

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/12/2025	Ref: 72675/CONDIS
Registration: 19/12/2025	LDfC:	Expiry Date: 13/02/2026
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:

Proposal: Application to discharge condition 8 (remediation strategy) on planning permission 57515 and condition 6 (remediation strategy) of application 69389

Location: Stone House, 1 Dorothy Street, Ramsbottom, Bury, BL0 9QJ

Description

The application to discharge the same remediation condition (CLA2) on two applications relating to the same scheme. Condition 8 of application 57515, and condition 6 of application 69389, sought approval for a single dwelling on a plot of land on Dorothy Street Ramsbottom.

Whilst the initial contaminated land condition (CLA1) was discharged previously on both applications, the remediation strategy was only part discharged.

Information with regard to the remediation strategy has now been submitted and a full discharge is sought - see anite.

Relevant Planning History

56849 - Erection of 1 no. dwelling and associated works - Approve with Conditions 19/03/2014
57515 - 1) Variation of condition no. 2 (approved plans 56849) and inclusion of ground floor sunroom at rear
2) Removal of condition no.13 (56849) relating to the first floor window on the side/south west elevation - Approve with Conditions 16/06/201
69389 - Variation of condition - Condition 2 - approved drawings (change of house type)

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

EN7 Pollution Control

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.

Discharge - The remediation strategy has been assessed by the Council's Environmental Health Officer and it is recommended that condition 8 of application 57515, and condition 6 of 69389, can be fully discharged - see email dated 18/12/2025 and comments below:

A copy of the initial site investigation has been provided. However, a second version of the Site Investigation report was produced after issues were raised with the ground gas assessment (Letter - CL718.121114.1):

- Phase II Geoenvironmental Investigation, Earth Environmental and Geotechnical, Reference: A0309/R2/V2, January 2015.

The following remedial measures were recommended in version 2 (see letter CL718.070115.1):

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- Suspended slab and 150mm void below.
- A cover system of 600mm in the garden areas comprising of imported topsoil and soil making material. Material to be tested at a frequency of 1 sample per 100m³ for a full suite of contaminants. The thickness of cover to be validated and photographs taken.

However, later the proposed foundations were changed from a 'suspended slab' to 'beam and block' and therefore, the addition of a membrane was required in an email from Judith Scott dated 20 January 2015. The installation of a Visqueen GX gas resistant membrane was proposed by Daniel Holt in email dated 5 February 2015 and agreed by Judith Scott the same day.

Copies of three Technical Audit Reports have been provided:

- Technical Audit - New Build Detached House Land off Dorothy Street, Ramsbottom, Greater Manchester, BL0 9FR, Meridian Consult, Reference: WAR/2023/166, 10 May 2023.
- Technical Audit - New Build Detached House Land off Dorothy Street, Ramsbottom, Greater Manchester, BL0 9FR, Meridian Consult, Reference: WAR/2023/166, 17 May 2023.
- Technical Audit - New Build Detached House Land off Dorothy Street, Ramsbottom, Greater Manchester, BL0 9FR, Meridian Consult, Reference: WAR/2023/166, 3 February 2025.

Additionally, the following information has also been received:

- Drawing - Masterplan: Sections and Details, proposed new dwelling: Dorothy Street, Ramsbottom, Abbey Associates Design Limited, Reference: A2175-BR-MP03.
- Emails from Chris Sheils, Abbey Associates Design Ltd, dated 9 and 17 December 2025.

Gas Protection Measures

A foundation drawing showing the requirement for a gas resistant membrane has been provided. The first audit report includes evidence that the 'beam and block' and 150mm ventilated sub-floor void was installed, but the agreed gas resistant membrane had not installed at the time. The report includes note that 'The builder has advised a gas barrier is to be installed'.

The second report (17 May 2023) shows evidence of a yellow membrane being installed (likely to be Visqueen Low Permeability Gas Membrane). The next audit (3 February 2025) was carried out when the dwelling was complete. Bury Council Building Control records have been viewed including the Completion Certificate dated 27 February 2025.

Based on the information supplied, this Section is satisfied that a gas resistant membrane and well-ventilated subfloor void have been installed in the dwelling.

Garden Cover System

Section 4.2 of the revised EEG site investigation report stated that:

As ground conditions in the garden area consist of Made Ground with an absence of soil-making material it would be prudent to consider the implementation of remedial measures such as the installation of a cover system. The cover system should be 600mm thick and comprise of 300mm of imported topsoil underlain by 300mm of soil-making material.

However, based on the information provided in an email from Chris Sheils, Abbey Associates Design Ltd, on 9 December 2025, it is understood that a garden cover system was not installed at the property. Existing site soils/made ground was used to landscape the garden areas which have been finished as either paving or turf. Whilst this site-won material may not be suitable to promote strong plant growth, the chemical analysis carried

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out in the EEG site investigation concluded that the existing soils did not pose a risk to future site users. Consequently, although the proposed cover system was not installed, this Section is satisfied that the risks to future site users from soil material at the site is low.

This Section is satisfied that the condition can now be recommended for discharge.

Recommendation: Approve

Conditions and Reasons:

Satisfactory information has been submitted with regard to the contaminated land remediation strategy and as such Condition 8 of application 57515 and condition 6 of application 69389 can be fully discharged.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/12/2025	DM	23/12/2025