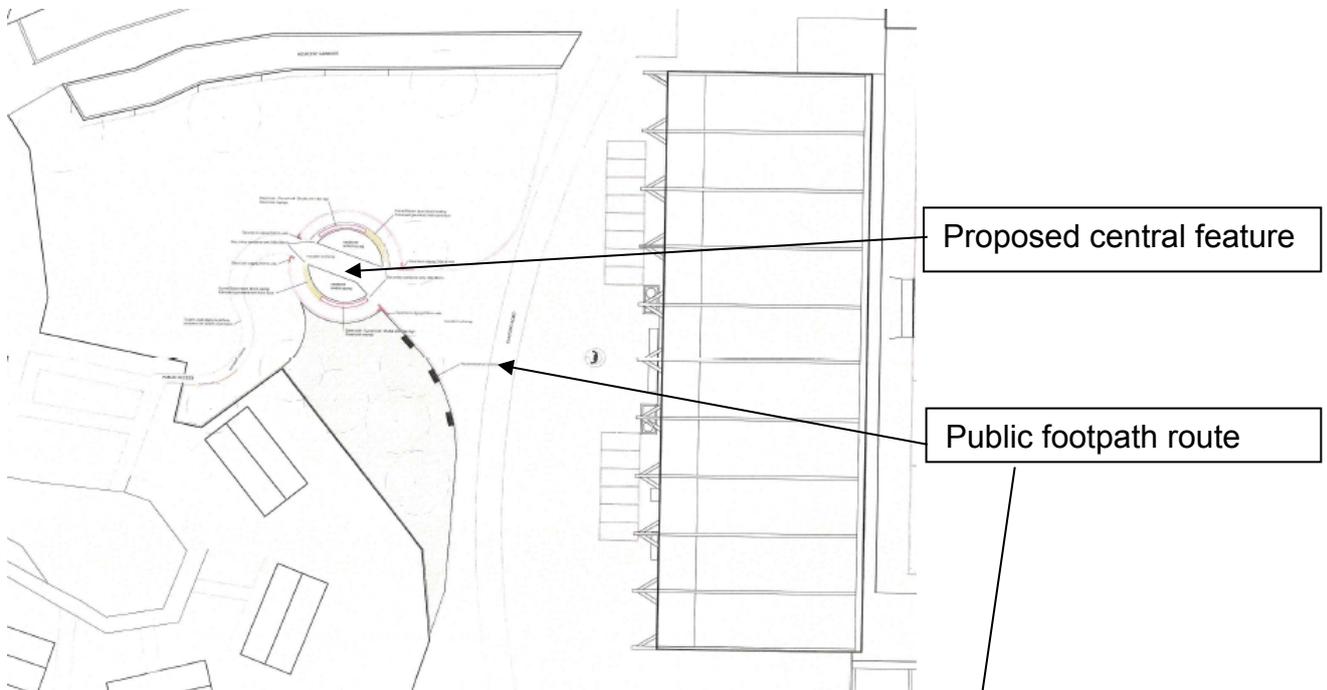


Full Planning Application  
Formation of memorial park  
LAND EAST OF TURF MOOR BURNLEY

**Background:**

The proposal is to carry out operational development and landscaping to form a memorial garden within an area of existing open space adjoining the east stand of Burnley's football ground at Turf Moor.

The existing area of open space is grassed with scattered trees, all of which are to be retained. Public Footpath No. 127 bounds the western edge of the area of open space and its route which fenced on each side separates the open space from the tarmac apron around the east stand's entrance.



A bronze statue of Jimmy McIlroy (8 foot high) on a plinth is to be erected outside the entrance doors and the tarmac apron opened up by the removal of the boundary

fences to each side of the public footpath. A circular wall in claret brick and block and cobble paving with architectural planting would form a feature within a central area of the open space with a pathway leading to the tarmac apron around the bronze statue.

Illustration of proposal



**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

Burnley's Local Plan – Proposed Submission Document, March 2017

NE2 – Protected open space

The National Planning Policy Framework

**Site History:**

None.

