

Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The County Secretary and Solicitor, Lancashire County Council.
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I / ~~We~~ (Name of applicant) Stephen Hughes, Town Clerk, on behalf of Padiham Town Council

Of: (address of applicant) Town Hall, Burnley Road, Padiham, Lancashire BB12 8BS

Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

~~1. Deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM:~~

~~TO:~~

2. Adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM: Guy Street/Grove Lane, Padiham, Lancashire BB12 8PU

TO: Clitheroe Street, Padiham, Lancashire BB12 8DE

~~3. [Upgrading] [downgrading] to a [footpath] [bridleway] [restricted byway] [byway open to all traffic] the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM:~~

~~TO:~~

4. ~~[Varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted byway] [byway open to all traffic]
FROM:~~

~~TO:~~

BY PROVIDING THAT: There has been a route between these two points throughout living memory

AND SHOWN ON THE MAP ACCOMPANYING THE APPLICATION

I / We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

LIST OF DOCUMENTS PROVIDED:

Note - the application is made following the construction of fencing to block the route in question.

1. Map of vicinity showing location of site.
2. Map of site showing route in green.
3. Borough Council Officer's report regarding planning application APP/2015/0189 (Proposed erection of security fencing and gates) - see Consultation Responses regarding blocking of route from Guy Street to Clitheroe Street.
4. Letter from Planning Officer to Borough Councillor dated 23 March 1993, stating that prior to construction of Kingdom Hall (Place of Worship) a path existed from Grove Lane to Clitheroe Street.
5. Letter from Planning Officer to Borough Councillor dated 11 May 1992, stating that the developer of Victorai Apartments had agreed to build a new path between Grove Lane and Clitheroe Street, which would be surfaced, lit and adopted by the Council.
6. Email from Borough Councillor dated 13 August 2015. explaining that although the path was built, adoption did not take place.
7. Names, addresses and signatures of local residents who state that they have used the now blocked route from Guy Street to Clitheroe Street for over 15 years.
8. OS Map First Edition 1:2,500 circa 1890 showing the previous route from Guy Street/Grove Lane to Clitheroe Street.
9. OS Map Six Inch 1947 showing the previous route from Guy Street/Grove Lane to Clitheroe Street.
10. Photograph of access to route from Guy Street/Grove Lane before fencing was constructed.
11. Photograph of access to route from Clitheroe Street before fencing was constructed.

DATED: 21/4/2016

SIGNED:



THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to:

