

Planning

Growth & Development

Delegated officer report for planning application

Application no. 145094/JO/2026

Date registered valid: 3 February 2026

Proposal: Variation of Condition 7 (Opening Hours) from Planning Permission 120217/FO/2018 granted on appeal APP/B4215/W/18/3219012 to amend the opening hours for the commercial floorspace: from 0800hrs -1800hrs Monday to Saturday amended to Monday to Thursday: 0800 to 2200hrs, Friday and Saturday: 0800 to 2300hrs, and Sunday and Bank Holidays: 0900 to 2100hrs.

Address: 241 Barlow Moor Road, Manchester, M21 7QL

Ward(s): Chorlton Park Ward

Applicant: Mr Navid Bani

Agent (if any):

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 27 March 2026



Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: 12 February 2026

Standard consultations:

Printed: 10 February 2026 Expired: 3 March 2026

Neighbour notifications

Printed: 10 February 2026 Expired: 3 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/area

No. 241 Barlow Moor Road is a two storey mixed use development located at the junction of Barlow Moor Road and Aldermary Road. The main frontage of the commercial use is to Barlow Moor Road, though there is an element that also front onto Aldermary Road. To the rear of this commercial use there is residential accommodation in the form of two self-contained flats.

Residential properties are situated to the south of the site and to the east on the opposite side of Aldermary Road. To the north of the site, on the opposite side of Barlow Moor Road, lies Southern Cemetery, while to the west there is a commercial premises and beyond that further residential accommodation.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Planning application 120217/FO/2018 was refused but subsequently allowed on appeal by the Planning Inspectorate. The appeal decision subject to a number of conditions, one of which stipulated the following hours of opening for the commercial element:

*7) No business shall take place at the commercial property outside of the following hours:
08:00 to 18:00, Monday to Saturday.*

The applicant is applying to vary the hours of opening of the commercial element to the following:

- Mondays to Thursdays – 0800hrs to 2200hrs
- Fridays and Saturdays – 0800hrs to 2300hrs
- Sundays and Bank Holidays – 0900hrs to 2100hrs.

Consultations & Notification Responses

Local Residents – 23 letters of objection have been received. The comments are summarised below:

- There is frequent illegal parking associated with the use on double yellow lines, pavements and across driveways, causing obstruction, reduced visibility, and safety risks at the Aldermary Road/Barlow Moor Road junction.
- Regularly there is late-night noise from patrons, vehicles and activity outside the premises, harming residential amenity in what is a quiet area, the proposal will exacerbate the problems.
- There are longstanding issues with breaching permitted opening hours, ignoring planning decisions, and operating beyond the authorised use. There is concern that the applicant would not comply with any amended hours or conditions.
- It is understood that shisha is smoked inside the premises, with blacked-out windows raising concerns about compliance with smoke-free legislation.
- There have been incidents of intimidation when residents have previously raise complaints, as well as anti-social behaviour from intoxicated patrons.
- The operation resembles a late-night venue or nightclub, this is considered inappropriate for a residential street and out of keeping with surrounding properties.

Ward Members – Joint correspondence has been received from the three Chorlton Park councillors, the comments are summarised below:

- It is noted that, prior to submitting the application, the applicant did not consult with the planning authorities. Had such consultation taken place, there might have been greater confidence that the applicant intended for the building to be constructed and operated in accordance with both licensing and planning law. However, since the previous owners purchased and operated the building, this has not been the case, and to this day the operation has continued without regard for the law or due consideration for neighbouring residents.
- Numerous meetings held by previous operators with officers have failed to bring about compliance. Instead, the operators have continued to waste public resources by delaying compliance until the last possible moment and then subverting the process through the submission of new applications. There is, therefore, no confidence that this operator would act considerately or lawfully, and it is respectfully requested that the application be refused.

