

<b>Application Number:</b>	2025/0183	<b>Application Type:</b>	Permission in Principle
<b>Proposal:</b>	Permission in Principle (Stage 1): Proposed between 3 and 9 No. houses	<b>Location:</b>	Land To North Of Doals Farm Burnley Road Bacup Lancashire OL13 8QR
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	02.09.2025
<b>Applicant:</b>	Mr G Barker	<b>Determination Expiry Date:</b>	12.09.2025 – Time extension agreed.
<b>Agent:</b>	Mr Steven Hartley - Hartley Planning & Development Associates		

<b>Contact Officer:</b>	Chris Dobson
<b>Email:</b>	planning@rossendalebc.gov.uk

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	Yes
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That the application should be approved

## 2. APPLICATION SITE

The application site is a parcel of land measuring approximately 0.4 hectares in size which is accessed from Deer Street and located to the rear of 206 to 212 Burnley Road in the village of Weir. The land is mainly undeveloped grassland with a polytunnel in place on a section of the land closest to Deer Street.

The application site is located within the urban boundary and has been designated as a housing allocation site (H38) within the Rossendale Local Plan 2019-2036.

## 3. RELEVANT PLANNING HISTORY

2016/0536 - Erection of 1 no. detached dwelling with detached garage and associated access and landscaping works – **Approved**

2018/0562 - Approval of Details reserved by Conditions 3 (scheme of surface water drainage) and 4 (levels of site) pursuant to Planning Approval 2016/0536 - **Approved**

## 4. PROPOSAL

This application seeks permission in principle (stage 1) to construct between 3 and 9 dwellings on the land.

## 5. POLICY CONTEXT

### Policy Considerations

#### National Planning Policy Framework

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places

#### Development Plan Policies

Policy SS: Spatial Strategy

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy HS1: Meeting Rossendale's Housing Requirement

Policy HS5: Housing Standards

Policy HS8: Private Outdoor amenity space

Policy ENV1: High Quality Development in the Borough

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection

#### Other Material Planning Considerations

National Planning Practice Guidance

## 6. CONSULTATION RESPONSES

Lancs Fire and Rescue	No objection
The Coal Authority	No objection – Advice provided for requirements at Technical Details stage.
RBC Forward Planning	No objection – comments received relating to density
LCC Highways	No objection – Advice provided for requirements at Technical Details stage.
Environmental Protection (Land Contamination)	No objection – Advice provided for requirements at Technical Details stage.
RBC Environmental Health	Advised they have no comments to make
United Utilities	No objection – Advice provided for requirements at Technical Details stage.

## 7. REPRESENTATIONS

In order to publicise the application consultation letters were sent to surrounding neighbours on 09.06.2025 with a site notice posted at the site on 01.07.2025.

Three objections have been received with these raising the following matters which are considered to be material planning considerations:

- Inappropriate Scale of Development
- Unclear and Potentially Undeliverable Access
- Impact on Local Character and Setting
- Harm to Protected Wildlife and Inadequate Ecological Assessment
- Overlooking, Loss of Privacy, and Residential Amenity
- Lack of Community Engagement
- Coal Mining Legacy and Ground Stability Risks
- Flood Risk to Adjacent Properties

One supporting comment was also received which refers to the following matters:

- The site is located in a sustainable location close to existing residential dwellings
- The development will help meet the housing requirement for the Borough

A concern was raised within the supporting comment regarding the upper limit for development advising that 3-5 dwellings would be appropriate based on the size of the plot.

## 8. ASSESSMENT

### Principle

The scope of the considerations for an application for Permission in Principle is limited to site location, the proposed land use and the amount of development proposed. It has been established that the land is located within the urban boundary where Policy SD2 within the Rossendale Local Plan 2019-2036 seeks to ensure new development will take place. In addition to this, the site also forms part of a housing allocation site under reference H38

within the Local Plan. Owing to this, it is considered that the principle for the land to be used for housing has been set by the designation within the Local Plan. This is therefore considered to address the 'location' and 'land use' considerations.

The third consideration relates to the amount of development work proposed. In this instance, the applicant proposes the construction of between 3 and 9 dwellings on the site. The housing allocation site under reference H38 within the Local Plan contains three defined parcels of land with the application site forming the central parcel. The Local Plan advised that the parcel as a whole contains a net deliverable area of 0.46ha with the number of housing units proposed for the allocation being 10. The Council's Forward Planning team have been consulted to provide comments on the proposed scheme in relation the potential number of dwellings the application site could accommodate. Their comments on this matter state the following:

*"Thank you for the opportunity to comment on this application for Permission in Principle located on the central parcel of the allocated housing site H38 - Land West of Burnley Road, Weir. This allocation site is expected to deliver 10 dwellings.*

*Please note that during the preparation of the Local Plan, the area available for development of the entire allocation site has been reduced from 1.23ha to 0.52ha due to information regarding the availability of the land for development at that time (only the south parcel was considered available then based on responses from landowners). The net developable area was then further reduced to 0.46ha to account for roads and public amenity space. At a density of 20 dwellings per hectare, this would equate to between 9 and 10 dwellings.*

