MANCHESTER CITY COUNCIL
Planning
Telephone: 0161 234 4516
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PO Box 532 Town Hall
Manchester M60 2LA

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 117

Suffix:

Property Name:

Address Line 1: Wilmslow Road

Address Line 2:

Address Line 3: Manchester

Town/city: Manchester

Postcode: M14 5AN

Description of site location must be completed if postcode is not known:

Easting (x): 385179

Northing (y): 395370

Description

Applicant Details

Name/Company

Title

First name

Umme

Surname

Asghar

Company Name

Address

Address line 1

117 Wilmslow Road

Address line 2

Address line 3

Town/City

Manchester

County

Manchester

Country

Postcode

M14 5AN

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Applicant Contact Details

Primary number

Secondary number

Fax number

Email address

***** REDACTED ******

Agent Details

Name/Company

Title

Mr

First name

Michael

Surname

Soselia

Company Name

Barnab Limited

Address

Address line 1

41A St Stephens Terrace

Address line 2

Address line 3

Town/City

London

County

England

Country

United Kingdom

Postcode

SW81DL

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Change of use from a shop to a take away hot food shop

Reference number

044329/FU/CENTL2/93

Date of decision (date must be pre-application submission)

21/12/1993

Please state the condition number(s) to which this application relates

Condition number(s)

2

Has the development already started?

◯ Yes
⊘ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Condition 2 of permission 044329/FU/CENTL2/93 (dated 21 December 1993) restricts opening hours at 117 Wilmslow Road to 08:00 to 23:30 Sunday to Thursday and 08:00 to 00:00 Friday and Saturday. The express reason given for this condition was to safeguard the amenities of the occupiers of nearby residential accommodation. The applicant seeks variation of Condition 2 because that residential rationale no longer applies in the same way to the immediate environment of the premises, and because the limits chosen in 1993 are out of step with the established and lawful trading pattern of this part of the Curry Mile in 2026.

The immediate parade is now in commercial use throughout. The adjoining units at Nos. 113, 115 and 119 are fully commercial properties. There is no residential accommodation directly above or adjacent to the application premises and no residential receptors who would be the principal recipients of any operational effect of the use. This is a material change of circumstance since the condition was imposed 33 years ago.

The Rusholme Curry Mile is one of the most established late night commercial corridors in Manchester and is expressly supported as a night time economy location by Core Strategy Policy C10. The Manchester Hot Food Takeaway SPD (March 2017) requires a location specific approach to hours rather than a city wide rule. Every comparable food, dessert and shisha operator within a short walking distance of 117 trades past midnight, and most trade until 02:00 or later. The two units immediately adjoining the application premises on the same side of Wilmslow Road trade until 02:00 nightly and 03:00 at weekends (No. 119, Al Qaza Shisha, and No. 123, Yumyo). Operators on the opposite side of the road, including Kobeda Place, M14 Crispy Burger and Rusholme Chippy, trade to between 03:00 and 05:00. The 1993 closing times of 23:30 and midnight no longer reflect the trading reality of this parade.

Applying the six tests for conditions in the Planning Practice Guidance, Condition 2 in its 1993 form is no longer necessary in its current restrictive terms or reasonable in all other respects, because its express purpose (protection of nearby residential accommodation) does not apply to the immediate parade as it now exists, and the limits chosen are out of step with the lawful trading pattern of the same parade.

The application is accompanied by a Planning Statement and an Operational Management Plan addressing customer management and dispersal, frontage and litter management, late night staffing, CCTV and security, taxi, private hire and delivery rider management, waste and servicing controls, music and light controls, and resident liaison. Original Conditions 3 (fume extraction), 4 (refuse storage) and 5 (acoustic insulation) remain in force and are unaffected by this application.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

The applicant seeks the variation of Condition 2 of planning permission 044329/FU/CENTL2/93 by the substitution of a new hours condition in the following or substantially similar terms:

"The premises shall not be open to customers outside the following hours: Sunday to Thursday, 08:00 to 03:00 the following day; Fridays and Saturdays, 08:00 to 05:00 the following day. Reason: in the interests of the proper planning of the area and to retain control over the hours of operation of the use."

In tabular terms, the proposed substitute hours are as follows. Sunday: 08:00 to 03:00 the following day (currently 08:00 to 23:30). Monday: 08:00 to 03:00 the following day (currently 08:00 to 23:30). Tuesday: 08:00 to 03:00 the following day (currently 08:00 to 23:30). Wednesday: 08:00 to 03:00 the following day (currently 08:00 to 23:30). Thursday: 08:00 to 03:00 the following day (currently 08:00 to 23:30). Friday: 08:00 to 05:00 the following day (currently 08:00 to 00:00). Saturday: 08:00 to 05:00 the following day (currently 08:00 to 00:00).

If, having considered the application, the Council is not minded to grant the full hours sought, the applicant offers the following fallback positions as a basis for negotiation rather than refusal. Intermediate position: 02:00 Sunday to Thursday and 04:00 Friday and Saturday. Minimum acceptable position: 01:00 Sunday to Thursday and 03:00 Friday and Saturday. Any of these positions would represent a planning improvement on the existing 1993 condition and would be consistent with the established late night trading character of this section of the Curry Mile.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ◯ The agent
- ⊘ The applicant
- ◯ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ◯ Yes
- ⊘ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ◯ Yes
- ⊘ No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- ⊘ Yes
- ◯ No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- ⊘ **I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or**
- ◯ **The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990**

Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:

Number:
65

Suffix:

Address line 1:
Wilbraham Road

Address Line 2:

Town/City:
Manchester

Postcode:
M147DN

Date notice served (DD/MM/YYYY):
03/05/2026

Person Family Name:

Person Role

- [x] The Applicant
- [ ] The Agent

Title

First Name

Umme

Surname

Asghar

Declaration Date

08/05/2026

- [x] Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

- [x] I / We agree to the outlined declaration

Signed

Michael Soselia

Date

18/05/2026