

Application Number:	2025/0332	Application Type:	Permission in Principle
Proposal:	Permission in Principle for the development of between 5 and 9 residential dwellings.	Location:	Land Off Market Street Whitworth Rochdale Lancashire OL12 8NA
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	06.01.2026
Applicant:	Mr Gary Jones	Determination Expiry Date:	23.01.2026
Agent:	N/A		

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HUMAN RIGHTS

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

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

Approval

2. APPLICATION SITE

The application site is a parcel of land measuring approximately 0.33 hectares in size which is accessed from A671 Market Street and positioned surrounding the existing residential dwelling of 769 Market Street in the village of Facit. The application site is mainly located within a Housing Allocation Site (H60) however the site extends beyond the boundary of this to the south. The land is mainly undeveloped grassland with mature trees and vegetation in place.

The application site is located within the urban boundary.

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. PROPOSAL

This application seeks permission in principle (stage 1) to construct between 5 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

RBC Forward Planning	No objection
LCC Highways	No objection – comments received relating to Technical

	Details stage
Environmental Protection (Land Contamination)	Concerns raised over the historical use of the site and the potential for the site to be contaminated.
RBC Environmental Health	No comments received
Whitworth Town Council	Objection received
United Utilities	No objection – comments received relating to Technical Details stage
Lancs Fire and Rescue Service	No objection – advice received in relation to meeting building regulations

7. REPRESENTATIONS

In order to publicise the application consultation letters were sent to surrounding neighbours on 02.10.2025 with a site notice posted at the site on 17.10.2025.

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

- No site-specific evidence has been submitted in relation to historical uses and ground gas exposure.
- The development will result in the loss of footpaths
- The loss of woodland would result in harm to endangered species
- The land is designated as being green space.
- Lack of details submitted in relation to access, parking, design of dwellings and ecological matters.

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 majority of the site falls within a designated housing allocation site under reference H60 within the Local Plan. It is however noted that a section of the application site to the south extends beyond the boundary of the housing allocation site into an area of green space known locally as Jubilee Walk. It is noted that the land outside the designated housing allocation site contains a number of informal footpaths, these are not however designated as public rights of way.

The Council's Forward Planning team have been consulted to provide comments on the proposed scheme. Their comments state the following:

“Most of the proposed residential development site is located on the housing site allocation H60 – Land North of King Street. This site is expected to deliver 5 dwellings (at a density of 29 dwellings per hectare) in the Local Plan.

The red edge of the application extends beyond the allocated site to the south east into an area comprising an informal footpath which connects Market Street and the Jubilee Walk to King Street. It is estimated that approximately 15% of the proposed development area is located outside of the allocation site within an area designated as urban area.

Open Space

Part of the proposed development site, including the housing site allocation and the area further south, has been identified in the Open Space Study as an urban/amenity greenspace (reference KKP 160 Jubilee Walk, Market Street, Facit). According to paragraph 104 of the NPPF (2024) residential development on open space land can only take place if the land is surplus to requirement, or the loss resulting from development is replaced by equivalent or better provision in terms of quality and quantity in a suitable location or it is a development for sport or recreational provision.

The Open Space Study 2021 identified a surplus in Healey and Whitworth ward for amenity greenspace. As such, it can be considered that the test in paragraph 104 could be met. Having said that, despite the proposed development being a minor development, it is recommended that open space provision be provided on site in accordance with the Open Space and Sports Provision Supplementary Planning Document. This will ensure the loss of open space provision can be minimised and compensated by providing an alternative provision. It is recommended that as stated by the applicant on the application form, the informal footpaths linking Market Street and the Jubilee Walk to King Street be retained.

Green Infrastructure

A large portion of the site is designated as green infrastructure in the Local Plan. It is recommended that at the Technical Details Consent stage, considerations to retain the function of this green infrastructure be had such as by retaining trees, providing amenity green space and/or enhancing existing habitats for the purpose of biodiversity net gain.

Density

The allocation site is estimated to be able to deliver 5 dwellings at a density of 29 dwellings per hectare in the Local Plan considering a developable area of 0.17 hectares.

This application is for a development of between 5 and 9 dwellings. The gross area of the proposed development is estimated at 0.342 hectares. If all the development site was to be developed, the development of 5 dwellings would be equivalent to a density of 15 dwellings per hectare, whilst a development of 9 dwellings would mean a density of 26 dwellings per hectare. The detached, semi-detached and terraced

houses along King Street appear to have a density of about 30 dwellings per hectare. As such the proposed density range is considered suitable. However, considering the retention of the informal footpath, the provision of urban/amenity greenspace, the retention of trees and enhancement of habitats for biodiversity net gain and to retain the integrity and connectivity of the green infrastructure, a development at the lower end of the density range is more likely to be policy compliant.

In conclusion, no objection is being raised to this application for permission in principle.

The layout of the site including the retention of green spaces and informal footpaths is a matter to be considered as part of a future Technical Details application.

It is noted that three objections have been received during the neighbour consultation phase and an objection has also been received from Whitworth Town Council. Matters relating to the designation of the land, the historical use and the potential loss of footpath have been addressed with this report however a number of other matters raised including reference to ecological matters and the design/layout of the site including parking provision are not for consideration at this stage. A Stage 2 Technical Details application is required to be submitted and approved prior to development taking place at the site. This will include a further consultation process with both consultees and the public.

It is considered that the principle for the majority of the land to be used for housing has been set by the designation within the Local Plan and the section of land not located within the designation but still within the urban boundary found to be acceptable for development in principle. This is therefore considered to address the 'location' and 'land use' considerations. The amount of development has also been found to be within acceptable limits given a maximum density of 26 dwellings per hectare would result should the maximum 9 dwellings be constructed. Any future Technical Details application should however have regard to the comments from the Forward Planning team in relation to open space and green infrastructure.

Overall, it is considered that the development of the site for between 5 and 9 dwellings is acceptable in principle.

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 5 and 9 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 5 and 9 dwellings on this site whilst reasonably safeguarding the level of light and privacy enjoyed by current and future occupiers of 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

The local Highway Authority have been consulted to provide comments on the proposed scheme. The response advises that they do not object 'in principle' to the proposed development however further detailed designs to show the connection and infrastructure required to connect the development to the highway network will be required to be demonstrated at Technical Details Stage. Further details are provided setting out the requirements for parking spaces, electric vehicle charging points and specification for access roads within the site.

It is also noted that the LCC Minerals and Waste Local Plan identifies the proposed access route from Market Street as being safeguarded for vehicular access to the Whitworth Quarry Complex.

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.

Land 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:

“Historical maps reveal the site was previously a refuse tip, it is also recorded as being within two historical landfill sites. The site could potentially be unsuitable for a residential development.

Insufficient information has been received for the LPA to make a decision on this application.

The LPA and applicant are advised a contaminated land site investigation will be required evidencing the land can be made suitable for a residential use before the LPA is able to make a decision.

The applicant is advised that according to the UK Radon indicative map the site is potentially in a Radon Class 4 Area (5-10%).”

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 contamination 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 contamination on the site and whether these can be suitably mitigated to satisfy concerns over the residential use of the land.

9 CONCLUSION

As referred to above, the scope of the considerations for Permission in Principle applications is limited to location, land use and the amount of development permitted. The location of the site, its use in principle for housing and the amount of development for between 5 and 9 dwelling has been found to be acceptable.

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 the concerns raised by the Highway Authority over whether suitable connection to the highway network can be achieved and comments from the Council's Environmental Protection consultant relating to the potential for the land to be contaminated given the historical uses of the site. 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.





