

**Application Recommended for Approve with
Conditions**
Trinity Ward

FUL/2020/0567

Town and Country Planning Act 1990

Creation of car park
Land At Westway Burnley

Applicant : Car Park (Burnley) Ltd, Trafalgar Mill Business Centre

The application is being considered at this meeting due to objections having been received.

Background:

The proposal is to form a car park on a small hummocky piece of land (approximately 0.1ha) between Westway, Wilfield Street and Old Accrington Road. The land has previously been cleared of dense vegetation and trees.

Land adjacent to bus lane on Westway Raised area of land viewed

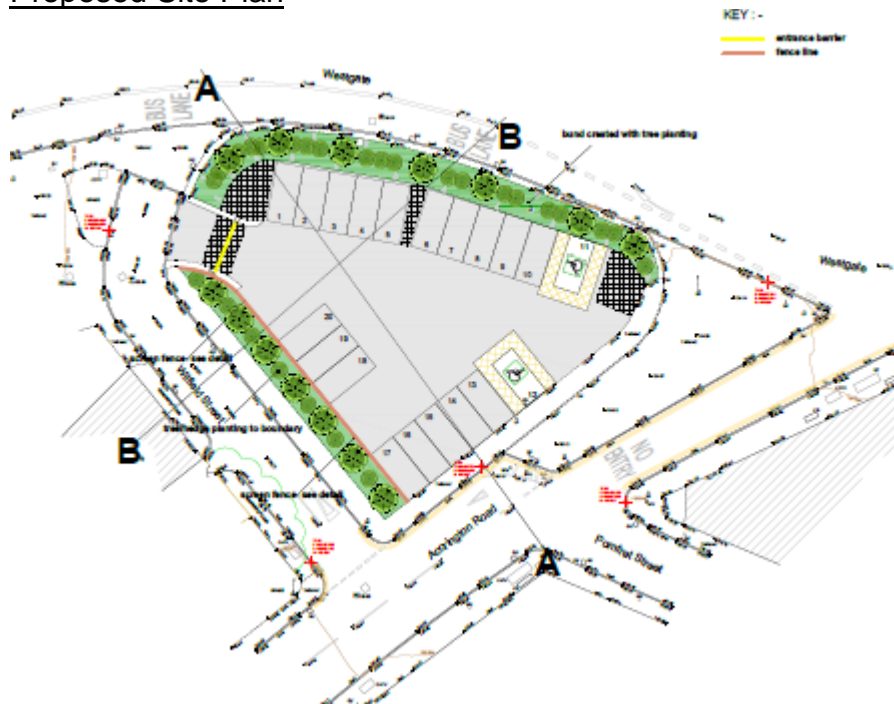


Wilfield Street

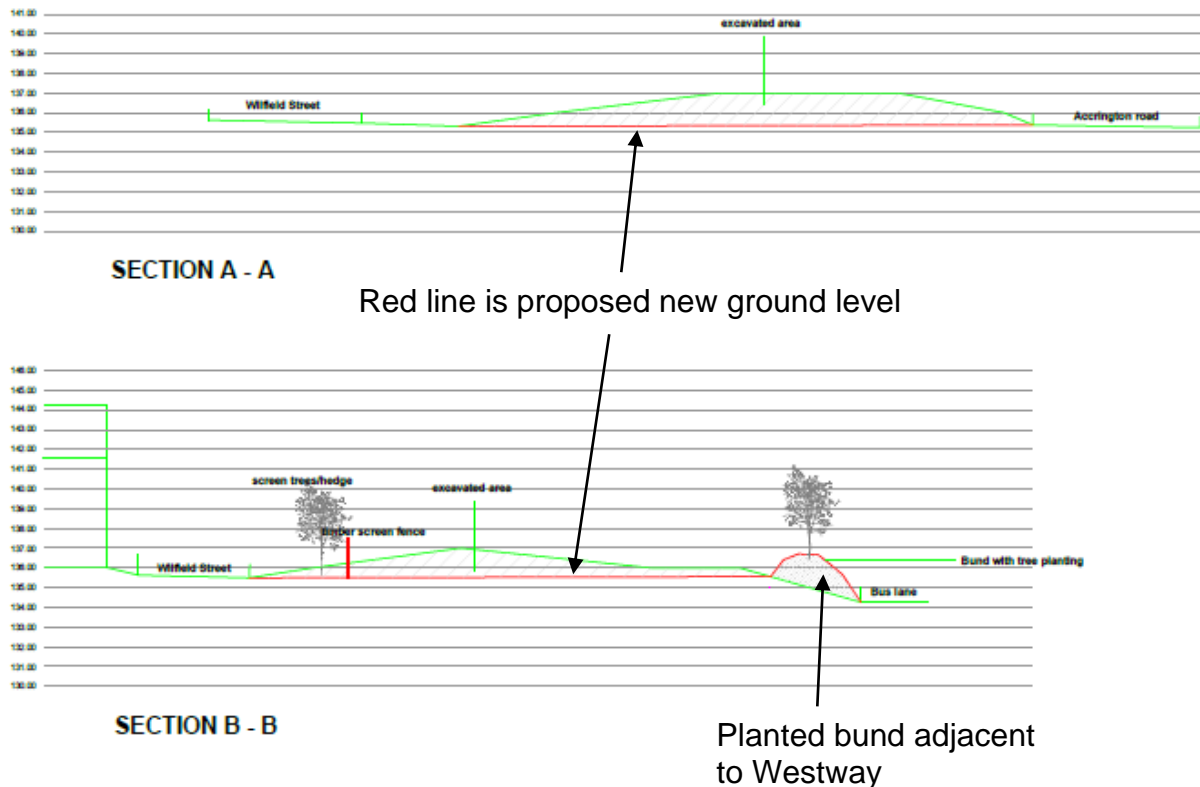


The proposal is to excavate the land to form a level hard surfaced site and mark out with 20 no. car parking spaces and form a new access from the adjacent Wilfield Street.

Proposed Site Plan



The proposed car park would be for private users who pay in advance and would have a barrier entry system with number plate recognition. Car parking spaces would be booked in advance with no ticket machine and the car park would not be open to casual users. There would be no stay duration limit. Two disabled car parking spaces are included. The proposed position of the access to the north end of Wilfield Street and the addition of tree and hedge planting on the Wilfield Street boundary are changes that have been made to the scheme since it was first submitted.



A bund would be formed to create an edge with Westway and would be planted with trees.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1- Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC3 – Car parking standards

Site History:

None.

Consultation Responses:

LCC Highways

