PLANNING STATEMENT

117 Wilmslow Road, Rusholme, Manchester M14 5AN

Application under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 2 (opening hours) of planning permission 044329/FU/CENTL2/93

Local Planning Authority: Manchester City Council

May 2026

1. Introduction

This Planning Statement is submitted in support of an application under section 73 of the Town and Country Planning Act 1990 (the 1990 Act) for the variation of Condition 2 (opening hours) of planning permission 044329/FU/CENTL2/93, granted on 21 December 1993 for the use of 117 Wilmslow Road, Rusholme, Manchester M14 5AN as a hot food takeaway.

The original Condition 2 restricts opening to 08:00 to 23:30 Sunday to Thursday and 08:00 to 00:00 Friday and Saturday. The application seeks the substitution of Condition 2 with a revised hours condition reflecting the present day character of the Rusholme Curry Mile, in which late night food trading is the established norm rather than the exception.

This Statement should be read together with the Operational Management Plan (OMP) submitted with the application. Those are the only two supporting documents the applicant considers necessary in light of the matters explained below, and in particular the commercial only character of the immediate parade and the absence of residential receptors directly affected by the operation of the premises.

1.1 Structure of this Statement

- Section 2. The site and its surroundings
- Section 3. The proposal and the substitute condition sought
- Section 4. Planning history and the original Condition 2
- Section 5. Planning policy framework
- Section 6. Planning assessment
- Section 7. The PPG six tests for conditions
- Section 8. Conclusion

2. The Site and its Surroundings

2.1 The application site

117 Wilmslow Road is a ground floor commercial unit on the east side of Wilmslow Road within the Rusholme District / Local Centre, commonly known as the Curry Mile. The premises currently operate as a hot food takeaway with approximately 80 covers and a takeaway service counter under the 1993 permission.

2.2 Surrounding land uses, commercial parade

This is the central factual point on which much of the application turns. The immediate parade in which 117 Wilmslow Road sits is in commercial use throughout. The adjoining units on the same side of Wilmslow Road, including 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 property whose residents would be the principal recipients of any operational effect of the use of 117.

This is a material change of circumstance from the position in 1993. Although the original Condition 2 was imposed to safeguard the amenities of the occupiers of nearby residential accommodation, and although the original Condition 5 referred to living accommodation above, the parade is now in commercial use and the residential rationale for the historic hours restriction no longer applies in the same way to the immediate environment of the premises.

2.3 The Curry Mile context

Wilmslow Road, Rusholme, is one of the most established late night commercial corridors in Manchester. The Curry Mile contains, on the case material previously considered, more than 70 restaurants, takeaways, shisha cafes, sweet houses and tearooms, and is widely understood as the largest concentration of South Asian restaurants in the United Kingdom. Trading until 02:00, 03:00, 04:00 or 05:00 is commonplace on this corridor and is part of the area's established character.

The detailed comparator schedule at Section 6 demonstrates that every comparable food, dessert and shisha operator within a short walking distance of 117 trades past midnight, and most trade until 02:00 or significantly later. Crucially, the two units immediately adjoining the application premises on the same side of Wilmslow Road (Nos. 119 and 123) trade until 02:00 every night and 03:00 at weekends.

3. The Proposal

3.1 Hours sought

The applicant seeks the variation of Condition 2 by the substitution of a new hours condition. For the avoidance of doubt, the applicant does not seek the complete deletion or removal of hours control over the premises. A substitute condition setting full daily opening hours is sought, in the same structural form as the 1993 condition. The proposed substitute hours are as follows:

Day	Currently permitted (Condition 2, 1993)	Proposed (substitute condition)
Sunday	08:00 to 23:30	08:00 to 03:00 (following day)
Monday	08:00 to 23:30	08:00 to 03:00 (following day)
Tuesday	08:00 to 23:30	08:00 to 03:00 (following day)
Wednesday	08:00 to 23:30	08:00 to 03:00 (following day)
Thursday	08:00 to 23:30	08:00 to 03:00 (following day)
Friday	08:00 to 00:00	08:00 to 05:00 (following day)
Saturday	08:00 to 00:00	08:00 to 05:00 (following day)

3.2 Form of the substitute condition

The applicant invites the Council to impose, in substitution for Condition 2 of permission 044329/FU/CENTL2/93, a 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.*

3.3 Operational controls

Although the immediate environment of the premises is commercial, the applicant recognises that the use is in a District / Local Centre on a major bus corridor, and that the Council, the Highways Authority and the Police have a legitimate interest in how the use operates during late night hours. The applicant has therefore prepared an Operational Management Plan covering customer management and dispersal, frontage and litter management, late night staffing and supervision, CCTV and security, taxi and private hire and delivery rider management, waste and servicing controls, music and light controls, and resident liaison. The OMP is offered as a document capable of being secured by planning condition.