Environmental Health – Have made the following comments:

- Before any extension to the operating hours could be supported, the applicant should submit a noise assessment. This should demonstrate that noise arising from activities within the curtilage of the premises would not result in harm to the amenity of nearby residential occupiers if the hours were extended.
- It is unclear whether the structure at the front of the property has been assessed in terms of its noise insulation properties, particularly as the previous application was allowed on appeal by the Planning Inspectorate. The hours previously permitted are significantly more limited, and therefore the potential evening and night-time noise impacts would not have been assessed at that time. Given the predominantly residential context of the site, such matters would be expected to form part of the current application.

Highway Services – The proposed alterations to the opening times do not give rise to any highway concerns on the local road network.

Policies

Draft National Planning Policy Framework (December 2025) – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. A draft revised NPPF was published for consultation on 16 December 2025. The consultation period runs for 12 weeks and will close on 10 March 2026.

The draft NPPF proposes significant changes to the structure and content of national policy. These include a move to Local Plan-style policy sections, a clearer distinction between plan making and decision-making policies, and the reintroduction of strategic planning through Spatial Development Strategies. Other notable changes include an expanded presumption in favour of sustainable development, policies promoting higher densities around transport hubs, and support for small and medium-scale housing schemes through a new "medium development" category. The draft also integrates National Development Management Policies, strengthens climate change and biodiversity policies, and introduces measures to encourage clean energy and critical minerals development.

Once adopted, the revised NPPF will replace the current framework and form a key part of national planning policy. At this stage, as the document is subject to consultation and has not yet been finalised, while still a material consideration, it can only be afforded limited weight in the determination of planning applications. In this instance, the relevant sections are outlined below:

Policy DM3 (Determining development proposals) – When considering development proposals, local planning authorities should:

- a) Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
- b) Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
- c) Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
- d) Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an approval rather than a refusal;
- e) Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and
- f) Not refuse applications for development which should clearly be approved, having regard to its accordance with the development plan, the policies in this Framework and any other material considerations.

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In addition to the above, Section 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) are of relevance.

In paragraph 135 (Section 12), the guidance states that planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In paragraph 187 (Section 15), the guidance states that planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below.

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy C10, *Leisure and the Evening Economy* – New development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The existence of vacant shop units and the condition of the unit;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and the nature of the use proposed;
- The potential impacts of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Policy DM1, Development Management – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – This application seeks approval to amend the opening hours of an established food and drink use on the site. In principle, variations to operating hours may be considered acceptable where the proposed hours are consistent with those of comparable nearby commercial uses, or where it can be demonstrated that any additional activity associated with extended hours would not give rise to material harm to residential amenity. In this instance, there are no other food and drink uses in the immediate vicinity that might provide a benchmark for acceptable opening hours. As such, the key consideration is the extent to which the proposed variation would affect the existing levels of residential amenity enjoyed by the occupiers of nearby dwellings on Aldermary Road and Barlow Moor Road.

Having regard to the likely intensification of activity that the extended opening hours would generate, together with the close proximity of residential properties on both Aldermary Road and Barlow Moor Road, it is considered that the proposal would result in an undue and unacceptable impact on the living conditions of nearby occupants. The anticipated increase in comings and goings, general noise, and associated disturbance beyond the currently permitted hours would be detrimental to the existing levels of residential amenity enjoyed by nearby occupants. On this basis, the proposed variation to opening hours cannot be supported.

Residential Amenity – No. 241 Barlow Moor Road occupies a location on the edge of a predominantly residential area and sits in close proximity to a number of dwellinghouses. In this context, there is a clear and justified concern that allowing the premises to operate into the late evening would materially harm the amenity of nearby residents whose homes adjoin, or are situated in close proximity to, the application site. Residents in this locality, despite the presence of a main road, are entitled to experience a reasonable level of tranquillity during sensitive evening and night-time periods, when reduced noise and minimal disturbance can legitimately be expected.