**Consultation Responses:**

LCC Public Right of Way Officer

No comments received.

Greenspaces and Amenities Manager

The Council has previously indicated that it would support the development of a memorial garden on the site of Turf Moor Gardens. The proposed design for the memorial is fine but the existing footpath which crosses the site and provide access for Turf Moor estate residents to Harry Potts Way has been cut and pedestrians will need to walk through the memorial circle. It is not clear from the design statement whether pedestrians will be able to use this route 24 hrs per day or whether access will be prevented when gates to the football ground are locked. The terms of the lease of the site to the club will require the club to Permit uninterrupted public access across Turf Moor Gardens between Brandwood Grove and Harry Potts Way, except when

public access needs to be temporarily suspended for health and safety reasons whilst construction or maintenance activities take place.

#### Publicity

No comments received.

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

#### Principal of proposal

The site is within the main urban area where Policy GP1 seeks to locate new development where it does not, amongst other things, result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character, appearance and function. The application site is a small area of open space in the ownership of the Council that is undesignated in the adopted local plan but is identified as protected open space in the emerging new local plan. The proposal to create a memorial garden would not alter the use of the land as open space and as such there would be no objection in principle to the proposal. The main issues relate to the impact of the proposal on the character and appearance of the open space and any impact on the public right of way that bounds the edge of the open space towards the football stadium.

#### Impact on open space

Policy GP1 seeks in general terms to protect the character, appearance and function of open space that makes a significant contribution to public amenity. The open space is well used by people using the footway that crosses the site and is an important pocket of open space within a highly built-up area. It is necessary therefore to ensure that the proposal protects the open space. Policy NE2 of the emerging local plan carries limited weight but similarly seeks to protect and enhance the recreational, amenity, biodiversity and other benefits of the open space.

The proposal seeks to enhance the character, appearance and function of the open space by creating a memorial feature with a footpath and visual links with a new statue at the nearest end stand to Turf Moor. The trees and most of the grassed areas of the open space would be retained and the proposed circular hard and soft landscaped centrepiece would be a focal point creating visual and cultural interest associated with the football club. The Greenspaces and Amenities Manager has no objections but notes that the existing path through the site would pass through the circular memorial and stresses the importance of ensuring access for pedestrians crossing the site from Turf Moor estates to Harry Potts Way is kept open at all times. The application form states that access would be at all times. Given that the land is in the ownership of the Council then access issues are a matter between the relevant parties. Notably the existing path would pass through the memorial feature as shown in the illustration below which would enhance the route for pedestrians through the site.



The proposal is likely therefore to enhance and promote the use of the open space and would comply with Policy GP1 of the Local Plan and Policy NE2 of the emerging new local plan.

#### Impact on public right of way

An enclosed public right of way edges the site between the open space and the tarmac apron around the stand's entrance. The removal of the fences would create an open route across the expanse of tarmac apron which across only a short length would have no significant impact on the experience of the footpath user. Public access along the route would not be affected. The proposal would not therefore have a significant effect on the public right of way. A note is placed on the decision notice to ensure the applicant is aware of the need to avoid any obstruction or impediment of the footpath route during construction work.

#### Summary

The proposal is likely to be beneficial by leading to an enhancement of the function, character and appearance of this small pocket of open space and would comply with the policies of the development plan.

**Recommendation: Approve with conditions**

#### **Conditions**

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), Sit1 (1:200 proposed site plan, dated 28/04/2017), Sit2 (1:200 proposed site plan with legend, dated 05/02/2017), Land1 (1:200 proposed site plan with planting schedule, dated 28/04/2017) and Illus 1 and Illus2 (coloured illustrations), received on 19 May 2017.
3. No external lighting shall be installed at any part of the application site other than low level lighting to illuminate the central memorial unless otherwise agreed in writing by the Local Planning Authority.

### **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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To avoid excessive illumination, in the interests of the residential amenities of adjacent properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

JFL