

Full Planning Application

Proposed erection of security fencing and gates to apartment block perimeter.  
VICTORIA APARTMENTS GUY STREET PADIHAM BURNLEY

**Background:**

The application relates to an apartment building in the Padiham Conservation Area.

**Relevant Policies:**

Burnley Local Plan Second Review

E12 - Development in or adjacent to Conservation Areas

GP3 - Design and Quality

GP9 - Security and Planning Out Crime

**Site History:** (as relevant)

95/0543: Conversion of existing mill and outbuildings to provide 15 studio apartments, 33 one bedroom apartments, 19 two-bedroom apartments, 1 two-bedroom house and 2 three-bedroom houses – Granted

**Consultation Responses:**

Highway Authority – No objections. Comments that routes within/across the site may, over time, have acquired highway status, and request that a note to that effect be given to the applicant.

Residents of Victoria Apartments – 4 letters making the following comments (summarised):

1. The fencing is very much needed for security reasons
2. The fencing looks good
3. Concern about access for deliveries (eg take-away food; on-line shopping)); and for visitors, taxis, postal services and emergency vehicles; general operation of the gate mechanism; slippery road surface. [*Comment* – *These are matters to be addressed by the applicant. Further information about the arrangements will be presented at the meeting*].

Neighbouring residents – 2 letters from neighbouring residents making the following objections (summarised):

1. The fencing around the apartments makes it look like a prison.
2. Closure of the route across the site from Guy Street to Clitheroe Street.

Petition - Bearing 57 signatures, making objection to the blocking of the passage from Guy Street to Clitheroe Street.

Councillor Frank Cant – Letter making the following comments:

1. The present route through the site from Guy Street to Clitheroe Street was agreed in 1992 to replace a slightly different path was closed due to the building of the Kingdom Hall on Higham Street.

2. Concern about the effect of the locked gates on emergency evacuation arrangements in case of fire in the building.
3. Concern about the unsightly appearance of the fencing and electric gates enclosing the very significant conservation area building.

Councillor Andy Tatchell – Letter making the following comments:

1. The materials of the fence are not in keeping with the surrounding area and its visual impact is inappropriate.
2. The new fence blocks off a cut through which has been used for generations.

### **Planning and Environmental Considerations:**

The 4/5 storey mill building stands on a rectangular footprint with frontages to Ightenhill Street in the south and Clitheroe Street in the east. The building was successfully converted to residential apartments under the 1995 permission. The layout provided that the principal elevation, with main residents entrances, would be on the northern side of the building, facing towards Guy Street across a large, residents car park. The main vehicular and pedestrian access is via Habergham Street.

