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|-------------|------------------------|---|
| <b>No.7</b> | <b>APPLICATION NO.</b> | 2021/0113/ARM   |
|             | <b>LOCATION</b>        | Land To The East Of Tollgate Road Burscough Lancashire  |
|             | <b>PROPOSAL</b>        | Reserved Matters - The construction of 17 employment buildings (falling within use classes E, B2 & B8) comprising a total of 25,475.73sqm (GEA) and associated works pursuant to the outline element of hybrid planning permission ref. 2018/0525/HYB including approval of details reserved by condition 3 (finished floor levels), 5 (travel Plan), 6 (landscaping scheme), 7 (arboricultural method statement), 8 (landscape management plan), 10 (surface water drainage), 11 (SuDS maintenance), 12 (foul water drainage), 13 (nesting boxes) and 14 (ecological management plan). |
|             | <b>APPLICANT</b>       | Crompton Property Developments Ltd  |
|             | <b>WARD</b>            | Burscough West  |
|             | <b>PARISH</b>          | Burscough   |
|             | <b>TARGET DATE</b>     | 31st May 2021   |

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## **1.0** **SUMMARY**

- 1.1 This is a reserved matters application for the second phase of employment development at the Yew Tree Farm strategic site. It is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, scale and design. There are no significant highway, drainage or amenity concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

## **2.0** **RECOMMENDATION: APPROVE with conditions**

## **3.0** **BACKGROUND**

- 3.1 The Yew Tree Farm strategic site comprises a significant parcel of land that lies to the west of Burscough between Tollgate Road, Higgins Lane and Liverpool Road South. It is a site allocated for residential, employment, education and other community facilities in the West Lancashire Local Plan. Planning permission has been granted for mixed residential and employment development on the site. The first phase of residential development is well underway on the eastern part of the site (Redrow) and the second phase of residential development has commenced (Anwyl), a new spine road (Chancel Way) along with swales and SuDs basins have been completed through the centre of the site and the first phase of employment development is nearing completion on the south-western part of the site.
- 3.2 The site subject of this application relates to the second large phase of employment development at the Yew Tree Farm (YTF) Strategic Site. It already benefits from outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities as part of a hybrid planning permission Ref.2018/0525/HYB.

## **4.0** **THE SITE**

- 4.1 The site is split into two triangular parcels of land located either side of the new road

junction at Tollgate Road, Ringtail Road and Chancel Way. The northern parcel has been named Barracuda Business Park and the southern parcel has been named Seafire Business Park. Barracuda Business Park is approximately 2.7ha and lies in the NW corner of the wider strategic site. Higgins Lane lies to the north with Green Belt beyond, employment units and the drainage pond on Merlin Park are to the west, safeguarded land forming part of the YTF strategic site and a public right of way is to the east. The proposed Seafire Business Park lies to the south of Barracuda, on the opposite side of Chancel Way. This business park is larger than Barracuda and extends to approximately 4.35ha. To the east of this parcel lies a widened public right of way, a large area of public open space (subject to a separate planning application for play equipment ref: 2021/0507/ARM) a large SuDS basin and a safeguarded primary school site – all forming part of the YTF strategic development site. To the west is Tollgate Road with employment units opposite and to the south are industrial units served off Tollgate Crescent.

- 4.2 Access to both parcels of land has already been approved as part of planning permission 2018/0525/HYB. Barracuda to the north will be accessed directly off Chancel Way and Seafire to the south will be accessed directly off Tollgate Road.

