

Planning

Growth & Development

Delegated officer report for planning application

Application no. 145215/JO/2026

Date registered valid: 2 March 2026

Proposal: Variation of Condition 4 (opening hours) attached to Planning Permission 122487/JO/2019 to allow opening hours of Sunday to Wednesday 0800-2400 (midnight) and Thursday-Saturday 0800-0100

Address: The Creameries, 406 Wilbraham Road, Manchester, M21 0SD

Ward(s): Chorlton Ward

Applicant: Mr Nicholas Greenhalgh Milk For Health Ltd

Agent (if any):

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 14 April 2026

Application details

Type of application: Variation or Removal of Condition

Development type: Change of use

Date of site visit: Not required

Standard consultations: Printed: 3 March 2026 Expired: 24 March 2026

Neighbour notifications: Printed: 3 March 2026 Expired: 24 March 2026

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

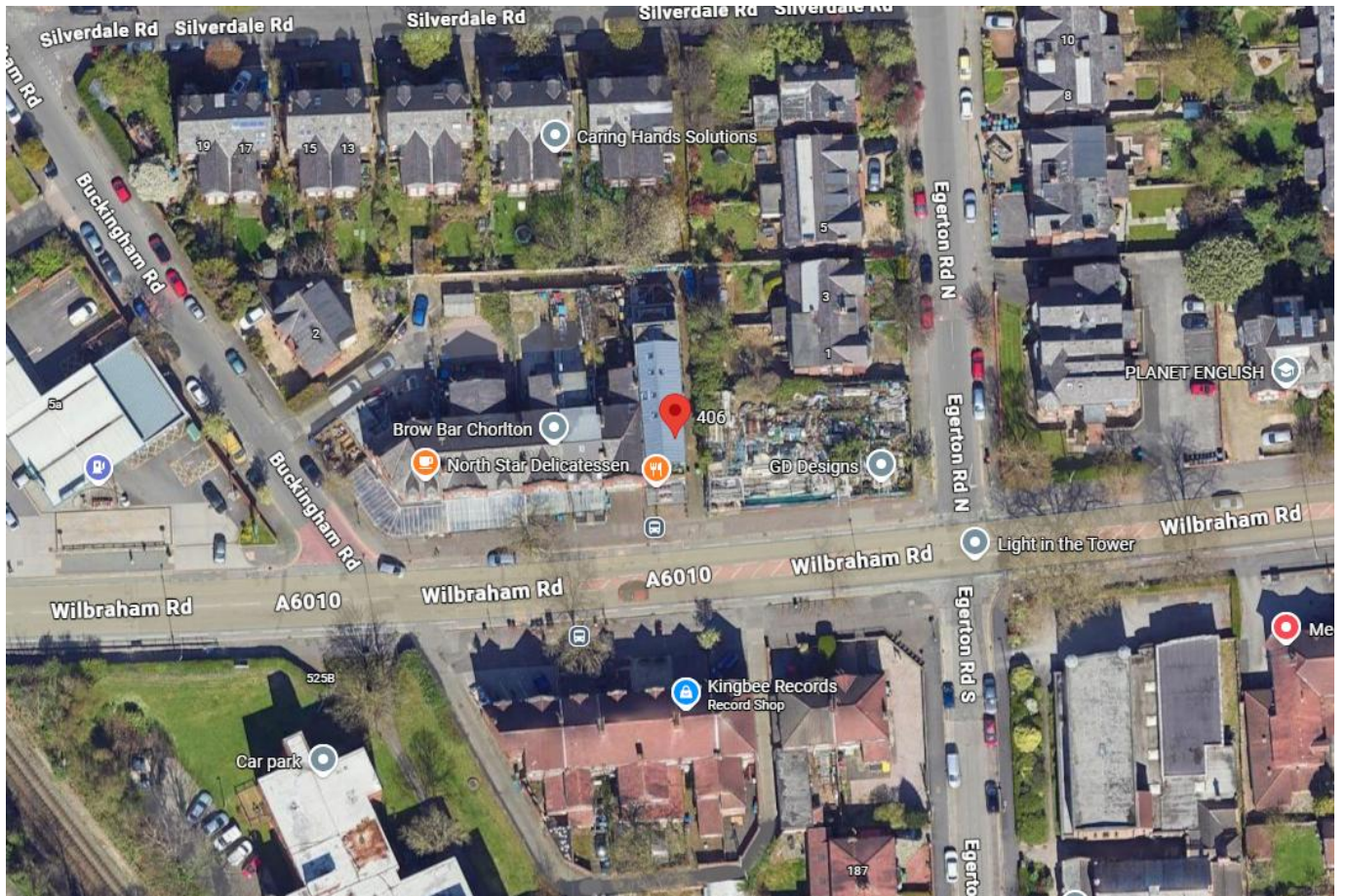
Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a three-storey building of redbrick and grey metal cladding with a dual-pitch roof. The property features a mixture of grey timber-framed and grey aluminium-framed windows, a glazed shopfront with a recessed entrance and fascia signage above to its Wilbraham Road elevation, a projecting front canopy, a second-floor balcony to the front, a part-single / part-two storey outrigger extension to the rear with rear-facing Juliet balconies, and a modest rear yard space. The property appears to feature a Class E (commercial, business, and service) use at ground floor level, with residential flats above.