No objection. Conditions are necessary to ensure that there are measures to intercept any surface water run-off from the site into the public highway and to secure the provision of 2no. electric vehicle charging points for sole use by users of the car park, in line with the National Planning Policy Framework. Further conditions are recommended to require a Construction Management Plan; to restrict delivery hours and to require wheel washing facilities during construction; to require a scheme for the

construction of the access and off-site works and a scheme for the landscaping and maintenance of the land within the visibility splays; to require details of the management and maintenance of the car park; and to restrict its use for the parking of private cars vehicles only using the pay in advance mechanism supplied by the developer.

Publicity

Councillor Andy Fewings

Objects to the application, making the following comments :

- It was a Green space providing amenity space, much needed habitat and screening for residents from a very busy road which causes a lot of noise and air pollution
- It should not have been felled without a licence.
- It should not become a car park. It is just not needed and would seriously affect the amenity for residents.
- Suggests the purchaser plants it out with trees.

Neighbour Objection

One neighbour objection has also been received. Initially, the objection also included an absence from the plans of a fence with tree and hedge planting along the site`s boundary with Wilfield Street. Following the submission of amended plans, the neighbour`s objection is as follows:-

- Loss of copse and wildlife
- Access should not be from Wilfield Street and should instead be from Old Accrington Road
- It will increase the level of two way traffic on Wilfield Street where residents` cars are parked on both sides and there is a high pedestrian footfall from Old Accrington Road to the subway leading to the train station. This would be a risk to vehicles and children living in Wilfield Street.

