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|----------------------------|---|-----------------------------------|--|
| Application Number: | 2025/0103 | Application Type: | Section 73 – Variation of conditions. |
| Proposal: | Variation of conditions 2 (Approved Documents), 7 (Construction Management Plan), 10 (Cycleway), 11 (Surface water car park), 14 (Drainage) and 15 (Ecology) pursuant to planning permission 2024/0345. | Location: | Land At Fallbarn Road Rawtenstall Rossendale Lancashire |
| Report of: | Head of Planning and Building Control | Status: | For Publication |
| Report to: | Development Control Committee | Date: | 15.07.2025 |
| Applicant: | Redfoot Shoes Ltd | Determination Expiry Date: | EOT agreed to 18.07.2025 |
| Agent: | Rachel Baldwin | | |

| | | | |
|-------------------------|-------------------------------------|-------------------|---------------------|
| Contact Officer: | Claire Bradley | Telephone: | 01706 238636 |
| Email: | planning@rossendalebc.gov.uk | | |

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

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 be approved subject to the conditions specified below.

APPLICATION DETAILS

2. SITE

The site is in a prominent position to the south of Bocholt Way and to the north and east of Fallbarn Road. The site is at a lower level than Fallbarn Road and rises to the east. Ilex Mill on the opposite side of Bocholt Way is a Grade II listed building along with the Weavers Cottages, and to the east of the application site is Greenbridge Mill which is also Grade II Listed. The site is located adjacent to the boundary of Rawtenstall Conservation Area. The area is characterised by employment uses, however Fallbarn Crescent to the east leads to residential properties.

There is a cycleway running through the site.

The site is located just outside the urban boundary on land identified as Countryside.

3. RELEVANT PLANNING APPLICATION HISTORY

2024/0345: Erection of a three storey controlled access self storage facility.
(Approved)

2024/0015/PREAPP: Erection of a three storey self storage facility

2023/0415: Non material amendment to Planning Application 2008/0264 (Variation of conditions 2 (Approved plans) and 3 (Materials) of application 2008/0699) (Approved)

2023/0264: Variation of conditions 2 (Approved plans) and 3 (Materials) of application 2008/0699. The proposed changes include additional fire escape door, single door replaced with double door and use of Tapco UPVC tiles. (Approved)

2023/0249: Discharge of condition 4 (Wheel washing) to install a wheel cleaning facility on site comprising a 1000L water browser connected to a jet wash pursuant to planning application 2008/0699 for the replacement of footwear wholesale unit.
(Approved)

2023/0244: Minor non material amendment development at Fallbarn Rd. Application 2008/0699, 2019/0434. (Withdrawn)

2019/0434: Lawful Development Certificate: Completion of wholesale distribution building as approved by Planning Permission 2008/0699. (Approved)

2008/0699: Replacement of footwear wholesale unit. Resubmission of 2008/381.
(Approved)

2008/0381: Replacement of footwear wholesale unit with 2 storey stone/render slate building with internal turning facility for the same use. (Withdrawn)

4. PROPOSAL

Planning permission has already been granted for the proposed building under application 2024/0345. This application seeks permission to amend several of the conditions to part discharge them due to details submitted with this application and to amend condition 10 as follows:

No part of the development shall commence Prior to the first use of the development all the highway works and internal segregation of the cycleway shall be constructed and completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority

POLICY CONTEXT

National Planning Policy Framework

| | |
|------------|---|
| Section 2 | Achieving Sustainable Development |
| Section 4 | Decision Making |
| Section 6 | Building a Strong, Competitive Economy |
| Section 9 | Promoting Sustainable Transport |
| Section 11 | Making Effective Use of Land |
| Section 12 | Achieving Well Designed Places |
| Section 15 | Conserving and Enhancing the Natural Environment |
| Section 16 | Conserving and Enhancing the Historic Environment |

Development Plan

Rossendale Local Plan

SS: Spatial Strategy
SD1: Presumption in Favour of Sustainable Development
SD2: Urban Boundary and Green Belt
EMP1: Provision for Employment
EMP2: Employment/mixed-use allocations and existing employment sites
EMP4: Development Criteria for Employment Generating Development
ENV1: High Quality Development in the Borough
TR4: Parking

Other material considerations

National Planning Practice Guidance

5. CONSULTATION RESPONSES

| Consultee | Response |
|--------------|--|
| LCC Highways | No objection to the variation of wording of Conditions 7 and 10. Condition 11 should not be varied |
| GMEU | Satisfied with information submitted to vary the wording of Condition 15 |

| Consultee | Response |
|-------------------|---|
| Growth Lancashire | No further comments |
| United Utilities | No objection to the variation of the wording of Condition 14. |

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 09.04.2024 and the application was advertised on 25.04.2025. Letters were posted out to neighbouring properties on 04.04.2025.

4 representations have been received. The comments are summarised as follows:

Unsuitable for any sort of commercial property.

Increased pollution of fumes and noise.

Impact on conservation area!

Impact on walkers, cyclists, mothers with children and horses riders.

There is a shortage of safe footpaths along Bocholt Way

7. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity/Impact on Heritage;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety

Principle

Planning permission has already been granted for the development. This application seeks to vary the wording of a number of conditions to allow work to commence on the site.

It is considered that the principle of the development is acceptable.

Visual Amenity and Heritage Impact

The Framework states 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).”*

Policy ENV1 of the Local Plan advises that all proposals will be expected to take account of the character and appearance of the local area, in terms of layout massing, scale and materials etc.

There are no changes to the elevations from the previous proposal

Having regard to the above, it is considered that the proposals are acceptable in terms of visual amenity and heritage impact and are in accordance with the requirements of Policies ENV1 and ENV2 of the Local Plan and Sections 12 and 16 of the NPPF.

Neighbour Amenity

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area*; and (d) states that development should *not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light; -nor should it be adversely affected by neighbouring uses and vice versa*;

The location of the site is considered to be sufficient distance from the dwellings in both Ilex Mill (60m) and those located on Fallbarn Road (90m) to not have an impact on the amenity of occupiers.

The proposed development has not changed from the previously approved application and is not considered to impact on the amenity of any neighbouring properties. It is therefore considered that the proposal satisfies the requirements of Policies ENV1 and ENV6 of the Local Plan in neighbour amenity terms.

Highway Safety

The Valley of Stone Greenway runs west to east through the northern part of the application site and this area of land adjacent to the river was owned by the Council until the summer.

This application seeks to amend the wording of Conditions 7, 10 and 11.

Condition 7 relates to the submission of a Construction Management Plan prior to commencement of development. The Construction has been submitted alongside this application. The Highway Authority have confirmed the document submitted is acceptable and that the wording of the condition can be varied to ensure implementation in accordance with the approved details.

Condition 10 relates to the re provision of the cycleway and states as follows:

No part of the development hereby approved shall be commenced until all the highway works and internal segregation of the cycleway have been constructed and completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.

The changes requested are to install the cycleway once the majority of the build has been completed, this is due to the site being very tight to work on and will make it impossible to build the building and protect the public from safety if the cycle way is installed first.

In addition, further drainage works need to be completed on the site which will run under/near the cycleway, which will require the new cycleway to be dug up if it has installed.

LCC Highways have accepted that Condition 10 can be amended so it can be discharged prior to occupation.

In relation to Condition 11, LCC Have advised that the wording to this cannot be amended.

It is considered that the proposed development is acceptable in terms of highway safety, access, parking, pedestrian and cycleway safety.

The development would therefore be in accordance with the Rossendale Local Plan and the NPPF.

Drainage

The previous approval included a condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted prior to commencement of development.

United Utilities have accepted the drainage strategy submitted and this condition can be amended to ensure implementation.

Ecology

The previous approval included a condition as follows:

Full details in respect of the recommended measures contained in Section 6 of the Preliminary Ecological Appraisal shall be submitted to and approved in writing prior to development commencing. The approved details shall thereafter be implemented in full prior to the building being brought into use.

In relation to this condition, Further detail has been added to the construction management plan to show that the recommended measures will be adhered to and details for the swift box are also included in the submission details.

GMEU have agreed that the condition can be amended to implementation in accordance with the approved details.

8. CONCLUSION

This application is to provide a three-storey controlled access, self-store unit on a site on Fallbarn Road. No changes have been made to the design of the building the application is solely to vary the wording of a number of planning conditions. The development is acceptable in terms of the impact on visual amenity, the historic environment, neighbour amenity & highway safety and is in accordance with the policies of the Rossendale Local Plan and the NPPF.

RECOMMENDATION

That planning permission be approved subject to the following conditions (changes shown in red):

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

Drawing No: CWD-MC-48024-REV A - Layout 1 received 21.08.2024

Drawing No: CWD-MC-48024-REV A - Wall Report received 21.08.2024

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00006_P01 - Proposed Layout Plans received 21.08.2024

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00007_P00 - Existing North and South Elevations received 21.08.2024

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00008_P00 - Existing East Elevation received 21.08.2024

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00009_P00 - Existing West Elevation received 21.08.2024

Drawing No: 161927-005 - Swept Path Analysis Entering and Exiting in a Forward Gear received 28.01.2025

Drawing No: 161927-006 - Swept Path Analysis of Delivery Vehicles received 28.01.2025

Drawing No: 161927-008 - Swept Path Analysis of 4.6T Van Exiting via Victoria Way received 28.01.2025

Drawing No: 161927-009 - Swept Path Analysis of 7.5T Box Van Exiting via Victoria Way received 28.01.2025

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00003_P05 - Proposed Ground Floor Site Plan received 28.01.2025

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00005_P02 - Site Location Plan and Block Plan received 28.01.2025

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00010_P03 - Proposed North & South Elevations received 28.01.2025

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00011_P02 - Proposed East Elevation received 28.01.2025

Drawing No: FBR-RALA-Z1-XX-DR-A-(PL)-00012_P02 - Proposed West Elevation received 28.01.2025

01 Fallbarn-Rd-Preliminary-Eco-Appraisal V1 received 21.08.2024

15082-BKP-V1-00-CA-C-500-P2-FLOW CALCULATIONS received 19.03.2025

15082-BKP-V1-00-DR-C-500-P2-Drainage Strategy received 19.03.2025

15082-BKP-V1-00-DR-C-501-P1-Drainage Details Sheet 1 received 19.03.2025

15082-BKP-V1-00-DR-C-502-P1-Drainage Details Sheet 2 received 19.03.2025

7895 DESK STUDY 23.02.24-95 received 21.08.2024

Construction Management Plan received 06.06.2025

Flood Risk Assessment received 21.08.2024

Heritage and Planning Statement received 21.08.2024
Design & Access Statement_P01 – PART 1 received 28.01.2025
Design & Access Statement_P01 – PART 2 received 28.01.2025
Design & Access Statement_P01 – PART 3 received 28.01.2025
Habibat Swift Box Faced With Matching Stone details received 19.03.2025

Reason: To define the permissions and in the interests of the proper development of the site.

3. No materials shall be used in the construction of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

4. The development hereby permitted shall be used only as a controlled access self-storage facility. No other use of the site (including other B8 uses) shall be undertaken without a new separate grant of planning permission first being obtained from the Local Planning Authority.

Reason: The site is located in a position that has the potential to be detrimental to highway safety, and the acceptability in principle of other uses has not been established.

5. The use hereby permitted shall be carried on only by Mr Timothy Smith and shall be for the period during which the premises are occupied by Mr Timothy Smith only.

Reason: To ensure that the facility is managed in a way that is detailed in the approved documents to ensure acceptability in highway safety terms.

6. Access and management of the site shall be in accordance with the detail within the Design and Access Statement Section 4.3.1 unless a further application is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 7. The approved Construction Management Plan submitted on 06.06.2025 shall be adhered to throughout the construction period for the development.**

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

8. Construction-related deliveries to the approved development shall only be accepted between the hours of 9:00am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety

9. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the

highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

10. **Prior to the first use of the development** all the highway works and internal segregation of the cycleway will have been constructed and completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. The surface water from the approved driveway/hardstanding/car park shall be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

12. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

13. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

14. **Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

15. The approved details in respect of the recommended measures contained in Section 6 of the Preliminary Ecological Appraisal submitted on 19.03.2025 shall be implemented in full prior to the building being brought into use.

Reason: In the interests of the biodiversity of the site

10 INFORMATIVES

- 1) The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 2) Before proceeding with the scheme preparation, the Developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction, and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose, the term highway structure shall include:
 - a. any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres
Note: span refers to the distance between centre of supports and not the clear distance between supports},
 - b. any retaining wall supporting the highway (including and supporting land which provides support to the highway),
 - c. Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include footpaths and bridleways.

- 3) The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district, and planning application number, to discuss their proposal before any development works begin.
- 4) The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.
- 5) The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developer@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

- 6) The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433



1

Proposed Ground Floor Site Plan

1 : 200

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- THE CDM DESIGN ISSUES REGISTER
- THE RALA RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

NOTES

| | | | | |
|-----|-------------------------|----|----|----------|
| P00 | First Issue | RB | RB | 08/04/24 |
| P01 | Revised Ownership | RB | RB | 04/07/24 |
| P02 | Client Review | RB | RB | 16/08/24 |
| P03 | Planning Issue | RB | RB | 20/08/24 |
| P04 | Highways Engineer Issue | RB | RB | 10/01/25 |
| P05 | Planning Update | RB | RB | 24/01/25 |

| REVISION | DESCRIPTION | DRAWN | CHECKED | DATE |
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| REVISION | DESCRIPTION | DRAWN | CHECKED | DATE |
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|----------|-------------|-------|---------|------|

CLIENT

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PROJECT TITLE
Fallbarn Road

RDP JOB NUMBER
P0055

ISO 27001 CLASSIFICATION
Planning

DRAWING TITLE
Proposed Ground Floor Site Plan

DRAWING No.
FBR-RALA-Z1-XX-DR-A-(PL)-00003

SCALE
As @ A3
indicated

DATE FIRST ISSUED
02/04/24

REVISION
P05

1

Existing Site Location Plan

1 : 2000

2

Block Plan

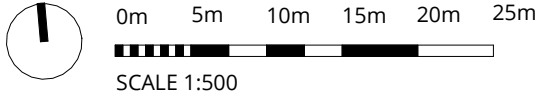
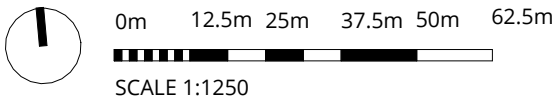
1 : 1250

3

Proposed Site Location Plan

1 : 500

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| P00 | Client Review | RB | RB | 16/08/24 |
| P01 | Planning Issue | RB | RB | 20/08/24 |
| P02 | Planning Update | RB | RB | 24/01/25 |

| REVISION | DESCRIPTION | DRAWN | CHECKED | DATE |
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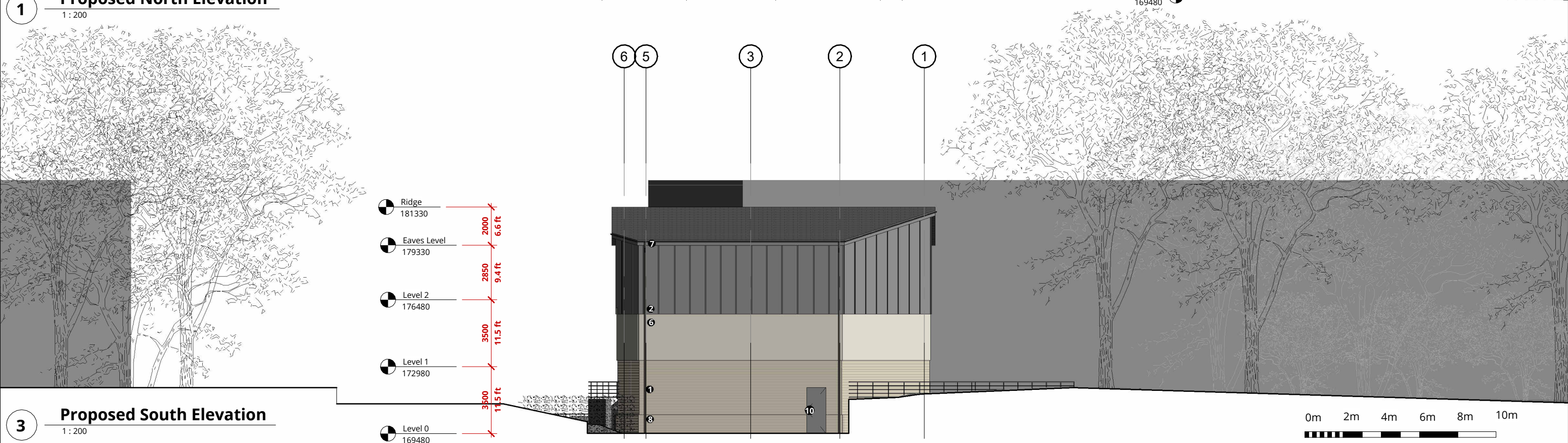
T +44 [0]7564 361 972



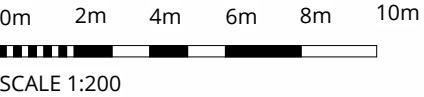
| | |
|--|--------------------------------------|
| PROJECT TITLE Fallbarn Road | |
| RDP JOB NUMBER P0055 | ISO 27001 CLASSIFICATION Planning |
| DRAWING TITLE Site Location Plan and Block Plan | |
| DRAWING NO. FBR-RALA-Z1-XX-DR-A-(PL)-00005 | |
| SCALE As indicated | @ A3 |
| DATE FIRST ISSUED 15/08/24 | |
| REVISION P02 | |



1 Proposed North Elevation
1 : 200



3 Proposed South Elevation
1 : 200



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| P02 | Planning Issue | RB | RB | 20/08/24 |
| P03 | Planning Update | RB | RB | 24/01/25 |

| REVISION | DESCRIPTION | DRAWN | CHECKED | DATE |
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| | | | | |

| MATERIALS KEY | | | | |
|---------------|--|--|--|--|
| 1 | Natural stone block walling | | | |
| 2 | Rainscreen cladding with secret fixings | | | |
| 3 | Curtain wall glazing | | | |
| 4 | Aluminium Roller Shutter | | | |
| 5 | Glazed Entrance Doors | | | |
| 6 | Render to suit stone tones | | | |
| 7 | Grey roof tiles, fascias & rainwater goods | | | |
| 8 | Natural stone plinth detail | | | |
| 9 | Curtain wall aluminium infill panel | | | |
| 10 | Steel door | | | |
| 11 | Remote access vehicle barrier | | | |
| 12 | Metal balustrade | | | |

| REVISION | DESCRIPTION | DRAWN | CHECKED | DATE |
|----------|-------------|-------|---------|------|
| | | | | |

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|--|--------------------------------------|
| PROJECT TITLE Fallbarn Road | |
| RDP JOB NUMBER P0055 | ISO 27001 CLASSIFICATION Planning |
| DRAWING TITLE Proposed North & South Elevations | |
| SCALE @ A3 1 : 200 | |
| DATE FIRST ISSUED 02/04/24 | |
| DRAWING NO. FBR-RALA-Z1-XX-DR-A-(PL)-00010 | REVISION P03 |





