

Application Number:	2026/0178	Application Type:	Variation of Condition
Proposal:	Variation of Condition 2 (Approved Plans) pursuant to application 2022/0031. The variation includes changes to the positioning and appearance of the dwellings, their internal layout and a change to the location of waste bins.	Location:	Land At Holly Mount Holly Mount Way Rawtenstall Rossendale Lancashire
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	01.09.2026
Applicant:	Mr J Byrom - Joda Property Developments Ltd	Determination Expiry Date:	04.09.2026 (Time extension agreed)
Agent	Mr Lee Greenwood - LJG Planning Consultancy Ltd		

Contact Officer:	Chris Dobson	Telephone:	01706 238639
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
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

Approve with conditions

2. APPLICATION SITE

Holly Mount House is a Grade II listed building, which lies within Rawtenstall Town Centre Conservation Area. It has been converted to apartments and the level land to its north side has had houses erected upon it. There is an apartment block on the land immediately to the south east of the current application site. Vehicular access to all of these residential properties is via the road that serves the ASDA store, which stands immediately to the east.

The current application relates to land to the north west side of the existing apartment block and rises up towards the rear of housing fronting Haslingden Old Road. The site is bounded to the west by housing fronting Schofield Close and to the east by the wooded embankment that runs to the rear of the adjacent ASDA store.

The wider site has previously had planning permission granted for residential development (for four dwellings and associated access and landscaping works), which was granted under reference number 2016/0062, and 2016/0601 (a further two semi-detached dwellings) – so a total of six dwellings approved.

Trees bordering the site have the protection of a Tree Preservation Order, made particularly to afford protection to the group of mature trees immediately to the rear of Nos. 9-11 Schofield Close. The site itself lies outside the boundary of Rawtenstall Town Centre Conservation Area, and is within the defined urban boundary.

3. RELEVANT PLANNING APPLICATION HISTORY

2007/0763 - Erection of 16 3-bedroomed houses (Refused, appeal dismissed)

2015/0063 - Erection of four houses and associated access road and landscaping (Approved)

2016/0062 - Erection of four houses and associated access road and landscaping (Amended Scheme) (Approved)

2016/0356 - Discharge of Conditions 3 (Construction Method Statement), 6 (Management & Maintenance of the Street & Retaining Structures) and 10 (Landscape & Boundary Treatments) pursuant to Planning Approval 2016/0062 (Split Decision)

2016/0601 - Erection of two semi-detached dwellings and associated access and landscaping works (Approved)

2020/0324 - Full: construction of a block of 9 no. 2-bed apartments, with associated access, works and landscaping (Withdrawn)

2021/0196 - Full: Proposed erection of 3 pairs of semi-detached dwellings, with associated works (Refused)

2022/0031 - Full: Proposed erection of 3 pairs of semi-detached dwellings, with associated works (Approved with Conditions)

2023/0564 - Approval of details reserved by conditions 3 (Materials), 7 (Himalayan Balsam), 16 (Maintenance of Access Road), 17 (Construction Method Statement), 18 (Drainage) pursuant to planning application 2022/0031 for the erection of three pairs of semi detached houses (Split Decision)

2024/0313 - Discharge of condition 9 (Land contamination) and Condition 16 (Future maintenance of new access road) pursuant to planning approval 2022/0031 (Approved)

4. PROPOSAL

The applicant seeks to vary Condition 2 (Approved Plans) pursuant to the approval granted under application 2022/0031. The changes proposed are detailed below:

- A change to the positioning of the dwellings within the plots as follows:
 - Plots 1 & 2 relocated to the east of the original plots and rotated slightly
 - Plots 3 & 4 relocated slightly to the north and rotated slightly
 - Plots 5 & 6 relocated slightly to the west and rotated

All plots are now proposed to be positioned in a linear formation. The garden curtilages are not proposed to change from those originally approved.

- The repositioning of the off-street parking spaces for plots 1 & 2 with these spaces now proposed to sit to the side of the dwellings rather than directly in front as originally proposed
- A change to the appearance of the dwellings. The changes are detailed below:
 - The addition of a Juliet balcony at first floor level to the front elevation of the dwellings
 - A change to the window and door arrangement to the front and rear elevations.
 - All three storeys of the rear elevation of the dwellings are now proposed to be visible. Updated section drawings have been submitted which show the repositioning of the dwellings upon the slope.
 - The addition of two windows and a door to the gable elevation of each dwelling. The windows at first and second floor levels are shown to lead into hallways with the door proposed to lead into a utility room. None of the side elevation windows therefore lead into habitable rooms.
 - A canopy is proposed to be added above the main entrance door to the front elevation.
- A slight change to the route of the approved access road with this now running in a straight line along the front elevation of the dwellings. A turning point is still included between plots 4 & 5.
- Changes to the interior layout of the dwellings. The plans originally proposed to increase the number of bedrooms for each dwelling from 3 to 4 however following

receipt of comments from the Highway Authority, the number of bedrooms is now proposed to remain at 3.