This section of Wilbraham Road features a strong commercial precedent with an abundance of bars, shops, and restaurants located in proximity to the application site as well as being close to Chorlton District Centre. The site is bounded by residential properties to the north and northeast, Wilbraham Road to the south, and commercial properties to the west.

The property is not listed, nor is it sited within a conservation area.



Description of development

The applicant has submitted an application seeking to vary condition 4 (opening hours) attached to Planning Permission 122487/JO/2019 to allow opening hours of Sunday to Wednesday 0800-2400 (midnight) and Thursday-Saturday 0800-0100.

Planning history

037928 - New shop front – Approved (1991).

116319/FO/2017 - Erection of three storey rear extension with living accommodation in roofspace in association with change of use at ground floor from shop (Class A1) to restaurant (Class A3) and creation of three, two bedroom apartments (four apartments in total), installation of canopy to front elevation and outdoor seating area – Approved (2017).

CDN/18/0134 - Discharge of conditions 3 (Materials), 8 (Acoustic Insulation), 10 (Waste Management), 12 (Contaminated Land) and 13 (Secured by Design) attached to planning permission reference 116319/FO/2017 – Split decision (2018).

CDN/18/0568 - Discharge of condition nos 3 (Materials), 8 (Acoustic Insulation), 10 (Waste Management), 12 (Contaminated Land) and 13 (Secured by Design) attached to planning permission reference 116319/FO/2017 – Split decision (2018).

CDN/18/0764 – Discharge of Planning Conditions 12 (contaminated land) & 13 (Secured by Design) in relation to Application No. 116319/FO/2017 – Approved (2018).

CDN/19/0070 – Application to discharge condition no. 9 (fumes), 14 (acoustic insulation) and 15 (acoustic insulation Residential) attached to planning permission 116319/FO/2017 – Approved (2019).

121399/JO/2018 - Variation of condition no. 2 (specified plans) attached to planning permission ref: 116319/FO/2017 to allow for amendments to window and rooflight positions and alteration to the front gable detail and shop front – Refused (2019).

122487/JO/2019 - Variation of condition no. 2 (specified plans) attached to planning permission ref: 116319/FO/2017 to allow for the internal reconfiguration of apartments, amendments to side elevation window design, amendments to rear yard door positions, removal and relocation of vents and flue, the removal of ceiling voids at first floor level, amendments to window and rooflight positions and alteration to the front gable detail and shop front – Approved (2019).

Consultations & Notification Responses

One letter of support was received from **a local resident** in response to the application.