Extending the operating hours beyond those previously imposed by the Planning Inspectorate would risk establishing the premises as a focal point for late-night activity. Such a shift in character would inevitably attract customers during hours when patterns of residential activity are typically subdued. The cumulative effect of customers arriving, congregating, and, in particular, dispersing late at night is well-documented in planning assessments of food and drink uses. Groups leaving the premises often disperse gradually, prolonging elevated noise levels and increasing the likelihood of disturbance spreading into nearby residential streets, particularly where such streets are used informally for parking by patrons.

In addition to noise generated by patrons on foot, vehicle movements associated with later departures would further heighten the level of disturbance. This includes private hire vehicles, taxis, and personal vehicles, all of which bring with them characteristic forms of late-night noise: engine revving, idling vehicles, door slamming, and occasional amplified music from car stereos. These forms of disturbance are recognised components of late-night commercial activity and are known to have a disproportionate effect on residential amenity during the hours when residents reasonably expect quieter environmental conditions.

Given the sensitive residential surroundings and the anticipated nature of the activity associated with extended hours, it is therefore considered that the proposed variation would result in an unacceptable and harmful impact on residential amenity. The proposal would fail to achieve an appropriate balance between commercial operations and the protection of neighbouring living conditions. As stated previously, given these concerns, the variation of opening hours cannot be supported.

Pedestrian and Highway Safety – Although the late-night arrival and departure of vehicles is expected to impact residential amenity, it is not considered that the level of comings and goings associated with the proposal would materially compromise pedestrian or highway safety along this section of Barlow Moor Road or along Aldermary Road.

Conclusion

For the reasons set out above, the proposed variation of opening hours is considered unacceptable. The extended operating period would give rise to increased noise, disturbance, and late-night activity in a predominantly residential setting, resulting in a harmful impact on the living conditions of nearby occupants. While no significant concerns arise in respect of pedestrian or highway safety, this does not outweigh the clear and demonstrable harm to residential amenity. The proposal therefore fails to achieve an appropriate balance between commercial activity and the protection of neighbouring residential environments, and as such, the variation of hours cannot be supported.

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 was assessed against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. The applicant was advised that the proposal would have a detrimental impact upon the existing levels of residential amenity enjoyed within the vicinity of the site. As the nature of the proposal is considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposed development, by virtue of its close proximity to nearby residential properties, would result in significant late-night noise and disturbance arising from increased customer activity, including associated comings and goings. This level of activity would cause an unacceptable impact on the living conditions and residential amenity of occupiers on Aldermar Road and Barlow Moor Road. The proposal therefore conflicts with Policies C10, DM1 and SP1 of the Manchester Core Strategy, saved Policy DC26 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Greater Manchester Police

2B Aldermar Road, Manchester, M21 7QN

2A Aldermar Road, Manchester, M21 7QN

10 Aldermar Road, Manchester, M21 7QN

9 Aldermar Road, Manchester, M21 7QW

5 Aldermar Road, Manchester, M21 7QW

3 Aldermar Road, Manchester, M21 7QW

1 Aldermar Road, Manchester, M21 7QW

2 Aldermar Road, Manchester, M21 7QN

245A Barlow Moor Road, Manchester, M21 7QL

243A Barlow Moor Road, Manchester, M21 7QL

243 Barlow Moor Road, Manchester, M21 7QL

7 Aldermar Road, Manchester, M21 7QW

235 Barlow Moor Road, Manchester, M21 7QL

245B Barlow Moor Road, Manchester, M21 7QL

237 Barlow Moor Road, Manchester, M21 7QL

Apartment 9, Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

Apartment 5, Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

Apartment 11, Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

6 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

10 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

2 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

7 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY

12 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY
4 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY
8 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY
3 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY
1 Fielden Court, 245 Barlow Moor Road, Manchester, M21 7AY
11 Aldermay Road, Manchester, M21 7QW
12 Aldermay Road, Manchester, M21 7QN
8 Aldermay Road, Manchester, M21 7QN
6 Aldermay Road, Manchester, M21 7QN
4 Aldermay Road, Manchester, M21 7QN
245 Barlow Moor Road, Manchester, M21 7QL
239 Barlow Moor Road, Manchester, M21 7QL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA