

<b>Application Number:</b>	2026/0008	<b>Application Type:</b>	S73 Variation
<b>Proposal:</b>	Variation of Condition 2 (Approved plans and documents) pursuant to Planning Approval 2023/0527.	<b>Location:</b>	Former Car Park Park Road Helmshore Rosendale Lancashire
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	19 <sup>th</sup> May 2026
<b>Applicant:</b>	Ms D Hayden	<b>Determination Expiry Date:</b>	22 <sup>nd</sup> May 2026
<b>Agent:</b>	Hartley Planning & Development Associates		

<b>Contact Officer:</b>	<b>Claire Bradley</b>
<b>Email:</b>	<b>clairebradley@rossendalebc.gov.uk</b>

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>No</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>Yes</b> <b>Cllr Hodgkiss</b> Loss of dry stone boundary wall fronting Park Road will significantly impact on the heritage and character of the area.
<b>3 or more objections received</b>	<b>Yes</b>
<b>Other (please state):</b>	

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

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

## 1. **RECOMMENDATION**

That the application is approved subject to the conditions set out in this report.

## 2. **SITE**

The application was previously a large area of hard standing that was used as a car parking area for a local business, surfaced in tarmac. Access to the site is from Holcombe Road via Park Road, a tarmac road also serving other properties (partially adopted). Beyond the point where it enters the site, Park Road has an unmade surface.

The site is at a lower level than Park Road, and is broadly triangular in shape. It is bounded to the north east along Park Road by a stone wall and to the other side of Park Road is a dormer-bungalow and a terrace of two-storey stone and slate houses. To the north west side it is bounded by a timber post-and-rail fence, beyond which is open land. To the south side it is bounded by Musbury Brook and Sunny Bank Mill which has been converted to a dwelling and takes access from the application site.

Construction has begun on the site to build the 8 dwellings that have been approved.

The site is located within the urban boundary.

## 3. **RELEVANT PLANNING HISTORY**

2009/0201 - Erection of 3 no. detached dwellings (Refused and dismissed at appeal)

2011/0077 - Erection of Five Dwellings (Refused and dismissed at appeal)

2011/0291 - Erection of four, two storey dwellings (Approved)

2014/0205 - Construction of Four Houses (Resubmission of Planning Permission 2011/0291) (Amended Scheme) (Approved)

2017/0463 - Erection of 5 No. new dwellings (consisting of 3 No. four-bedroom and 2 No. three-bedroom), with associated access and landscaping works (Withdrawn)

2020/0160 - Full: Construction of 8 no. three-bedroom dwellings, with associated access and works (Allowed / Approved on Appeal – Appeal Description: Full application for residential development) – 15/06/2021

2022/0317 - Approval of Details Reserved by Condition 3 (Materials), 7 (Method Statement to Protect Musbury Brook), 8 (Management of Risks to Musbury Brook from Drainage), 9 (Land Contamination Report), 11 (Surface Water Drainage Scheme), 13 (Musbury Brook - Garden / Path Levels and Fencing), 15 (Piling / Foundations), 18 (Highway Stopped Up), 19 (Scheme for Site Access), 21 (Details of Retaining Wall Adjacent to Footpath / Track), 22 (Construction Method Statement) and 23 (Management and Maintenance of Road and Other

Infrastructure) pursuant to Planning Application 2020/0160 that was allowed on Appeal (Split Decision)

2023/0079 - Non-material amendment: reversion to use of existing access into the site, pursuant to planning permission APP/B2355/W/21/3269528 (2020/0160) (Approved)

2023/0081 - S.73 Application: removal of conditions 18 (stopping up of highway), 19 (details of site access) and 20 (highway dedication agreement) pursuant to planning permission APP/B2355/W/21/3269528 (2020/0160) (Approved)

2023/0302 - Application to vary a condition following the approval of a full planning application no 2023/0081 for residential development (8 no dwellings) at the former car park, Park Road, Helmshore. (Refused)

2023/0527 - Application to vary a condition following the approval of a full planning application no 2023/0081 for residential development (8 no dwellings) at the former car park, Park Road, Helmshore. (Approved)

#### **4. PROPOSAL**

Following the approval of planning application 2020/0160 on appeal, the applicant submitted an application for a non-material amendment (2023/0079) to slightly amend the approved access to the site (reverting to its existing arrangement). This application was approved.

The applicant then sought to remove Condition 18 (stopping up of highway), and provide details for Condition 19 (site access details) and Condition 20 (highway dedication agreement) from the planning permission, as they stated that the conditions are no longer pertinent (with the access not now requiring any significant re-arrangement). This was approved (2023/0081)

The previous application (2023/0527) also varied condition 2 in relation to a number of plans and slight amendments.

This application seeks to regularise some anomalies in the approved plan numbers on the previous approval (2023/0527) as detailed in the application and address the issue of the construction of the boundary wall adjacent to Park Road.

#### **5. POLICY CONTEXT**

##### **National Planning Policy Framework**

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
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 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

**Development Plan Policies**

Rossendale Local Plan 2019 to 2036

- Strategic Policy SS: Spatial Strategy
- Strategic Policy SD1: Presumption in Favour of Sustainable Development
- Strategic Policy SD2: Urban Boundary and Green Belt
- Strategic Policy HS1: Meeting Rossendale’s Housing Requirement
- Policy HS7: Housing Density
- Policy HS8: Housing Standards
- Policy HS12: Private Outdoor amenity space
- Strategic Policy ENV1: High Quality Development in the Borough
- Policy ENV4: Biodiversity, Geodiversity and Ecological Networks
- Policy ENV6: Environmental Protection
- Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality
- Policy ENV10: Trees and Hedgerows
- Policy TR4: Parking

**Other Material Planning Considerations**

- Appeal decision APP/B2355/W/21/3269528
- Planning Practice Guidance
- National Design Guide
- Alterations and Extensions to Residential Properties SPD
- Climate Change SPD

**6. CONSULTATION RESPONSES**

Consultee	Summary of Comments received
LCC Highways	No objections.

**7. REPRESENTATIONS**

In order to publicise the application a site notice was posted on 04.02.2026 and neighbour letters were sent out on 29.01.2026. The application was also available for viewing on the Council’s website.

5 representations have been received objecting to the development on the following grounds:

Object to removal of dry-stone wall from the boundary of the site with Park Road which impacts on the character of the area.

Dry stone wall was included in original plans and this wall has already been removed.

## 8. **ASSESSMENT**

### **Visual Amenity**

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.

Paragraph 135 of 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.”*

The previous approved development incorporated several design features that reflected the character of the surrounding area and the semi-rural location of the site, including parapet type windows in the roof space. In addition, the approved window design incorporated heads and cills.

This application retains the parapet windows at second floor level on the rear elevation and retain the heads and cills on all elevations which is in character with the surrounding area.

The only external amendments to the dwellings are that the first-floor windows both front and rear have been reduced slightly in height, which is acceptable. The proposed materials are the same as approved with natural coursed stone to the front elevation, stone heads and cills, and natural slate for the roofs. The rear elevations will be rendered.

In terms of changes to the site layout, the previous approval included two approved site layout drawings - with the bin store in two different locations. This is clarified by the submission of a revised plan showing the finalised layout of the site.

With regard to the boundary wall fronting Park Road, there has been some confusion in relation to it being amended from a dry-stone wall on the original plans to block wall with stone slips on the elevation facing Park Road.

Condition 18 on the original decision related to the submission of details for the retaining wall fronting Park Road.

Application 2023/0216 was submitted to discharge this condition and included the current details relating to a blockwork wall with stone slips on the outer elevation facing Park Road - this was approved on 18.07.2023.

The agent has included a photo of the proposed wall in the planning statement and has confirmed that the wall will be topped with a stone coping

The proposed changes to the design are in keeping with the character of the approved development and the surrounding area. The proposed changes are in accordance with Policy ENV1 of the Rossendale Local Plan and 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 *the scheme will 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*;

There is no change to the siting of the proposed development and therefore the separation distances are those approved.

Based on the current policies in place, the development is acceptable in terms of the impact upon the amenity of existing occupants and proposed neighbours and is in accordance with Policy ENV1 of the Rossendale Local Plan

### **Parking, Access and Highway Safety**

Application reference 2020/0160 was allowed at appeal reference APP/B2355/W/21/3269528 for the erection of 8 dwellings.

The external layout will remain the same with each dwelling providing driveway space for 2 cars side by side and a layby with 4 visitor parking bays.

There are some changes to the access with the proposed relocation of the bin store. LCC Highways have commented as follows:

*The Highway Development Control Section of Lancashire County Council has no objections to the variation of condition 2, Approved plans and documents pursuant to Planning Approval 2023/0527.*

*After reviewing all of the submitted documentation the Local Highway Authority is of the opinion that the proposals do not include any changes that would have a detrimental impact on highway safety and highway capacity within the immediate vicinity of the site.*

*The applicant should however note that the internal layout is not to an adoptable standard and therefore the Local Highway Authority would not consider the proposed internal roads for adoption. The internal roads would remain private for the life time of the development.*

The proposed development as amended is acceptable in terms of access, parking and highway safety.

## **Conclusion**

The proposed variation is considered acceptable in principle and would not result in any unacceptable impacts in terms of visual amenity, neighbouring amenity, or highway safety. The development is therefore considered to accord with Policies HS9 and ENV1 of the Rossendale Local Plan (2019–2036), relevant sections of the National Planning Policy Framework, and the Council’s Alterations and Extensions to Residential Properties SPD.

## **9. CONDITIONS**

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

- Submitted application form.
- Location Plan (19-05-01-A)
- Proposed Block Plan with Roof Plan (19-05-30-R)
- Proposed Site Plan (462ROS-402C)
- Proposed Ground Floor Plan (462ROS-405C)
- Proposed First Floor Plans (462ROS-406B)
- Proposed Second Floor Plans (462ROS-407B)
- Proposed Elevations (100ROS-409D)
- Proposed Landscape Plan (19-05-39-J)
- Hydropave Tegula Block Paving Details
- Refuse Truck Swept Path (3192-001)
- Proposed Wall Treatment Park Road (19-05-39 J2)
- Revised Planning Statement

*Reason: For the avoidance of doubt.*

2. The development shall thereafter be implemented in strict accordance with the approved details in relation to facing and roofing materials, as set out in the document reference '462ROS Proposed Materials' and the submitted samples approved under application 2022/0317. The approved materials are:

- Random Coursed Natural Stone
- Sawn Natural Stone
- White K-Rend (Scraped Render)
- Natural Blue Roofing Slate
- Tobermore Hydropave Bracken Paving
- Tobermore Hydropave Slate Paving

*Reason: In the interests of ensuring that the development has an acceptable appearance.*

3. The approved scheme of landscaping and boundary treatment shall be implemented in full for each plot prior to the first occupation of the dwelling on that plot.

*Reason: In the interests of ensuring that the development has an acceptable appearance and in the interests of neighbour amenity.*

4. Construction works shall not take place outside the following hours:

- Monday to Friday: 08:00 to 18:00
- Saturday: 08:00 to 13:00

No construction works shall take place on Sundays or Bank Holidays.  
Access and egress for delivery vehicles shall also be restricted to the working hours indicated above.

*Reason: In the interests of protecting neighbour amenity.*

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

*Reason: In the interests of protecting nesting birds.*

6. The development shall proceed in strict accordance with the methodology set out in the document reference '462ROS Brook Protection' (as approved under application 2022/0317) to ensure that the adjacent watercourse is adequately protected from pollution during works.

*Reason: In the interests of protecting the watercourse from pollution.*

7. The development shall proceed in strict accordance with the details shown on document reference 'Outline Surface & Foul Water Drainage Layout Drawing No.21-2193/A1/100 P2 received 11.10.2022' (as approved under application 2022/0317) to ensure that the ecology of the adjacent watercourse is adequately protected.

*Reason: In the interests of protecting biodiversity and the watercourse.*

8. The development shall be carried out in strict accordance with the details contained within document reference 'LKC 20 1379 Park Road SI Report - Phase 2 Geo-environmental Investigation, Risk Assessment and Remediation Assessment' dated 23rd February 2022, as approved under application 2022/0317.

*Reason: In the interests of preventing harm from land contamination.*

9. Pursuant to condition 8 and prior to first occupation of any of the dwellings a verification report, which validates that all remedial works undertaken on site were

completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority

*Reason: In the interests of preventing harm from land contamination.*

10. The development shall be carried out in strict accordance with the scheme of drainage approved under application 2022/0317, as contained in the following documents:
- Document named '21 2193 Roark Road Helmshore SW Management Report Rev A'
  - Outline Drainage Layout drawing titled 'Outline Surface and Foul Water Drainage Layout' drawing No.21-2193/AI/100 P2 received on 11th October 2022.

*Reason: In the interests of ensuring that the development is properly drained.*

11. Foul and surface water shall be drained on separate systems.

*Reason: In the interests of ensuring that the development is properly drained.*

12. The development shall be carried out in accordance with the surface water drainage / management details approved under application 2022/0317 in relation to the garden and path levels and boundary treatment details shown on drawing reference '462ROS-110A A1' titled 'Proposed Site Plan'.

*Reason: In the interests of ensuring that the development is not unduly affected by or contributing to surface water flooding.*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure or replacement fence shall be erected within or around the rear gardens identified in drawing number 19-05-30-Q.

*Reason: In the interests of flood risk and visual amenity.*

14. The foundations of the development shall be implemented in accordance with the following details as approved under application 2022/0317:
- Drawing No.21 2193 300 P1 titled 'Units 1-3 Proposed Foundation Plan'
  - Drawing No.21 2193 301 P1 titled 'Units 4-8 Proposed Foundation Plan'
  - LKC 20 1379 Park Road SI Report Compressed document titled 'Phase 2 Geo-environmental Investigation, Risk Assessment and Remediation Assessment' dated 23rd February 2022.

*Reason: In the interests of neighbour amenity, land stability and to protect the watercourse*

15. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

*Reason: In the interests of preventing harm from land contamination.*

16. The scheme of landscaping and planting as shown on drawing 19-05-39-J shall be implemented in full prior to the occupation of any of the dwellings hereby approved. Any trees or trees failing, dying, becoming diseased or being removed within five years of being planted shall be replaced in the next available planting season with specimens of the same species.

*Reason: In the interests of biodiversity and amenity.*

17. The development shall proceed in relation to the retaining structure adjacent to the unnamed track carrying Public Footpath 298 (Haslingden) in accordance with the details approved under application 2023/0216, namely:
- Retaining Wall Section Plan (462ROS-410)
  - Retaining Wall Sections (462ROS-411)
  - Proposed Typical Sections & Details (Sheet 02) (21-2193 A1 811 P1)
  - Proposed Site Plan (462ROS-402C)

*Reason: In the interests of protecting the public right of way.*

18. The development shall take place in accordance with the construction method statement / management plan details approved under application 2022/0317, contained in the following document:
- Construction Method Statement dated 10.05.2022 Job reference 462ROS

*Reason: In the interests of amenity and highway safety.*

19. The future management and maintenance of the proposed road and associated infrastructure within the development including retaining walls, the vehicle restraint barrier along the boundary with Musbury Brook and surface water drainage within the development, shall be carried out in perpetuity in strict accordance with the details contained in the following document approved under application 2022/0317:
- Maintenance and Management Strategy dated 22.06.2022 Job Reference 482ROS

*Reason: In the interests of ensuring that the development is adequately managed and maintained for its lifetime.*

20. Prior to the occupation of any dwelling the parking area shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

*Reason: In the interests of ensuring that the parking area is available for use.*

21. Prior to the occupation of any approved dwelling electric vehicle charging points shall be installed for each dwelling.

*Reason: In the interests of providing sustainable transport options.*

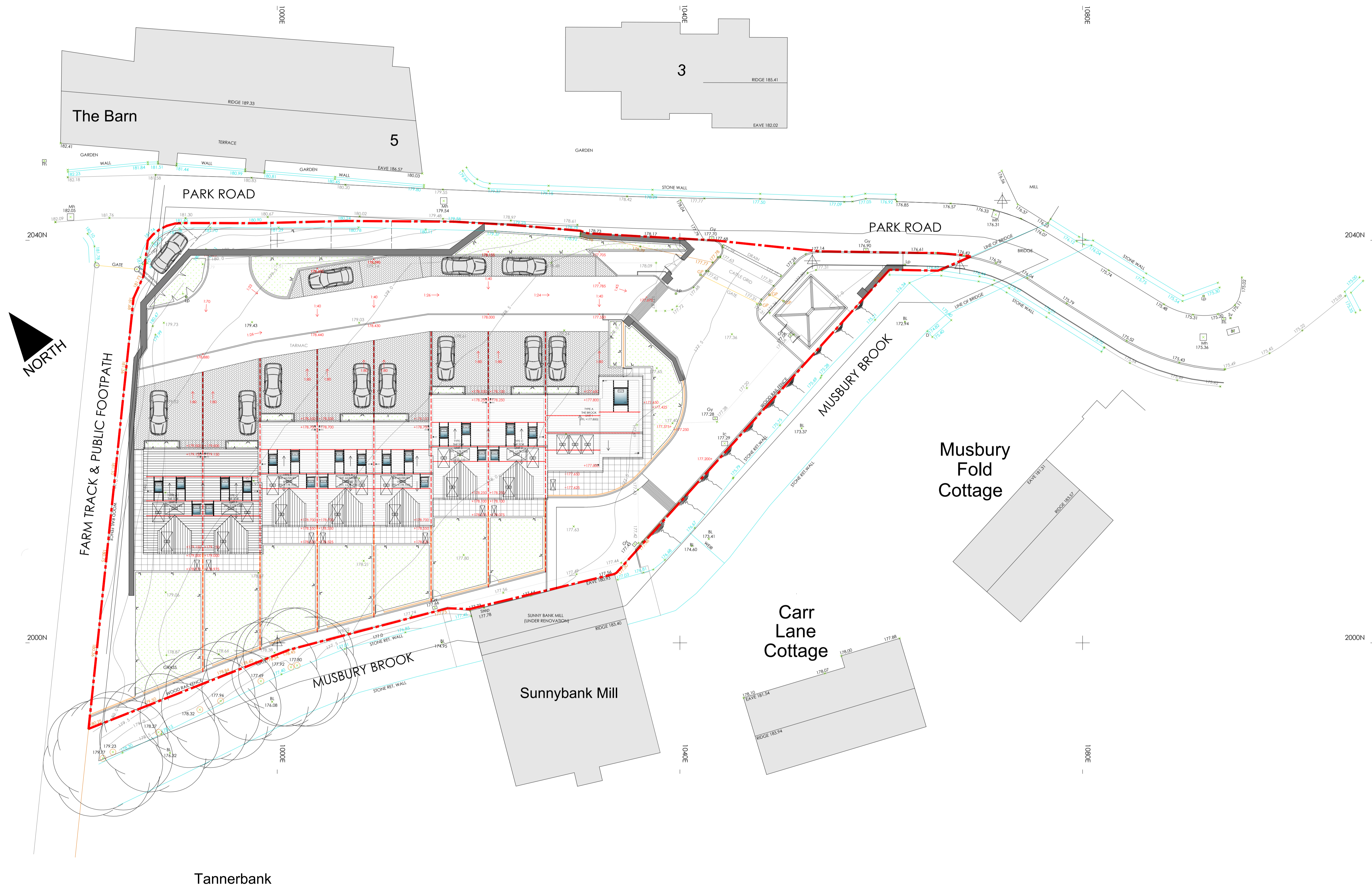
**INFORMATIVES:**

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

ALL DIMENSIONS ARE FOR REFERENCE PURPOSES ONLY DISCREPANCIES ARE TO BE REPORTED TO THE DRAWINGS AUTHOR. DO NOT SCALE FROM DRAWING.

KEY

- CAR PARK CIRCULATION AREAS 40MM SURFACE COURSE 10MM NS AGGREGATE, SMA 10 SURF, BINDER 40/60 - BINDER COURSE 60MM 20MM NOMINAL SIZED AGGREGATE ASPHALT CONCRETE, AC 20 DENSE BINDER 100 / 150 - 290MM SUB BASE AS MINIMUM TO BE CONFIRMED BY SE
  - TOBEMORE HYDROPAVE COLOUR SLATE
  - 450 X 450 X 50 THICK MARSHALL'S CONSERVATION PAVING COLOUR BUFF
  - PROPOSED LANDSCAPING IN ACCORDANCE WITH APPROVED LANDSCAPING SCHEME
  - EXISTING TREES FOR REMOVAL
  - EXISTING SITE BOUNDARY LINE
- NOTES:
- PARKING BAY SIZES 2.5m WIDE x 5.0m LONG
  - INCOMING SERVICE ROUTES TO BE CONFIRMED BY UTILITIES CONSULTANT
  - WATER SUPPLY
  - BT SUPPLY
  - ELECTRICITY SUPPLY
  - GAS SUPPLY
  - +++???? PROPOSED LEVELS
  - +???.??? EXISTING LEVELS

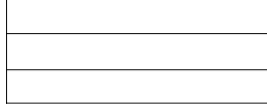





PROPOSED SITE PLAN  
1:200

Rev	Date	Description	Rev By	CHK'd By
C	22/08/25	Steps removed to top corner of site.	PDP	PDP
Project Title: 8No NEW DWELLINGS LAND ADJACENT PARK ROAD HELMSHORE ROSSDALE				
Client: MUSBURY BROOK PROPERTIES LTD				
Status: CONSTRUCTION				
Scale: 1:200		Drawing Size: A1		
Drawn By: PDP	Checked By: PDP	Date: 01/22		
Drawing Title: PROPOSED SITE PLAN				
Job-Dwg No: 462ROS-402C				

ALL DIMENSIONS ARE FOR REFERENCE PURPOSES ONLY DISCREPANCIES ARE TO BE REPORTED TO THE DRAWINGS AUTHOR. DO NOT SCALE FROM DRAWING.

**MATERIALS KEY**

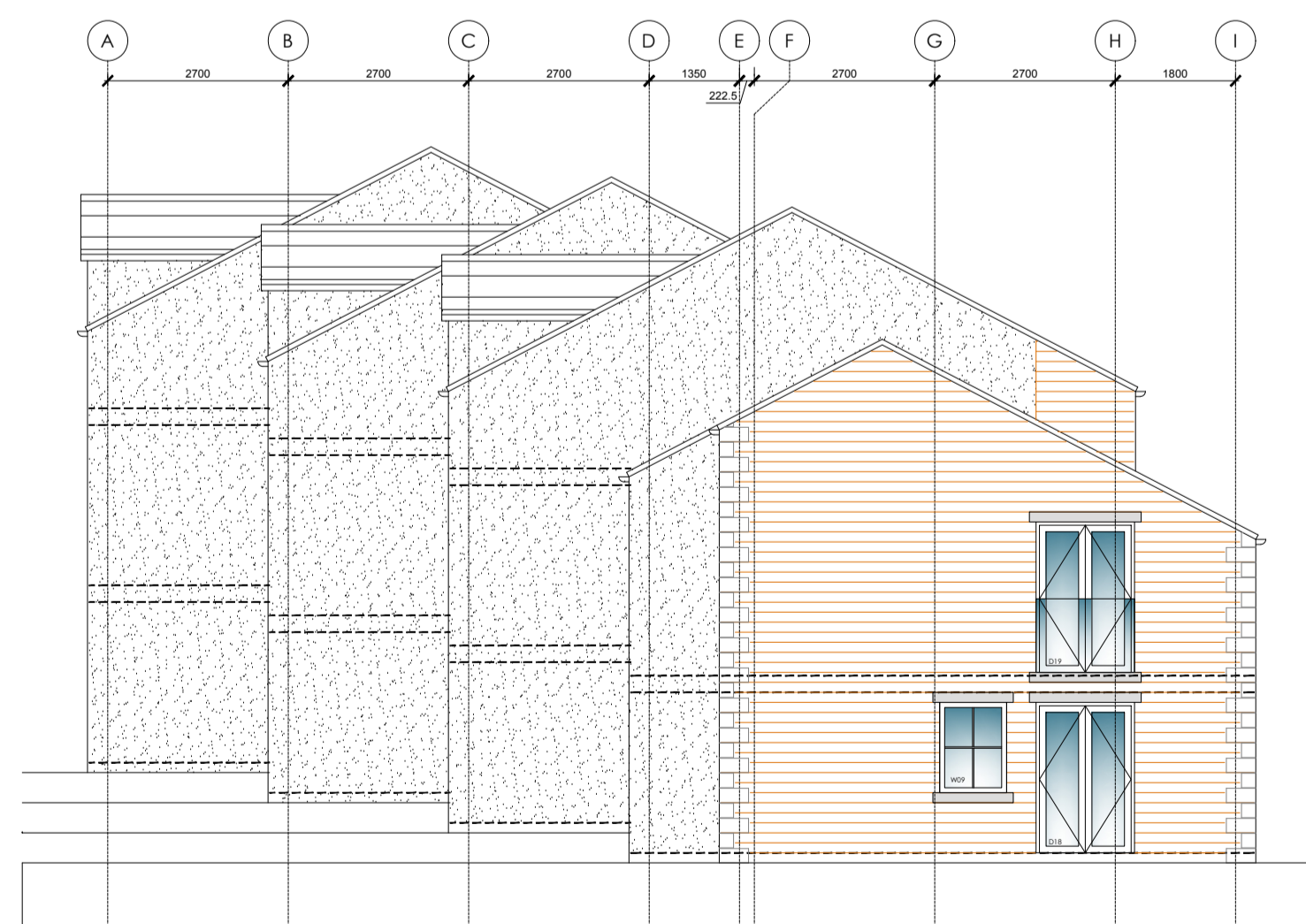
-  NATURAL BLUE ROOFING SLATE
-  RANDOM COURSED NATURAL STONE WITH SAWN STONE QUOINS
-  K REND SCRAPED RENDER (WHITE)
-  PROPOSED GLAZING BLACK UPVC / ALUMINIUM



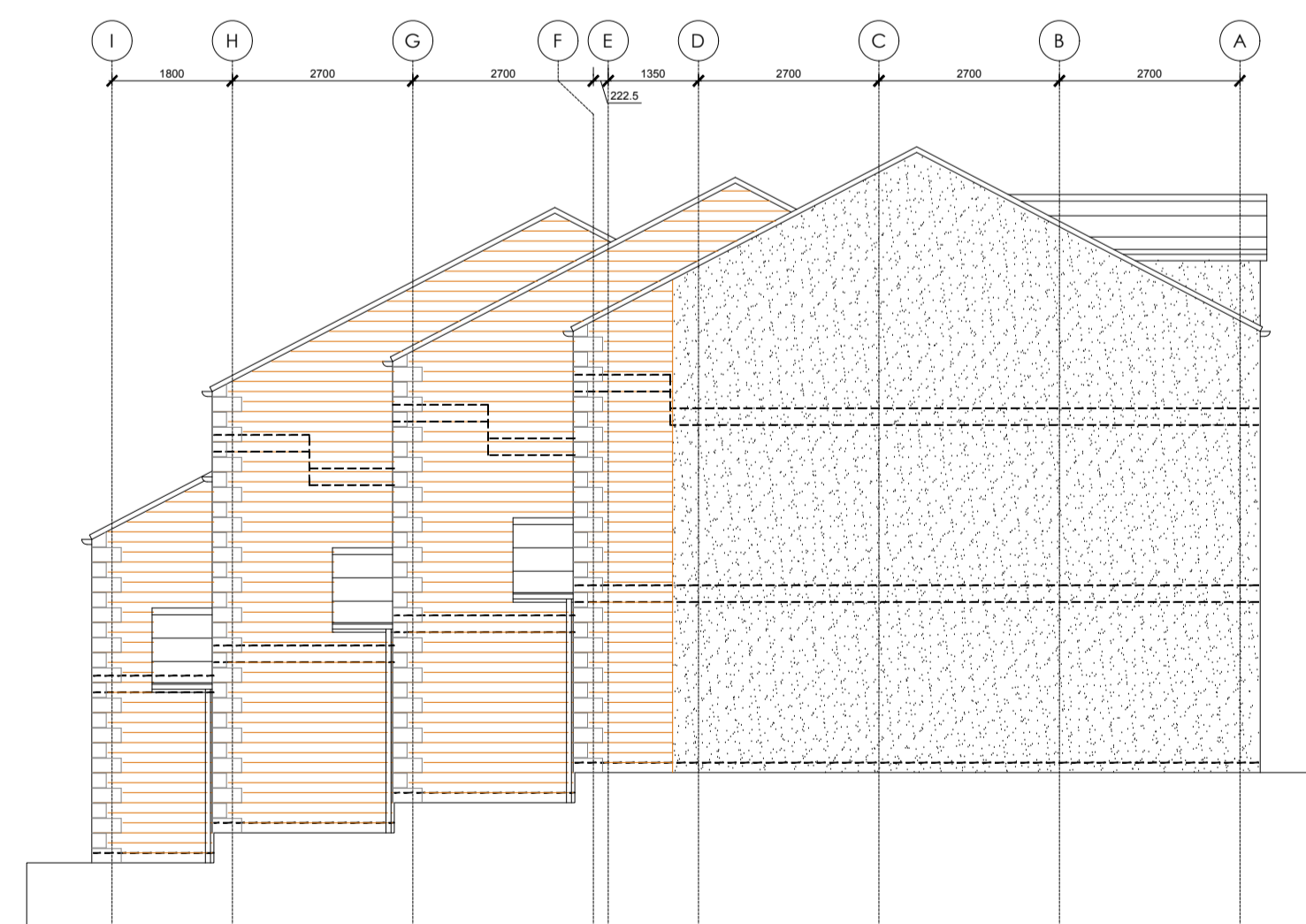
**PROPOSED FRONT ELEVATION**  
1:100



**PROPOSED REAR ELEVATION**  
1:100



**PROPOSED GABLE ELEVATION**  
1:100



**PROPOSED GABLE ELEVATION**  
1:100

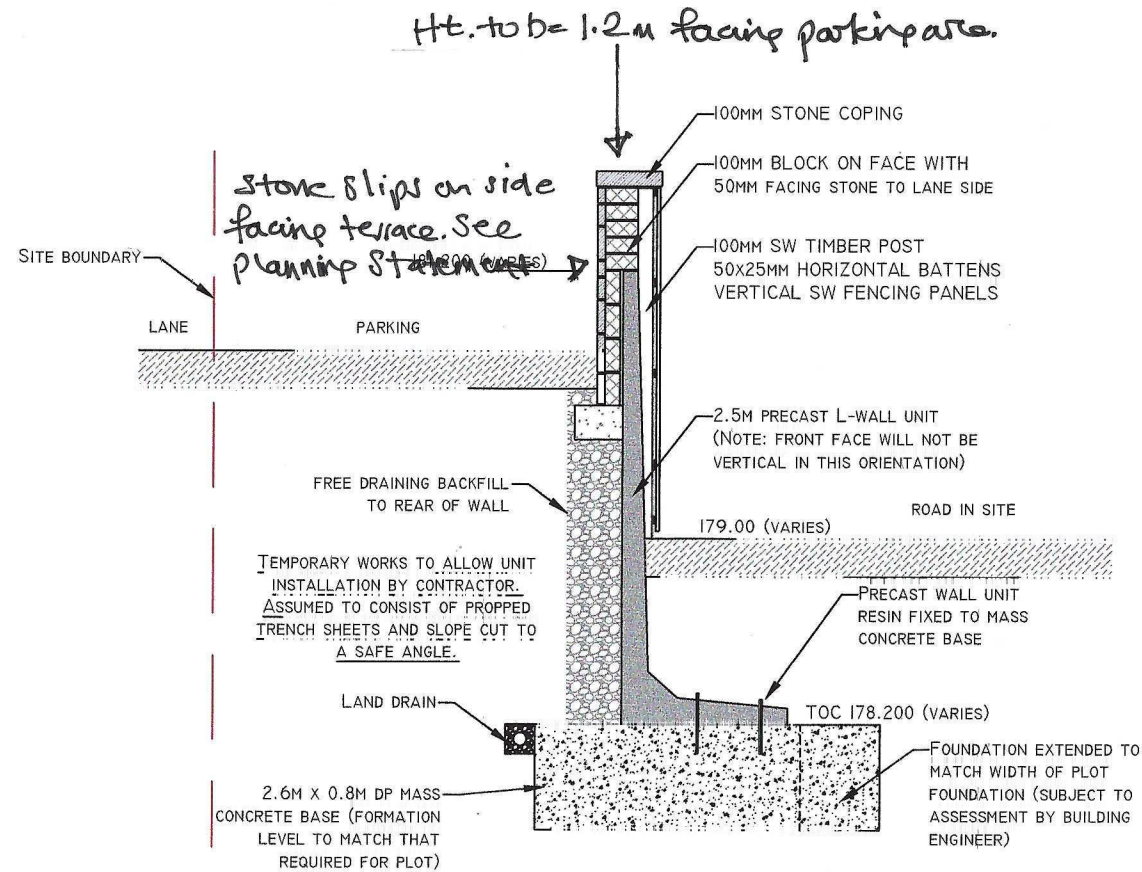
Rev	Date	Description	Rev By	Chk'd By
C	10.10.25	First & second floor window cills raised	PDP	PDP
B	03/06/25	Service box & EV charging added to front elevation.	PDP	PDP
A	03/07/24	Roof light above stairs landing relocated.	PDP	PDP

Project Title	8 No NEW DWELLINGS			
	LAND ADJACENT PARK ROAD HELMSHORE ROSSENDALE			
Client	MUSBURY BROOK PROPERTIES LTD			
Status	CONSTRUCTION			
Scale	1:100	Drawing Size	A1	
Drawn By	PDP	Checked By	PDP	Date 06/24
Drawing Title	PROPOSED ELEVATIONS			
Job-Dwg No	100ROS-309C			

**cadence**

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PARK ROAD, HELMSTORRE. APPLICATION TO VARY A CONDITION APPROVED UNDER REF 2023/0527



CROSS SECTION TO SHOW TREATMENT OF WALL  
FACING TERRACE DUGS ON PARK ROAD.  
REF: 19-05-39D.2



ARTEK  
07703 854 809