A change to the location of the bin store was originally sought however following consultation with the applicant's agent, this element is now proposed to remain in the originally approved location.

5. POLICY CONTEXT

National Planning Policy Framework

- 3. Decision making policies
- 4. Achieving sustainable development
- 5. Meeting the challenge of climate change
- 6. Delivering a sufficient supply of homes
- 12. Making effective use of land
- 14. Achieving well designed places
- 14. Promoting sustainable places
- 17. Pollution, public protection and security
- 19. Conserving and enhancing the natural environment
- 20. Conserving and enhancing the historic environment

Development Plan

Local Plan Policies

Policy SS: Spatial Strategy
Policy SD1: Presumption in Favour of Sustainable Development
Policy SD2: Urban Boundary and Green Belt
Policy HS1: Meeting Rossendale's Housing Requirement
Policy HS4: Housing Density
Policy HS5: Housing Standards
Policy HS8: Private Outdoor Amenity Space
Policy ENV1: High Quality Development in the Borough
Policy ENV2: Historic Environment
Policy ENV3: Landscape Character and Quality
Policy ENV4: Biodiversity, Geodiversity and Ecological Networks
Policy ENV6: Environmental Protection
Policy TR4: Parking

6. CONSULTATION RESPONSES

Consultee	Summary of response
LCC Highways	No objections
RBC Operations	Query raised regarding the proposed siting of the bin store however during the course of the application the bin store has been relocated to its originally approved location.
Growth Lancashire	No objection

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 08.07.2026 and neighbouring properties were notified by letter sent out on 11.06.2026.

19 comments have been received. These include 16 objections and 3 neutral comments. The objecting comments raise the following material planning considerations:

- Concerns over the proposed location of the bin store owing to its proximity to the residential dwellings of Holly Mount Apartments. The comments state that this will result in a visual impact, result in odours to the residents of Holly Mount Apartments and require trees and landscaped areas to be removed.
- Concerns relating to the impact upon wildlife

The 3 neutral comments received sought clarification as to whether an informal access route through the site would be retained allowing access to the Haslingden Old Road. This matter has been raised with the applicant's agent but cannot be pursued as the applicant does not have control over the entirety of the land up to Haslingden Old Road. This was also the case on the original application under reference 2022/0031.

It should be noted that the vast majority of the objections raised concerns solely relating to the proposed location of the bin store. The location of the bin store has now been amended following receipt of the objections and has now been relocated back to its originally approved location. No changes to this element are now therefore proposed.

8. ASSESSMENT

Principle

The principle for the development of the site has already been established by the approval of application 2022/0301. It is understood that works to implement this approval have taken place within the statutory 3 year timescale from the date of the decision.

An updated NPPF (National Planning Policy Framework) has been published in August 2026. Policy S4 within the updated NPPF relates to the 'Principle of development within settlements'. This states as follows:

"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."

It is considered that the development remains acceptable in principle, and would be in accordance with policy S4 of the new NPPF.

Impact upon the character and appearance of the application site and the surrounding streetscene

The proposed changes to the appearance of the dwellings are considered acceptable. No changes are proposed to the footprint of the dwelling and the changes to the

fenestration are not considered to appear of of keeping. It is noted that the dwellings are now proposed to contain Juliet balconies to the front elevations at first floor level. Juliet balconies are common features found on three-storey townhouse style dwellings within the Borough and are also noted to be present at second floor level and their addition along with the canopy above the main access door is considered acceptable.

The slight relocation of the plots from the originally approved located is also not considered to significantly impact upon the visual appearance of the site.

The proposed changes are considered acceptable in terms of the impact upon the character and appearance of the application site and surrounding street scene.

Neighbour and Residential Amenity

It is noted that the front elevation of the dwellings are now proposed to contain Juliet Balcony windows. In addition, the relocation of the plots within the site results in a reduction of the separation distance between the front elevation of the dwellings and the existing dwellings of Holly Mount apartments. The separation distance still however stands at approximately 36m and remains comfortably in excess of the 20m separation distance guidance as detailed within the Council's Alterations and Extensions to Residential Properties SPD. It is not therefore considered the addition of Juliet Balconies or the relocation or the relocation of the dwellings as proposed would result in a significant loss of privacy to the surrounding residents.

The updated house type drawings show the introduction of windows within the side elevations of the dwellings. The submitted floor plans show that these will lead into the hallway at first and second floor level with the side elevation door leading into a utility room. The changes do not therefore result in habitable room windows directly facing each other.

The size of the dwellings continue to be in accordance with the nationally described space standards and a sufficient level of outdoor amenity space remains available.

Overall, the changes proposed to the scheme continue to remain acceptable in terms of residential amenity and are not considered to significantly impact upon the amenity of the surrounding residents.

Access, Parking and Highway Safety

The parking arrangements for Plots 1 & 2 are proposed to be amended from the approved plans with two off-street parking spaces for each of these dwellings now proposed to be sited to side elevation of the dwellings rather than directly in front of the front elevation wall as originally proposed. In addition, a small change to the access road is proposed with this proposed to now run in a straight line along the front elevations of the dwellings.

The local Highway Authority have been consulted to provide comments on the proposed amendments. They initially They have confirmed they have no objection following clarification being received that the bin store was to be relocated back to its originally approved location.

Ecology

A concern has been raised during the neighbour notification phase that the proposed scheme will have a negative impact upon wildlife with reference made to some protected species. The current application however seeks a variation from the approved planning approval. It is not considered that the variations proposed would have a materially greater impact upon wildlife than the originally approved scheme as the changes are limited to limited relocation of the plots and changes to the design of the dwelling. The application is therefore considered acceptable in relation to ecological matters.

9. CONDITIONS

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

- Submitted application form
- Location Plan (AM.030222.B)
- Landscaping and Boundary Treatment Report (HM.130622.A)
- Site Layout Plan (26/45/3 B)
- House Type Plans (26/45/1 A)
- House Elevations (26/45/2)
- Cross Section as Proposed (26/70/2)
- Arboricultural Constraints Appraisal (BTC2058)

Reason: For the avoidance of doubt.

2. The development shall be undertaken in accordance with the approved materials as approved under application 2023/0564. Specifically:

- Report of proposed external materials for condition no 3 to approval 2022-0031 received 29.05.2024

Reason: In the interests of securing a high quality finish to the development.

3. Any construction works associated with the development hereby approved shall only take place between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays.

No construction works shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residents, having regard to the adjacent large apartment block.

4. All measures shown on the Site Layout Plan drawing (26/45/3 B) and contained within the submitted Arboricultural Constraints Report (BTC2058) approved under application 2022/0301 for the protection of trees during the development phase shall be adhered to for the duration of works on site.

The approved scheme of landscaping, planting and boundary treatment shown on the Site Layout Plan drawing (26/45/3 B) shall be completed in full for each house plot prior to first occupation of that house plot.

All new planting forming part of the approved scheme shall be carried out in full for each house plot in the first planting season following first occupation of that house plot, or substantial completion of the development (whichever is the sooner).

Any trees or plants which within a period of 10 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual and 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 to and agreed by the Local Planning Authority that no active bird nests are present.

Reason: To protect nesting birds.

6. Prior to occupation of the final dwelling on site, or prior to substantial completion of the development (whichever is the sooner); one bat box shall be installed on the south/west elevation of each pair of dwellings (i.e. one bat box on the side elevation of plot 1, plot 3 and plot 5).

Reason: To secure biodiversity net gain as part of the development.

7. The development shall be undertaken in accordance with the approved details relating to land contamination as approved under application 2024/0313. Specifically:

- Revised Updated Gas Risk Assessment and Remediation Recommendations letter report (dated 30/07/2025)
- Email from LK Group (dated 31/07/2025) which sets out the proposed remediation strategy and validation proposals.

Reason: To mitigate hazards associated with land contamination, and to prevent pollution.

8. Pursuant to condition 7 and prior to first occupation of any dwelling on site, 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: To mitigate hazards associated with land contamination, and to prevent pollution.

9. Construction-related deliveries to the approved development shall only be accepted between the hours of 9:00am and 2.30pm Monday to Friday.

Reason: To avoid peak traffic on the surrounding highway network, in the interests of highway safety.

10. 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.

11. The new estate road / access to the dwellings shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any construction of dwellings takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. The proposed access from the site shall be constructed to a minimum width of 5m and this width shall be maintained for the full length of the access.

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

13. No dwelling shall be occupied until the new access road has been completed in full to an adoptable standard in accordance with Lancashire County Council's Specification for Construction of Estate Roads.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted is occupied.

14. The development shall be undertaken in accordance with the approved details relating to the future maintenance of the new access road as approved under application 2024/0313. Specifically:

- TP1 Holly Mount Land Registry Document
- Articles of Association – Holly Mount Management Company Ltd.

Reason: In the interest of highway safety, to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

15. The development shall be undertaken in accordance with the approved details relating to a Construction Management Plan or Construction Method Statement as approved under application 2023/0564. Specifically:

- The Construction Management Plan and Construction Method Statement submitted on 17/12/12

Reason: In the interests of the safe operation of the highway.

16. The development shall be undertaken in accordance with the approved details relating to Surface and Foul Water Drainage as approved under application 2023/0564. Specifically:

- Drainage Strategy Holly Mount Way V2 318 127 received 17/12/23

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

17. No above ground construction shall take place until details of how one dwelling on the site shall be constructed to achieve Optional Standards M4(2) of the Building Regulations, including a plan to show the location of the dwelling, have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed in strict accordance with the approved details and they shall be retained thereafter for the lifetime of the development.

Reason: To provide for a development that meets the needs of the elderly or disabled.

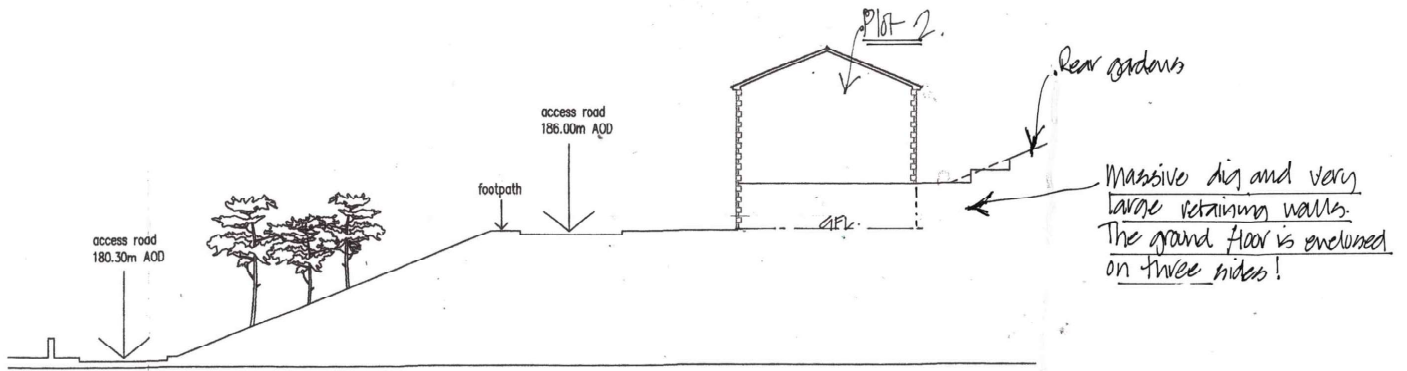
18. Within 3 months of the date of this approval, a badger walkover survey shall be undertaken by a suitably qualified person with the results submitted to and approved by the local planning authority. Where the survey identifies evidence of badgers or active setts that may be affected by the development, a scheme of mitigation and protection measures, including any necessary licensing requirements, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard badgers and their setts, which are protected under the Protection of Badgers Act 1992.

INFORMATIVES

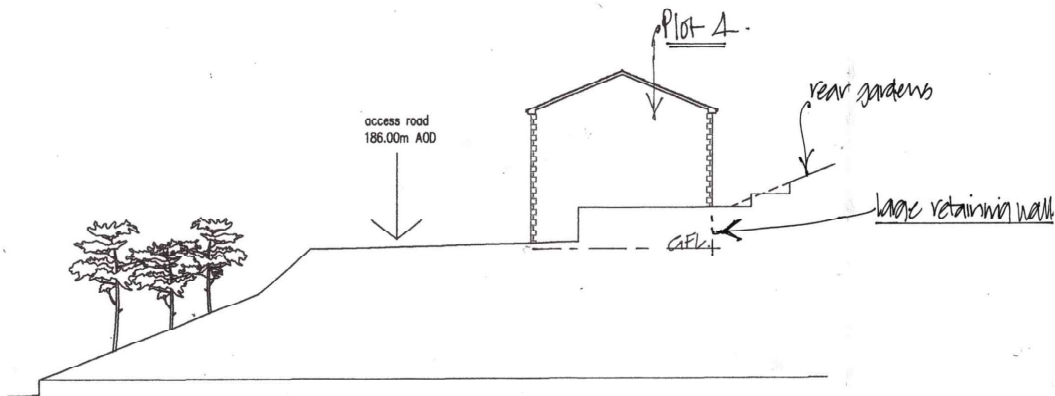
1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements of Policy DM3 within the National Planning Policy Framework.
2. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
3. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

"APPROVED" CROSS SECTIONS.



CROSS SECTION AT A-A.

SECTIONS AS SHOWN ON THE
PREVIOUS DRAWING, NOB SA-23-03-22C.



CROSS SECTION AT C-C.

Planning Drawing

David Liversidge design

Architecture and Planning

259 Rossendale Road, Burnley, Lancs. BB11 5BZ

and at Haywards Heath, West Sussex, RH16 4BZ

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davidliversidge01@gmail.com

Residential Development

at Holly Mount Way

Rawtenstall

Cross Sections as Approved

and on No. SA-23-03-22C

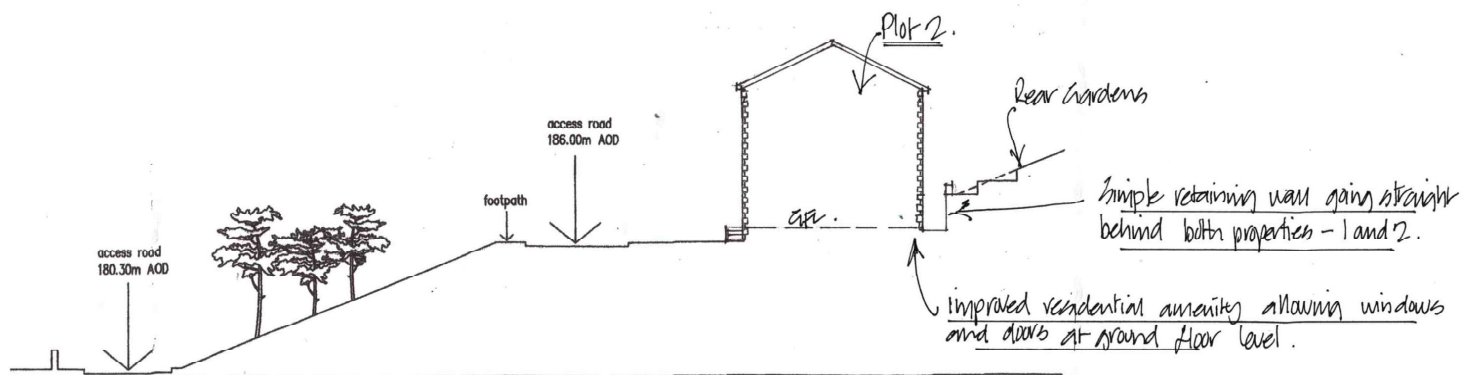
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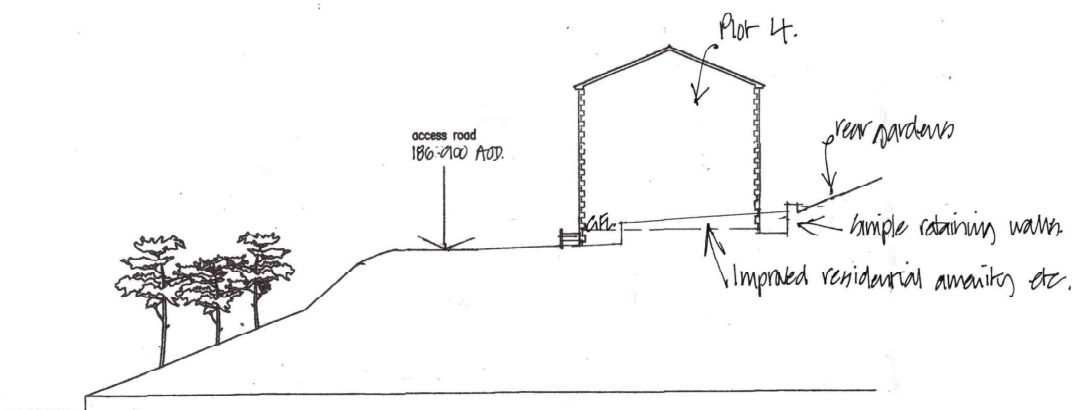
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26/70/1

PROPOSED CROSS SECTIONS.



CROSS SECTION AT THE POSITION OF A-A ON APPROVED DRAWINGS



CROSS SECTION AT THE POSITION OF C-C ON APPROVED DRAWINGS

Planning Drawing

David Liversidge design

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Residential Development
at Holly Mount Way
Rawtenstall

Cross Sections as Proposed

scale: 1/200th @ A3

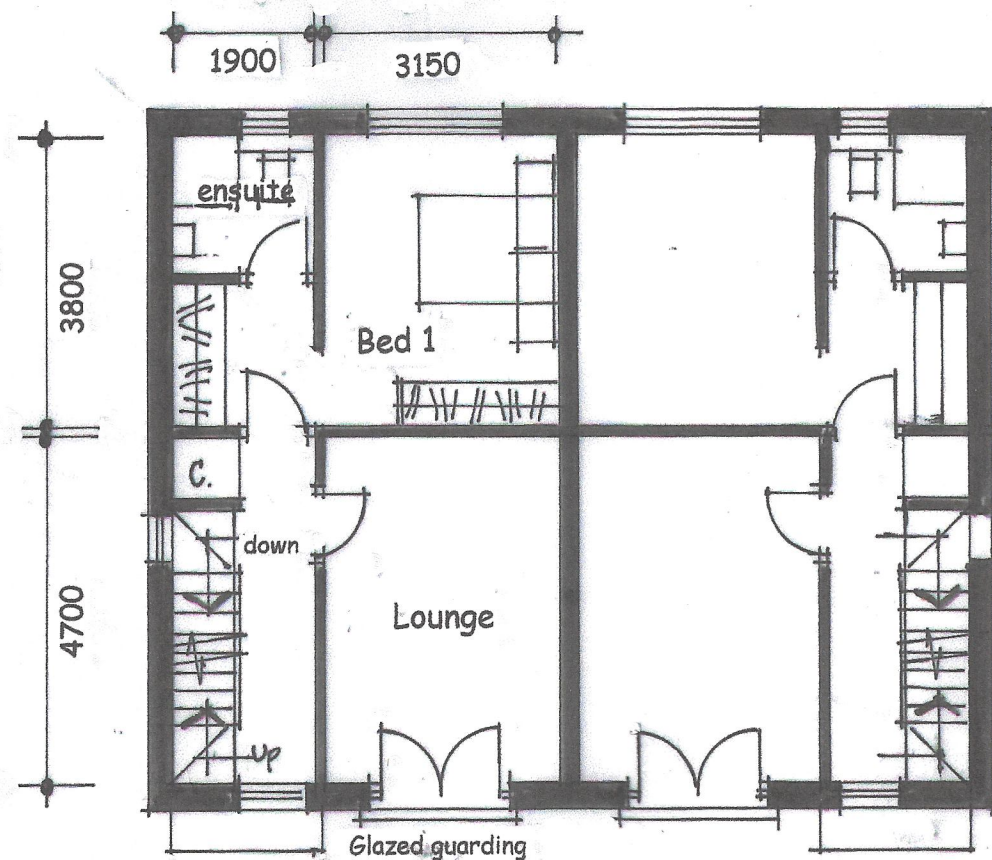
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date: August 2026

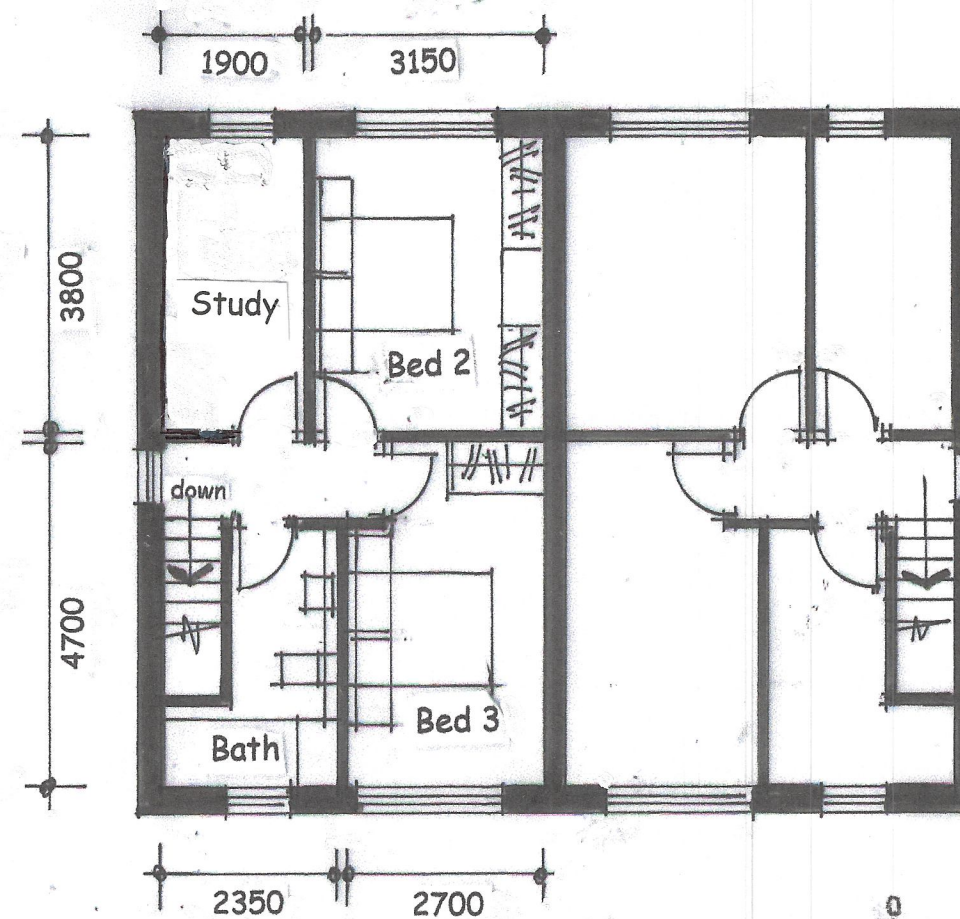
26/70/2

Internal floor area of some 133 sq.m. (1430 sq.ft.)

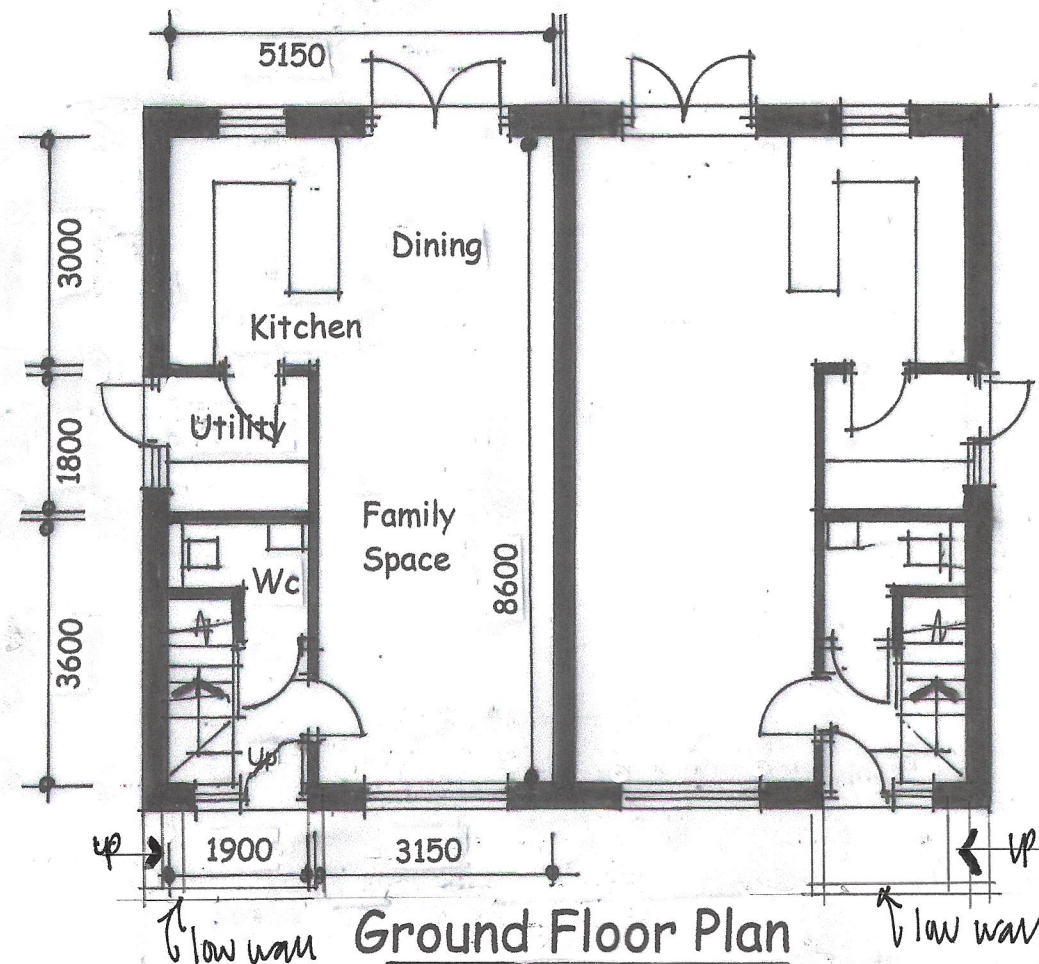
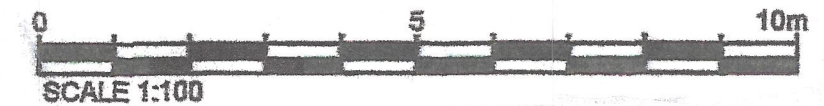
This drawing is prepared to accompany
an application for Planning Permission.



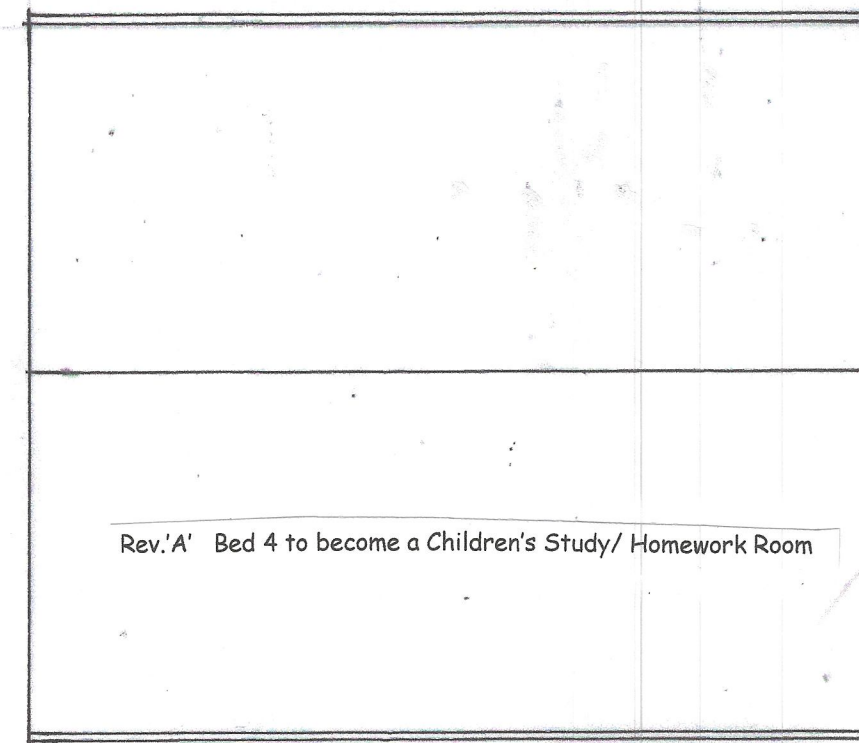
First Floor Plan



Second Floor Plan



Ground Floor Plan



Roof Plan

Planning Drawing

David Liversidge design

Architecture and Planning

259 Rossendale Road, Burnley, Lancs. BB11 5BZ
and at Haywards Heath, West Sussex, RH16 4DZ

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Residential Development

HOUSE TYPE PLANS

Land at Holly Mount Way,

Rawtenstall

Joda Property Developments Ltd.

scale: 1/100th @A3

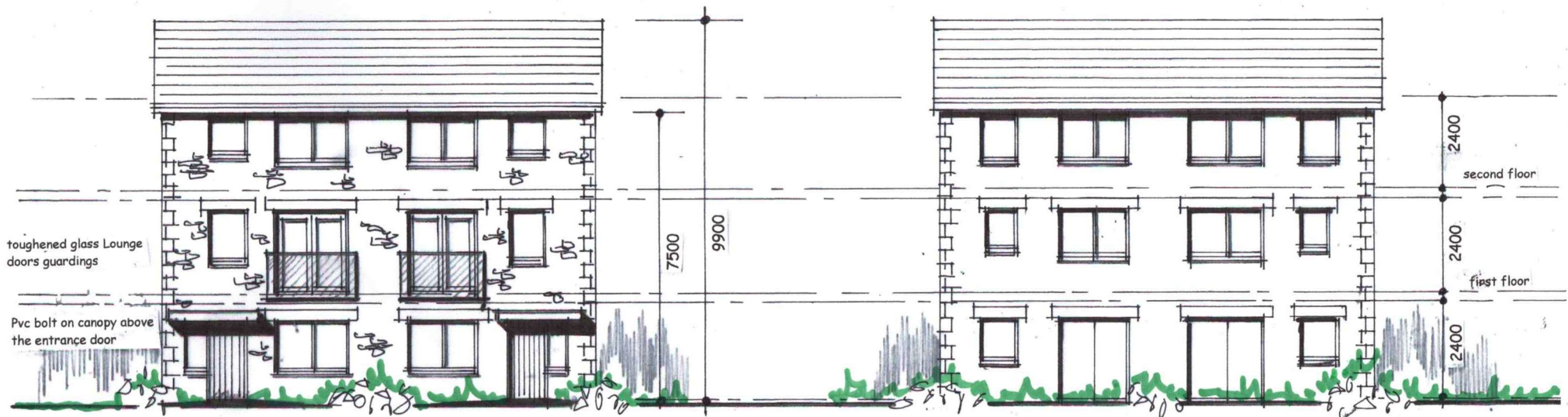
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26/45/1A

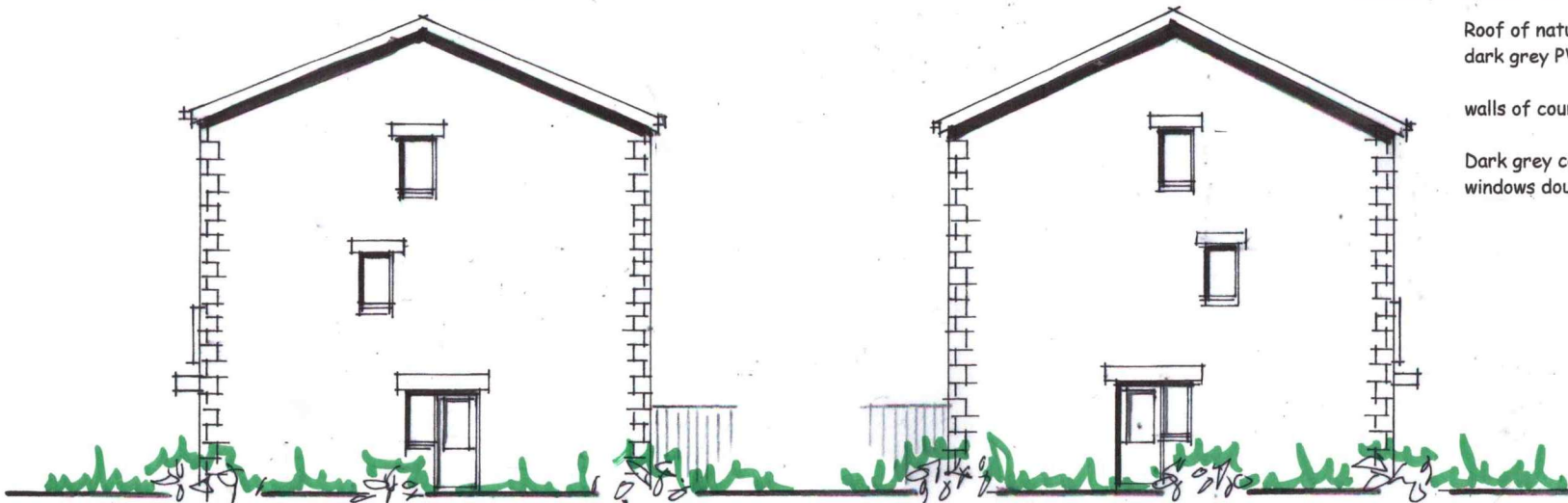
Internal floor area of some 133 sq.m. (1430 sq.ft.)

This drawing is prepared to accompany an application for Planning Permission.



Front Elevation

Rear Elevation



Side Elevation

Side Elevation

Roof of natural blue slate, matching colour ridge
dark grey PVC fascias, gutters and rainwater goods

walls of coursed natural stonework

Dark grey colour insulated PVC doors and window frames,
windows double glazed, obscure glaze bathroom windows

David Liversidge design

● ● ● ● ● ● ● ● ● ● ● ● ● ● ● ●
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Residential Development
HOUSE ELEVATIONS

Land at Holly Mount Way,
Rawtenstall
Joda PropertyDevelopments Ltd.

scale: 1/100th @A3

drawing no

date: April 2026

26/45/2

