

Planning

Growth & Development

Delegated officer report for planning application

Application no. 144504/JO/2025

Date registered valid: 12 November 2025

Proposal: Variation of Condition 5 (hours) attached to planning permission 129993/FO/2021 to enable opening hours of Sunday to Wednesday (inclusive) from 11am until Midnight and Thursday to Saturday (inclusive) from 11am until 1am. No music to be played inside the building after 0000hrs. No music to be played in the outside drinking areas.

Address: 437 Wilmslow Road, Manchester, M20 4AN

Ward(s): Withington Ward

Applicant: Mr Stephen Gingell

Agent (if any): Mr Jim Seymour, Seymour Planning Limited

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 07.01.2026

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 2nd December 2025

Standard consultations:

Printed: 11 December 2025

Expired: 4 January 2026

Neighbour notifications

Printed: 11 December 2025

Expired: 4 January 2026

Site notice

Posted: 2 December 2025 Expired: 23 December 2025

Press advert

Published: 2 December 2025

Expired: 23 December 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Withington Conservation Area 1983

Description of area

The site is located at the northern end of Withington District Centre and is within the Withington Conservation Area with the rear of site forming the CA boundary in this location. The area to the east and south is predominantly residential in nature with modern two storey residential properties on Swinbourne Grove with larger Victorian 2/3 storey semi-detached properties further to the south. Withington District Centre is made up of Victorian commercial properties in a variety of uses accommodated in two, three and four storey buildings, located either side of Wilmslow Road a major arterial road which narrows as it passes through the district centre. This relationship gives a constrained busy feeling to the centre. The centre accommodates a number of historic buildings some of these are listed including the Former White Lion pub located at the southern end of the district centre.

The scale of the area varies between 1-4 storeys. The Methodist church is the tallest building in the conservation area. The streets perpendicular to Wilmslow Road contain tall Victorian properties that are typically 4 storeys in height.

The description of Withington Conservation Area is as follows: The village centre of Withington is characterised by buildings with shops on the ground floor and one or two storeys of storage or offices above. Some are single storey and the average height is around two or three storeys. The Withington Ale House (former White Lion), on the corner of Wilmslow Road and Burton Road, is the most striking building, on account of its clock tower, and it thus forms a focus at the southern end of the village. It is a mixed Gothic-style building, built in 1881 of brick with stone

dressings. The forecourt is separated from the highway by railings supported on stone piers. The original railings have been replaced by plain steel horizontal poles, but the piers remain.

The Church of St Paul stands back from Wilmslow Road and has a tall, square tower with large pinnacles forming small spires. It is built of red brick, in simplified Norman style, and dates from 1841. Nearby is the Withington Forge, built of brick in 1881, a symmetrical building with a large central coach-and-horse entrance, and accommodation on either side. The floor above would have been the blacksmith's residence.

The earliest surviving building in the conservation area is the Red Lion Inn on Wilmslow Road, lying to the south of the junction with Palatine Road and on the corner of Marriott Street. It dates from the 17th century, but with many later additions, and of particular interest are the horizontal sliding-sash windows.

At the northern end of the village, the National Westminster Bank (the application property) is a stone building with much decoration, including a finely carved frieze and balustrade parapet wall at roof level. It was originally built as the Manchester and County Bank Ltd in the 19th century, as inscribed in the stone carving over the entrance. Adjoining the bank is the Methodist Church, a stone building in Gothic style.

At the northern extremity of the conservation area is the Withington Public Library, opened in 1927 and admirably constructed of stone to suit its corner site. St Cuthbert's Church on Palatine Road was built in 1881 of red brick and terra cotta, with much moulded decoration around the rose windows on the gables. The Conservation area also includes residential property, such as the Victorian terrace on Tatton View, situated off Tatton Grove at the south end of the designated area. There are also some large Victorian houses on Parsonage Road and Palatine Road, some of which have been converted to offices.

The application is the site of the former NatWest Bank in Withington, located on the corner of Wilmslow Road and Swinbourne Grove, within the Withington conservation area approximately 4 miles south of Manchester City Centre. The area is predominantly Victorian in character, of small to medium scale, with later development and alterations, particularly at shop front level along Wilmslow Road.

