

**Planning**

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Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	35
Suffix	
Property Name	
Address Line 1	Old Church Street
Address Line 2	
Address Line 3	Manchester
Town/city	Manchester
Postcode	M40 2JN

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Muhammad

Surname

Zulfaqar

Company Name

Cafe 35 manchester

Address

Address line 1

35 old church street

Address line 2

Address line 3

Town/City

Manchester

Country

United Kingdom

Postcode

M40 2jn

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Sunday 8:00am to 5:00pm

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

Reference number

Date of decision (date must be pre-application submission)

Please state the condition number(s) to which this application relates

Condition number(s)

The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Sunday 8:00am to 5:00pm

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

Has the development already started?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

The business is on High Street, surrounded by all commercial buildings and has no residential units in immediate vicinity. The flat above the shop (Flat 1, 35 Old Church Street m40 2JN) is occupied by myself (The current Leaseholder). The nuisance or adverse affect on residential area is minimal to none as there is no immediate residential dwellings. This includes immediate Neighbours at 33 & 37, which have no residential dwellings and offices close for 5pm.

Furthermore, the increased hours are proposed as other businesses on the said High Street have been granted extended hours and are open to the passing trade till late including USA fried Chicken, Peppers, Chaplins, Shuhels et al.

The menu provided by our establishments is different to the afore mentioned businesses and thus is not in direct competition but only adding to the variety available to the customers in the area.

Due to Covid 19, the financial strain is all time high and the business needs to operate outside of the approved hours (08.00 - 17.00) in order to continue surviving in this adverse financial climate or otherwise risk closing down. This will not only affect the business but will be a loss for the local community and create a negative image for the neighbourhood as a well reputed long running business will have to close down.

The risk of adversely affecting the community is minimal as there is no live entertainment or alcohol provided on the premises. The premises is used solely for the service of hot and cold food and drinks to consumed primarily on the premises with some takeaway.

Our customers have repeatedly suggested that we must offer our services in the evening due to the high quality of food and high standard of service.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We request the council to approve the extension of hours and allow us to trade from 07.00 to 23.00 for serving customers primarily for eat in meals and also for takeaway where needed to help the business survive in these tough times.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

35 Old Church Street M40 2JN - 079739/FU/2006/N1

Date (must be pre-application submission)

18/03/2022

Details of the pre-application advice received

need to complete a S.73 variation of condition application form for extended hours of operation.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

☐ Yes

☒ No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

☒ Yes

☐ No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- ☒ I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- ☐ The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:**Number:**

30

Suffix:**Address line 1:**

Healds Green

Address Line 2:**Town/City:**

chadderton

Postcode:

OL12SP

Date notice served (DD/MM/YYYY):

01/03/2022

Person Family Name:

Person Role

☒ The Applicant☐ The Agent

Title

Mr

First Name

Muhammad

Surname

Zulfaqar

Declaration Date

28/03/2022

☒ Declaration made**Declaration**

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Muhammad Zulfaqar

Date

04/04/2022