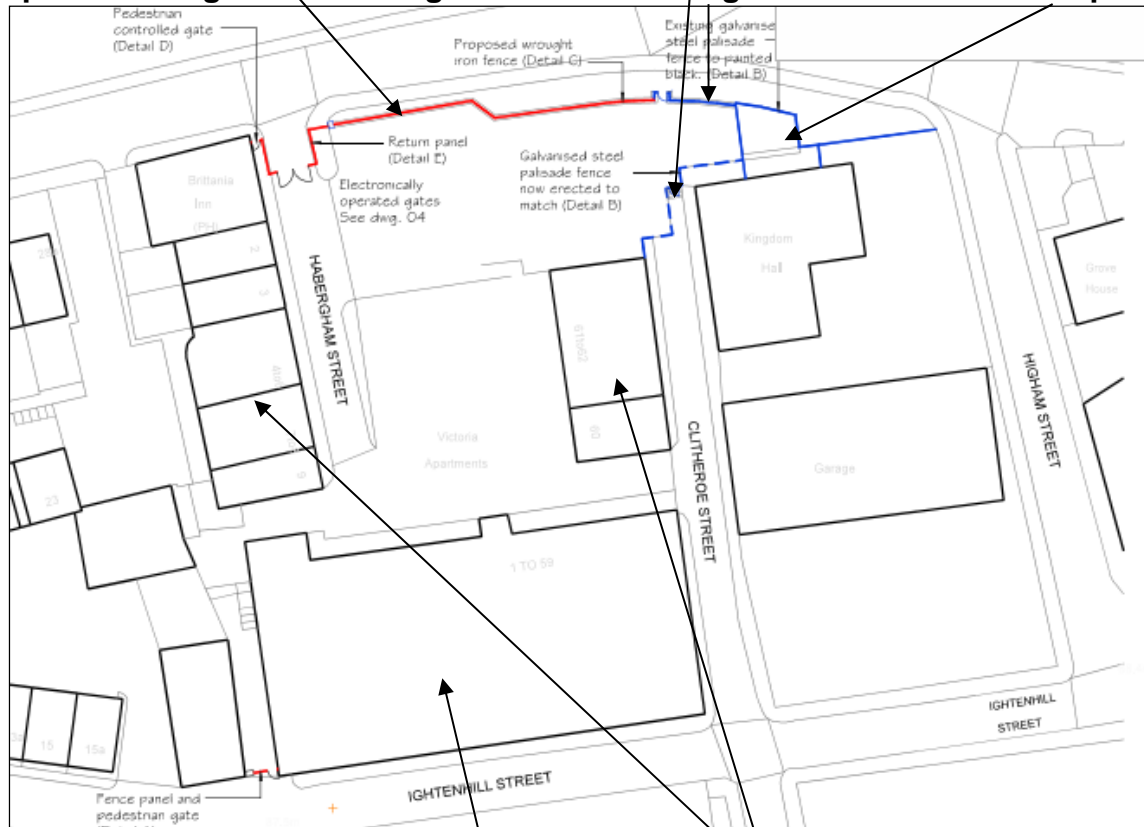


Victoria Apartments and access from Guy Street  
Habergham Street

The present proposal is for:

- Erection of metal railings atop the existing boundary wall along the Guy Street frontage, including electrically operated gates at the main vehicular/pedestrian entrance to the site (Habergham Street);
- Provision of a fence with pedestrian security gate at the entrance from Ightenhill Street.
- Retention of palisade fencing around the bin storage area and the boundary with the head of Clitheroe Street, including gates across pedestrian entrances into the site from Guy Street and Clitheroe Street.

**Proposed wrought iron fencing    Palisade fencing    Elec sub-station compound**



Victoria Apartments and associated buildings



The existing wall fronting Guy Street



Existing open entry point from Ightenhill Street



Clitheroe Street – fencing and gate

The main planning issues are the access to the building and general permeability of the area; and, the impact of the proposal on visual amenity, particularly in the conservation area setting, balanced against the applicants stated need to improve the security of the building and area generally;

#### *Access and permeability*

Present and proposed arrangements are as follows:

- Open pedestrian access to Ightenhill Street would become a gated secure access for residents only;
- Pedestrian and vehicle access to Guy Street (via Habergham Street) would become a gated secure access for residents only;

- Pedestrian access via steps, up to Guy Street and down to Clitheroe Street would be gated and kept locked.

**Policy H3** requires residential development to have safe and convenient pedestrian access. The access for residents of Victoria Apartments would not be significantly affected as the main pedestrian routes would remain available. The access-via-steps points are regarded by the applicant as, at best, secondary points of access, and the two retained routes would be suitable alternatives for residents of Victoria Apartments.

On that basis the proposal would be in accordance with H3.

As regards general permeability of the area for residents/users of the wider area, use of the 'cut-through' from Guy Street to Clitheroe Street would no longer be available. The applicant regards it essential to close the access points for site security and to avoid any liability for personal injury due to the difficult nature of the steps, lack of handrails and the need to manoeuvre vehicle in connection with the adjacent bin store.

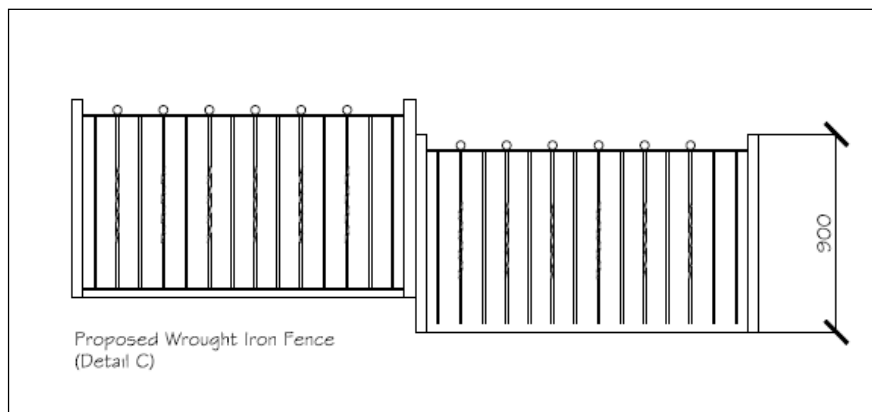
The applicant asserts that no public or other right of way exists across the Victoria Apartments land. The Highway Authority indicates that records are silent about the existence of a public right of way across the land. However, it is open to any person to claim that a right of way exists, and seek a legal remedy to its closure. For that reason the Highway Authority asks for an informative note to be given to the applicant if permission is granted.

*Visual amenity*

The wall fronting Guy Street varies in height from around 0.6m to 0.9m and extends along the whole frontage. Towards its eastern end there is the opening onto the steps down into the site, adjacent to which is a small tree. The boundary wall then continues along the frontage of the applicant's bin storage area and the separate electricity sub-station.

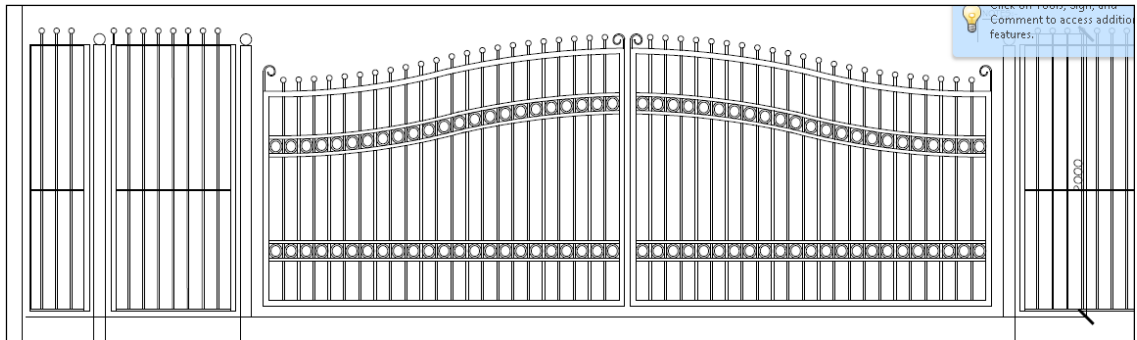
Wrought iron railings

The proposal would place black, wrought iron railings atop of the wall to the east of the steps opening. The access from Guy Street into Habergham Street would have electrically operated gates flanked by wrought iron fencing.

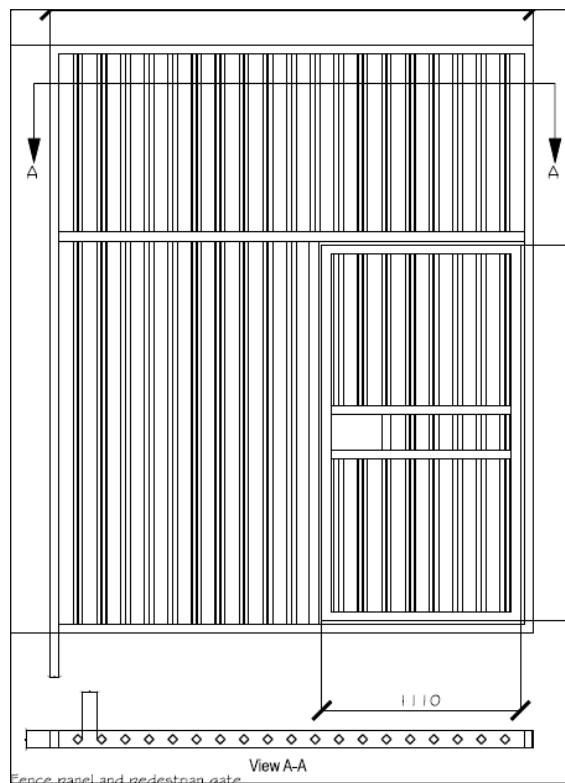


Main frontage fence





Proposed electronic gates at Guy Street access (Habergam Street)



Proposed fence and pedestrian gate to Ightenhill Street

The metal railings and gates, finished in black, would be of a design and quality suited to the location. Together with the existing wall they would form a barrier generally around 1.5m – 2m in height sufficient to provide a deterrent barrier to unauthorised entry to the premises and its otherwise open car park, without obscuring the general view of the residentially converted heritage building. This would be acceptable in the streetscene at the edge of the conservation area.

The proposed fence and residents' security gateway to Ightenhill Street would be of a robust construction, matching up to the industrial appearance of the building and therefore equally acceptable in the conservation area setting.

### Palisade fencing

The application seeks permission to retain the 'palisade' style fencing along the bin store frontage and across the head of Clitheroe Street.



**Palisade fencing**  
**Sub-station (separate land)**    **Application site**    **Frontage tree**



**Gate and fence closing steps**    **Gate and fence at head of Clitheroe Street**

This style of fencing has a generally industrial character, particularly because it usually has a galvanised finish giving it a raw, prominent, unforgiving appearance. However, the applicant has indicated that the fencing would be finished in black, which would give it a more amenable appearance, without the obtrusive brightness of the raw metal. The applicants indicate that, for this short length of frontage, the palisade style

was chosen to match the electricity compound fencing which it extended towards the tree and gateway, which was regarded as a visual breakpoint along the frontage. The fence atop the wall at the head of Clitheroe Street is quite dominantly high, however, the applicant considers it necessary to properly secure this part of the premises, as it is not under natural surveillance.

### *Conclusion*

The provision of the wrought iron fencing and gates would enhance the appearance of Victoria Apartments and the area generally. It would provide enclosure of the premises which are otherwise quite exposed to unauthorised entry.

The palisade fencing has been chosen by the applicant to blend with adjacent fencing and to provide a deterrant against unauthorised entry into the premises. This is to prevent on-going incidents of car theft and anti-social behaviour around the part of the site having less natural surveillance. Finished in black rather than silver grey galvanising would greatly improve its appearance.

The issue of right of way is a matter covered separately, in law, and provided the applicant is made aware of possible challenge to the closure or the 'cut-through', the recommendation is made on the above basis.

### **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. The development shall be carried out in accordance with the application details and the drawings listed in the decision notice.
3. The fencing and gates proposed for erection and retention in the application shall be finished in black within one month of the gated scheme being brought into operation.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of visual amenity.

AR  
19.6.2015