The former bank building is a Grade II listed building to the front of the site on Wilmslow Road. The bank is single storey; however, it has high ceilings internally, as well as an existing basement. Connected to the bank is a three storey Victorian property that has been previously used as offices for the bank this is listed by virtue of it being within the curtilage of the listed building and that it is a building that was built prior to 1948 consent has recently been granted for the conversion of this property to residential apartments.

Further to the rear of the site is a recently constructed block of residential apartments which was part of the comprehensive treatment of the former Bank site. Consent was previously granted (123981/FO/2019) for these works to enable the erection of a 4 storey block of 13 no. apartments with associated car parking and change of use of vacant former banking hall to A3/A4 restaurant/bar with associated elevational alterations.

Description of development

Consent was originally granted for elevational alterations including insertion of access doors, demolition of existing rear extension and formation of enclosed outdoor dining and drinking space in association with the use of the building as a restaurant / bar under planning approval reference 129993/FO/2021 in July 2022.

The current application seeks to vary condition 5 of the original planning approval to extend the opening hours of the premises to Sunday to Wednesday (inclusive) from 11am until Midnight and Thursday to Saturday (inclusive) from 11am until 1am. This would provide an additional hour later from Sunday to Wednesday and an additional two hours later from Thursday to Saturday. The premises would also be open an hour earlier on a Sunday and an hour later for the rest of the week.

The application has been amended since first submitted to clarify that the intention is that no music would be played inside the premises from 0000hrs. This amendment has been subject to renotification of local residents and consultees.

Planning History

123981/FO/2019 - Erection of a 4 storey block of 13 no. apartments with associated car parking and change of use of vacant former banking hall to A3/A4 restaurant/bar with associated elevational alterations. Approved subject to condition 25: The hereby approved A3/A4 use shall not be open outside of the following hours: Monday to Friday 0800 - 0030 hrs Saturday 0800 - 0100 hrs Sunday 0800 - 0100 hrs

129993/FO/2021 - Elevational alterations including insertion of access doors, demolition of existing rear extension and formation of enclosed outdoor dining and drinking space in association with the use of the building as a restaurant / bar. Approved subject to condition 5 " The premises shall not be open outside the following hours:- Monday to Saturday: 10:00 - 23:00hrs Sunday and Bank Holidays: 12:00 - 23:00 hrs".

Consultations & Notification Responses

Local Councillors – Cllr Wills made contact to query the originally proposed restriction on hours that music would not be played inside the building. No further comments were made following clarification from the applicant and renotification.

Local residents – No responses

Withington Civic Society – Do no object to the proposals.

MCC Environmental Health – Indicate that all music at the premises must go through the limiter installed. Recommend that there should be no music played inside the building after 2300hrs Sunday to Wednesday and after 0000hrs Thursday to Saturday to ensure that music finishes an hour before closing on all days.

The condition relating to external area still needs to be agreed. A noise management plan needs to be submitted, and no music should be played at any time. This condition would be reimposed on any approval granted.

EH make comments around external plant but the original planning approval did not include for a specific condition for external plant as the original noise assessment set out limits to be adhered to. A fume and odour condition was attached which was not successfully discharged, this condition is to be reimposed on any approval granted.

MCC Highways - No objections to the proposal.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for

development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Manchester Core Strategy

The adopted Core Strategy contains a number of planning policies relevant to the consideration of the application proposals. These are set out below:

EN1 - Design Principles and Strategic Character Areas

EN3 - Heritage

DM1 - Development Management

The Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Policy DC18, Conservation Areas

Policy DC19, Listed Buildings

Policy DC26, Development and Noise

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)

Policy JP-S1: Sustainable Development

Policy JP-P1 Sustainable Places

Policy JP-P2: Heritage

Policy JP-P4: New Retail and Leisure Uses in Town Centres

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.

Draft NPPF December 2025 – A draft for consultation NPPF was published in December 2025 for consultation. As such the draft has limited material weight in decision making prior to its final publication. It does contain national decision-making policies including P3 'Living Conditions and Pollution' which indicates that proposals should "Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site".

Withington Village Framework (2021) – Identifies the strengths of the District Centre one of these being the evidence of an evening economy beyond '9-5' with an opportunity to focus on

attracting bars and cafes to increase footfall. The application site is identified as an important focus for the centre and investment in it.

Issues

Principle – The principle of the use of the premises has been established through the granting of the original planning approval for use as a restaurant/bar.