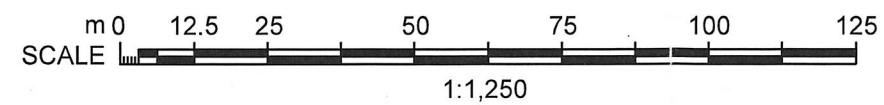
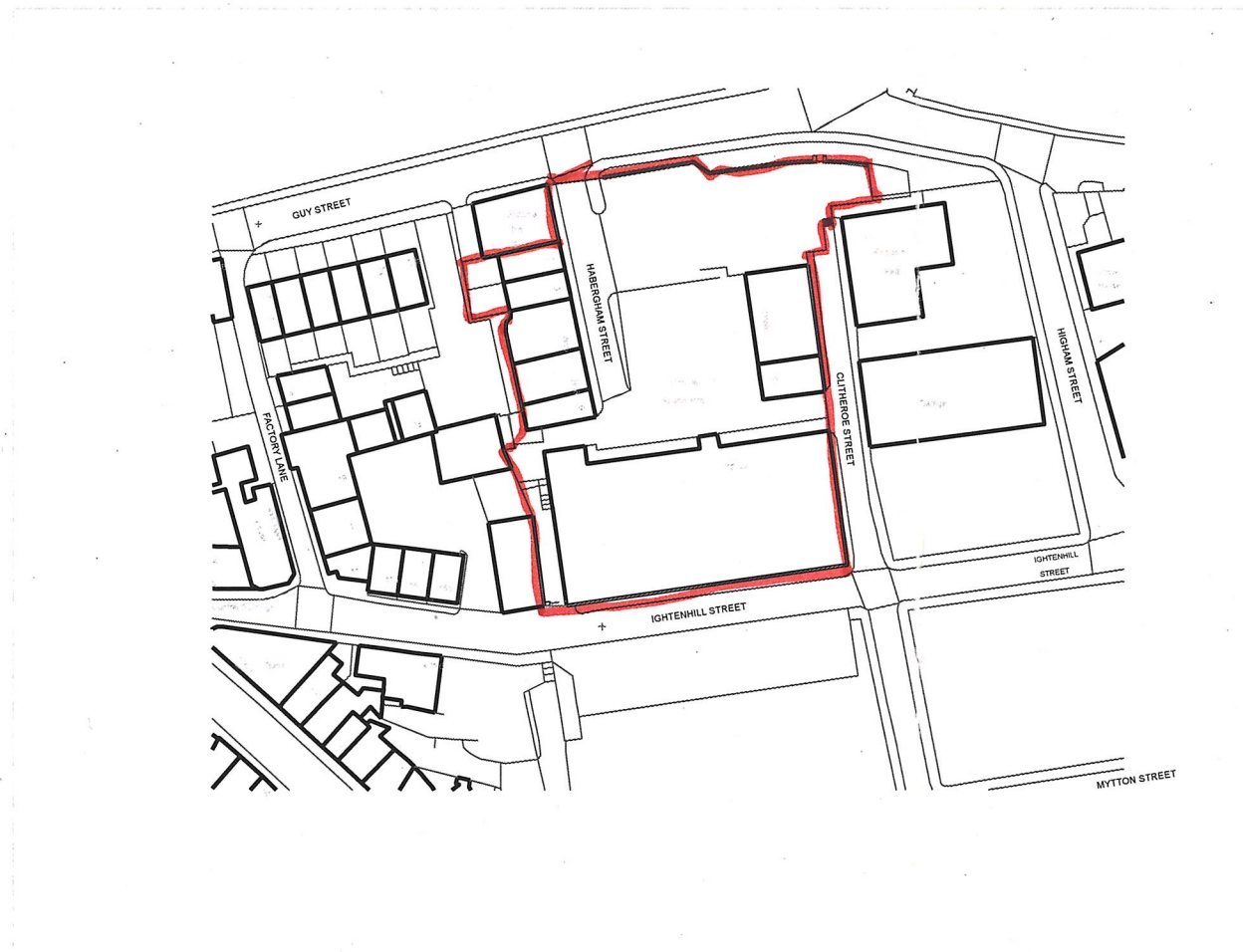
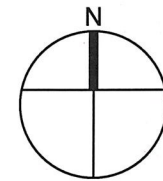
The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78
County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/JM)

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.

NOTES:-

Document ①



 **Andrew Hawthorne Architects**

Alkincoats Lodge, Alkincoats Road, Colne, Lancs, BB89QQ
01282 862238 / 07737 403633 andy@andrewhawthorne-architects.co.uk

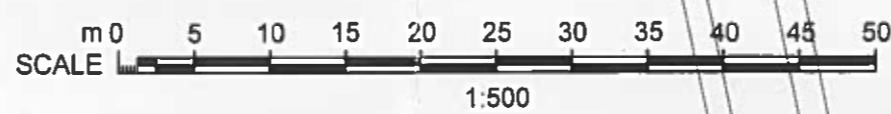
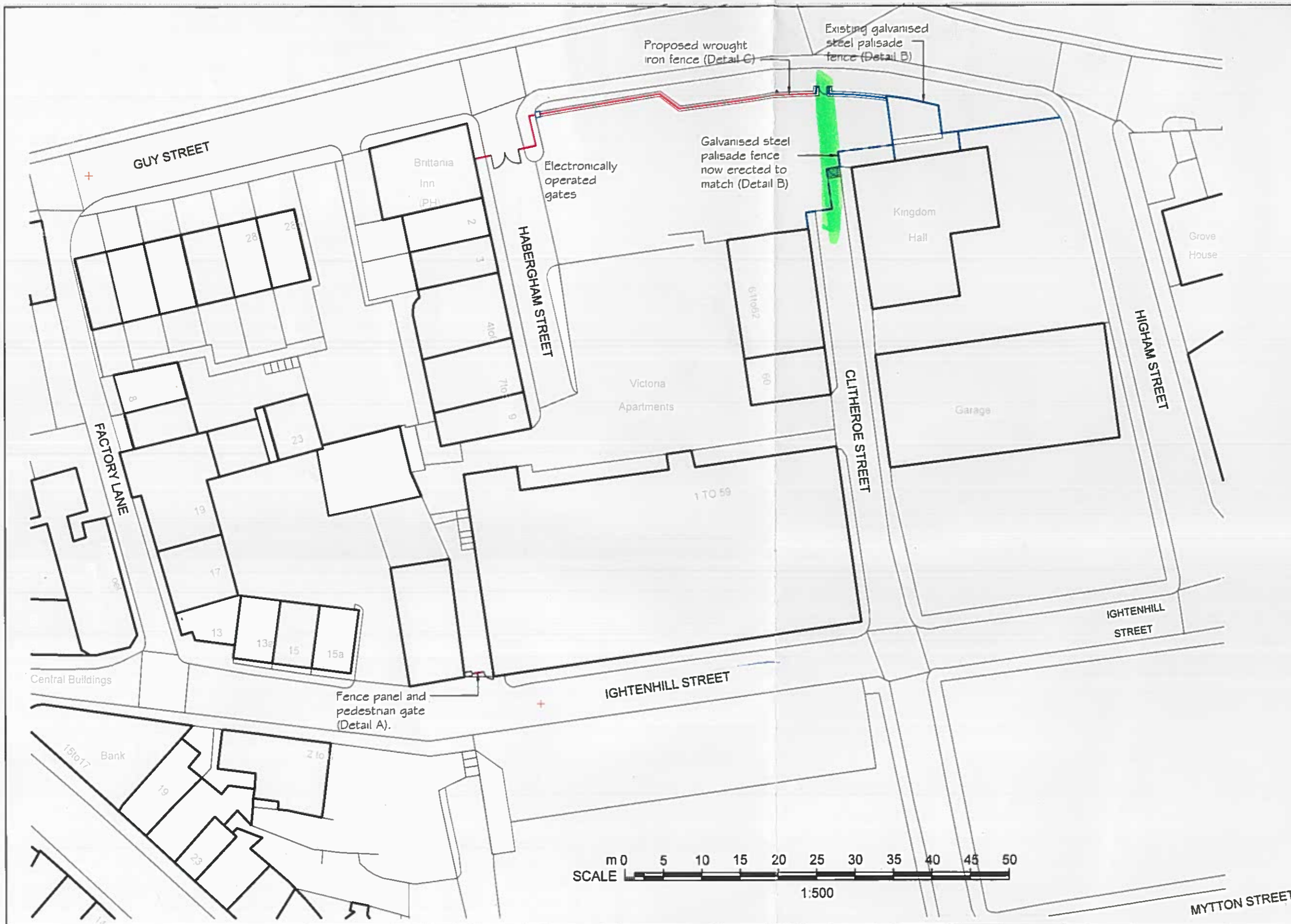
status Planning Application		drawing title Location Plan			
client Victoria Apartments Ltd PO Box 99 Padiham, Burnley, BB12 8PX	scale @ A3 1:1250	designed by ANH	drawn by ANH	checked by RB	approved by RB
project title Perimeter fencing and security scheme	project no. AHA/102/15/VA	date drawn May '15	drawing no. 01		
Do Not Scale From This Drawing					

REV	DESCRIPTION	DRAWN	CHK	APP	DATE	REV	DESCRIPTION	DRAWN	CHK	APP	DATE

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Andrew Hawthorne Architects
 Alkincoats Lodge, Alkincoats Road, Colne, Lancs, BB89QQ
 01282 862238 / 07737 403633 andy@andrewhawthorne-architects.co.uk

status	Planning Application
client	Victoria Apartments Ltd PO Box 99 Padiham, Burnley, BB12 8PX
project title	Perimeter fencing and security scheme

drawing title Proposed Site Plan					
scale @ A3	designed by	drawn by	checked by	approved by	date drawn
1:500	ANH	ANH		RB	May '15
project no. AHA/102/15/VA					
drawing no. 02					revision
Do Not Scale From This Drawing					

Application Recommended for Approval
Gawthorpe Ward

APP/2015/0189

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.

- 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.

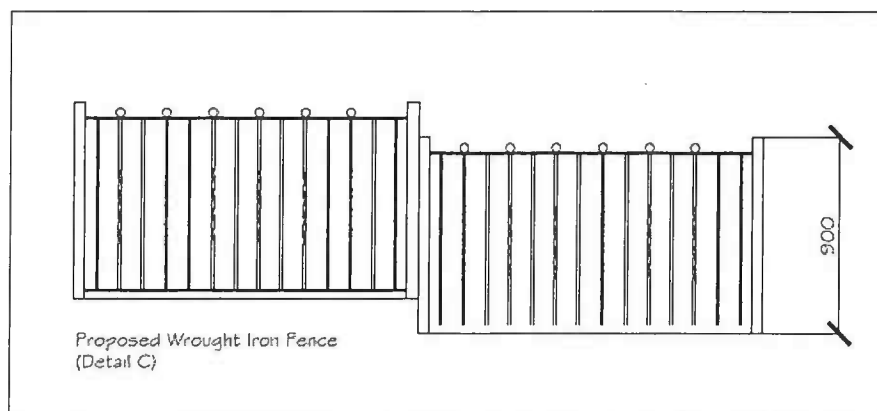
The applicant asserts that no public or other right of way exists across the Victoria Apartments land. The Highway Authority indicates that records are silent about the existence of a public right of way across the land. However, it is open to any person to claim that a right of way exists, and seek 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

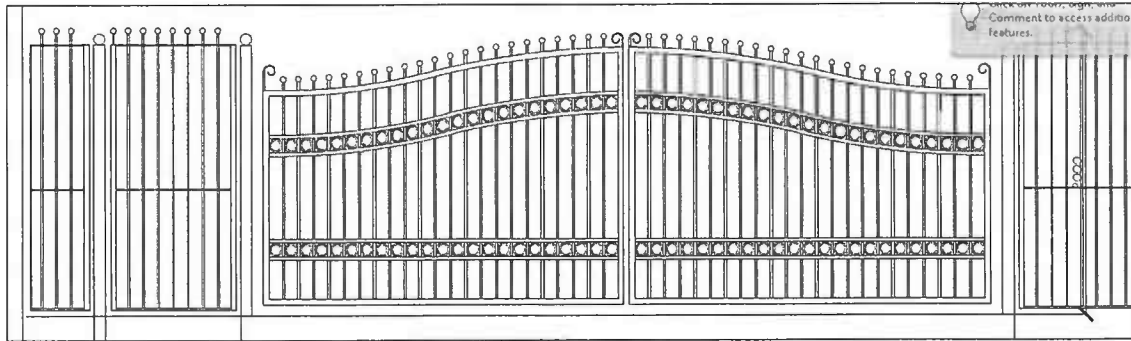
The wall fronting Guy Street varies in height from around 0.6m to 0.9m and extends along the whole frontage. Towards its eastern end there is the opening onto the steps down into the site, adjacent to which is a small tree. The boundary wall then continues along the frontage of the applicant's bin storage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

Wrought iron railings

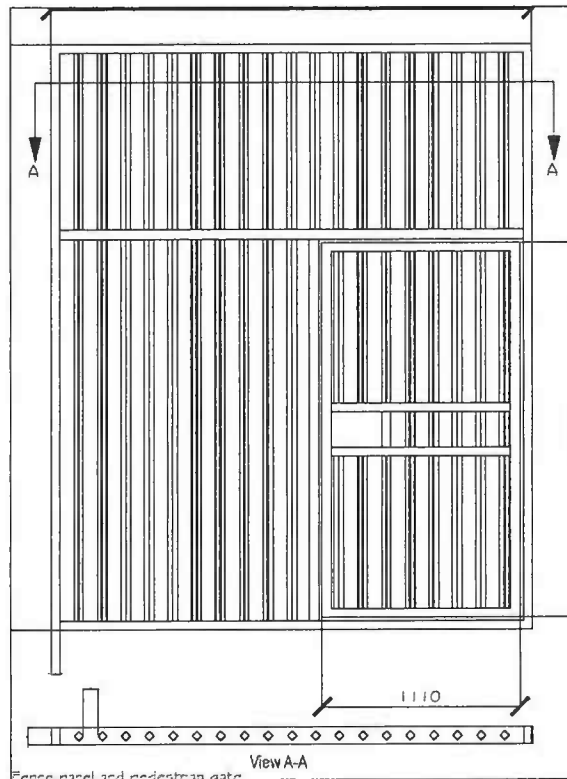
The proposal would place black, wrought iron railings atop of the wall to the east of the steps opening. The access from Guy Street into Habergham Street would have electrically operated gates flanked by wrought iron fencing.



