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Date: 11/11/25

Planning Department
P O Box 532
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Dear Sir/Madam

Application to vary condition 5 (Hours of operation) of Planning Permission 129993/FO/2021.

437 Wilmslow Road, Manchester, M20 4AN.

Supporting Planning Statement.

Background.

Planning permission was originally granted to allow the use of the building as an A3/A4 unit under ref: **123981/FO/2019**. This permission was part of a wider redevelopment approval of a larger site described as follows:

“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 (Now class E/Suis generis (p)) restaurant/bar with associated elevational alterations.”

The above permission was granted subject to several planning conditions. Condition 25 related to the hours of operation of the approved A3/A4 use element limiting hours of operation as follows:

“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

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.”

A later application ref: **129993/FO/2021** was 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.”

That permission was also granted subject to various conditions. Notably a different set of hours of operation were imposed under condition 5 as follows:

“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.

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.”

Condition 4 of 129993/FO/2021 imposed additional control over the acoustics at the premises as below:

“4) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the approved Noise Impact Assessment reference P4510/R1a/RDC dated 14th February 2022. The scheme shall be implemented in full before the use commences. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the

63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.”

b) Prior to the first use of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic 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 agreed noise criteria.

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.”

The requirements of condition 4 above were discharged under subsequent Discharge of Condition approval ref: **CDN/22/0611** on 21/9/2022.

Condition 6 of 129993/FO/2021 provided additional control over the use of the external areas at the premises as follows:

“6) The external areas within the application site shall only be used in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority prior to the first use of the premises, 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.”

Proposal.

The application seeks to vary the current hours of operation to the following times:

- **Sunday to Wednesday** (inclusive) from 11am (11:00) until Midnight (00:00).
- **Thursday to Saturday** (inclusive) from 11am (11:00) until 1am (01:00).

This proposal includes provision for no music to be played inside the building after 12 Midnight (00:00 hrs) during any day of the week.

The premises will continue to operate in accordance with the details discharged under CDN/22/0611.

No amplified music would be played in the external areas so the premises would continue to operate in accordance with condition 6 of 129993/FO/2021.

These proposed hours therefore represent a slight increase in those approved under 129993/FO/2021 but a reduction in those originally approved under 123981/FO/2019.

Analysis.

There has been no significant change to the surrounding property or its uses. The adjacent property at 20 Swinbourne Grove remains in use as a small House in Multiple Occupation. This use was deemed lawful by the Council on the 8th of April 2024 under ref: **139240/LE/2024** which proved that the small HMO use had been operational for the last 10 years i.e. 5 years before original permission **123981/FO/2019** granted consent for the use of the application property A3/A4 (now Class E/suis generis (p)).

The proposal would offer the following benefits:

- The premises will become more commercially viable. The previous uses have had to close due to poor returns. The proposed extended hours will allow the

operator to maximise their chances of success providing a competitive offer within the local evening economy.

- The success of the use is important for the continued upkeep and preservation of the listed building. The listed building is more likely to be preserved and enhanced with a successful operator rather than without.
- The building marks a key gateway building into Withington Centre and it is important to maintain the building in use for the vitality and viability of the centre.
- The proposed hours would remain less than those imposed by the Council in its original decision to grant planning permission for this type of use at the property in 2019.
- The premises would continue to operate in accordance with the details approved under conditions 4 and 6 of 129993/FO/2021.
- The applicant is willing to accept a further planning condition that no music will be played after 12 midnight (00:00 hrs) on any night of the week.

It is submitted that the proposal therefore complies with the development plan and represents sustainable development in accordance with the National Planning Policy Framework.

If you require any further information or wish to discuss the proposal, please contact me on the above contact points.

Yours faithfully

Jim Seymour
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PLANNING