

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 02/06/2026	Ref: 73024/LDCE
Registration: 17/04/2026	LDFC:	Expiry Date: 12/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for existing 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

Location: Rear of 11a Bury New Road, Prestwich, Manchester, M25 9JZ

Description

Lawful development certificate for existing 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.

Relevant Planning History

72650 - Lawful development certificate for proposed use of office as a private vehicle hire operating and dispatching office - Refused 30/01/2026

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant

protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Previous application 72650 was submitted and subsequently refused on 03/02/2026 as the only relevant planning history for the building is from 2004, and was for the building to be used as a B8 use.

This application seeks to ensure that the proposed building can be used as a taxi dispatching and operating centre without a material change of use taking place. A taxi dispatching and operating centre could be classed as Class E (and therefore no difference in use class to an office) if the following conditions are met:

- The office will remain an office.
- Bookings will be made via telephone, online and app.
- The use will not involve people, whether customers or suppliers, visiting the office.
- The use will not generate traffic.
- The use will not involve the production of noise, smells etc.
- There will be no visible signs of the work or business activity including the display of advertisements.

The applicant has confirmed that these conditions apply to the proposed use.

Despite this however, as the only relevant planning history shows the site as having an approved B8 Class Use, evidence needs to be submitted to show the site (first floor) as having being used as an office (Class E use), not ancillary to the storage use, for the last 10 years.

Supporting evidence submitted includes the following:

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- a declaration from a previous tenant that they have used the first floor of the rear building of 5-11 Bury New Road as an office since 2015
- a floor plan, which is said to be for 7 Bury New Road, but without an address on the image
- The front page of a lease for 7 Bury New Road, dated June 2010
- A contract for 1 Carver Avenue, Prestwich

In terms of assessing the additional evidence, it is noted that the front page of the lease for 7 Bury New Road indicates that a separate lease had been formed in the past for 11a Bury New Road, however this was not submitted as evidence.

The address for the current application is Rear of 11a Bury New Road, and so it is unclear why evidence relating to 7 Bury New Road has been submitted.

The floor plan cannot be considered supporting evidence given that it is unlabelled and therefore not indicated what property the floor plan is for.

Given the signed declaration from the tenant states they have used the first floor as an office since 2015, which is over 10 years, it is therefore considered that this evidence proves the first floor has been used as offices not ancillary to the storage units at ground floor for over 10 years and therefore a lawful development certificate can be issued.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is not considered to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and as such is deemed to be 'Permitted Development' having regard to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

<u>Case Officer</u> CO 02.06.2026	<u>Date</u>	<u>Sign off Officer</u> DM 03.06.2026	<u>Date</u>
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