

Statement of Case – Bury Council

Appeal ref: APP/T4210/W/24/3341939 – Performance House, Heywood Street, Bury, BL9 7DZ

Local Planning Authority (LPA) ref.: 70461

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 the unauthorised car wash use

The Location Plan (Ref. HK251023 A) indicates that the appellant owns and controls all of the land outlined in blue, which includes the present unauthorised hand car wash operation. The LPA first corresponded with the agent about this on 30/11/2023 and subsequently directly with the appellant and the operator since 25/01/2024, which has included a request to submit a retrospective planning application.

To date, despite requests by the LPA, an application has not been submitted.

The LPA considers that it is justified and reasonable to consider the proposal subject to the appeal in the context of the operating unauthorised use, as there has not been any confirmation that this use will cease or an application will be submitted. The adequacy of the car parking arrangements, vehicle manoeuvres on the highway on the surrounding streets and in close proximity to the Heywood Street/Mason Street junction, traffic flow on the adopted road network and road safety are material planning considerations and need to be considered in the context of all operations at the site, regardless of the planning status of neighbouring uses sharing the same access and yard area. To neglect to consider the proposal in the whole site context would be remiss.

Conditions

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

- Commencement of development within 3 years.
- To be carried out in accordance with the approved plans.
- Details of external gates for the extension to be agreed prior to the erection of any external walls.
- The car park to be set out prior to the first use of any part of the development and maintained and retained for the use of the development thereafter.
- Prior to the first use of the development, agreement in writing and installation of a scheme of electric vehicle charging points and retention and maintenance in working order thereafter.
- Prior to the first use of the development, agreement in writing of a scheme of full fibre connections to all approved units and retention thereafter.