*Since this application site is 0.39 ha, it could potentially deliver up to 8 dwellings at a density of 20 dwellings per hectare. Having said that, the detached dwellings surrounding the site appear to have been built at a lower density of around 10 dwellings per hectare. So, if a similar density was to be used, the site could deliver between 3 and 4 dwellings.*

*The principle for housing has been established via the local plan for this application site and a density of around 10 to 20 dwellings per hectare (i.e. from 4 to 8 dwellings) would appear suitable. The lower density would be in keeping with the character of the area but a slightly higher density would make a stronger contribution to the housing supply and encourage efficient use of land."*

Overall, it is considered that the principle for the land to be used for housing has been set although the size of the plot may not be suitable to accommodate the upper limit of nine dwellings. It is considered the appropriate number of units to be sited on the land purely in relation to the size of the plot would be between four and eight dwellings. An assessment as to the relationship between the proposed dwellings and the surrounding built environment would be undertaken at technical details stage.

## **Impact upon the character and appearance of the host dwelling and surrounding street scene.**

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

The Framework states that planning decisions should ensure that developments:

- a) *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Approval of matters relating to the appearance, layout, and scale and landscaping of the development is not a consideration at this stage, as only Permission in Principle is sought. The scope of Permission in Principle applications is limited to location, land use and amount of development. As per the comments within the Principle section above, it is considered possible that the size of the site could be developed to accommodate between four and eight dwellings in such a manner that would comply with both national and local policies in relation to their visual appearance.

## **Neighbour and Residential Amenity**

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy HS9 of the Local Plan states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking, outlook and overshadowing are taken into consideration.

No details of the proposed positioning of the dwellings or the layout of the site are required to be submitted in connection with an application of this nature. This is a matter for

consideration at the Technical Details Consent stage. This aside, it is considered that it would be possible to position between four and eight dwellings on this site whilst reasonably safeguarding the level of light and privacy enjoyed by current and future occupants of both the dwellings and the occupants of the surrounding dwellings. A full assessment of the plans including an assessment against the separation distance guidance will be undertaken as part of a future technical details application. In view of this, it is considered that there would be no reasonable reasons for opposing this development on 'neighbour amenity' grounds.

The separation distances with which any development would need to comply are set out in Section 2.1 of the Alterations and Extensions to Residential Properties SPD.

### **Highway Safety**

Whilst no objection has been received at this stage, the local Highway Authority have raised some concerns regarding the proposed access to the site. The comments received state as follows:

*"The access to the properties is to be taken from Deer Street this is classified as a highway but not maintained at Public Expense. The surface is unmade and leads to a number of existing and proposed properties. There is some evidence that the loose surface is also being washed onto the highway.*

*There are concerns regarding the surface, the drainage, the visibility splay, and the lack of pedestrian access to the development."*

These matters are however to be addressed at Technical Details stage. An informative has been added to advise the applicant to fully review the consultee comments received in order to understand the concerns raised and the requirements to address these.

### **Contamination**

The NPPF advises that:

*"Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."*

It also advises that:

*“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

Permission in Principle stage 1 only requires limited information regarding the effect of contamination on the proposal. The Council’s land contamination consultant has advised of some concerns that could potentially prohibit the development of the site. The comments received are as follows:

*“The presence of mining activities could be potentially prohibitive to development and the LPA is advised to await comments from the Coal Authority. Mine workings and shafts may give rise to mine gas issues which will need to be assessed. The LPA and applicant are advised that high levels of gas could potentially prohibit development of residential properties. If the LPA is minded to approve this application, it must be on the understanding a degree of flexibility may be required over the location of proposed buildings (e.g. away from significant gas sources).”*

It is considered that the concerns raised can be considered as part of a future application for Technical Details as the applicant is not required at this stage to submit land contamination reports therefore the levels of gas present on the site are not currently known and cannot therefore be assessed. The acceptability of the proposal at Technical Details stage is likely to depend on the levels of gas present on the site and whether this can be suitably mitigated through the layout of dwellings or other means to satisfy concerns over the residential use of the land.

### **Drainage and Flooding**

The application site is located within Flood Zone 1. A number of objections received raise concerns over the drainage of the site and the potential flood risk. It is noted that the risk of flooding is not a matter for consideration at Permission in Principle stage but can be considered at Stage 2 (Technical Details Consent).