Main frontage fence



Proposed electronic gates at Guy Street access (Habergham Street)



Proposed fence and pedestrian gate to Ightenhill Street

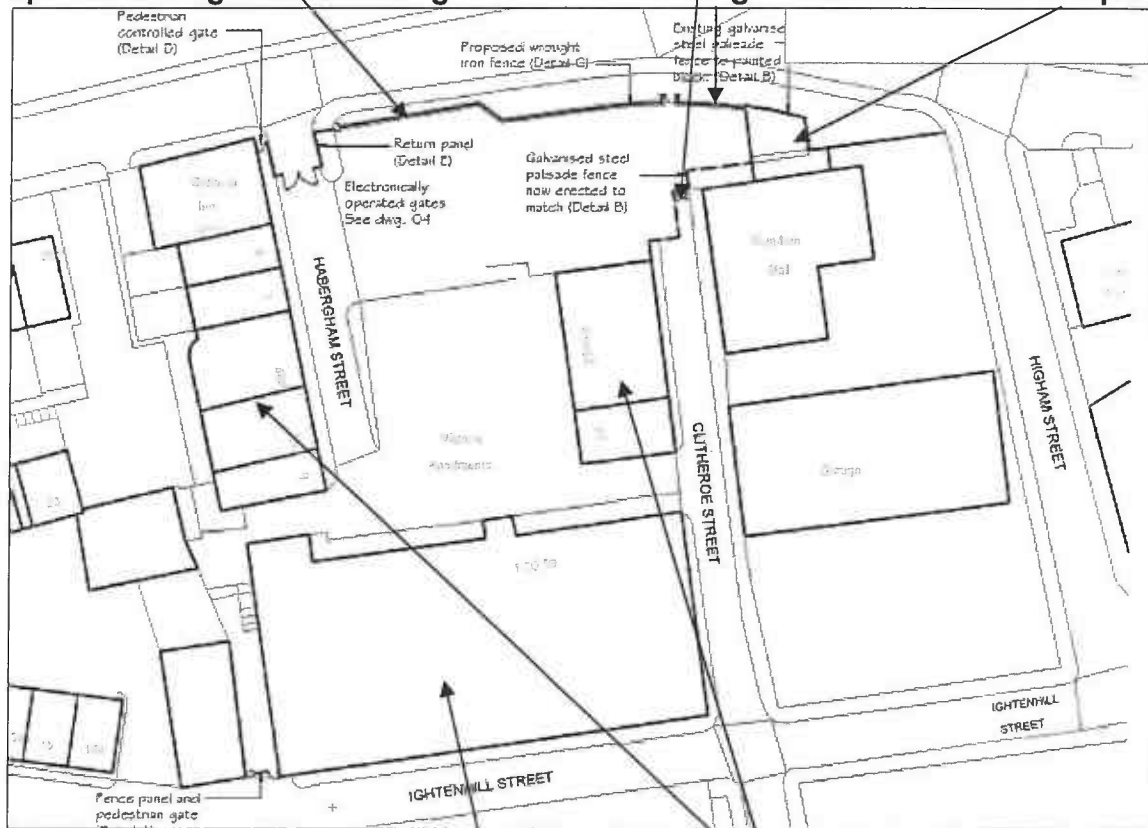
The metal railings and gates, finished in black, would be of a design and quality suited to the location. Together with the existing wall they would form a barrier generally around 1.5m – 2m in height sufficient to provide a deterrent barrier to unauthorised entry to the premises and its otherwise open 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.

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;



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

DOCUMENT (4)

Mr. Councillor E.C. Ingham, JP
66 Dryden Street
Padiham
BURNLEY
BB12 7EN

PS/LER/12/91/0393
Paul Skinner

2523

23rd March, 1992

Dear Mr. Councillor Ingham,

PLANNING APPLICATION 12/91/0393
RELIGIOUS MEETING HALL - HIGHAM STREET/GROVE LANE, PADIHAM

I refer to your enquiry regarding a footpath on the above site.

Prior to commencement of building works, a path existed crossing the site, which I understand had been provided as part of an environmental scheme. The planning application included a 6' wide strip to provide an alternative pedestrian route across the land from Grove Lane into Clitheroe Street.

The applicants have made enquiries regarding the status of the footpath in order to follow the correct procedures for diversion. The pathway is not, however, a definitive footpath and no right of way seems to exist.

The applicants have asked that they be allowed to close the route through their land, but whilst I have written and spoken to their agents to ask that the footway be retained, it is understood that they would still like to block the path.

There are no conditions or other planning controls which would prevent the erection of a fence within the site which would effectively block public access. In the face of the applicants' clear intention to block access, there seem to be no steps which could be taken to ensure its retention.

Yours sincerely,

PS 19/3
AJ 23
J 20.3

cc: Chairman of Planning & Environment Committee
Vice-Chairman of Planning & Environment Committee

Document ⑤

Mr. Councillor E.C. Ingham, J.P.
66 Dryden Street
PADIHAM
Burnley
BB12 7EN

PS/MT/12/91/0393
Paul Skinner

2523

11th May 1992

Dear Mr. Councillor Ingham

FOOTPATH BETWEEN GROVE LANE AND CLITHEROE STREET, PADIHAM

I refer to my previous letters regarding this matter.

I can advise you that the potential developer of the site immediately adjoining the Kingdom Hall site has included a footpath running between Grove Lane and Clitheroe Street, which would be surfaced, lit and adopted by the Council. It would provide a more attractive and safer route than that originally proposed to run through the Kingdom Hall site.

I understand the builders have blocked off part of Clitheroe Street. This matter is also being pursued.

There will obviously be a delay before a new path is laid out. In the meantime, please contact Paul Skinner on extension 2523 if any other problems arise.

Yours sincerely



c.c. Mr. Councillor J. Greenwood, J.P., Chairman of Planning and Environment Committee, 54 Lawrence Street, Padiham, BB12 8DL

Ms. Councillor B. Barnes, Vice-Chairman of Planning and Environment Committee, 124 Sycamore Avenue, Burnley, BB12 6AG



Padiham Town Council

Document 6

From: "Councillor Frank Cant" <FCant@burnley.gov.uk>
To: <contact@padihamtowncouncil.gov.uk>
Sent: 13 August 2015 14:43
Subject: Victoria apartments explanation

Hello Stephen,

I have left two copies of letters on this issue in the councils mailbox at the front lobby.

In order to understand the contents more clearly an explanation of events may help.

In 1992 an application was made by Kingdom Hall to build and secure the present site ,however they were not willing to retain a footpath through the site despite local objection. Cllr Ted Ingham and Cllr Greenwood appear to have lost the battle.

Later in the day a plan to include a footpath from Clitheroe St. to Grove lane was put forward by the owners of Victoria apartments which was to be adopted by the council. Everyone happy, but unfortunately as sometimes happens the matter was not pursued and the adoption didn't take place.

I have been informed that a case could be put to Lancashire county council for registration as a definitive right of way if the footpath has been in use for a number of years. There is a link on the County councils website.

Hope this puts a little more meat on the bone.

Regards,

Cllr Frank Cant

Mrs Irene Bridge 01282779604

APP/2015/0188

AC

We the undersigned object to the planning permission for railing and gates at Victoria Apartments, Guy Street. Railings they have already been installed and have blocked a passway from Guy Street to Clithorpe Street which has been open for over 15yrs.

AC/226

Mrs I Bridge 3 Garden St I Bridge

Mr D M Bridge 3 Garden St DM Bridge

Miss Y Bleasdale 12 Quarry St

RECEIVED 10 JUN 2015

MISS S. GABRIEL 13 ~~Bercley~~ GARDEN ST *S. Gabriel*

Miss G. Hunt 10 GARDEN ST G. Hunt

Mr M Crook 1 GARDEN ST *M Crook*

Mrs F. Pinder 17 GARDEN ST E. Pinder

MR J PINDER 17 GARDEN ST John Pinder

Mrs B Alexander 2 Copthurst St

MRS H CROOK 1 Garden St

MR D CROOK 26 OAT ST

MRS L STACEY 2 Garden St L Stacey

A. Ashurst 21 Moor Lane

[Signature] 11 Ingham St

F. Shuman 11 Ingham St

P. DENWOOD 13 GARDEN ST *Pet Denwood*

[Signature] 21 GARDEN ST

G. Dickerson 27 Garden St G. Dickerson

A. Blackwell 57 Garden St. A. Blackwell

D. Rickwood 39 Garden St D. Rickwood

L TAYLOR 48 Ingham St *[Signature]*

D. Ramshead 12 Garden St. *[Signature]*

C Hughes 48 Bercley crescent C. Hughes

Document 7

ANDREW LEEVER	36 BERKELEY CRESCENT	Leever
M Derbysh	32 Berkeley cres.	
D Mc Gough	28 Berkeley Crescent	McGough
C Mc Gough	28 Berkeley Crescent	McGough
Leigh Graham	47 Berkeley crescent	Graham
Jeanne Lavery	35 Berkeley Crescent	Lavery
Jessica Brown	23 HARGROVE AVE	Brown
NICHOLAS SHARPLES	33 BERKLEY CRESENT	
Jonna Cooper	19 Berkeley	Cooper
JOHN COOPER	7 HARGROVE AVE	Cooper
Lisa Derbyshire	3 Berkeley cres	Derbyshire
Danielle Katchika	10 CROSMERE AVE	Katchika
R Denwood	2 Berkeley Crescent	Denwood
D Southwell	42 Garden st	
P Gaway	32 Garden st	Gaway
M Gaway	32 Garden	Gaway
ZOE KNOWLES	67 BERKELEY CRESCENT	Knowles
D. Ashworth	13 Cliff Street	
SOSTER	59 Windermere Road.	
T Nicholson	12 Berkeley cres	
MACDONALD	34 Berkeley crescent	
A. Lord	3 Thirlmere Avenue	
P MILNER	16 DEAN ST PADHAM	
F CHADWICK	8 HIRST ST. PADHAM	
A. Steacy	12, HIRST ST padham.	

B Healey
L. Staley
J Ramshead
J RAMSHEAD.
J STARKIE
S KENYON
T KENYON
N CHADWICK
G. WILKINSON

4 Hirst Street
#2, garden Street
10, Hirst Street
29 LANGDALE RD.
10 HIRST STREET
44 LANGDALE ROAD.
WILKINGPIRE ROAD.
19 WASDALE CLOSE
7 WASDALE CLOSE

57

MARIO

Maps & Related Information Online

DOCUMENT (8)

CIRCA 1890

TOOL HELP Pan - Press mouse key down and drag cursor in direction needed to move map

Maps Find Tools Draw Results Help

Zoom To Box Zoom To Point Zoom Out Move Map Previous Next Full Map Street View

Map Grid

Grid References

Collisions Report

Public Rights Of Way Fault Reporting

Print/Save Map

Enter Map Title: OS Map First Edition

Print Map

- 1) Enter your map title in the box above. Click 'Print' to open a new window with the map, legend and logo displayed.
- 2) Go the File menu in the new window and select Page Setup.
- 3) Make sure that the page is set to Landscape, remove the Header and Footer text and set all the margins to 5mm or less before printing.
- 4) Go to File menu and select Print.

Print

Save Map As An Image

Use this to save the map to your local computer as an image file, which can be opened in an internet browser, inserted in to a document or attached to an email.

- 1) Enter your map title in the box above. Click 'Save Map As An Image' to open a new window with the map and legend displayed.
- 2) Go the File menu in the new window and select 'Save As...'
- 3) Save the image to a folder on your computer by using the box provided.

Save Map As An Image





DOCUMENT 9

High St



Image capture: Apr 2009 © 2016 Google

Padiham, England

Street View - Apr 2009

DOCUMENT (10)

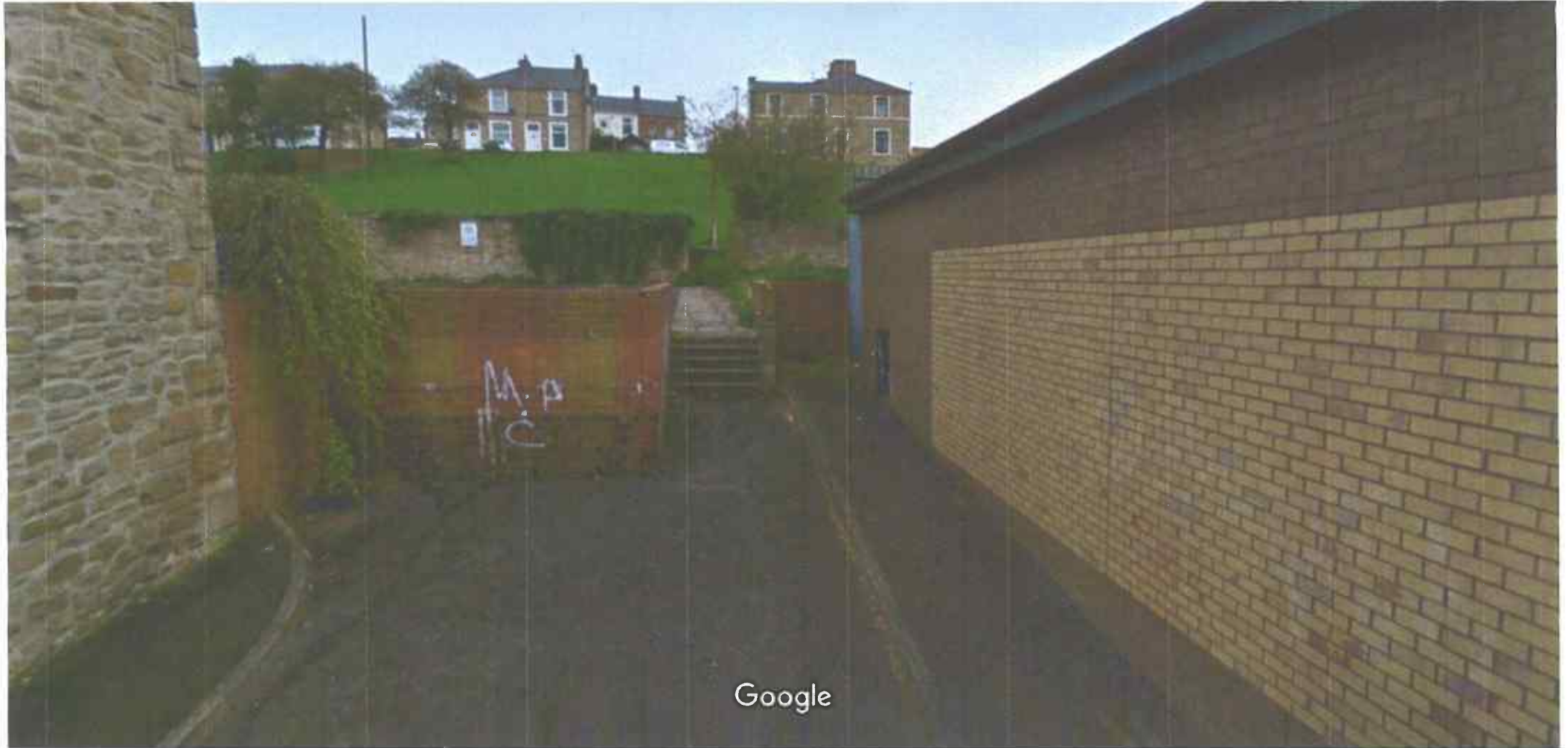


Image capture: Apr 2009 © 2016 Google

Padiham, England

Street View - Apr 2009

Document (11)