3.4 Fallback position

If, having considered the application, the Council is not minded to grant the full hours sought, the applicant offers the following fallback position as a basis for negotiation rather than refusal:

- Primary ask. 03:00 Sun to Thu and 05:00 Fri to Sat (as set out at 3.1).
- Intermediate position. 02:00 Sun to Thu and 04:00 Fri to Sat.

- Minimum acceptable. 01:00 Sun to Thu and 03:00 Fri to Sat.

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.

4. Planning History and the Original Condition 2

4.1 The 1993 permission

Planning permission 044329/FU/CENTL2/93, dated 21 December 1993, granted change of use from shop to hot food takeaway at 117 Wilmslow Road. The permission was subject to conditions including:

- Condition 1. Standard time limit for commencement (discharged on implementation).
- Condition 2. Restriction of opening hours to 08:00 to 23:30 Sun to Thu and 08:00 to midnight Fri to Sat, to safeguard the amenities of the occupiers of nearby residential accommodation.
- Condition 3. Submission and implementation of a fume extraction scheme.
- Condition 4. Adequate refuse storage and disposal provision.
- Condition 5. Acoustic insulation scheme to reduce noise to living accommodation above.

4.2 Conditions other than Condition 2

This application is concerned only with Condition 2. Conditions 3, 4 and 5 remain in force and are unaffected by this application. The premises continues to operate subject to those conditions and the Operational Management Plan makes specific commitments to ongoing maintenance of the extraction system, controlled refuse storage and handling, and maintenance of acoustic separation, so that those long standing planning controls continue to be respected.

4.3 The basis for Condition 2 no longer applies in the same way

The express reason for Condition 2 was the protection of residential accommodation. The parade in which 117 sits is now in commercial use, with adjoining units at Nos. 113, 115 and 119 being fully commercial. The principal receptors that the 1993 condition was designed to protect, namely the occupiers of nearby residential accommodation, are not in the relevant location. The condition's underlying planning purpose is therefore weaker today than in 1993 and is plainly weaker than it would be on a parade containing residential

flats above. That is a material change in the planning circumstances of the site since the condition was imposed 33 years ago.

5. Planning Policy Framework

5.1 Development plan

The statutory development plan comprises the Manchester Core Strategy (2012) and the saved policies of the Manchester Unitary Development Plan (1995), read together with Places for Everyone (Joint Plan adopted 2024). The most relevant policies are as follows.

Core Strategy DM1, Development management

DM1 requires development to have regard to a range of matters including the effect on amenity, noise, fumes, hours of operation and disturbance, and the character of the surrounding area. DM1 is the principal local policy governing late night hours applications. Its application depends on the receptors that exist on the ground; where the parade is commercial, the amenity considerations are necessarily different from those on a parade with residential flats above and adjacent.

Core Strategy C1, Centres

C1 supports the function and vitality of centres. Hot food takeaway and restaurant uses are recognised as contributing to the function of a centre such as Rusholme.

Core Strategy C10, Night time economy

C10 expressly supports the night time economy in appropriate locations. Rusholme's Curry Mile is unambiguously such a location: it is one of the most established night time food destinations in the city and in the country.

Places for Everyone, JP-S1, JP-P1, JP-P4

PfE supports sustainable growth in accessible urban locations and town and local centres with a broad mix of uses. Late night food operation on a major bus corridor in an established commercial centre is consistent with these strategic policies.

NPPF (December 2024)

The NPPF supports healthy and safe communities (Chapter 8) and the vitality of town centres (Chapter 7). Chapter 15 requires planning decisions to avoid unacceptable adverse effects on health and quality of life from noise and other pollution. In a commercial parade with no residential receptors directly affected by the operation of the use, the noise and disturbance limb of NPPF Chapter 15 carries materially less weight than it would in a mixed use parade with residents above and adjoining.

5.2 Hot Food Takeaway SPD (March 2017)

The Manchester Hot Food Takeaway SPD is directly relevant. The SPD's key point in relation to hours is that opening hours cannot sensibly be set by a city wide rule, because the character and role of centres differ across the city. The SPD therefore requires opening hours to be considered on the merits of each location.

On a strict application of that location specific principle, 117 Wilmslow Road is squarely within the type of location where extended late night trading is the prevailing norm. As set out below, every comparable operator within a short walking distance trades past midnight, and the immediately adjoining units on the same side of the road trade to 02:00 or 03:00 nightly. The SPD therefore supports rather than resists the present application.

6. Planning Assessment

6.1 Principle of the use

The principle of the hot food takeaway use is established by the extant 1993 permission and is not in issue under section 73. The only matter properly under consideration is the wording of Condition 2.

6.2 Centre function and character of the area

On centre function and character, the application is strongly supported by policy. C10 endorses the night time economy in appropriate locations and the Curry Mile is precisely such a location. The Hot Food Takeaway SPD requires a location specific approach. A blanket closing time of 23:30 / midnight imposed in 1993 does not reflect the trading reality of this parade in 2026.

6.3 Comparator evidence

The applicant has compiled the following comparator schedule of late night operators on this stretch of Wilmslow Road, derived from public facing trading information for each business. The schedule is ordered to highlight, first, those venues immediately adjoining or close to 117 on the same side of the road, and second, those venues on the opposite side. All identified comparators trade past midnight and the majority trade until 02:00 or later.

Comparator schedule, late night operators on Wilmslow Road, Rusholme

#	Venue	Address	Use type (Google)	Service	Latest close	Opening hours (per Google)	Distance / location
1	Al Qaza Shisha	119 Wilmslow Rd, M14 5AN	Shisha bar	Dine-in, takeaway, delivery	03:00 (Sat)	Mon to Thu 14:00 to 02:00; Fri 14:00 to 03:00; Sat 15:00 to 03:00; Sun 15:00 to 02:00	Same side
2	Yumyo	123 Wilmslow Rd, M14 5AN	Fast food restaurant	Dine-in, takeaway	03:00 (Fri/Sat)	Mon to Thu 11:00 to 02:00; Fri 11:00 to 03:00; Sat 11:00 to 03:00; Sun 11:00 to 02:00	Same side
3	FiLLi Cafe Rusholme	113 Wilmslow Rd, M14 5AN	Cafe	Dine-in, kerbside pickup, no-contact delivery	01:00 (Fri/Sat)	Mon to Thu 10:00 to 23:00; Fri 10:00 to 01:00; Sat 10:00 to 01:00; Sun 10:00 to 23:00	Same side
4	Cafe Begum Manchester	109 Wilmslow Rd, M14 5AN	Restaurant	Dine-in, takeaway	00:45 (Fri/Sat)	Mon to Thu 10:00 to 23:45; Fri 10:00 to 00:45; Sat 10:00 to 00:45; Sun 10:00 to 23:45	Same side
5	Kobeda Place	74 Wilmslow Rd, M14 5AL	Kebab shop	Dine-in, takeaway, delivery	03:30 (daily)	Mon to Wed 11:00 to 03:30; Thu 11:00 to 03:00; Fri and Sat 11:00 to 03:30; Sun 11:00 to 02:00	Opposite side
6	Marhaba	68 to 70 Wilmslow Rd, M14 5AL	Ice cream shop (dessert parlour)	Dine-in, takeaway	02:00 (Fri/Sat)	Mon to Thu 12:00 to 01:00; Fri 12:00 to 02:00; Sat 12:00 to 02:00; Sun 12:00 to 01:00	Opposite side
7	M14 Crispy Burger Fried Chicken	64 Wilmslow Rd, M14 5AL	Fast food restaurant	Dine-in, kerbside pickup, no-contact delivery	03:00 (daily)	Mon to Sun 11:00 to 03:00	Opposite side
8	Rusholme Chippy	62 Wilmslow Rd, M14 5AL	Kebab shop	Dine-in, takeaway, delivery	05:00 (Sun, early hours)	Mon to Thu 11:30 to 24:00 then 00:30 to 03:00; Fri 11:30 to 24:00 then 00:30 to 03:00; Sat 11:30 to 24:00 then 00:30 to 04:00; Sun 11:30 to 24:00 then 00:30 to 05:00	Opposite side
9	Saajan Restaurant	129 Wilmslow Rd, M14 5AW	Halal restaurant	Dine-in, takeaway, no-contact delivery	05:00 (Fri/Sat)	Mon to Thu 16:00 to 04:00; Fri 16:00 to 05:00; Sat 16:00 to 05:00; Sun 16:00 to 04:30	Same side
10	Al Safa Takeaway	40 Wilmslow Rd, M14 5TQ	Halal restaurant	Dine-in, takeaway, delivery	04:00 (daily)	Mon to Sun 10:00 to 04:00	Opposite side
11	Krunchy Fried Chicken	Ifco Centre, 50 to 52 Wilmslow Rd, M14 5TQ	Chicken shop	Takeaway, no-contact delivery	05:00 (Fri/Sat)	Mon to Thu 11:00 to 03:40; Fri 11:00 to 05:00; Sat 11:00 to 05:00; Sun 11:00 to 03:40	Opposite side

Hours data sourced from public facing trading information published by each business as at May 2026.

Observations on the comparator evidence

Five of the eleven comparators are on the same side of Wilmslow Road as the subject site and six are on the opposite side. Of the same side comparators:

- **No. 119 (Al Qaza Shisha),** immediately adjacent to No. 117, trades to 02:00 Sunday to Thursday and to 03:00 Friday and Saturday.
- **No. 123 (Yumyo),** two doors from the subject site, trades to 02:00 Sunday to Thursday and to 03:00 Friday and Saturday.
- **No. 113 (FiLLi Cafe Rusholme),** trades to 23:00 Sunday to Thursday and to 01:00 Friday and Saturday.
- **No. 109 (Cafe Begum Manchester),** trades to 23:45 Sunday to Thursday and to 00:45 Friday and Saturday.
- **No. 129 (Saajan Restaurant),** a short distance along the same parade, trades to 04:00 Monday to Thursday and Sunday and to 05:00 Friday and Saturday.

On the opposite side of the road, the comparators are similarly late. Kobeda Place trades until 03:30 most nights; M14 Crispy Burger trades until 03:00 every night; Marhaba trades until 01:00 to 02:00; Rusholme Chippy, directly opposite the parade containing No. 117, trades into the early hours, until 03:00, 04:00 or 05:00 depending on the day; Al Safa Takeaway trades to 04:00 every night of the week; and Krunchy Fried Chicken trades to 03:40 Sunday to Thursday and to 05:00 Friday and Saturday.

The applicant's requested closing times of 03:00 Sunday to Thursday and 05:00 Friday and Saturday sit firmly within the range already operated lawfully by comparable food and dessert operators on the same stretch of road, and are matched or exceeded by the units immediately adjoining the application premises. Indeed, on Fridays and Saturdays the applicant's requested closing time of 05:00 is the same as the lawful closing time of Saajan Restaurant on the same side of the road and of Krunchy Fried Chicken opposite, and earlier than the closing time of Rusholme Chippy on the Sunday opening period.

6.4 Residential amenity, commercial context

The amenity case is significantly different from the typical late night hours application. The premises is not located on a mixed use parade with flats above and to the side. The adjoining units at Nos. 113, 115 and 119 are commercial. There are no residential receptors immediately above or adjoining the application premises that would be affected by the principal operational effects of the use, namely customer voice, door operation, frontage activity, taxi and delivery activity.

In those circumstances, the central justification for the 1993 condition, the protection of residential occupiers, does not apply to the immediate environment of the use. While the

wider area will contain residential properties at greater distance and on side streets, the Curry Mile already accommodates late night trading by every adjoining operator, and the activity that would result from extended hours at No. 117 would not be perceptibly different from, or additional to, the established late night character of the parade. The cumulative ambient context on Wilmslow Road into the early hours is well established by the comparators above and is acknowledged in the policy designation of this stretch as part of the night time economy.

6.5 The Operational Management Plan

Notwithstanding the commercial context, the applicant has prepared a detailed Operational Management Plan. The OMP commits to defined staffing levels by trading period; a dedicated Frontage and Dispersal Monitor during the late night period; a closed door policy after 23:00; CCTV with at least 31 day retention; controls on music and light; a complaints procedure and resident hotline; refusal of service protocols; rider and taxi management; controls on bottle disposal and waste handling at sensitive times; restriction of inbound deliveries to daytime and evening hours; and an audit and review regime. The OMP is offered as enforceable by planning condition.

6.6 Highways and pick up and drop off

117 Wilmslow Road has no on site parking and fronts a major bus and traffic corridor with continuous waiting and loading restrictions. The corridor is already accustomed to late night food trade, taxi and private hire activity and delivery rider collections. The proposed extended hours would not introduce a new highways or pedestrian safety pressure that does not already exist on this corridor late at night; the comparator schedule shows that this is the established trading pattern of the parade. The OMP further controls the use by requiring no external waiting, no idling, internal queueing, a dedicated rider waiting point and proactive frontage monitoring.