Two letters of objection were received from **local residents** in response to the application; the comments are summarised as follows:

- We strongly object to the proposed extension of hours.
- Even under the current arrangements we already experience noise and disturbance.
- The thought of longer opening hours is very concerning for us.
- There are frequent issues with customers congregating at the rear and in the alleyway, particularly later in the evening. The noise travels directly to nearby residential properties and gardens.
- In addition, rubbish is often left in the back alley bottles, food packaging and general litter which is unpleasant and unfair on neighbouring residents who have to deal with it.
- This is a residential area, and extended hours would only increase noise pollution and anti-social behaviour at the rear of the property.
- Several neighbours share these concerns and are in agreement that the proposed changes would negatively affect the area.
- We respectfully ask that you do not approve the proposal to extend the opening hours and instead keep them to the absolute minimum appropriate for a residential setting.
- Eager to see that premises become a success, however, I don't believe the later license application is necessary for that.
- The property already borders a lot of flats and houses.
- This is about to become more if the planning application for 404 Wilbraham is successful.
- I don't think the peer group cited are necessarily the most relevant peers. For example Elektrik and Dulcimer are live music venues in more commercial bit of Chorlton. they also border far fewer Chorlton residents.
- I seem to recall (I think it would be good if the planning application could be 100% accurate on the changes to previous applications) that the back doors would be kept shut at certain times. I don't think I see this assurance this time.
- Perhaps a question also for the applicants. We agreed to a planning application 18/24 months ago. Nothing was really advanced. Now we are back asking the same question but if the previous application was successful and not tested then why change now.

Chorlton Civic Society – no response received.

Concerns were raised by local ward members **Councillor Tina Kirwin-McGinley**, **Councillor Mathew Benham**, and **Councillor John Hacking**. These are summarised as follows:

- Concerns regarding the proposed opening hours of this business, particularly the hours between Thurs and Sunday.
- We are aware that there are residencies above the run of shops, where the business is due to open and also opposite.
- Our concern is that closing at 1pm will create a noise nuisance and keep residents awake.
- We would like to suggest an earlier closing time of midnight on Fri and Saturdays.
- As Friday is part of the working week for most residents, we would like to suggest that between Sundays and Thursdays the business closes at 11pm.

MCC's Highways Services issued the following comments in response to the application:

- The Highways Team have no objections to the variation of opening hours, though the applicant is advised that condition 16 from application 122487/JO/2019 whereby; No loading or unloading shall be carried out on the site outside the hours of 7.30 am to 8.00pm Monday to Saturday with no deliveries on Sundays or bank holidays.
- Plans also indicate tables and chairs positioned within the shared alleyway adjacent to the premises. Any tables and chairs placed on the adopted highway must maintain a minimum 2 metre unobstructed footway width, which must be retained at all times. A table and chairs license should also be applied for via highwaylicenses@manchester.gov.uk

MCC's Environmental Health Services issued the following comments in response to the application:

- We have considered this application, and we cannot agree any change in hours without a supporting acoustic assessment as the conditions for external plant and noise breakout were agreed for 116319/FO/2017 based on the premises closing at 23:00. The extended hours will be classed as night time and therefore a more sensitive time for nearby residents/those live immediately above the premises.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC26 – Development and Noise

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles

The National Planning Policy Framework (NPPF, 2024)

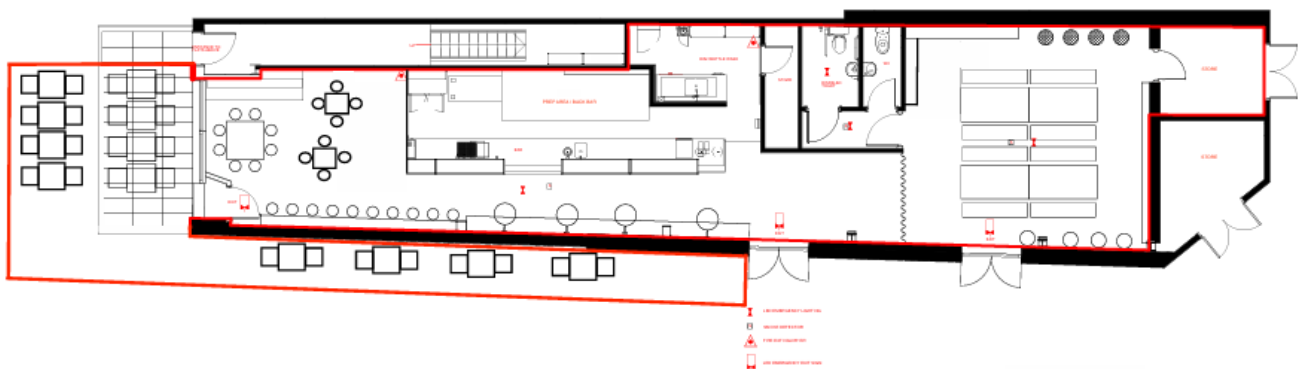
- Chapter 12 – Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1: Sustainable Places
- Policy JP-S1: Sustainable Development

