BEAMISH PLANNING CONSULTANCY

Our ref. : AB2637/LPA270826

Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

27th August 2026

Dear Sir/Madam,

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTY PLANNING ACT 1990 (AS AMENDED)
KFC, 83 PICCADILLY, MANCHESTER, M1 2BZ

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 conditions 1, 2 and 3 imposed upon the granting, in October 2020, of planning application ref. 126480/JO/2020, relating to a wider site at 81-83 Piccadilly, Manchester, M1 2BZ.

The commercial premises at no. 83 arising from the implementation of the development approved the granting of planning application ref. 126480/JO/2020 now comprises a KFC premises, and this application seeks the variation of condition 3 imposed upon that permission so that the KFC premises at no. 83 can remain open to customers (and third-party delivery aggregators collecting orders for delivery) until 05:00 each day of the week. The variation of conditions 1 and 2 is sought solely to update the previously approved documentation listed within both conditions to reflect the new acoustic assessment and the covering letter/supporting statement being submitted by way of this application.

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 and heritage statement.
- Acoustic Assessment (document ref. 922526 dated 5th July 2026) prepared by Ned Johnson Acoustic Consultants.
- Decision notice, dated 28th October 2020, relating to planning application ref. 126480/JO/2020.

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 ground floor commercial premises (no. 83 Piccadilly) which forms part of a four-storey (with attic floor) end of terrace building on the north-eastern corner of Piccadilly (to the south-west) and China Lane (to the south-east).

[redacted]

The current and lawful use of the application premises is as a mixed restaurant and hot food takeaway (sui generis use), currently operated by KFC and currently permitted to trade between the hours of 08:00 and 23:00 on Mondays to Saturdays and between the hours of 08:00 and 22:00 on Sundays.

The adjoining ground floor commercial unit to the north-west, no. 81 Piccadilly is lawfully used for purposes falling within Class E (Commercial, Business and Service), whilst the upper floors of the host building are in residential use, and the host building is located within the boundaries of Manchester City Centre, but outside the boundaries of the primary shopping area.

The host building (nos. 77-83 Piccadilly) is also Grade II listed (first listed in June 1988) and the official list entry is ;

'Restaurant, shops and warehousing. Dated 1877 in gable; by Clegg and Knowles. Sandstone ashlar and stucco (probably on iron frame), slate roof. Rectangular plan on corner site. Eclectic style with Aesthetic Movement features. Four storeys and attic, 4 unequal bays (3, 4, 2 and 2 windows), plus canted corner to right; with plain pilasters, raked sills to all floors, coved pargetted eaves richly decorated with leaves and fruit, parapet interrupted by wide half-hipped attic to 2nd bay and octagonal wooden corner turret with steeply-pitched roof. Ground floor has shops with original stone surrounds (altered windows), segmental-headed doorway to 2nd bay; upper floors have running arcaded windows, all with shafts which have foliated caps, those at 1st floor stilted square-headed, those at 2nd floor stilted segmental-headed, and those at 3rd floor 2-centred arched. Large dormer with transomed 16-light window and large lettering "1877" under projected verges with spindle-work in the apex; right-hand parapet terminated at a seated rustic figure; octagonal corner turret like a garden summer-house. Slab chimneys. Tiled entrance hall.'

The host building and its surroundings also fall within the boundaries of Stevenson Square Conservation Area, with the Conservation Area Appraisal describes the host building as '*a four-storey stone building with attic floor in Victorian eclectic style, which is richly decorated with stone carvings inspired by several sources*.'

Relevant planning history of application site

In January 2015 the LPA granted planning application (application ref. 104548/FO/2013/C2) for the following development at nos. 81-83 Piccadilly ;

Works to existing retail unit to form two demises, comprising A1 shop use at 81 Piccadilly and mixed restaurant and takeaway use (sui generis) at 83 Piccadilly, formation of new entrance, side elevation alterations and internal alterations.

'Erection of a building for use as a restaurant within Class A3 together with drive-thru take away facility and the provision of associated car parking and landscaping.'

That planning permission was subsequently varied in October 2020 when the LPA approved an application (ref. 126480/JO/2020) made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2 and 3 to reflect modified kitchen and cooking equipment.

The varied permission resulting from the LPA's granting of application ref. 126480/JO/2020 was subsequently implemented and the resulting premises at no. 83 comprises the KFC store which is the subject of this further Section 73 application.

