING ACT 1990 (AS AMENDED)
KFC, 97 GREENHEYS LANE WEST, MANCHESTER, M15 5FG

On behalf of our client, Kentucky Fried Chicken (Great Britain) Limited, please find enclosed an application under Section 73 of the Town and Country Planning Act 1990 (as amended), seeking to vary condition 9 imposed upon the granting, in 20th September 2016, of planning application ref. 111735/JO/2016/S1, relating to a site that now comprises the KFC premises at 97 Greenheys Lane West, Manchester, M15 5FG.

This application seeks the variation of condition 9 imposed upon that permission so that the 'drive-thru' lane of the existing KFC premises can remain open to customers (and third-party delivery aggregators collecting orders for delivery) until 05:00 each day of the week, with the premises closing to walk-up/dine-in customers at midnight. The proposed extended trading hours proposed by way of this application would align with those approved by way of the premises licence issued by the same authority in July 2025.

This Section 73 application, which is being submitted to Manchester City Council (the LPA) electronically by way of the Planning Portal website, comprises the following documentation ;

- Completed application forms and ownership certificates.
- This covering letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement.
- Acoustic Assessment (document ref. 892526 dated 15th July 2026) prepared by Ned Johnson Acoustic Consultants.
- Decision notice, dated 20th September 2016, relating to planning application ref. 111735/JO/2016/S1.

Payment of the statutory application fee of £608, along with the Planning Portal service charge fee of £91, has been made electronically when submitting this application via the Planning Portal website.

Description of application site and surroundings

The application site comprises a roughly rectangular shaped plot, occupied by a KFC restaurant and hot food takeaway (incorporating a 'drive-thru' facility) located on the south-western corner of the traffic-light controlled junction of Princess Road (the A5103 road, to the east) and Greenheys Lane West (to the north).

The site forms part of a wider retail park, known as Hulme Retail Park, with all but the KFC premises located within a large building positioned to the south of a large, communal external parking area and associated vehicular circulation routes

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The western boundary of the retail park is adjunct to a multi-storey, mixed-use building known as the 'Life Building', with residential units on the upper floors of that building and with the east facing elevation of that building incorporating balconies and fenestration associated with those residential units. Those residential units are the closest residential units to the KFC premises, and the minimum distance between the 'drive-thru' lane of the KFC premises and those units is approximately 56 metres, or 85 metres to the closest point of the KFC building.

The 'drive-thru' lane encircles the KFC building in a clockwise direction, with the customer order point comprises a speaker post sited just prior to the start of the north facing elevation of the KFC building (i.e. fronting onto Greenheys Lane West), whist the collection point is located further along the same elevation.

Relevant planning history of application site

In February 2016 the LPA granted planning application (application ref. 107667/FO/2014/S1) for the following development at the application site ;

'Erection of two-storey drive-through restaurant/take away and office development with associated access, drive-through lane, landscaping and amendments to the parking arrangements, trolley and recycling bays.'

That planning permission was subsequently varied in September 2016 when the LPA approved an application (ref. 111735/JO/2016/S1) made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2, 5, 7, 10 and 11 to approve amendments to the previously approved car parking layout and numbers, pedestrian crossing points and the surface water drainage scheme.

In March 2017 the LPA approved an application (ref. 115422/NMC/2107) for a non-material amendment to enable the provision of an updated Waste Management Strategy.

The varied permission resulting from the LPA's granting of application ref. 111735/JO/2016/S1 was subsequently implemented and the resulting premises has now been trading as a KFC ever since it was built.

A copy of the decision notice relating to application ref. 111735/JO/2016/S1 is included as part of this application submission for the purpose of completeness, and several conditions were imposed upon the granting of that application.

The imposed conditions include condition 9, which states ;

'The restaurant and outside seating areas shall not be open or available for use outside the following hours:-

- *Monday-Sunday (including bank holidays) 6.00am to 11.00pm*

The drive through shall not be open outside of the following hours :-

- *Monday-Sunday (including bank holidays) 6.00am to midnight.'*

The reason for the imposition of that condition, as stated within the decision notice, was ;

'In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.'

Variation of condition sought by way of this application

This application, under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to vary condition 9 as imposed upon implemented planning permission ref. 111735/JO/2016/S1.

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The variation of condition 9 is sought so that the 'drive-thru' lane of the existing KFC premises can remain open to customers (and third-party delivery aggregators collecting orders for delivery) until 05:00 each day of the week, with the premises closing to walk-in/dine-in customers until midnight each night of the week.

Should the LPA approve the proposed variation of condition 9, the permitted trading hours of the existing KFC premises would then align with those approved by way of the premises licence issued by the same authority in July 2025.

Relevant planning policies and associated guidance

At local level and having regard to the specific nature of the variation of condition proposed by way of this application, and also the location of the application site, the key adopted development plan document currently comprises the Core Strategy 2012-2027 (adopted in July 2012).

Also of relevance is the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale. Salford, Tameside, Trafford and Wigan (adopted in March 2024) and the remaining extant policies from the Unitary Development Plan (adopted in 1995).

At national level, the most recent update to the National Planning Policy Framework (NPPF) was published by the Government in February 2025 and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework. The government published a revised draft version of the NPPF on 16th December 2025, for public consultation until 10th March 2026.

The National Planning Policy Guidance (NPPG) was first published by the Government in March 2014 and is regularly updated, and also streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements, into a single document.

Planning appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

Whilst the reason for the imposition of condition 9, as stated within the decision notice issued by way of the granting of planning application ref. 11735/JO/2016/S1, was to *'in the interests of residential amenity in order to reduce noise and general disturbance;* it is important to emphasise that the imposition of that condition does not mean that any variation of the previously approved trading hours would necessarily result in unacceptable noise disturbance, but rather the imposition of that condition ensured the LPA could consider any subsequent proposed variation on its planning merits.

This application includes an acoustic assessment prepared by Ned Johnson Acoustic Consultants, with that assessment based upon the findings of an on-site acoustic survey undertaken between the hours of 00:00 and 05:00 on 20th June 2026, i.e. ensuring the acoustic assessment was based on an acoustic survey undertaken at the quietest times during which the 'drive-thru' lane of the KFC premises is proposed to be open to customers.

As set out within that assessment, activity resulting from the proposed variation of the currently approved trading hours of the KFC premises, be it the later operation of the premises, including the mechanical plant, delivery vehicle movements or customers entering and leaving the premises, would not have (either individually or cumulatively) any unacceptably adverse impact on the amenities of the occupiers of the nearest residential properties.

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Indeed, the acoustic assessment predicts that the combined noise level of all activities that would take place within the curtilage of the premises at any time during the proposed extended trading hours, measured from the closest residential properties (i.e. those within the Lime Building to the west of the site), would be 40 dBa, 8dB below the typical background noise level and 15dB below the typical ambient sound level.

Having regard to the recent (April 2026) High Court ruling in the case of R (Jaks) v Secretary of State, considerable weight must be attached to the fact that the same authority has granted (in July 2025) a premises licence for the same trading hours as those sought by way of this Section 73 application, as that is a directly relevant material planning consideration, including the comprehensive conditions and restrictions that are attached to that premises licence.

Consequently, the proposed variation of condition 9 as imposed upon the granting of planning application ref. 111735/JO/2016/S1 would cause no unacceptable harm to residential amenity (nor to any other form of amenity) and would therefore comply with adopted Core Strategy policy C 10 (Leisure and the Evening Economy), saved UDP policy 26 (Development and Noise) and relevant national planning policy and guidance as set out within the NPPF and NPPG.

Conclusion

For the reasons set out within this supporting planning statement and as evidenced by the accompanying acoustic assessment, the proposed variation of condition 9 as imposed upon the granting of planning application ref. 111735/JO/2016/S1 would not result in any material harm to amenity and would fully comply with the adopted development plan, with no material planning considerations outweighing that compliance with the development plan.

Accordingly, condition 9 should be varied to reflect the revised trading hours of the KFC premises requested by way of this application so that the 'drive-thru' lane of the premises can remain open to customers (and third-party delivery aggregators collecting orders for delivery) until 05:00 each day of the week and so that the premises itself can remain open to walk-up/dine-in customers until midnight each night of the week.

We look forward to receiving confirmation, in due course, that this Section 73 application has been validated, and also look forward to engaging in proactive dialogue with the Case Officer to whom this application is allocated over the coming weeks.

Yours faithfully,

[redacted]

Adam Beamish
BA (Hons), DIP TRP, MRTPI

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