Draft National Planning Policy Framework (NPPF, 2025) – The Government has published a consultation draft of the NPPF, intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. While this draft is not yet adopted, it is a material consideration.

- Chapter 14 – Achieving Well-Designed Places
 - Policy DP3: Key principles for well-designed places



GENERAL ARRANGEMENT PROPOSED				
Area	Size	Area	Size	Area
1.1	1.1	1.1	1.1	1.1
CHECK ALL DIMENSIONS PRIOR TO WORK COMMENCING. DO NOT SCALE FROM DRAWING.				
THE CREAMERIES				

Floor plan submitted under 145215/JO/2026

Issues

Principle – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework reinforces this requirement in paragraphs 2 and 48, whilst paragraph 12 indicates that the presumption in favour of sustainable development does not alter the statutory status of the development plan as a starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposal is considered unacceptable and cannot be supported as it conflicts with the development plan policies and associated guidance listed in the preceding section.

It is considered that the proposed extension of opening hours would be likely to result in an unacceptable impact upon the amenity of neighbouring residents. The late-night operation has the potential to generate increased noise and disturbance during sensitive hours, and no supporting evidence, such as an acoustic assessment, has been submitted to demonstrate that the proposal would not give rise to adverse effects upon residential amenity. The proposed hours are therefore considered to increase the likelihood of additional activity, noise, and comings and goings in close proximity to nearby homes.

On this basis, the proposal is considered to conflict with the principles set out under saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone, paragraph 135 of the National Planning Policy Framework (2024), and policy DP3 of the Draft National Planning Policy Framework (2025), all of which seek to ensure a high standard of amenity for existing and future users.

Siting, scale, and massing – no extensions proposed, therefore, the siting, scale, and massing of the property would be unaffected.

Appearance and visual amenity – no extensions or external alterations proposed, therefore, the appearance of the property would be unaffected.

Residential amenity and noise – the proposal seeks to extend the opening hours of the premises from the currently approved 08:00–23:00 seven days a week to 08:00–00:00 Sunday to Wednesday and 08:00–01:00 Thursday to Saturday.

Given the close proximity of residential properties, situated to the north and east of the premises, as well as immediately above within the upper floors of the application building, there are significant concerns that the extended late-night operation would have a harmful impact upon the amenity of neighbouring occupiers. The proposed hours fall within periods that are particularly sensitive for residents, where increased activity, noise, and general disturbance would be especially disruptive at times when a quieter environment could reasonably be expected.

These concerns are reinforced by the Council's Environmental Health Service, who have advised that an extension to the operating hours cannot be supported without a robust acoustic assessment. Existing conditions relating to external plant noise and noise breakout were established under permission 116319/FO/2017 on the basis of the premises closing at 23:00. The proposed hours extend well into the recognised night-time period, representing a more sensitive context for residents both adjacent to and directly above the premises.

Further to this, there have been no recent planning approvals along this stretch of Wilbraham Road permitting opening hours as late as those now proposed. As such, there is no comparable or relevant precedent that could reasonably be relied upon to justify an intensification of late-night activity at this location.

In the absence of any supporting technical evidence, such as an acoustic assessment, to demonstrate that the proposed extended hours could be achieved without resulting in adverse effects upon residential amenity, the applicant has failed to address or mitigate the identified harm.

The proposal therefore fails to safeguard residential amenity, contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone, paragraph 135 of the National Planning Policy Framework (2024), and policy DP3 of the Draft National Planning Policy Framework (2025), all of which seek to ensure a high standard of amenity for existing and future users.

Waste – concerns have been raised regarding litter and waste associated with the existing use of the premises. However, these matters do not relate to the subject of this planning application, which is solely the proposed extension of opening hours, and therefore they do not form part of the reasons for refusal. Any ongoing issues concerning waste management or litter should be reported through the appropriate channels on the Council's website or addressed directly with the applicant.

Anti-social behaviour - concerns have been raised regarding loitering and anti-social behaviour associated with the existing use of the premises. However, these issues do not relate to the subject of this planning application, which concerns only the proposed extension of opening hours, and therefore they do not contribute to the reasons for refusal. Any ongoing concerns regarding anti-social behaviour should be reported through the appropriate channels on the Council's website or discussed directly with the applicant.

Conclusion – it is considered that the proposed extension of opening hours would be likely to result in an unacceptable impact upon the amenity of neighbouring residents. The late-night operation has the potential to generate increased noise and disturbance during sensitive hours, and no supporting evidence, such as an acoustic assessment, has been submitted to demonstrate that the proposal would not give rise to adverse effects upon residential amenity. The proposed hours are therefore considered to increase the likelihood of additional activity, noise, and comings and goings in close proximity to nearby homes.

On this basis, the proposal is considered to conflict with the principles set out under saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone, paragraph 135 of the National Planning Policy Framework (2024), and policy DP3 of the Draft National Planning Policy Framework (2025), all of which seek to ensure a high standard of amenity for existing and future users.

The applicant was informed of the above issues and notified of the LPA's intent to refuse the proposal.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed extension of opening hours would result in unacceptable harm to the residential amenity of nearby occupiers, including residents along Silverdale Road, Egerton Road North, Wilbraham Road and those occupying the upper floors of the application property, due to increased noise, disturbance, activity, and comings and goings during sensitive night-time hours. The applicant has failed to provide adequate technical evidence to demonstrate that the extended hours could be operated without giving rise to adverse impacts upon neighbouring residents and has therefore failed to address or mitigate the identified harm. The proposal is therefore contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone, paragraph 135 of the National Planning Policy Framework (2024), and policy DP3 of the Draft National Planning Policy Framework (2025), all of which seek to ensure a high standard of amenity for existing and future users.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Civic Society
Environmental Health
Highway Services
Chorlton Civic Society

