

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/08/2026	Ref: 73461/LDCP
Registration: 22/07/2026	LDFC:	Expiry Date: 16/09/2026
Site Visit: 04/08/2026	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful Development Certificate for proposed change from Use Class E(a) (retail) to E(d) (indoor sport) for use as an indoor padel court

Location: Former Floors To Go building, corner of Millett Street and Bolton Street, Bury, BL9 0JA

Description

The application seeks a Lawful Development Certificate for a proposed indoor padel court at an existing commercial premises. The application states that both the existing retail use and proposed indoor sporting use fall within Class E of the Use Classes Order.

The premises is located on the corner of Millett Street and Bolton Street. Immediately to the south is a narrow access road beyond which are a number of commercial and employment premises, including George Brown & Sons Plumbing and Heating Engineers and Millett House. To the east lies a car dealership with associated parking, with residential properties situated further beyond. The western boundary adjoins the River Irwell, which is located at a significantly lower level than the site.

The building comprises a simple rectangular structure with a dual pitched roof. The external walls are finished in render, which exhibits significant weathering and is currently in poor condition. The principal elevations fronting Millett Street and Bolton Street incorporate uPVC windows at ground-floor level. The rear elevation contains two separate doorways fitted with roller shutters, together with two larger roller-shuttered access openings. Several windows within the rear extension also appear to be boarded up or have reduced transparency.

Relevant Planning History

64573 - Change of use from retail (Class A1) to gymnasium (Class D2) and external alterations - Approved 09/12/2019

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

Issues and Analysis

Policy Background - Town and Country Planning Act 1990 Section 192 provides that a Certificate of Lawful Proposed Use or Development is to be used to ascertain whether any proposed use of buildings or other land is lawful, as well as establishing the lawfulness of

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any operations which have been carried out in, over or under land.

Section 192(2) states that: 'If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Further, Section 192(4) states: 'The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

The applicant's case is evidenced by a covering letter that states that the building was previously used as a retail carpet and flooring outlet. This is confirmed by the previous planning application, submitted in 2029 that sought a change of use from retail to gym. This change of use was not commenced - although would still fall within the same Class E use class as the proposed padel use.

Although the building has been vacant for a number of years, the current use is for retail and has been so for over 10 years and therefore falls within Use Class E(a).

The proposed use as a padel court would be classed as indoor sport and falls within Use Class E(d).

On the balance of probability, it is considered that the proposed change to indoor padel court would be lawful as both existing and proposed uses would fall within Use Class E.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposed change of use of the property, described in the First Schedule, is not deemed not to be constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and is therefore lawful.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	05/08/2026	AS	06/08/2026