The current proposals seek to apply to vary the hours of opening for the premises. It is understood that the new operator of the premises seeks to ensure that the premises operates successfully following a number of failed previous operators of the premises. It is noted that the original planning approval for the premises from the 2019 application permitted later opening hours than that currently being used under the 2021 approval. Since that time the noise condition relating to the installation of a noise limiter has been discharged and the current applicant intends to operate the premises under the same regime that was previously approved with an additional restriction on when music played inside the premises would be switched off. Whilst the general principle of later opening hours within a district centre is generally considered acceptable further consideration of impacts on residential amenity are required.

Residential Amenity – The premises is located at the northern edge of Withington District Centre and there are residential properties to the rear along Swinbourne Grove and opposite above other commercial premises on Wilmslow Road within the District Centre. The main entrance to the application property is on Wilmslow Road, with a bus stop and layby immediately to the front. Withington District Centre has a range of leisure and town centre uses and Wilmslow Road bisects it as a busy north-south radial route connecting southern suburbs with Manchester City Centre.

As such the area is one characterised by high levels of activity, and comings and goings and in addition the bus stop outside of the property would generate activity throughout the nighttime period particularly as this is the only stop in the district centre serving southbound buses. In addition, the Council's Environment Health team raise no objections to the extended opening hours subject to a restriction on the playing of music inside the premises and that this is switched off for the last hour.

The proposed opening hours are not considered to give rise to impacts that would be significant to warrant refusal of the proposals. A suitably worded condition is to be appended to any approval relating to the opening hours and that the switching off music one hour prior to the premises closing. Given that conditions relating to acoustic measures to be installed and used have been previously discharged the agreed details are set out in proposed conditions to ensure the premises continues to operate in accordance with these.

Listed Building and Conservation Area – The proposed change to the opening hours are not considered to give rise to impacts on the fabric of the Grade II Listed Building nor on the special character of the Withington conservation area. The proposed hours are hoped to provide some additional economic benefit to the premises and to assist its continued occupation and use.

Other Matters -The original planning permission was subject of conditions relating to the installation of a fume and odour extraction system. Whilst some details were provided on the type of system to be installed a number of clarifications were required at the time that were not provided. As such it is intended to reimpose this condition, together with the condition relating to the approval of a schedule of hours and days of use of external areas. The Council as local planning authority is not aware of any complaints around the installed fume extraction system, nor the use of external areas associated with the premises. Given the use has been operated

these conditions would be subject to an appropriate timescale for details to be submitted for agreement.

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: Approve

Article 35 Declaration

The application has been determined in a positive and proactive manner. The applicant has clarified the proposed hours for the playing of music and appropriately worded conditions are proposed to be appended to any approval.

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

2101 08 Rev A EXTERNAL ELEVATIONS

2101 03 Rev E PLANS

2101-25 CEILING PLAN-STRIP OUT

2101-20 REMOVAL OF STRUCTURAL WALL

Documents relating to Condition Discharge Application reference CDN/22/0611 including the report prepared by Acoustic & Engineering Consultants Limited reference:P4510/L01/RDC dated 9th August 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Within three months of the date of this decision a scheme for the extraction and discharge of fumes, vapours and odours from the premises shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented within one month of confirmation of its approval and shall remain operational thereafter.

Reason - In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to character and appearance of the host building and the surrounding area in accordance with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

4) The premises shall be operated in accordance with the approved Noise Impact Assessment reference P4510/R1a/RDC dated 14th February 2022 and the document prepared by Acoustic & Engineering Consultants Limited reference: P4510/L01/RDC dated 9th August 2022.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to Core Strategy policy DM1 and saved UDP policy DC26

5) The premises shall only be open to customers between the following hours:
1100 hrs to 0000hrs - Sunday to Wednesday
1100 hrs to 0100hrs - Thursday to Saturday

Reason - 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.

6) The external areas within the application site shall only be used in accordance with a schedule of days and hours of operation to be submitted to and approved in writing by the City Council as local planning authority within three months of the date of this decision, and shall not allow for the use of amplified sound or any music in these external areas at any time. The development shall be subsequently operated in accordance with the agreed details.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

7) The scheme for the storage (including segregated waste recycling) and disposal of refuse as set out within the submitted waste management proforma dated 7th January 2022 together with the approved plans shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interest of public health pursuant to policy DM1 of the Core Strategy.

