



Planning

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Mr Syed Helal Uddin
SHUAS
58 Southwood Drive
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Date: 31 July 2024

Dear Sir/Madam,

Decline to Determine Application

Application No: 139676/FO/2024

Proposal: Installation of new shopfront with roller shutters together with alterations to rear and change of use to hookah/cafe (Sui Generis)

Address: 68 - 70 Wilmslow Road, Manchester, M14 5AL,

I refer to the above planning application, which was registered valid on 6 June 2024.

On 18 January 2018 the Council issued an enforcement notice, reference ENF/13734/17, in relation to the following specified breach of planning control:

Without Planning permission;

1. the material change of use from a restaurant (A3) at 68-70 Wilmslow Road to a Shisha smoking place (Sui Generis);
2. the erection of decking and handrail to the front forecourt area, installation of retractable plastic drapes to the canopy above the front forecourt area, removal of the shop front and installation of a new recessed shop front;
3. the material change of use of land on the east side of Aspinall Street, adjacent to the rear of 68-70 Wilmslow Road, from use as a car parking and loading area, to use as a Shisha smoking place;
4. the erection of single storey rear extension incorporating shipping container to the land on the east side of Aspinall Street.

The notice took effect on 21 February 2018 and required the following steps to be taken.

1. Cease the use of the land at 68-70 Wilmslow Road (edged in green on the attached plan ENF/01) and land on the east side of Aspinall Street (edged in blue on the attached plan ENF/01) as a Shisha smoking place.
2. Remove the decking, including the wooden handrails and balusters, from the front forecourt area.

3. Remove the retractable plastic drapes from the canopy above the forecourt, shown on the attached photograph ENF/02.
4. Restore the shop front and forecourt to its condition before the breach took place, shown on the attached photograph ENF/03.
5. Remove the single storey rear extension, including the shipping container, from the land on the east side of Aspinall Street, shown edged in red on the attached photographs ENF/04 and ENF/05.
6. Remove all building materials, rubble and waste arising from carrying out the above steps.

Under Section 70C of the Town and Country Planning Act 1990, a Local Planning Authority may decline to determine an application for planning permission, if granting that permission would involve granting, wholly or partly, a permission for any matters specified in a pre-existing enforcement notice. A notice is "pre-existing" if it had been issued before the receipt of the planning application being determined as specified by Section 70C(2).

In the opinion of the Local Planning Authority, the proposal of this planning application (ref: 139676/FO/2024) as set out in the documents and associated plans, relates to matters pertaining to a "pre-existing" enforcement notice, i.e. one issued prior to the submission and validation of the application on the 2 April 2024 and 6 June 2024, respectively and are matters for which planning permission is deemed to be required.

As the Council have already deemed the development to be unacceptable and have taken formal action, any approval of the matters presently before me will be in direct contradiction to those decisions previously made. Therefore, pursuant to Section 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, hereby declines to determine the application and the appropriate entry will be made in the planning register to reflect this decision.

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non determination under Section 78 as that right is lost under the provision of Section 78(2)(aa).

Yours faithfully,



Julie Roscoe
Director of Planning, Building Control & Licensing