6.7 Servicing, waste and litter

The OMP commits to inbound deliveries only between 07:30 and 20:00 Monday to Saturday, no late night collections, internal storage of bottles and noise sensitive waste streams, lidded bin storage, and frontage litter checks at not less than 30 minute intervals during the late night period. Original Condition 4 remains in force and continues to require adequate refuse storage and disposal.

6.8 Crime, anti social behaviour and late night management

The applicant's premises is food led, does not sell alcohol, and does not provide regulated entertainment. The customer base includes taxi drivers, shift workers and customers leaving other late night venues, a profile materially different from that of a destination

drinking venue. The OMP commits to CCTV, refusal protocols, staff training, liaison with GMP and Manchester City Council Licensing, and a contingency for SIA registered door supervision if triggered by specified circumstances. The proposed late night operation is also consistent with the existing late night uses of the immediately adjoining units and the wider corridor.

6.9 Fume extraction and noise control

Original Conditions 3 and 5 remain in force. The OMP provides for ongoing maintenance of the extraction system, response to any odour complaint within defined timescales, controlled operation of plant, closed door operation during late night hours, and acoustic management of frontage activity. Given the absence of residential receptors immediately above or adjoining the use, the principal amenity vector for fume and noise concerns is materially attenuated compared with the typical late night takeaway application.

7. The PPG Six Tests

Section 73 applications are determined by reference to the conditions in question, and conditions must satisfy the six tests in the Planning Practice Guidance: necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable in all other respects. The proposed substitute condition is assessed against those tests below.

PPG test	Original 1993 condition	Proposed substitute condition
Necessary	No. The original purpose (protecting residential accommodation) no longer applies, because 117 Wilmslow Road and the units on either side (Nos. 109 to 123) are in commercial use with no residential receptors on this part of the parade.	Yes. A substitute hours condition controlling the precise extent of opening hours remains necessary to maintain planning control over the use, even though the principal amenity rationale for the 1993 condition has fallen away.
Relevant to planning	Yes. Hours conditions are a recognised	Yes. Hours of operation remain a recognised matter for planning control and are referenced in Core Strategy DM1 and in the Hot Food Takeaway SPD.

PPG test	Original 1993 condition	Proposed substitute condition
	planning tool.	
Relevant to the development	Yes (in 1993, when residential accommodation was an issue).	Yes. The condition directly governs the operation of the hot food takeaway use itself.
Enforceable	Yes.	Yes. Fixed opening and closing times are inherently enforceable; supported by the Operational Management Plan.
Precise	Yes (08:00 to 23:30 / 08:00 to 00:00).	Yes. The proposed condition is drafted in identical structural form, with full daily opening hours stated rather than a late-night window.
Reasonable in all other respects	No, in 2026. The limits chosen in 1993 are not reasonable in the changed character of the Curry Mile, where every comparable food and dessert operator within around 200 m trades past midnight and most trade until 02:00 to 05:00.	Yes. The proposed hours sit within the range of those operated lawfully by neighbouring premises, including the units immediately adjoining the subject site, and are consistent with the location-specific approach mandated by the Hot Food Takeaway SPD.

On the application of the six tests, the existing Condition 2 is no longer reasonable in its 1993 form, because (a) its express purpose (protection of nearby residential accommodation) does not apply to the immediate parade as it now exists; and (b) the limits chosen in 1993 are out of step with the established and lawful trading pattern of the same parade. The proposed substitute condition, by contrast, satisfies each of the six tests.

8. Conclusion

This Section 73 application seeks the variation of Condition 2 of planning permission 044329/FU/CENTL2/93 by the substitution of a new hours condition reflecting the present day character of the Rusholme Curry Mile. The proposal is supported by the development plan and by the Hot Food Takeaway SPD's location specific approach to hours. The principal historic justification for the 1993 condition, the protection of nearby residential occupiers, no longer applies to the immediate commercial parade in which the premises sits, and the proposed hours fall comfortably within the range of those operated lawfully by adjoining and nearby food, dessert and shisha businesses on the same stretch of road.

Read together with the Operational Management Plan submitted with this application, the proposal can be approved by way of a precise, enforceable and reasonable substitute condition without unacceptable harm to residential amenity, public safety, highway safety, or the wider amenity of the Curry Mile. The applicant respectfully requests that planning permission be granted accordingly.

End of Planning Statement