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

9) a) Prior to the installation of any external lighting, an external lighting scheme shall be designed and installed in accordance with a scheme previously submitted to and approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to the first use of the agreed lighting scheme a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policy DM1 of the Core Strategy

10) No music is to be played inside the building after 2300hrs Sunday - Wednesday and no music to be played inside the building after 0000hrs Thurs - Saturday.

Reason - 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Heritage & Urban Design
Greater Manchester Police
Withington Civic Society
Withington Village Regeneration Partnership
Environmental Health
Highway Services
Heritage & Urban Design
Withington Civic Society
Withington Village Regeneration Partnership
Greater Manchester Police

Flat 13, 4 Swinbourne Grove, Manchester, M20 4DA
444A Wilmslow Road, Manchester, M20 3BW
9 Swinbourne Grove, Manchester, M20 4PP
7 Swinbourne Grove, Manchester, M20 4PP
5 Swinbourne Grove, Manchester, M20 4PP
11 Swinbourne Grove, Manchester, M20 4PP
1 Davenport Avenue, Manchester, M20 3GA
443A Wilmslow Road, Manchester, M20 4AN
Withington Contact Centre, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
Assist Care, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
5 Egerton Crescent, Manchester, M20 4PN
445 Wilmslow Road, Manchester, M20 4AN
5 Davenport Avenue, Manchester, M20 3GA
445A Wilmslow Road, Manchester, M20 4AN
Ground Floor, 440 - 442 Wilmslow Road, Manchester, M20 3BW
Basement Office, 433 Wilmslow Road, Manchester, M20 4AF
Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
444 Wilmslow Road, Manchester, M20 3BW
418 Wilmslow Road, Manchester, M20 3BW
Flat, Downing House, 14 Swinbourne Grove, Manchester, M20 4PP
1 Queen Street West, Manchester, M20 3BQ
Flat At, Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
430 - 432A Wilmslow Road, Manchester, M20 3BW
450A Wilmslow Road, Manchester, M20 3BW
Flat 5, 433 Wilmslow Road, Manchester, M20 4AF
Flat 4, 433 Wilmslow Road, Manchester, M20 4AF
Flat 3, 433 Wilmslow Road, Manchester, M20 4AF
Flat 2, 433 Wilmslow Road, Manchester, M20 4AF
Flat 1, 433 Wilmslow Road, Manchester, M20 4AF
450 - 452 Wilmslow Road, Manchester, M20 3BW
448 Wilmslow Road, Manchester, M20 3BW
443 Wilmslow Road, Manchester, M20 4AN
442 Wilmslow Road, Manchester, M20 3BW
Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
435 Wilmslow Road, Manchester, M20 4AF
Flat 1, 424 Wilmslow Road, Manchester, M20 3BW
Flat 2, 424 Wilmslow Road, Manchester, M20 3BW
Flat 3, 424 Wilmslow Road, Manchester, M20 3BW

424 Wilmslow Road, Manchester, M20 3BW
422 Wilmslow Road, Manchester, M20 3BW
414 Wilmslow Road, Manchester, M20 3BW
430 - 432 Wilmslow Road, Manchester, M20 3BW
440 Wilmslow Road, Manchester, M20 3BW
428A Wilmslow Road, Manchester, M20 3BW
420 Wilmslow Road, Manchester, M20 3BW
First Floor, 440 Wilmslow Road, Manchester, M20 3BW
446 Wilmslow Road, Manchester, M20 3BW
428 Wilmslow Road, Manchester, M20 3BW
416 Wilmslow Road, Manchester, M20 3BW
436 Wilmslow Road, Manchester, M20 3BW
Flat 2, 441 Wilmslow Road, Manchester, M20 4AN
422A Wilmslow Road, Manchester, M20 3BW
Downing House, 14 Swinbourne Grove, Manchester, M20 4PP
433 Wilmslow Road, Manchester, M20 4AF
441 Wilmslow Road, Manchester, M20 4AN
426 Wilmslow Road, Manchester, M20 3BW
434 Wilmslow Road, Manchester, M20 3BW
Flat 2, 426 Wilmslow Road, Manchester, M20 3BW
Flat 3, 426 Wilmslow Road, Manchester, M20 3BW
Flat 1, 426 Wilmslow Road, Manchester, M20 3BW
Flat 1, 441 Wilmslow Road, Manchester, M20 4AN
3 Swinbourne Grove, Manchester, M20 4PP
1 Swinbourne Grove, Manchester, M20 4PP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Withington Conservation Area 1983
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA