Application Recommended for Approval
Cliviger with Worsthorne Ward

APP/2009/0061

Full Planning Application
Change of use of redundant water treatment works to one dwelling with associated external alterations and landscaping
FORMER WATER TREATMENT WORKS HURSTWOOD LANE HURSTWOOD NR BURNLEY

Background:

The application is to convert the former Hurstwood Water Treatment Works to provide one dwelling. It is supported by a Design and Access Statement, Tree Survey Report, Ecological Report and a Contamination Report.

The Water Treatment Works is a large industrial building which is now unused and vacant. It is not a Listed Building and it is outside the Hurstwood Conservation Area, but is of some historic and architectural interest.

To accommodate the use as a dwelling, it is proposed to provide an additional pair of double doors and four new window openings on the east facing elevation. Also there would be new double doors and two new windows on the south gable elevation. A first floor would be inserted in the open void of the building to create a two storey, 5 bedroomed dwelling.

The existing gated access into the site would be retained off the track which serves the Bailiff’s House and the reservoir. Part of the existing hardstanding would be retained for parking with the rest utilised as garden and amenity space.

Elevation to track
Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review
E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt
GP2 - Development in the Rural Areas
H1 - Land for new housing development

Consultation Responses:

1. Lancashire County Council (Highways) raise no objections to the proposal but would require details of the proposed measures to restrict access between the development and the reservoir.

2. Environmental Health have no adverse comments providing adequate storage facilities for refuse and recycling are made available.

3. A Neighbouring Farmer has concerns relating to security and potential access problems. Concern is expressed about the method of refuse collection.

4. A neighbouring resident has raised the following points:
   - the development would have an adverse impact on the character of Hurstwood
   - there would be security concerns if the gate was removed
   - there would be a loss of privacy and disturbance cause by visitors and additional vehicle movements
   - there would be concerns about the impact of cars and caravans parked in the garden areas.

5. Burnley and District Civic Trust have no objections to the application

6. The Trustees of the Relief in Need Charity (who own Hurstwood Common) object to the proposal on the grounds that the development for domestic purposes will have serious consequences to the amenity of the area, including the common and significantly degrade the landscape in which it sits.

Planning and Environmental Considerations:

Rural Policy Issues

Policy GP2 of the Local Plan limits development in the rural area to that which is necessary for agriculture, forestry and outdoor recreation uses not requiring large buildings; reuse of existing buildings; use of infill sites; proposals which contribute to a
solution to a particular local problem; and other uses appropriate to the rural area which help to diversify the local economy.

The proposal is for the re-use of an existing building and in such a case the development should

- be capable of re-use without complete or major reconstruction

  The building is in good structural repair and is capable of conversion without major alterations.

- should not have an adverse effect on the rural economy

  There would be no rural employment or business issues which would be affected. The proposal would not put undue pressure on the rural economy. The existing building makes no contribution to the rural economy as it is redundant. A conversion to a family dwelling will potentially make a positive contribution to local services and community facilities.

- should not have a materially greater impact on the rural environment than the existing development

  The existing building will only require minimal alterations to allow its conversion and the tree survey submitted as part of the application proposed that the six poor quality trees on the eastern elevation, which are causing damage to the building, are removed and replacement planting would be proposed further away from the building to give more effective screening. Additional hedge planting is proposed along the boundaries and together with the existing dry stone wall which will be retained, the impact of the activities associated with the residential use will be minimised. The use as a dwelling would not create a materially greater impact on the rural environment than the last use associated with the servicing and managing of the water treatment facility.

- be in scale and keeping with the surrounding landscape and to have no negative impact on biological or ecological features of value.

  The proposal, with appropriate landscaping conditions will be in scale and keeping with the surrounding landscape. The Ecology Survey submitted with the application sets out that appropriate precautions and mitigation measures can be put in place to ensure that the ecological risks are minimised. This can be dealt with by way of condition.

The proposal therefore satisfies the requirements of Policy GP2 in that the conversion of the building is capable of conversion without substantial alterations; it would not have an adverse impact on the rural economy or the rural environment and it is scale and keeping with the surrounding landscape.

**Housing Supply Issues**

The Council is not in a position of oversupply at the present time and there is some capacity to allow new housing development in appropriate locations. **Policy H2** of the Local Plan requires that brownfield land is developed before the release of greenfield sites and the proposal to develop this brownfield site satisfies the policy.
The site is not in a particularly sustainable location but it is preferable to conserve the building by securing a suitable use than to leave the building vacant to deteriorate, which would not serve the best needs of the area. Its use as one dwelling is likely to have less impact in terms of traffic and activity in the rural area, than a commercial use.

In principle, therefore the use of the building as one dwelling would be acceptable.

**Design and access**

The building is designed so that the external changes to the building are minimal and do not significantly impact on the character of the area.

![Existing East Elevation](image1)

![Proposed East Elevation](image2)

![Existing South Elevation](image3)

![Proposed South Elevation](image4)

The existing arrangements of restricted access may need to be adjusted to prevent access between the dwelling and the reservoir. There are two gates currently, one before the Bailiffs House and one between the Bailiffs House and the application site. The Highway Authority suggest that the second gate could be repositioned so that it sits between the site and the reservoir, to restrict unauthorised vehicles to progress beyond the application site. The details of this can be dealt with by condition. The public highway stops just beyond the bridge in Hurstwood village and the remaining access to the site runs over private land. This is a private matter between the parties and does not prevent planning permission being granted.

Refuse collection facilities will be provided on the site and appropriate arrangements for collection will be made between the occupiers and Streetscene (Cleansing).

The proposal is in line with the policies of the Local Plan and is acceptable.

**Recommendation:** That planning permission be granted subject to the following conditions:
1. The development must be begun within three years of the date of this decision.

2. All hard and soft landscape works indicated on drawing number 3468-08B submitted on 29 January 09, shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.

3. The existing drystone wall surrounding the site shall be retained within the development and thereafter maintained to the satisfaction of the local planning authority.

4. Before the dwelling is occupied, a scheme showing the proposed change to the gated access arrangements between the Bailiffs House and the reservoir shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved in accordance with a programme approved in writing by the local planning authority before the dwelling is occupied.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, engineering, mining or other operations shall be carried out in, on, over or under the land the subject of this application at any time, other than:
   a) development in accordance with the application form and details shown on the approved plans, or on any subsequently approved amended plans; and
   b) the painting of the exterior woodwork of any building.

6. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not start until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.
   a) Site Characterisation
   An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Details of the contents of the scheme should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report should be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
      (i) a survey of the extent, scale and nature of contamination;
      (ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b) Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme
(i) The approved remediation scheme must be carried out in accordance with its terms prior to the start of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
(ii) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

d) Reporting of Unexpected Contamination
(i) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which should be submitted to and approved in writing by the Local Planning Authority.
(ii) Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which must be submitted to, and approved in writing by the Local Planning Authority, in accordance with condition c) (ii).

e) Long Term Monitoring and Maintenance
(i) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. The measures in condition e) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.

3. To ensure that the development is in keeping with the character and appearance of the rural landscape having regard to Policies GP2 and E27 of the Burnley Local Plan Second Review.

4. To ensure that the access arrangements do not have an adverse impact on the public footpath, in the interests of pedestrian safety.

5. To enable the local planning authority to consider future development having regard to policy GP2 of the Burnley Local Plan, Second Review and all relevant material considerations.

6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy GP7 of the Burnley Local Plan, Second Review.