A copy of the decision notice relating to application ref. 126480/JO/2020 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 3, which states ;

'Notwithstanding the approved plans and documents as specified in condition 2, the premises shall not be open to the public nor shall there be any home deliveries outside the following hours:-

[redacted]

- *Monday to Saturday 08:00 to 23:00 hours;*
- *Sunday 08:00 to 22:00 hours.'*

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.'

It should also be noted, for the sake of completeness, that in October 2020 the LPA granted express advertisement consent (application ref. 126482/AO/2020) for internally illuminated signage associated with the KFC premises, and listed building consent (application ref. 126481/LO/2020) for ;

'External and internal alterations to existing unit associated with internal and external advertisements and restaurant fit-out, comprising external painting of shopfront and replacement louvre, new internal wall openings, modification to internal rear partitions, new internal ceiling, walls, floor and window treatments.'

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 conditions 1, 2 and 3 as imposed upon implemented planning permission ref. 126480/JO/2020.

The variation of condition 3 is sought so that 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.

For the avoidance of doubt and recognising that all conditions imposed upon planning permission ref. 126480/JO/2020 apply to both the commercial premises at nos. 81 and 83, no variation is sought in respect of the opening hours of the neighbouring commercial premises at no. 81.

Purely for the sake of administrative completeness, as conditions 1 and 2 imposed upon implemented planning permission ref. 126480/JO/2020 include a list of documentation previously approved by way of the earlier applications, this application also seeks to vary conditions 1 and 2 to reflect the new acoustic assessment, and the covering letter/supporting statement, being submitted by way of this application.

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 August 2026 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 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 and heritage 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.

Before appraising the planning merits of the proposed variation of condition 3, and in the interests of completeness, as the proposed variation solely relates to the trading hours of existing commercial premises there will be no impact upon designated heritage assets, and accordingly heritage considerations, including heritage-related development plan policies, are not applicable.

Whilst the reason for the imposition of condition 3, as stated within the decision notice issued by way of the granting of planning application ref. 126480/JO/2020, 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 01:00 and 03:00 on 20th June 2026, i.e. ensuring the acoustic assessment was based on an acoustic survey undertaken at the quietest times during which the 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.

It should be noted however that this would be subject to an appropriate silencer (the minimum performance of which is set out within Table 7 of the acoustic assessment) being fitted to the outlet side of the fresh air fan, which could be secured by the imposition of an appropriately worded condition requiring the installation of an appropriate silencer prior to the premises trading the extended trading hours sought by way of this application.

We would also stress that as part of the associated listed building consent application (ref. 126481/LO/2020) approved by the LPA in October 2202, treatment to the joisted floors of the host building and the installation of a new internal ceiling to the premises were proposed, which would also assist in ensuring there was no unacceptable vertical transmission of noise upwards through the building.

Consequently, the proposed variation of condition 3 as imposed upon the granting of planning application ref. 126480/JO/2020 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.

The proposed variation of conditions 1 and 2 is solely so that, for the sake of administrative completeness, the list of documentation previously approved by way of the earlier applications is updated to reflect the new acoustic assessment, and the covering letter/supporting statement, being submitted by way of this application, and does not have any standalone planning implications.

Conclusion

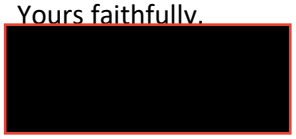
For the reasons set out within this supporting planning statement and as evidenced by the accompanying acoustic assessment, the proposed variation of condition 3 as imposed upon the granting of planning application ref. 126480/JO/2020 would not result in any material harm to amenity and would fully comply with the adopted development plan, with no material planning considerations outweighing that compliance with the development plan.

Accordingly, condition 3 should be varied to reflect the revised trading hours of the KFC premises requested by way of this application so that those premises can remain open to customers (and third-party delivery aggregators collecting orders for delivery) until 05:00 each day of the week, subject to the imposition of an appropriately worded additional condition requiring the installation of an appropriate silencer prior to the extended trading hours being implemented.

Also, the proposed variation of conditions 1 and 2 is solely so that, for the sake of administrative completeness, the list of documentation previously approved by way of the earlier applications is updated to reflect the new acoustic assessment, and the covering letter/supporting statement, being submitted by way of this application, and would not have any implications in terms of either the development plan or any other material planning considerations.

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,



Adam Beamish
BA (Hons), DIP TRP, MRTPI

ADDRESS - **APARTMENT 231, RIVER CRESCENT, WATERSIDE WAY, NOTTINGHAM, NG2 4RE**
PHONE - **0115 9598240 or 0773 9020073**
EMAIL - adam@beamishplanningconsultancy.co.uk