

Appellant comments(in blue) upon the LPA's suggested conditions

APP/T4210/W/24/3346847

**Performance House, Heywood Street, Bury,
BL9 7DZ**

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.

Agreed

□ 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.

Agreed

□ 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.

Planning Policy Guidance states:

‘ Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that ‘no development shall take place until...’ or ‘prior to any works starting on site...’

Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission’ .

Should the inspector conclude that the appeal should be allowed and that the condition is necessary then we agree to the pre-construction condition.

However, we believe that it not necessary for it to be a pre-condition condition , but rather should be worded as ‘prior to the occupation of the premises for the approved uses..... ‘

For other applications within the Borough, we have submitted details for digital connectivity and for carbon reduction. We attach details which would enable a condition to be included to the effect that the submitted details for digital connectivity and carbon reduction shall be carried out in accordance with document ref: HK/230924.A

This would speed up the planning process.

☐ 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

As above in all respects

Appendix 1(Below)

**Change of use of part of car showrooms to general retailing plus an office,
Performance House, Heywood Street, Bury BL9 7DZ**

Planning statement

Appeal Ref: APP/T4210/W/24/3346847

Planning application ref: 70710

Ref: HK.230924.A

Statement regarding carbon reduction and also digital connectivity

Policy JP-S2 (Carbon and Energy)

The proposed development would satisfy Part L of the Buildings Regulations 2022 in terms of energy requirements.

The proposed development would also provide an electric charging point(s) for the proposed development as required under the Building Regulations.

We consider that the above is sufficient to satisfy Policy JP-S2. It is anticipated that new standards will be introduced in 2025 and the Ministerial Statement on 13 December 2023 makes clear that planning policy requirements in the interim should not go above and beyond building regulations requirements.

Policy JP-C2 (Digital Connectivity)

Internet connections will be operational and immediately accessible to network providers upon occupation of the building.

Provision will be made during construction to permit full fibre connectivity.