Planning and Environmental Considerations:

Principal of proposal

The site falls within the urban area of Burnley, within the defined Development Boundary. Policy SP4 identifies Burnley as the principal town as a service centre for the borough. The re-use of this piece of unused land for a purpose that supports the function of the town would, in principle, be in accordance with Policy SP4 subject to other detailed considerations.

Suitability of site

The site is an accessible location at the gateway to Burnley town centre and to Burnley Barracks railway station. Whilst its distance from town centre shops would make it unsuitable as a shoppers car park, it could provide a service to others, including travellers on the rail network. Its limited size and position between houses on Wilfield Street and Westway would make it suitable for a low key small scale use.

The site was previously overgrown with vegetation and which has been cleared, in addition to tree cover that has been lost. The applicant has indicated that the

proposed car park on and the number of spaces indicated on the proposed site plan would make it suitable for a
The proposed use as a private car park for paying members of the public on a pre-paid/pre-booked system

Access and highway safety

Policy IC1 seeks to promote sustainable travel patterns and requires development to provide safe pedestrian, cycle and vehicular access. The provision of a small scale private car park at this location outside of the Town Centre is unlikely to affect the operation of Town Centre car parks or significantly impact on travel patterns. The provision of 20 spaces on a pre-paid and pre-booked system is more likely to cater for a local need for secure car parking, potentially taking advantage of its location close to Burnley Barracks railway station.

The number of comings and goings to the proposed car park would be restricted by its operation as a private pre-paid car park with a barrier on entry using number plate recognition. LCC Highways raise no objections to the proposal subject to various conditions to control the construction of the car park, the details of the access, off-site works and drainage, its use and a minimum of two Electric Vehicle Charging (EVC) points. These conditions are necessary to ensure the satisfactory implementation of the proposal.

A neighbour objection refers to parked cars on Wilfield Street which limits two way traffic movements. The short street is a cul-de-sac with limited traffic movements. The proposed small scale car park would only be a destination for those with pre-booked car parking spaces with no limit on the duration of stay and is unlikely therefore to lead to congestion or a significant level of new traffic movements. The neighbour's suggestion that access be from Old Accrington Road instead of Wilfield Street is unlikely to be suitable due to the limited frontage between existing junctions.

Site's frontage to Old Accrington Road



Subject to the conditions that are recommended by LCC Highways, the proposal would provide a suitable private car park with adequate access and would not adversely affect highway safety. It would therefore comply with Policy IC1.

Impact on residential amenity

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

The proposed site plan indicates that a landscaped strip with a hedge and trees would sit in front of a 1.8m high fence which would provide privacy to the two neighbouring houses on Wilfield Street and provide a softened outlook. The point of access into the proposed car park has been moved away from the houses which would avoid head light glare and allow for a satisfactory outlook.

The number of traffic movements generated by the proposal would not significantly affect traffic noise and other background noise levels.

The proposal would therefore not lead to an unacceptable adverse impact on the amenity of neighbouring occupants and would not give rise to conflict with Policy SP5.

Other issues

Objections listed above refer to the loss of a copse and wildlife from the site. The copse referred to was not protected by a Tree Preservation Order and planning permission would not be required to clear the land as this would not itself amount to development. Attention to preventing harm to any protected species is a matter for any individual and is required by law (the Wildlife and Countryside Act 1981). It is not known whether there were previously any protected species on the land. As a car park, the site would offer limited scope for habitat for wildlife, although the landscaping and hedge/tree planting along Wilfield Street and Westway would offer some mitigation. The site has no nature conservation designation and its development would not conflict with Policy NE1 (Biodiversity and Ecological Networks).

Conclusion

The proposed site would be suitable for a small scale private car park at an accessible location and has been designed to provide a satisfactory access, layout and landscaped boundary treatment. Subject to conditions to control the use of the car park, details of part of its construction and drainage, landscaping, the installation of 2no. EVC's, and matters relating to its construction, the proposal would not lead to any significant impacts on local amenity or highway safety. The proposal would comply with the provisions of the development plan and there are no material considerations which would outweigh this finding.

Recommendation: Approve with Conditions

Conditions

1. The development must be begun within three years of the date of this decision.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The car park shall operate as a private car park only for the parking of up to 20 private cars on a payment in advance mechanism only with a barrier to control entry and departure and shall not at any time be open or available as a public car park. The parking of vehicles is restricted to cars and shall not be occupied by motorhomes or caravans and shall not be used for any other purpose whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In order to control the number and type of vehicular movements to and from the site and to ensure the satisfactory implementation of the proposal and to prevent other uses that may be unsuitable on this small site, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

4. The approved 20 space car park inclusive of two disabled parking spaces, shall be constructed, drained and hard surfaced in tarmacadam unless alternative surfacing materials are previously agreed in writing by the Local Planning Authority, and marked out in accordance with the approved plans, prior to being first open for use.

Reason: To ensure a satisfactory bound and drained surface and to ensure the satisfactory implementation of the proposal, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

5. Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for tree and hedge planting along the site's boundary with Wilfield Street and tree planting on a bunded edge with Westway, as indicated on the approved plans. The submitted details shall include plant species, numbers and locations of planting, planting heights and methods of cultivation. In respect of the area of landscaping that either falls within the visibility splays of the site access or adjoins the highway, details of the landscaping shall also include a scheme of maintenance.

Reason: To ensure appropriate screening and a satisfactory appearance to the development from Wilfield Street and Westway and to ensure that visibility for users of the highway is not adversely affected, in the interests of visual amenities and highway safety, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018). The condition is required prior to the commencement of development to ensure that a suitable landscaping scheme can be implemented promptly at the appropriate stage in the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the excavation of the land and formation of a new surface for a car park; and, any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises

with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To avoid excessive and intrusive lighting , in the interests of residential amenities and highway safety, in accordance with Policies SP5 and IC1 of Burnley`s Local Plan (July 2018).

8. Prior to the commencement of development, a scheme for the construction of the site access and the associated off-site works of highway improvement, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to the approved car park being first brought into use.

Reason: To ensure that the details of the access and highway works are acceptable, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development in the interests of highway safety.

9. Prior to the approved car park being first brought into use, details of the future management and maintenance of the approved private car park shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with the approved management and maintenance details.

Reason: To ensure the satisfactory implementation of the proposal and to ensure the car park is adequately managed and maintained , to safeguard the users of the street and the visual amenities of the locality, in accordance with Policies IC1 and SP5 of Burnley`s Local Plan (July 2018).

10. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures for dealing with surface water run-off from the landscape bund adjacent to the bus lane at Westway. The approved scheme shall thereafter be implemented and completed in accordance with the approved details prior to any part of the development being first brought into use. The approved drainage scheme shall be retained in perpetuity.

Reason: To ensure the site is adequately drained and to prevent adverse run-off onto the public highway, in order to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development above to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

11. The proposed boundary treatment indicated on the approved plans, shall be implemented and completed prior to any part of the approved car park being

first brought into use. The approved boundary treatment, including the landscaping and fence on the site's boundary with Wilfield Street, shall be retained in perpetuity.

Reason: To ensure a satisfactory appearance to the development in order to protect the visual amenities of the surrounding area and to provide satisfactory screening from adjacent properties in order to safeguard residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

12. No part of the approved car park shall be first brought into use unless and until a minimum of two car parking spaces have been fitted with Electric Vehicle Charging points which shall be solely for use by the users of car park. The Electric Vehicle Charging points shall thereafter be retained in perpetuity.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality, in accordance with Policy IC3 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

13. 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 and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan / Statement shall provide for the :

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- 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.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases and to ensure that the safety and amenities of occupiers of neighbouring properties are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Plan/Statement is required prior to the commencement of development to ensure that the measures can be effectively implemented and the development is carried out satisfactorily.

15. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

16. Deliveries of construction materials and removal of existing site materials and waste to and from the development site shall only be permitted and accepted between the hours of 09:30 and 14:30 hours Monday to Friday only and at no other times.

Reason: In order to avoid peak traffic on the surrounding highway network, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Janet Filbin
19th April 2021