### **Mining Activities**

The Coal Authority have been consulted to provide comments on the proposed development of the land. Extracts from their comments are provided below:

*“Our records indicate that within the site boundary there are three recorded mine entries (1x mineshaft; 2 x mine adits). The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:*

<https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries>

*In addition to the above, parts of the site lie within areas of recorded and probable unrecorded shallow coal mining; and a coal seam of workable thickness is recorded to outcrop down the western side of the site that may have been historically worked from the surface. It would appear that our Public Safety and Subsidence team have been called upon, in the past to deal with a surface hazard incident within 50m (to the NW) of the site. These coal mining features currently present a potential risk to surface stability and public safety for future development at the site.*

*It is a requirement of the National Planning Policy Framework that the applicant demonstrates to the satisfaction of the LPA that the application site is safe and suitable for development. We would therefore expect the potential risks posed by past coal mining activity to future development at the site to be properly considered and any necessary remedial works carried out in order to ensure the safety and stability of the development proposed. In addition, as per our adopted policy, no buildings should be over or within influencing distance of the mine entries.*

*On the basis of the above the Coal Authority wish to be consulted on any future technical details consent submitted, should Planning Permission in Principle be granted.”*

The comments continue to provide advice in relation to the reports required to be submitted to support a future Technical Details application.

The historic mining activities have the potential to prohibit the future development of the site for housing. The applicant is not however required to submit a Coal Mining Risk Assessment report as part of the current Permission in Principle application therefore the risks associated with historic mining activities at the site remain unknown at this stage and cannot therefore be assessed. The applicant is advised to review the comments from the Coal Authority to fully understand the concerns raised and to inform the submission requirements for any future Technical Details application.

## **9 CONCLUSION**

As referred to above, the scope of the considerations for PIP is limited to location, land use and the amount of development permitted. The location and land use proposed for the site have been established by the designation of the land as a housing allocation site within the Rossendale Local Plan 2019-2036. It is however considered that the site is unlikely to be able to accommodate the maximum number of nine dwellings proposed by the applicant with it being considered more appropriate for between four and eight dwellings to be sited based solely on the land area available. The layout and positioning of the dwellings would however be fully considered at Technical Details stage.

It has however also been established that the site contains a number of constraints which may prohibit the future development of the land for housing. These include concerns raised by the local Highway Authority regarding the suitability of the access and the historic mining activities at the site which has the potential to result in the increased level of gas and the



presence of both recorded mines and unrecorded shallow mines. These matters are however to be fully assessed as part of a future Technical Details application.

It is therefore considered that the principle for the use of the land for housing has been established and the Stage 1 Permission in Principle application should be approved.

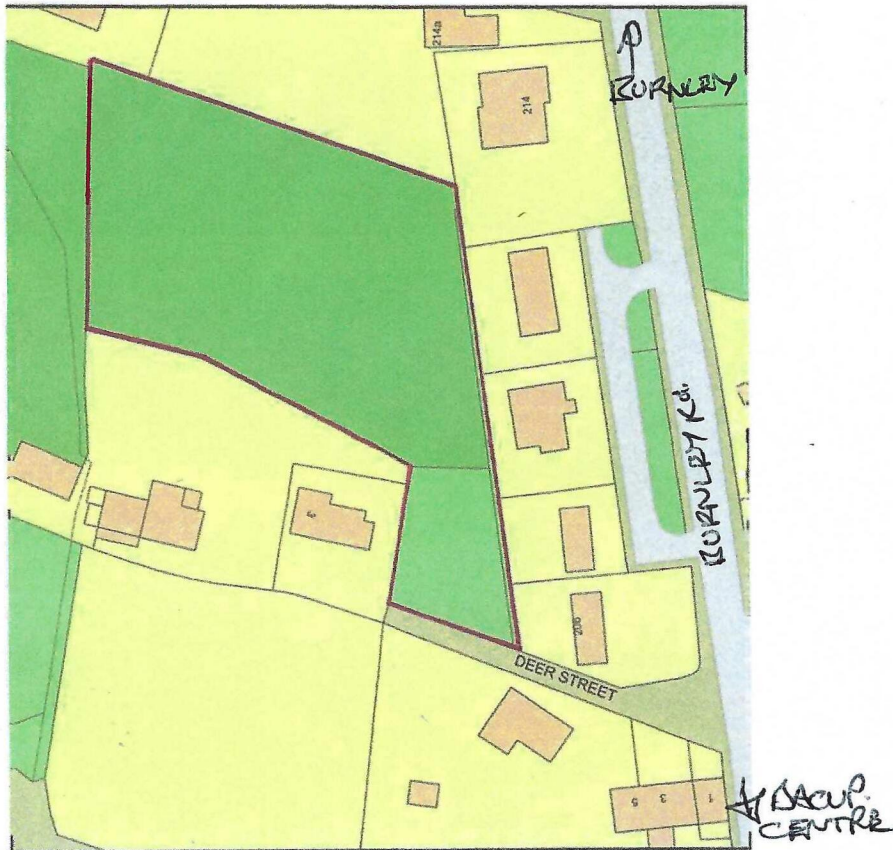
## **10 RECOMMENDATION**

That the application should be approved.

## **11 INFORMATIVES**

1. The applicant's attention is drawn to the comments received on the application from the various consultees - which contain advice relating to the expected level of detail to be submitted alongside an application for Technical Details Consent.

Deer St



LOCATION PLAN

REF: GB280425.B.



0 50  
Metres



Plan Produced for: Deer St  
Date Produced: 28 Apr 2025  
Plan Reference Number: TQRQM25118171929932  
Scale: 1:1250 @ A4