517 Wilbraham Road, Manchester, M21 0UF
519 Wilbraham Road, Manchester, M21 0UF
Flat 1, 527A Wilbraham Road, Manchester, M21 0UF
Flat Above, 523 Wilbraham Road, Manchester, M21 0UF
Flat 7, 3 Egerton Road North, Manchester, M21 0SE
Flat 2, 412A Wilbraham Road, Manchester, M21 0SD
414B Wilbraham Road, Manchester, M21 0SD
414A Wilbraham Road, Manchester, M21 0SD
Flat 6, 1 Egerton Road North, Manchester, M21 0SE
Flat 1, 1 Egerton Road North, Manchester, M21 0SE
Flat 1, 406A Wilbraham Road, Manchester, M21 0SD
Animal Medical Centre, 412 Wilbraham Road, Manchester, M21 0SD
Flat 5, 402 Wilbraham Road, Manchester, M21 0UH
Flat 7, 402 Wilbraham Road, Manchester, M21 0UH
Flat 8, 402 Wilbraham Road, Manchester, M21 0UH
11 Silverdale Road, Manchester, M21 0SH
525 Wilbraham Road, Manchester, M21 0UF
Flat 4, 1 Egerton Road North, Manchester, M21 0SE
Flat 5, 1 Egerton Road North, Manchester, M21 0SE
Flat 3, 1 Silverdale Road, Manchester, M21 0SH
408 Wilbraham Road, Manchester, M21 0SD
Flat 7, 3 Silverdale Road, Manchester, M21 0SH
410A Wilbraham Road, Manchester, M21 0SD
7 Silverdale Road, Manchester, M21 0SH
Flat 10, 402 Wilbraham Road, Manchester, M21 0UH
Flat 4, 402 Wilbraham Road, Manchester, M21 0UH
9 Silverdale Road, Manchester, M21 0SH
515 Wilbraham Road, Manchester, M21 0UF
418 Wilbraham Road, Manchester, M21 0SD
Flat 4, 418 Wilbraham Road, Manchester, M21 0SD
Flat 2, 418 Wilbraham Road, Manchester, M21 0SD
Flat 2, 3 Egerton Road North, Manchester, M21 0SE
Flat 3, 406A Wilbraham Road, Manchester, M21 0SD
408A Wilbraham Road, Manchester, M21 0SD
3 Silverdale Road, Manchester, M21 0SH
Flat 4, 3 Silverdale Road, Manchester, M21 0SH
Flat 1, 5 Silverdale Road, Manchester, M21 0SH
Flat 2, 527A Wilbraham Road, Manchester, M21 0UF
525B Wilbraham Road, Manchester, M21 0UF
15 Silverdale Road, Manchester, M21 0SH
7 Egerton Road North, Manchester, M21 0SE
Flat 1, 1 Silverdale Road, Manchester, M21 0SH
410 Wilbraham Road, Manchester, M21 0SD
Flat 3, 412A Wilbraham Road, Manchester, M21 0SD
416B Wilbraham Road, Manchester, M21 0SD

Flat 2, 402 Wilbraham Road, Manchester, M21 0UH
Flat 9, 402 Wilbraham Road, Manchester, M21 0UH
Flat 6, 402 Wilbraham Road, Manchester, M21 0UH
Top Flat, 519 Wilbraham Road, Manchester, M21 0UF
521 Wilbraham Road, Manchester, M21 0UF
17 Silverdale Road, Manchester, M21 0SH
13 Silverdale Road, Manchester, M21 0SH
2 Buckingham Road, Manchester, M21 0SB
Flat 1, 418 Wilbraham Road, Manchester, M21 0SD
Flat 1, 3 Egerton Road North, Manchester, M21 0SE
Flat 3, 1 Egerton Road North, Manchester, M21 0SE
Flat 2, 406A Wilbraham Road, Manchester, M21 0SD
Flat 2, 5 Silverdale Road, Manchester, M21 0SH
Flat 3, 5 Silverdale Road, Manchester, M21 0SH
Flat 11, 402 Wilbraham Road, Manchester, M21 0UH
523 Wilbraham Road, Manchester, M21 0UF
Flat 3, 418 Wilbraham Road, Manchester, M21 0SD
5 Egerton Road North, Manchester, M21 0SE
Flat 4, 3 Egerton Road North, Manchester, M21 0SE
Flat 2, 1 Egerton Road North, Manchester, M21 0SE
9 Egerton Road North, Manchester, M21 0SE
Flat 4, 406A Wilbraham Road, Manchester, M21 0SD
1 Silverdale Road, Manchester, M21 0SH
Flat 2, 1 Silverdale Road, Manchester, M21 0SH
Flat 6, 3 Silverdale Road, Manchester, M21 0SH
414 - 416 Wilbraham Road, Manchester, M21 0SD
BUPA Dental Care, 513 Wilbraham Road, Manchester, M21 0UF
527 Wilbraham Road, Manchester, M21 0UF
Flat 3, 3 Egerton Road North, Manchester, M21 0SE
Flat 5, 3 Egerton Road North, Manchester, M21 0SE
Flat 5, 3 Silverdale Road, Manchester, M21 0SH
Flat 1, 412A Wilbraham Road, Manchester, M21 0SD
416A Wilbraham Road, Manchester, M21 0SD
Flat 1, 402 Wilbraham Road, Manchester, M21 0UH
Flat 3, 402 Wilbraham Road, Manchester, M21 0UH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA