

Application Number:	2025/0282	Application Type:	S.73
Proposal:	Variation of conditions 2 (Approved documents) and 11 (Drainage Strategy) pursuant to planning approval 2024/0274.	Location:	Rawtenstall Market Hall Newchurch Road Rawtenstall Rossendale BB4 7QX
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	7 th October 2025
Applicant:	Rossendale Borough Council	Expiry Date:	10 th October 2025

Contact Officer:	Claire Bradley	Telephone:	01706 238636
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In	
Name of Member:	
Reason for Call-In:	
3 or more objections received	
Other (please state):	Yes – Council application on Council Owned Land

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

Approval subject to conditions

2. APPLICATION SITE

The application relates to Rawtenstall Market, located on Newchurch Road in Rawtenstall. The current site consists of the main market hall which sits back from Newchurch Road and is fronted by external linear market stalls running in an east-west direction.

To the rear of the market hall is a car park which serves the site and a collection of surrounding structures. To the west of the existing building, an existing courtyard / service area sits alongside a culverted river.

Finally, and an existing right of access through the site from Newchurch Road leads to a small car parking area at the rear of Tufties to the east.

The application site, which is the subject of this enquiry, covers the existing indoor and outdoor market, and the associated areas to the side and rear.

The site is located within the town centre boundary of Rawtenstall and is located wholly within the Town Centre's Primary Shopping Area (as shown on the Policies Map accompanying the Council's Local Plan).

The site is also located within the Rawtenstall Conservation Area and is identified as a "Modern 'Positive' Building, which fits into the townscape, or historic buildings which have been altered".

The site is largely devoid of vegetation, albeit there are small areas of planting around its periphery.

The Market Hall is not listed, but is considered to be a Non-Designated Heritage Asset. The adjacent former Ram's Head Public House (now 'Tufties') is Grade II Listed. Approximately 200m north of the site is the Grade II Listed War Memorial in Rawtenstall.

The market site was developed from 1906, starting with the frontage along the main road. The existing building on site is part of a 1923 extension as a covered market which, following a fire, resulted in the loss of the original 1906 building, at which point it is understood that the current building became the main indoor market.

The Market Hall is single storey, sat back from the road with a series of modern market stalls in the foreground. The building has a series of unsightly, ad hoc modern (c.1960s) brick extensions that run along the front elevation obscuring all of its original façade.

The rear and side elevations consist of steel columns supporting steel beams that form the eaves of the roof. Between the steel supports are red brick infills. The hipped roof is of Welsh slate, with a series of lead and timber ventilators along the ridge.

The forecourt comprises a series of timber stalls with felt roofs, and public realm consisting of red tarmac. The existing market stalls are of no architectural interest, and negatively impact the character of the Conservation Area, their felt and bitumen roofs being particularly poor quality and incongruous.

3. RELEVANT PLANNING APPLICATION HISTORY

X/1992/628: Refurbishment of market toilets including extension of building. (Approved)

X/1993/486A: Proposed non illuminated column mounted hoarding showing hours of opening. (Approved)

2024/0274: External alterations and adaptations to the existing Market Hall (including partial demolition / removal of unsightly accretions, new front, rear and side entrances, fenestration and installation of PV roof panels); clearance of existing external market stalls on site frontage and replacement with new market stalls; existing service yard redeveloped to form an outdoor public terrace to include 3 permanent outdoor stalls and space for occasional "pop up" stalls; reconfiguration of existing car park; provision of cycle parking; erection of a sub-station; and associated public realm enhancements in the guise of hard and soft landscaping. (Approved)

4. PROPOSAL

Planning permission has already been granted to carry out external alterations to the Market Hall, including the removal / demolition of unsightly and unsympathetic parts of its facades, introducing attractive, clear and welcoming new entrances at front, rear and side.

The changes sought from the previous application are as follows:

- 1. External landscaping finishes omitted to courtyard
- 2. 3 x external kiosks omitted from scheme.
- 3. Existing BT pole retained.
- 4. External landscape updated to introduce 1200mm passing point to retained BT pole.
- 5. Brick built substation and switch room to be formed in GRP as ENWL requirements.
- 6. External access road to be formed in traditional "black asphalt" as opposed to red.
- 7. Fencing between external kiosks removed.
- 8. External bike store omitted and replaced with 15 external hoops (totalling 30 spaces). Location of spaces split as below:
 - 12 no hoops to south west corner
 - 3no hoops located to north west courtyard
- External doors to market kiosks omitted and replaced with internal access door and screen
- 10. External bioclimatic pergola removed from scheme.
- 11. External seating arrangement and details tbc
- 12. Internal stage omitted
- 13. Soft landscaping omitted from the car park.
- 14. Parking layout updated.
- 15. Refuse store layout updated to allow access into retained mortuary block.
- 16. Dry recyclables relocated to maintain existing position.
- 17. Feature wording from roof omitted.
- 18. PV array omitted.
- 19. Roof penetrations / ventilation terminals updated to suit MEP ventilation strategy.

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6. POLICY CONTEXT

National Planning Policy Framework

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 6	Building a strong, competitive economy
Section 7	Ensuring the vitality of town centres
Section 8	Promoting healthy and safe communities
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 14	Climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

Development Plan

Local Plan Policies

Strategic Policy SS: Spatial Strategy

Strategic Policy SD1: Presumption in Favour of Sustainable Development

Strategic Policy SD2: Urban Boundary and Green Belt Strategic Policy R1: Retail and Other Town Centre Uses

Policy R3: Development and Change of Use in Town, District and Local Centres and

Neighbourhood Parades Policy R6: Shopfronts

Strategic Policy ENV1: High Quality Built Development

Strategic Policy ENV2: Historic Environment

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection

Policy ENV8: Other forms of Energy generation

Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water

Quality

Policy ENV10: Trees and Hedgerows Policy LT2: Community Facilities

Strategic Policy TR1: Strategic Transport

Policy TR4: Parking

Other material considerations

National Planning Practice Guidance National Design Guide (2019) RBC Climate Change SPD (2022) Rawtenstall Conservation Area Appraisal

7. CONSULTATION RESPONSES

Consultee	Summary of response
Growth Lancashire (Conservation)	No objections

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LCC Highways	No objections
RBC Economic Development	Letter of Support
RBC Environmental Health	No further comments
United Utilities	No objection subject to conditions
Rossendale Civic Trust	Welcome the changes. Concerns remain in relation to access to Tufties and access to toilets
Environment Agency	No objections
Lead Local Flood Authority	Standing Advice see SWD Section below

8. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 29.07.2025 and neighbouring properties were notified by letter sent out on 21.07.2025. The application was advertised in the Rossendale Free Press on 01.08.2025

No representations have been made.

9. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle:
- 2) Heritage/Visual Amenity;
- 3) Residential Amenity;
- 4) Access, Parking and Highway Safety
- 5) Land Contamination
- 6) Ecology

Principle

The principle of regenerating the existing market at the heart of Rawtenstall town centre remains strongly supported by national and local planning policy and is in line with the Council's strategic priorities and vision for Rawtenstall town centre.

The Framework states "planning policies and decisions should support the role that town centres play at the heart of the local communities, by taking a positive approach to their growth, management and adaptation" (paragraph 90). The same paragraph goes on to state "policies should retain and enhance existing markets and, where appropriate, re-introduce or create new ones".

Strategic Policy R1 of the Local Plan echoes national policy and makes clear that existing markets such as Rawtenstall market will be retained. The broader aims of Policy R1 are to direct new retail development and other main town centre uses to the defined centres set out in the retail hierarchy (and more specifically, the Primary Shopping Areas of those identified centres), and to maintain or strengthen the retail offer and vitality and viability of the defined centres. In this regard, Policy R3 of the Local Plan sets out criteria which new development within defined centres needs to be considered against to ensure the vitality and viability of centres such as Rawtenstall.

As with the previous application which has been approved previously, this proposal would regenerate the existing market in its current location, which is situated within the Primary Shopping Area of Rawtenstall. Through the improvements to the existing

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indoor market hall, redesigning of the external areas and the opening up of views into the site, the proposal would enhance and strengthen the existing retail and food and drink offer within Rawtenstall centre further and increase the commercial attractiveness and commercial viability of the Primary Shopping Area and Town Centre. Accordingly, it is considered that the proposal is in accordance with Policies R1 and R3.

At a broader level the proposal also accords with the Local Plan's vision and objectives which include:

- Promoting economic prosperity and helping to grow and retain local job opportunities...;
- Supporting each centre identified in the retail hierarchy through appropriate development which strengthens their role and function, in particular increasing the retail and leisure offer and delivering the 2040 Visions for Bacup and Haslingden;
- Supporting the visitor economy to raise the profile of the Borough's attractions and strengthen the offer to visitors.

The strategic priorities that will help achieve the above (according to the Local Plan), include delivering Rawtenstall Town Centre Regeneration, for which the Rawtenstall Masterplan has been produced. The Masterplan identified Rawtenstall Market Place as a great opportunity with the forthcoming new outdoor Market Stalls improvements to improve the public realm, create a better crossing from Bank Street and provide a possible cycle/mobility hub.

Overall, it is considered that the proposal represents a positive approach to the improvement and enhancement of Rawtenstall town centre and would strengthen its retail offer and vitality and viability. Accordingly, the development is in accordance with the Framework and Policies R1 and R3 of the Local Plan in regards to new retail development.

Currently Rawtenstall Market has a number of food units that serve hot food and offer a takeaway service. Both Policies R3 and R5 of the Local Plan are concerned with proposals for hot food takeaways, with Policy R5 containing specific development criteria for such proposals.

Considering the proposed changes, the market hall would include an indoor space with the potential to accommodate a significant number of customers, and it is likely that most hot food purchased would be consumed on site, especially when taking into account the market hall itself will be a destination with a wider retail/food and drink offering which would attract customers to visit the site.

The proposed development will improve the economic and social conditions of the area through supporting economic growth and promoting social interaction. Regeneration of the market would deliver new retail development and would enhance the vitality and commercial attractiveness of the site which is located at the heart of the Primary Shopping Area. New and increased employment opportunities would very likely result from the proposal.

Considering all of the above, the proposed redevelopment of the market is acceptable in principle.

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Heritage/Visual Amenity

Section 12 of the Framework refers to the importance which Government attaches to the design of the built environment:

- "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- "Planning policies and decisions should ensure that developments...will function well and add to the overall quality of the area...are sympathetic to local character and history, including the surrounding built environment and landscape setting."

In terms of the historic environment, both the Framework and Local Plan seek to conserve, or where appropriate, enhance the significance of heritage assets when considering the potential impacts of new development.

Considering the site is located within the Rawtenstall Conservation Area, and is adjacent to a Grade II listed building, an important material consideration in this case is the proposal's impact on designated heritage assets (as well as any non-designated heritage assets identified). Policy ENV2 of the Local Plan seeks to protect the historic environment and states "particular consideration will be given to ensure that the significant of those elements of the historic environment which contribute most to the Borough's distinctive identity and sense of place are not harmed. These include:

- The historic town centre of Rawtenstall...".

Paragraph 207 of the National Planning Policy Framework requires that when determining applications affecting heritage assets *local planning authorities should take account of:-*

- a) the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policies ENV1 and ENV2 of the Local Plan seek to ensure that the built and historic environment is safeguarded and enhanced and proposals take into account design, lighting and materials.

The application seeks the amend the original permission to carry out external alterations to the Market Hall, including the removal / demolition of unsightly and unsympathetic parts of its facades, introducing attractive, clear and welcoming new entrances at front, rear and side.

The changes from the previous application are as follows:

- 1. External landscaping finishes omitted to courtyard
- 2. 3 x external kiosks omitted from scheme.
- 3. Existing BT pole retained.

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- 4. External landscape updated to introduce 1200mm passing point to retained BT pole.
- 5. Brick built sub station and switch room to be formed in GRP as ENWL requirements.
- 6. External access road to be formed in traditional "black asphalt" as opposed to red.
- 7. Fencing between external kiosks removed.
- 8. External bike store omitted and replaced with 15 external hoops (totaling 30 spaces). Location of spaces split as below:
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- 11. External seating arrangement and details tbc
- 12. Internal stage omitted
- 13. Soft landscaping omitted from the car park.
- 14. Parking layout updated.
- 15. Refuse store layout updated to allow access into retained mortuary block.
- 16. Dry recyclables relocated to maintain existing position.
- 17. Feature wording from roof omitted.
- 18. PV array omitted.
- 19. Roof penetrations / ventilation terminals updated to suit MEP ventilation strategy.
- 20. Feature painted murals omitted
- 21. Existing structure added

Growth Lancashire have been consulted and have commented as follows:

Given the location and nature of the proposed amendments, I do not feel there will be any impact on the identified heritage assets.

As such, from a conservation perspective, the submitted detail is acceptable, and I have no further comments to add to the variation of Conditions 2 and 11.

It is considered that the amended design and changes to the previously approved development are acceptable and it is considered that the proposal would meet the statutory test 'to preserve' the character and appearance of Rawtenstall Conservation Area. As such, I consider the scheme would meet with the objectives of Chapter 16 of the NPPF and accord with Policy ENV 2 of the Local Plan.

Residential Amenity

Paragraph 96 of the NPPF advises that Planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion for example through the use of

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well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

- "c) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the area
- "d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa."

There are no resident properties in the immediate vicinity of the market and there are a number of dwellings located on Crankshaw Street and Hurstdale House to the rear is in office/educational use and to the east of that is a Care Home.

The separation distances between the market and all of these buildings are adequate to ensure no impact.

The proposed development will not impact on the residential amenity of nearby occupiers and is in accordance with Policy ENV1 and the NPPF.

Access, Parking and Highway Safety

In terms of impact on Highways, LCC Highways have commented as follows:

With respect to this application, we Lancashire County Council Development Control Team would not wish to raise any objections to the variation of Condition 2.

Further details regarding the cycle storage will be required - a suitable canopy over the storage should be provided.

The highway works are being carried out as part of a scheme to be delivered by Lancashire County Council, the applicant should contact the LCC Highways Design Team to ensure that the scheme can be suitably amended.

The proposed development is acceptable in terms of access, parking and Highway safety subject to the conditions below.

Land Contamination

The proposed development is acceptable in terms of no impact in relation to the issue of contaminated land. The proposed development is in accordance with Policy ENV6 of the Rossendale Local Plan.

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Ecology

The Framework contains a requirement that all new developments demonstrate a net gain in biodiversity potential, and that any adverse impacts on habitats are avoided, mitigated or adequately compensated.

Policy ENV3 of the Local Plan advises that:

"The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions."

"Policy ENV4 Biodiversity, Geodiversity and Ecological Networks states: "Development proposals that have potential to affect a national or locally-designated site, as shown on the Policies Map and its immediate environs, or on protected habitats or species, will be expected to be accompanied by relevant surveys and assessments detailing likely impacts. A sequential approach should be followed to avoid harm and where possible enhance biodiversity, and where not possible, provide appropriate mitigation and, as a last resort, on and off-site compensatory measures to offset the impact of development".

All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains".

This application site is currently hard surfaced in its entirety. In the determination of the previous application, GMEU commented as follows:

We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bird box/house sparrow nesting box
- Urban trees and shrubs

We suggest a condition to this effect be placed on any permission. The applicant's ecologist has provided some guidance on these matters in section 5 of their Preliminary Ecological Appraisal.

In terms of ecology and biodiversity, the majority of the landscaping has been removed from the scheme, however, it is expected that the installation of bat boxes will take place. The proposal is in accordance with Policies ENV1 and ENV3 of the Local Plan and Section 15 of the NPPF.

Flood Risk and Surface Water Drainage

The site is previously developed land and has significant areas of tarmac which is nonporous in terms of surface water drainage, and it is drained on an existing foul and surface water drainage system in place.

The planning flood maps from the Environment Agency confirm that the development area is in Flood Zones 1, 2 and 3 in terms of risk posed by sea or river or surface

water flooding and therefore a Flood Risk Assessment and Drainage Strategy has been submitted alongside.

The Local Lead Flood Authority are not a consultee on this application, however, the development falls within the "*Minor Development*" category for their Standing Advice which states as follows:

The Lead Local Flood Authority advises that surface water drainage on a property level is incorporated by the applicant. Surface water runoff from roofs and impermeable surfaces should be retained within the boundary of the development, wherever possible. This can be achieved, for example, by taking measures such as installing water butts, permeable paving and rain gardens.

There is potential for the cumulative impact of minor developments to have a significant effect on surface water flood risk. Where applicable, the guidance contained on the Environment Agency's Flood Risk Assessment webpage should be applied. This guidance can also be applied where permitted development rights have been removed for flood risk reasons, for example, the conversion of permeable front driveways to impermeable surfaces.

In terms of the submitted documents, The Flood Risk Assessment and Drainage Strategy states as follows:

- 8 Existing Site Layout
- 8.1 The existing site layout is the existing Rawtenstall market site.
- 8.2 Site levels reflect the existing topography with the site falling gently towards the south.
- 9 Existing Drainage
- 9.1 Compliance with policy begins with a review of the existing site and its drainage characteristics.
- 9.2 The development site is considered to have a brownfield land classification as it's a refurbishment of an existing market which is served by an existing drainage network.
- 9.3 There is a watercourse, Limy Water, to the west of the development site.
- 9.4 The site topography generally directs runoff towards the south of the site.
- 10 Urban Creep
- 10.1 Urban creep does not need to be considered for this type of development.
- 11 Proposed Surface Water Drainage
- 11.1 The development proposal allows the existing drainage network to remain and to continue to drain the site.
- 11.1.1 The existing records, CCTV and utility survey have confirmed that there is an existing surface water drain running through the rear car park which discharges to Limy Water.
- 11.1.2 The current proposal is to re-use this existing surface water drainage network as there is no change in impermeable area.
- 12 Proposed Foul Water Network
- 12.1 The foul water network will be as existing and connects into the existing foul network sewer in the road to the south.
- 12.2 Grease traps are to be added to mitigate against the pipes becoming blocked.

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- 13 Maintenance and Management
- 13.1 The drainage network will be managed in accordance with the local council's management plan.
- 13.2 The piped network will be maintained in accordance with their in-house maintenance process.
- 14 Surface Water Management Summary and Conclusion
- 14.1 The existing drainage network is to be retained and re used.
- 14.2 The site does not increase flooding within or downstream of the catchment as no additional impermeable area has been added.
- 14.3 The drainage network is considered to satisfy the requirement of local and national planning policy.

With regards to responses received from statutory consultees, the Environment Agency have commented as follows:

We previously responded to an application for this site, your reference 2024/0274 (our reference NO/2024/116179/01-L01, dated 16 July 2024) and raised no objection to the proposal. Since our last response, the Environment Agency's Flood Map for Planning (FMfP) was revised on 25 March 2025, prior to the site obtaining planning approval on 1 April 2025. The updated mapping now places the site, particularly the courtyard area, within Flood Zone 3, which is defined as land at high risk of flooding from rivers and/or the sea.

We have identified a number of concerns arising from this, including the location of dry recyclables and the potential for these items to be displaced during a flood event, as well as the presence and duration of pop-up stalls. We consider that these issues could be appropriately addressed through the preparation and implementation of a Flood Risk Management Plan.

Environment Agency Position

We have no objection in principle to the proposal, subject to the inclusion of a condition.

Comments from United Utilities in relation to the discharge of Condition 11 are as follows: NB: Condition 11 was requested by the Highway Authority

Further to our review of the submitted documents, Drawing 33869-SUT-ZZ-XX-DR-C-6201, Rev T07 - Dated 15/08/2024, United Utilities recommends that the detail to amend to condition 11 must include a connection to a known outfall point. The details of condition 11 request details of an outfall point so before the condition is amended, we request clarification PRIOR TO DETERMINATION.

We wish for this response to supersede the first response to this application, dated 28th August 2025. Should further details not be provided as part of this Section 73 application; to secure the necessary details regarding the outfall, we request the following condition is attached to any subsequent Decision Notice:

REQUESTED CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

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- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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.

In assessing the suitability of the site, and the requirements for the above condition, and taking into account the previous application assessment, the site is an existing previously developed site containing existing drainage infrastructure, with the development being minor development in surface water drainage terms as defined by the LLFA.

It is considered that the imposition of the above condition is unreasonable, related to the scale of the development proposed and the nature of the amendments being sought in this application.

It is considered that the proposed development is acceptable in terms of flood risk and surface water drainage subject to appropriate conditions and is therefore in accordance with the NPPF and the Rossendale Local Plan.

9. CONCLUSION

Subject to the conditions below, the development is acceptable in terms of all of the sections detailed above and on this basis, it is considered that the proposal is in accordance with the Rossendale Local Plan and the NPPF.

10 RECOMMENDATION

That planning permission is granted subject to the following conditions:

11. CONDITIONS

1. The development hereby permitted shall be begun before 1st April 2028.

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

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- 2. The development shall be carried out in accordance with the planning application form received 21.07.2025 and the following drawings and documentation unless otherwise required by the conditions below:
 - Drawing No: 1570-23-DAY-A-03-0001 Topographical Survey received 01.07.2024
 - Drawing No: 1570-23-DAY-A-03-0002 Existing Site Plan received 01.07.2024
 - Drawing No: 1570-23-DAY-A-03-0003 Existing Ground Floor Plan received 01.07.2024
 - Drawing No: 1570-23-DAY-A-03-0004 Existing Roof Plan received 01.07.2024
 - Drawing No: 1570-23-DAY-A-03-1001 Existing Elevations Sheet 1 received 01.07.2024
 - Drawing No: 1570-23-DAY-A-03-1002 Existing Elevations Sheet 2 received 01.07.2024
 - Drawing No: 1570-23-04-0001 Rev B Proposed Site Plan received 21.07.2025
 - Drawing No: 1570-23-04-0002 Rev B Proposed Ground Floor Plan received 21.07.2025
 - Drawing No: 1570-23-04-0003 Rev B Proposed Roof Plan received 21.07.2025
 - Drawing No: 1570-23-04-1001 Rev B Proposed Elevations Sheet 01 received 21.07.2025
 - Drawing No: 1570-23-04-1002 Rev B Proposed Elevations Sheet 02 received 21.07.2025
 - Drawing No: 1570-23-04-1003 Rev B Proposed Elevations Sheet 03 received 21.07.2025
 - Drawing No: 1570-23-04-1004 Rev B Proposed Elevations Sheet 04 received 21.07.2025
 - Drawing No: 1570-23-04-1004 Rev A Proposed Elevations 04 with tracked changes received 21.07.2025
 - Drawing No: 1570-23-04-2001 Rev B Proposed Sections received 21.07.2025
 - Drawing No: 1570-23-DAY-A-10-0001 Demolition Site Plan received 01.07.2024
 - Drawing No: 1570-23-DAY-A-10-1003 Demolition Elevations Sheet 1 received 01.07.2024
 - Drawing No: 1570-23-DAY-A-10-1004 Demolition Elevations Sheet 2 received 01.07.2024
 - Drawing No: 1570-23-DAY-XX-XX-DR-A-02-0001 Site Location Plan received 01.07.2024
 - Drawing No: 1570-23-04-1005 Rev B Proposed Street Scene Elevation received 21.07.2025
 - Erap Ltd Ecology Report received 01.07.2024
 - External Lighting Assessment
 - Flood Risk Assessment and Drainage Strategy received 01.07.2024
 - Flue and Ventilation Details REV00 received 01.07.2024
 - Noise Impact Assessment P7359-R1-V2 received 01.07.2024
 - Phase I Ground Investigation Report 33869-SUT-ZZ-00-RP-G-7101 received 22.07.2024

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- Phase II Ground Assessment 33869-SUT- ZZ-00-RP-G-7201 received 01.07.2024
- Planning Statement received 01.07.2024
- Transport Statement 240626 328115 V1.1 received 01.07.2024

<u>Reason:</u> To define the permissions and in the interests of the proper development of the site.

3. Prior to any above ground development commencing samples of all proposed external facing materials and hard landscaping materials shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall thereafter be implemented in full prior to first use of the development.

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

- 4. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. The loading and unloading of plant and materials
 - iii. The storage of plant and materials used in constructing the development
 - iv. Arrangements for turning of vehicles within the site.
 - v. Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
 - vi. Measures to protect vulnerable road users (pedestrians and cyclists).
 - vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - viii. Wheel washing facilities.
 - ix. Measures to control the emission of dust and dirt during construction
 - x. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - xi. Details of hours for deliveries of plant and materials to the site
 - xii. Routing of delivery vehicles to/from site

<u>Reason:</u> To mitigate the impact of the construction traffic on the highway network.

5. Notwithstanding the information in the Lighting Assessment submitted with the application, prior to the installation of any external lighting, a lighting plan including details of proposed lights shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first use.

<u>Reason:</u> In the interests of protected species, the historic environment the users of the site and the wider area.

 Notwithstanding the Flue and Ventilation Details submitted with the application, prior to their use in the development, full details including model and position of any replacement/new external vents or flues shall be submitted to and approved

Maraian Nivesbar	4	Domes	1E of 10
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in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first use.

Reason: In the interests of the historic environment.

7. No demolition, tree or shrub clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has first been carried out immediately prior to works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the Local Planning Authority.

Reason: In the interests of the ecology and biodiversity of the site.

8. No development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement via a Construction Environmental Management Plan (CEMP) to protect the Limy Water from accidental spillages, runoff, dust and debris has been supplied to and agreed by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period and for future operations in accordance with the approved details.

Reason: In the interests of protecting the water environment of Limey Water.

9. Prior to any earthworks, vegetation clearance or demolition a method statement detailing eradication or avoidance measures for Himalayan balsam shall be supplied to, and agreed in writing by, the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the spread of invasive species

10. The ecological enhancement recommendations detailed in Section 5.5 of the Erap Ecological Survey and Assessment (Including a Licensed Bat Survey) shall be implemented in full prior to first use of the building.

<u>Reason:</u> In the interests of the biodiversity and ecology of the site and to ensure a net gain in biodiversity

11. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of any excavation works or above ground 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.

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

12. No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be first submitted to and approved by the Local Planning Authority.

<u>Reason:</u> In order that the vehicle and pedestrian traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

- 13. No development shall take place until a Flood Risk Management Plan has been submitted to, and approved in writing, by the local planning authority. The plan should include the following information regarding the proposed arrangements for dry recyclables and pop-up stalls:
 - Plans demonstrating how dry recyclables will be secured to prevent displacement during a flood event, including whether and how they are fixed to the ground. The plan should outline any additional measures proposed to prevent waste from entering the watercourse or contaminating land during such events.
 - Details of the proposed pop-up stalls to demonstrate that the structures are easily demountable and can be removed from Flood Zone 3 in advance of a potential flood event.
 - A flood evacuation plan which includes signing up for flood warnings.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

<u>Reason:</u> To reduce the risk of flooding to the proposed development and future occupants.

14. No part of the development hereby approved shall be occupied or opened for trading until the cycle storage has been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to promote alternative means of sustainable transport.

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. Construction Management Plan.
 - There must be no reversing into or from the live highway at any time all
 vehicles entering the site must do so in a forward gear and turn around in
 the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time.
 - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
 - Vehicles must only access the site using a designated vehicular access point.

- There must be no machinery operating over the highway at any time, this
 includes reference to loading/unloading operations all of which must be
 managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway, and verge.
- 3. Whilst the works to the properties have been assessed as having negligible risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat and the signs of bats is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
- 4. Each Food stall must have a piped mains water supply to ensure an adequate supply of hot and cold water for handwashing and food preparation purposes. Provisions are also required for food pop up stalls/temporary events.
- 5. Construction phase:

Noise: Take all practicable steps to prevent the noise from the site activities giving rise to a nuisance.

Dust: Take all practicable steps to prevent any dust from the site activities giving rise to a nuisance.

No burning of materials shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority.

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.

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CLIENT
Rossendale Borough Council

B Updated to reflect changes under S73 submission.
A Issued for PLANNING 28/06/24 OR RL

REV DESCRIPTION DATE REV BY CHKD

Proposed Site Plan

SCALE
As indicated @ A1

CLIENT REF DAY PROJECT DRAWN BY CHECKED BY
/ 1570-23 OR RL

ORIGIN VOLUME LEVEL TYPE ROLE NUMBER REVISION
DAY A 04-0001 B

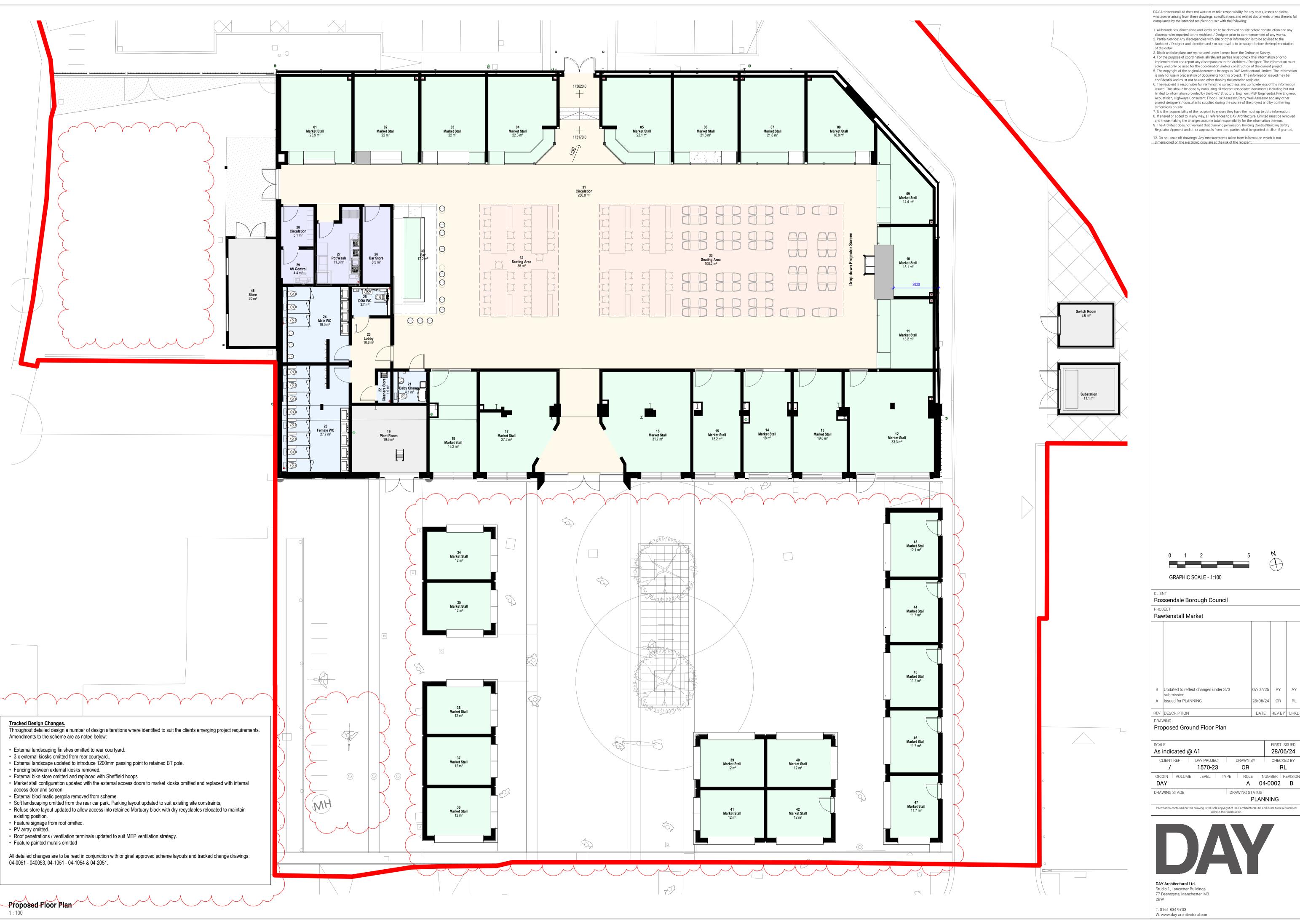
DRAWING STAGE DRAWING STATUS
PLANNING

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Refuse Store LIMY WATER Market Stall Market Stall Market Stall Indicative Location for Pop-up Stalls Indicative Location for Pop-up Stalls Switch Room Market Stall Market Stall Market Stall Market Stall Market Stall 6 NEWCHURCH ROAD

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Tracked changes key

- 1 External landscaping finishes omitted to courtyard
- (2) 3 x external kiosks omitted from scheme.
- (3) Existing BT pole retained.
- passing point to retained BT pole.

4 External landscape updated to introduce 1200mm

- Brick built sub station and switch room to be formed in GRP as ENWL requirements.
- 6 External access road to be formed in traditional "black asphalt" as opposed to red.
- 7 Fencing between external kiosks removed.
- 8 External bike store omitted and replaced with 15 external hoops (totaling 30 spaces). Location of spaces split as below: 12 no hoops to south west corner 3no hoops located to north west courtyard
- External doors to market kiosks omitted and replaced with internal access door and screen
- External bioclimatic pergola removed from scheme.
- (11) External seating arrangement and details tbc
- (12) Internal stage omitted
- (13) Soft landscaping omitted from the car park.
- (14) Parking layout updated.
- (15) Refuse store layout updated to allow access into
- retained Mortuary block.
- Dry recyclables relocated to maintain existing position.
- Feature wording from roof omitted.
- PV array omitted.
- Roof penetrations / ventilation terminals updated to suit MEP ventilation strategy.
- Peature painted murals omitted
- 21 Existing structure added



GRAPHIC SCALE - 1:200

Rossendale Borough Council

PRO.	JECT wtenstall Market			
A	Issued as tracked change document to the LPA to discuss key design changes undertaken throughout stage 4 design.	13/06/25	AY	AY
REV	DESCRIPTION	DATE	REV BY	CHKD

Proposed Site Plan - Tracked Changes

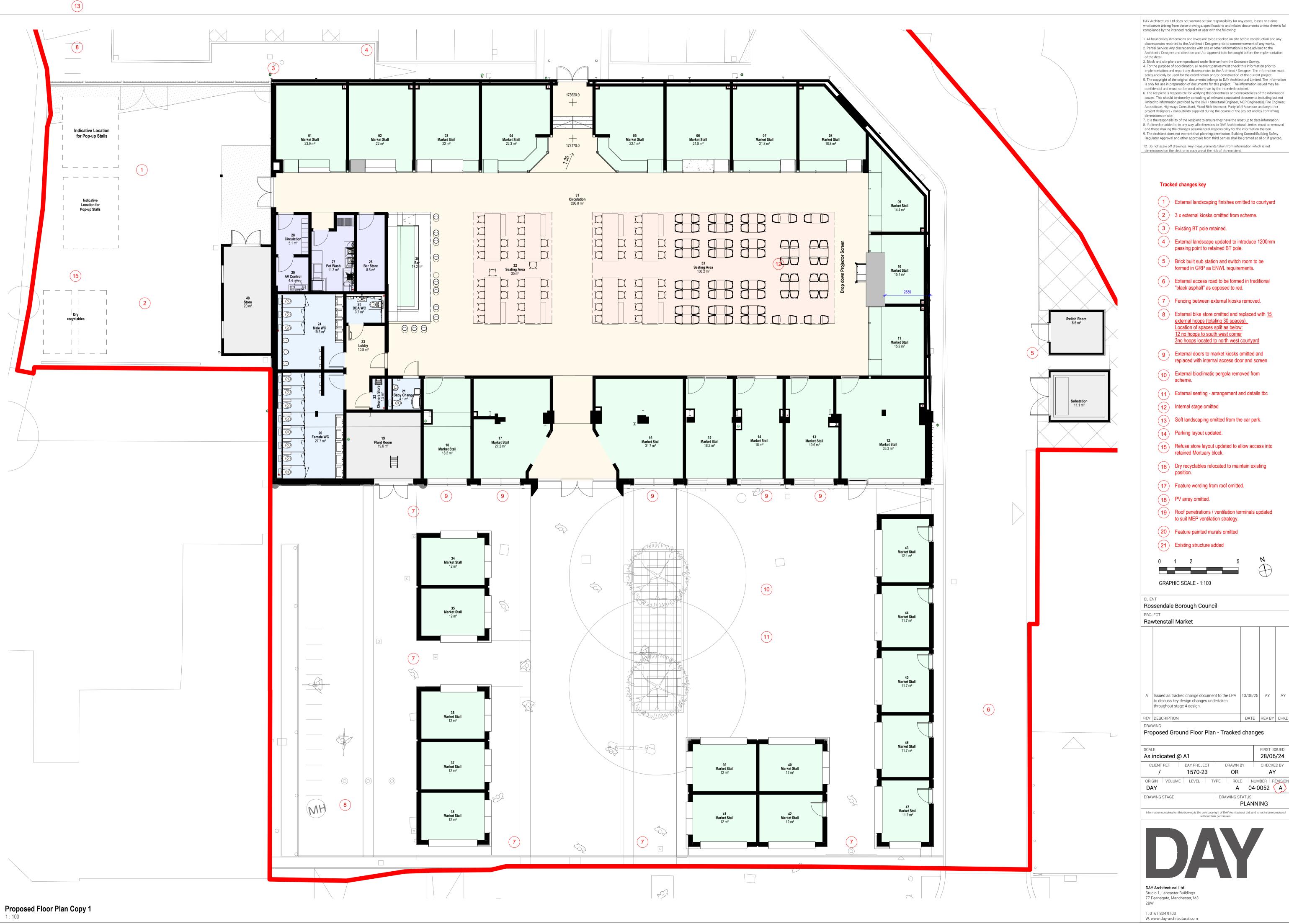
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BURNLEY ROAD



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Refuse store layout updated to allow access into

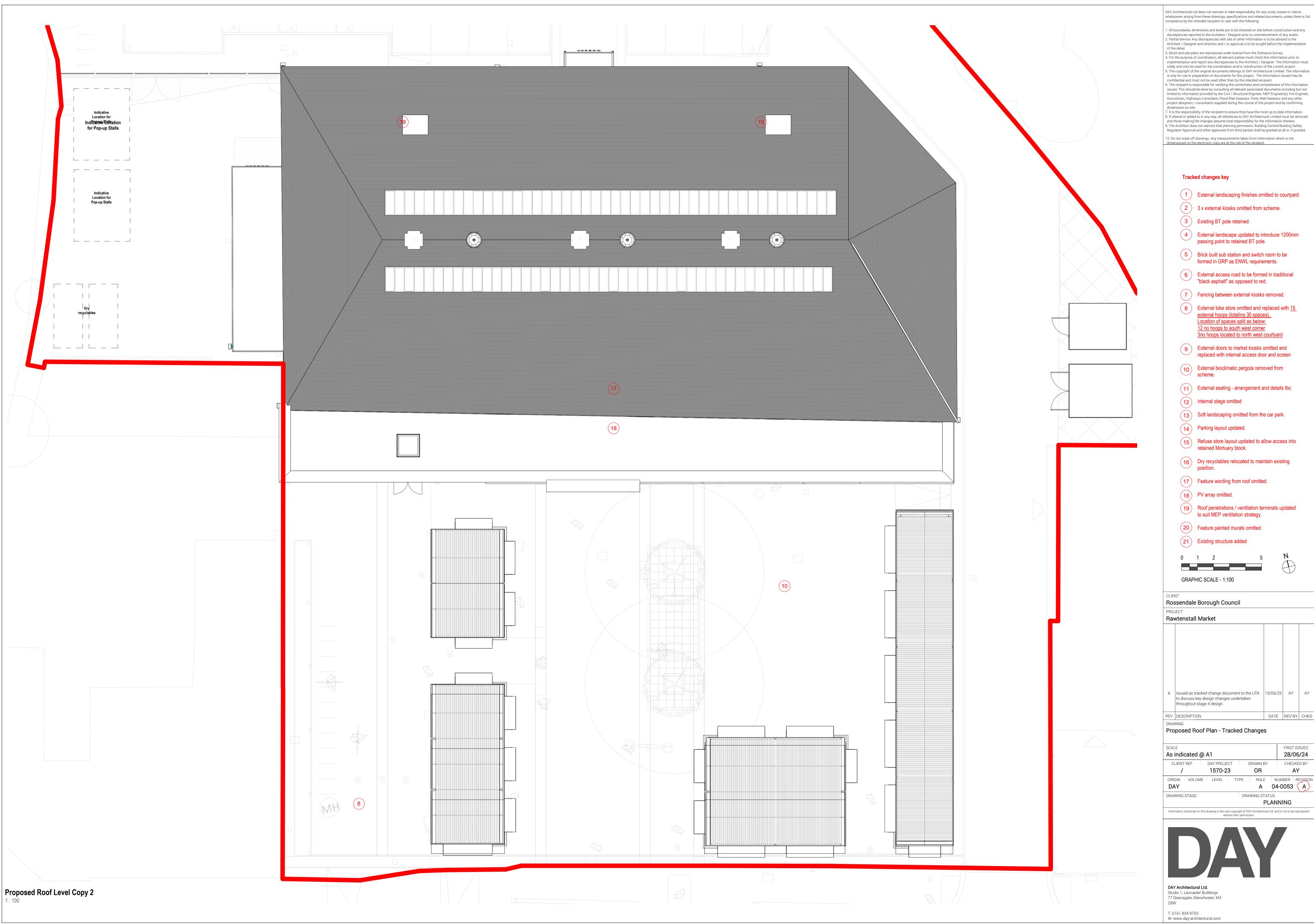
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3no hoops located to north west courtyard

(11) External seating - arrangement and details tbc

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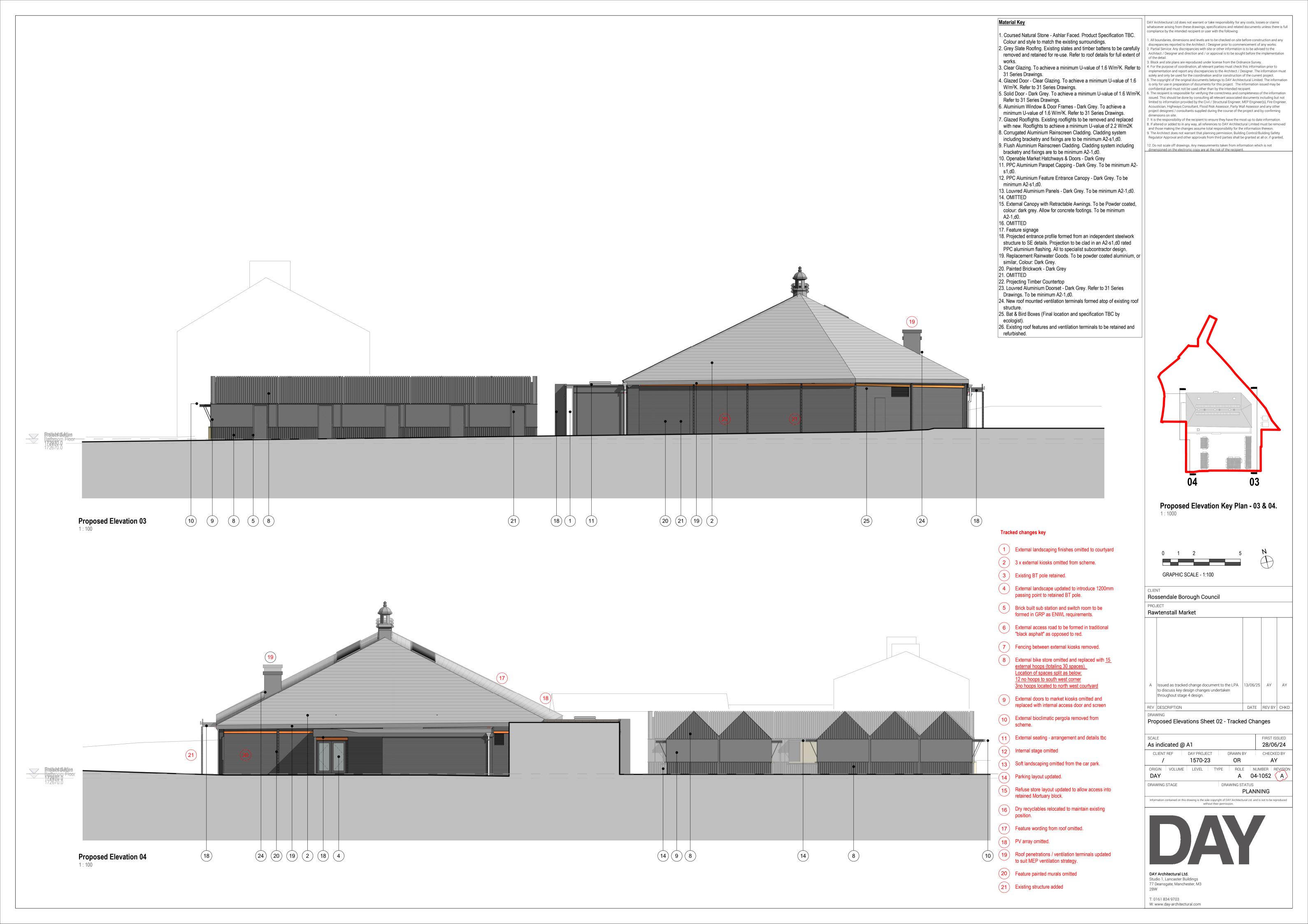
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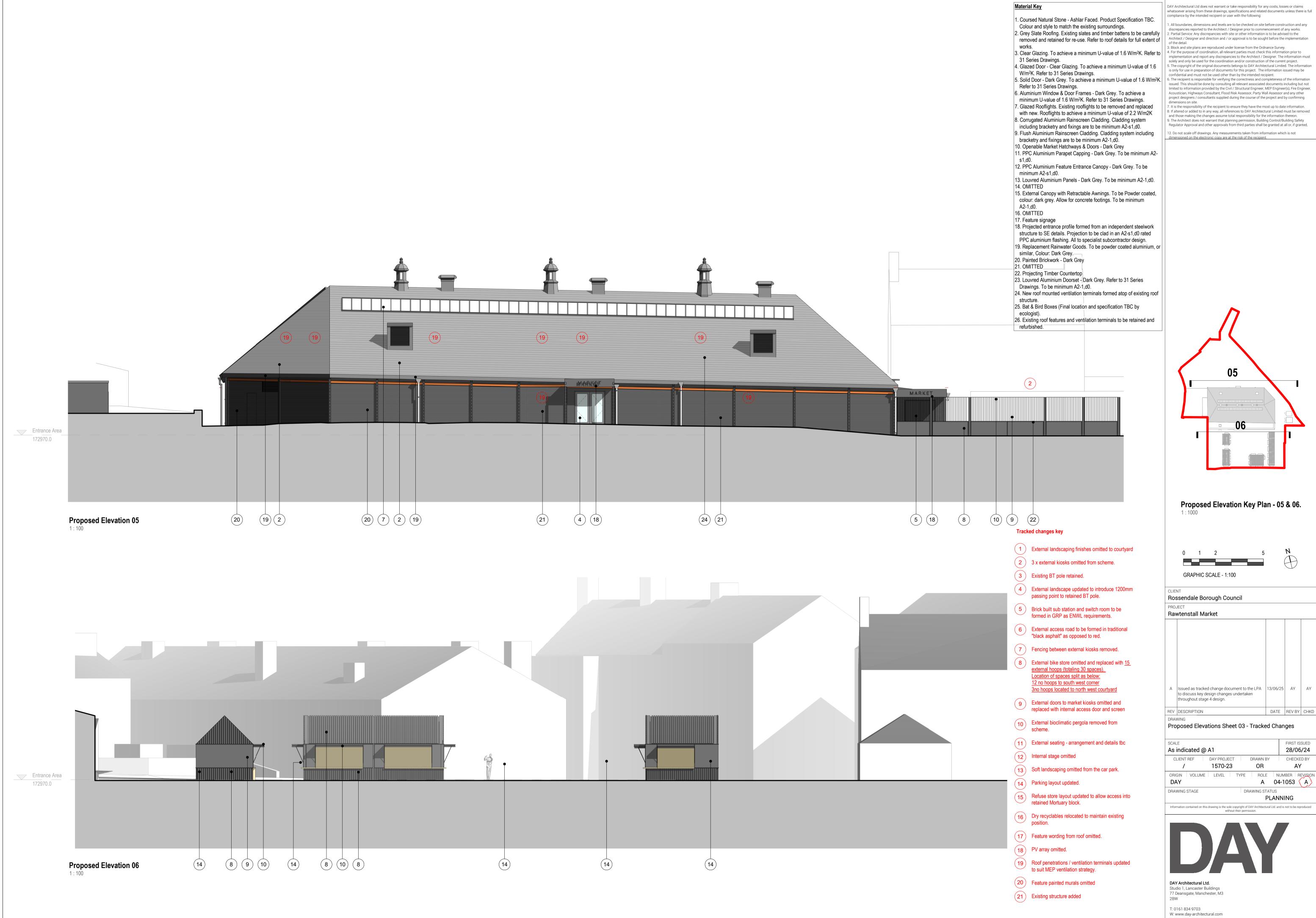
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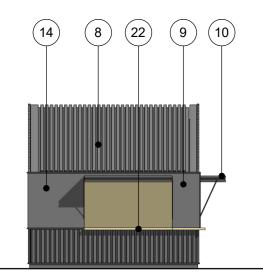
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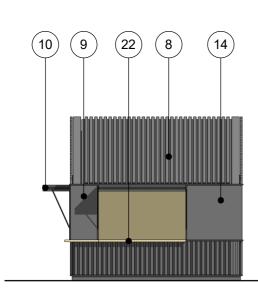
(21) Existing structure added

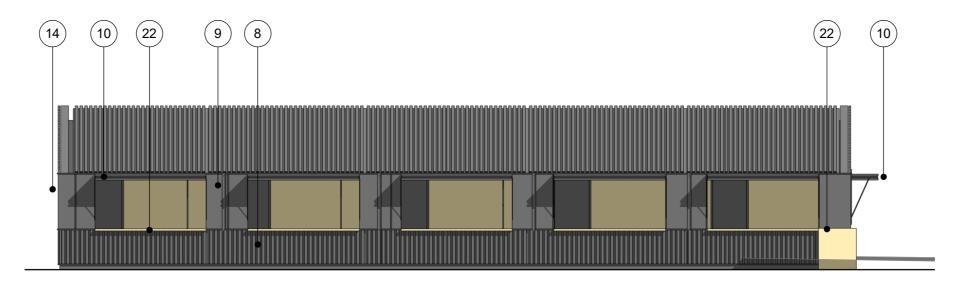




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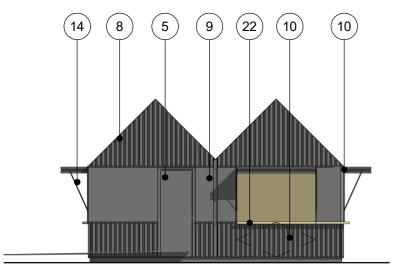




External Stall (Misc A)

External Stall (Misc B)

External Stall (Misc C)



SUB STATION AND EXTERNAL BIKE STORE ELEVATIONS OMITTED

External Stall (Misc D)

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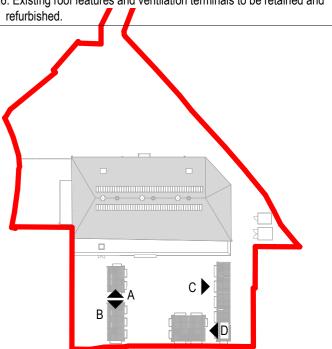
granted, will be granted in accordance with any anticipated timescale. All designs provided are subject to such approval. 0. Any façade/cladding design provided by DAY Architectural Limited is in relation to indicative design intent only and DAY Architectural Limited shall have no contractual or insurance

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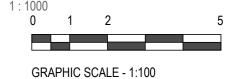
Proposed Elevations Sheet 04 - Tracked Changes Rossendale Borough Council 28/06/24 As indicated @ A2 CHECKED BY PROJECT CLIENT REF DAY PROJECT DRAWN BY 1570-23 ΑY Rawtenstall Market OR ORIGIN VOLUME LEVEL TYPE ROLE NUMBER REVISION A 04-1054 \ A DAY XX XX DR Issued as tracked change document to the LPA to discuss key AY 13/06/25 AY DRAWING STAGE DRAWING STATUS design changes undertaken throughout stage 4 design. PLANNING REV DESCRIPTION DATE REV BY CHKD BY Information contained on this drawing is the sole copyright of DAY Architectural Ltd. and is not to be reproduced without their permission

Material Key

- 1. Coursed Natural Stone Ashlar Faced. Product Specification TBC. Colour and style to match the existing surroundings.
- 2. Grey Slate Roofing. Existing slates and timber battens to be carefully removed and retained for re-use. Refer to roof details for full extent of
- 3. Clear Glazing. To achieve a minimum U-value of 1.6 W/m²K. Refer to 31 Series Drawings.
- 4. Glazed Door Clear Glazing. To achieve a minimum U-value of 1.6 W/m²K. Refer to 31 Series Drawings.
- 5. Solid Door Dark Grey. To achieve a minimum U-value of 1.6 W/m²K. Refer to 31 Series Drawings.
- 6. Aluminium Window & Door Frames Dark Grey. To achieve a minimum U-value of 1.6 W/m²K. Refer to 31 Series Drawings.
- 7. Glazed Rooflights. Existing rooflights to be removed and replaced with new. Rooflights to achieve a minimum U-value of 2.2 W/m2K
- 8. Corrugated Aluminium Rainscreen Cladding. Cladding system
- including bracketry and fixings are to be minimum A2-s1,d0. 9. Flush Aluminium Rainscreen Cladding. Cladding system including
- bracketry and fixings are to be minimum A2-1,d0. 10. Openable Market Hatchways & Doors - Dark Grey
- 11. PPC Aluminium Parapet Capping Dark Grey. To be minimum A2s1,d0. 12. PPC Aluminium Feature Entrance Canopy - Dark Grey. To be
- minimum A2-s1,d0. 13. Louvred Aluminium Panels - Dark Grey. To be minimum A2-1,d0.
- 14. OMITTED
- 15. External Canopy with Retractable Awnings. To be Powder coated, colour: dark grey. Allow for concrete footings. To be minimum A2-1,d0.
- 16. OMITTED
- 17. Feature signage
- 18. Projected entrance profile formed from an independent steelwork structure to SE details. Projection to be clad in an A2-s1,d0 rated PPC aluminium flashing. All to specialist subcontractor design.
- 19. Replacement Rainwater Goods. To be powder coated aluminium, or similar, Colour: Dark Grey.
- 20. Painted Brickwork Dark Grey
- 21. OMITTED
- 22. Projecting Timber Countertop
- 23. Louvred Aluminium Doorset Dark Grey. Refer to 31 Series Drawings. To be minimum A2-1,d0.
- 24. New roof mounted ventilation terminals formed atop of existing roof structure.
- 25. Bat & Bird Boxes (Final location and specification TBC by
- ecologist).
- 26. Existing roof features and ventilation terminals to be retained and



Proposed Elevation Key Plan







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