

Planning statement

Ref: GSS26053 - Land at rear 11 Bury New Road

Date: 19th March

Proposal: Change of Use for 11 Bury New Road to an App-Based Taxi Company

1. Introduction

- 1.1. 11 Bury New Road is currently classified under Use Class E. The proposed development will retain this classification, with no change of use envisaged as part of the application.
- 1.2. This application seeks a Lawful Development Certificate for the use of the office as an app-based taxi office. Under the 1976 Miscellaneous Provisions Act, local authorities have to satisfy themselves that adequate planning is in place before granting a private Hire Operator's Licence. This application is intended to satisfy that requirement by providing a Lawful Development Certificate to Bury Council.
- 1.3. Taxi offices are usually considered Sui Generis due to its high levels of activity, including frequent arrivals and departures of drivers and vehicles.
- 1.4. However, in the case of an app-based taxi company, there will be no drivers on site, and the office will operate exactly like a typical office environment, accommodating no more than one or two personnel at any given time. Therefore, Sui Generis does not apply to this office, and the unit can remain within its classification of Class E without requiring a classification change.
- 1.5. This approach has been accepted in previous cases, where the Council has recognised the distinction between traditional taxi operations and app-based taxi companies, and has supported the retention of a Class E classification.
- 1.6. There have been other precedents for this approach. The following properties have been permitted to remain within Class E, notwithstanding their operation as taxi companies, where it has been demonstrated that they function solely as app-based offices without significant on-site driver activity:

- **69074** - Certificate of lawfulness for a proposed use permitting the occupation of the premises which falls within use Class C3 (Dwellinghouse), and for the purpose of undertaking the administrative functions of an app based private hire vehicle operator from a home office.
Decision: Approved, Wed 29 Mar 2023
Address: 6 Ripon Hall Avenue, Ramsbottom, Bury, BL0 9RE
- **70074** - Lawful development certificate for proposed use permitting the occupation of the premises which falls within use Class E(g)(i) (office) for the purpose of undertaking the administrative and operational functions of an app based private hire vehicle operator.
Decision: Approved, Tue 21 May 2024
Address: Europa House, 79-81 Barcroft Street, Suite 2e, Bury, BL9 5BT
- **68317** - Certificate of lawfulness for a proposed use permitting the occupation of the premises which falls within use Class B1 (office) for the purpose of undertaking the administrative functions of an app based private hire vehicle operator.
Decision: Approved, Tue 25 Sep 2018
Address: Suite 1, Business Lodge, Ground Floor, Minerva House, 63-77 Hornby Street, Bury, BL9 5BW
- **68317** - Certificate of lawfulness for a proposed use permitting the occupation of the premises which falls within use Class E(g)(i) (office) for the purpose of undertaking the administrative functions of an app based private hire vehicle operator.
Decision: Approved, Tue 28 Jun 2022
Address: Suite 12a, 79-81 Imperial House, Hornby Street, Bury, BL9 5BN
- **67457** - Certificate of lawfulness for a proposed use permitting the occupation of the premises which falls within use Class E(g)(i)

(office) for the purpose of undertaking the administrative functions of an app based private hire vehicle operator.

Decision: Approved, Wed 06 Oct 2021

Address: Suite 17a, Imperial House, 79-81 Hornby Street, Bury, BL9 5BN

1.7. 11 Bury New Road is a large grey building located on the main street. A small access road next to it leads to the rear of the property, where a separate two-storey, metal-clad building is located. Two roller shutters give access to the ground floor, which is currently in use as storage. Between these two shutters is a door that leads to the upper floor. This floor contains two units designated as office use.

One of these first-floor units, known as Office A, is being rented out by a new tenant who is seeking to continue the office's designated use within Class E, specifically as an office operating an app-based taxi service.

1.8. 11 Bury New Road was designated to provide a professional chauffeur service to its clients; the business will recruit drivers who will be self-employed and who will be working from the confinement of their own homes & use their own vehicles to carry out jobs allocated.

1.9. The property will fall under Class E, occupied only as an administrative office for an app-based system. Unlike a traditional Private Hire Vehicle operator, there would be no requirement for drivers to visit the premises on a regular basis, and the office will not be open to the public. For example, passengers and drivers.

All interaction with the drivers will be via Email, Telephone & App and once ready will be the main means of communication with our customers & drivers. There is strictly no cash exchanges with customers & drivers, as all trips will be pre-paid it is a simple case of pickup & drop off to destination.

1.10. I hope the above information helps with our application & I would be happy to answer any questions or queries you may have.