

## Statement of Case – Bury Council

**Appeal ref: APP/T4210/W/24/3346847 – Performance House, Heywood Street, Bury, BL9 7DZ**

**Local Planning Authority (LPA) ref.: 70710**

The case for the LPA with the reasons for refusal are considered in detail in the Officer Report previously forwarded and the LPA therefore respectfully requests that the appeal is dismissed.

### Comment on upheld appeal ref. APP/T4210/W/3341939

This allowed appeal was for the same treatment and use of the building as the present appeal, but the parking arrangement differs. All the reasons for refusal are specific to the car parking and servicing arrangements for the present scheme, which are materially different than in relation to the scheme allowed at appeal.

### Conditions

Should the Inspector be minded to allow the appeal, please find below suggested conditions:

- The development hereby permitted shall begin not later than three years from the date of this decision.
- The development hereby permitted shall be carried out in accordance with the following drawings:  
'Location Plan' (Dwg No. HK251023 D) received 10/06/2024; and  
'Site Plan, Floor Plans, Elevations' (Dwg No. C01 Rev.1) received 07/05/2024.
- Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority to demonstrate that full fibre connections to the premises will be provided, unless it is substantiated that this would not be technically feasible and/or viable. The details must also include future-proofing of the premises for full fibre gigabit-capable network connections. The development shall be carried out in accordance with the approved details and maintained thereafter.
- Prior to commencement of the development hereby permitted, an energy statement shall be submitted to and approved in writing by the local planning authority. That statement shall provide details of a scheme to ensure that regulated operational carbon emissions from the development will, unless the energy statement substantiates that it would not be practicable or financially viable, be net zero. Where net zero would not be practicable or financially viable, the statement shall provide details of a scheme to ensure that carbon emissions are reduced to the maximum possible extent. The energy statement shall be in accordance with the energy hierarchy which in order of importance

shall seek to i) minimise energy demand, ii) maximise energy efficiency, iii) use renewable energy, iv) use low carbon energy and v) utilise other energy sources.

- Unless substantiation is submitted to and approved in writing by the local planning authority that it would not be practicable or financially viable, the development shall achieve at least BREEAM Level excellent (or equivalent) for the 'Ene 01 – reduction of energy use and carbon emissions' category in accordance with the requirements of the relevant BREEAM scheme. No building shall be occupied until a Final BREEAM Certificate for this category has been issued and provided to the local planning authority.
- No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- Electric vehicle (EV) charging points for 20% of the proposed parking spaces shall be provided prior to occupation of the development hereby permitted, unless substantiation is submitted to and approved in writing by the local planning authority that it would not be practicable or financially viable. The charge points shall be 7kW (32A) single phase as a minimum. Prior to commencement of the development hereby permitted, the proposed location of the charge points shall be submitted to and approved in writing by the local planning authority. The charging points shall be maintained thereafter.
- The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing titled 'Site Plan, Floor Plans, Elevations' (Dwg No. C01 Rev.1) received 07/05/2024. Thereafter, those spaces shall be retained for the parking of vehicles only.