## **5.0 PROPOSED DEVELOPMENT**

- 5.1 It is proposed to erect 17 employment buildings falling within use classes E, B2 & B8 across the two triangular parcels of land each side of Chancel Way. The overall quantum of proposed floorspace equates to just under 25,500 sqm which is within the scope of the outline element of planning permission 2018/0525/HYB. To ensure flexibility and "future-proof" the site, the applicant has applied for employment uses consistent with the outline permission (B2 and B8) as well as the new Class E use (commercial, business and service). Use Class E includes a large range of uses such as retail, cafes and restaurants, offices, professional and financial services, indoor sport and recreation, health services, day nurseries and day centres and industrial process. Class B2 allows for general industrial uses and Class B8 is for storage and distributions uses.
- 5.2 It is proposed to erect 5 industrial buildings on the northern parcel of land known as Barracuda Business Park ranging in size from 392sqm to 2322sqm, each with a mezzanine floor. The site is accessed off Chancel Way. The three largest units are located adjacent to the western boundary, alongside Merlin Park, in a linear form. The two smaller units are adjacent to the eastern vegetated boundary. The buildings measure a maximum of 7m to the eaves and 10.3m to the ridge and are constructed with Kingspan grey cladding and anthracite doors and windows, similar to that used on units recently constructed at Dakota Park. The three larger units incorporate 25m turning circles for servicing and all units include parking spaces which also comprise electric vehicle parking, cycle racks and disabled parking. The site will be enclosed with a 2.4m high green paladin fence and the site also includes a SuDS pond and landscaped area at the entrance, adjacent to the Chancel Way/Tollgate Road/Ringtail Road junction.
- 5.3 Within Barracuda Business Park are two further plots of land that do not form part of this application. Planning permission has already been granted for an agricultural machinery showroom and workshop known as Rickerbys (2020/1142/FUL) on one of these plots, adjacent to the entrance to Barracuda Business Park, and work has commenced on its construction. This permission also included the provision of the internal access road to serve all the proposed units to be accommodated on the business park. The second plot is also located at the entrance, opposite the Rickerbys site. The applicant has advised that this plot is likely to be subject to a future application for retail/commercial development, the end users of which are yet to be secured.
- 5.4 It is proposed to erect the remaining 12 industrial buildings on the southern parcel of land

known as Seafire Business Park, accessed off Tollgate Road. Four of the buildings will be split into smaller units and unit/building sizes across the business park range from 195sqm to 2140sqm. This equates to a total of 21 individual units of various sizes. All but four include mezzanine floors to accommodate additional ancillary storage or office space. The buildings are arranged in a layout comprising an "L" shaped internal access road with the buildings laid in horizontal form in rows separated by servicing and parking areas. To maintain consistency across the two sites, the buildings are constructed with Kingspan grey cladding and anthracite doors and windows and range from eaves heights of 7m to ridges between 8.5m and 9.5m. Also reflecting the same boundary treatment as Barracuda Business Park, the site will be enclosed with a 2.4m high green paladin fence and the site includes a SuDS pond and landscaped area at the junction of Chancel Way/Tollgate Road/Ringtail Road. However, this SuDs pond already benefits from full planning permission as part of application 2018/0525/HYB.

- 5.5 The applicant also seeks to discharge several conditions attached to the outline element of the hybrid permission 2018/0525/HYB – relating to floor levels, travel plan, landscaping, trees, drainage and ecology.

## **6.0 RELEVANT APPLICATIONS**

### Phase 2 Employment (Barracuda and Seafire Business Parks)

- 6.1 2020/1142/FUL - The erection of a building for use as an agricultural machinery showroom and workshop (sui generis) or for employment uses falling within use classes E, B2 and B8 and the erection of an external covered display, together with the laying of an access, internal estate road and other associated works. APPROVED
- 6.2 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED

### Phase 1 Employment (Dakota Business Park)

- 6.3 2020/0225/COU - Change of use of Unit 4B within Dakota Business Park from flexible employment uses (use classes B1, B2 or B8) to flexible employment uses with leisure (use classes B1, B2, B8 or D2), along with the creation of a link between Unit 4B and Building 5. APPROVED
- 6.4 2019/0438/FUL - The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works. APPROVED
- 6.5 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 29 (surface water regulation system), 31 (Levels) and 35 (Noise). APPROVED

### Phase 2 Residential (Anwyl Homes)

- 6.6 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. APPROVED
- 6.7 2019/1182/ARM - Approval of Reserved Matters - Erection of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT. APPROVED

#### Phase 1 Residential (Redrow Homes)

- 6.8 2021/0518/ARM - Reserved Matters approval (appearance, landscaping, layout and scale) for the erection of 172 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 2019/1093/FUL and the discharge of Conditions 26 and 34. PENDING CONSIDERATION
- 6.9 2020/1134/FUL - Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls. PENDING CONSIDERATION
- 6.10 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters 2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). APPROVED
- 6.11 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED

#### Outline and other related permissions at Yew Tree Farm Strategic Development Site

- 6.12 2021/0506/FUL - Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane. PENDING CONSIDERATION
- 6.13 2021/0507/ARM - Reserved matters approval for the creation of an equipped play area, a multi-use games area, a running/cycle track, the installation of fitness station equipment, along with the provision of associated landscaping. PENDING CONSIDERATION
- 6.14 2021/0369/FUL - Erection of a building including an internal single floor mezzanine for use as a road traffic accident claims centre comprising a mix of offices and car storage with ancillary maintenance and cleaning facilities; or alternatively uses falling within use classes E, B2 and B8 along with an adjoining external covered wash bay structure, together with other associated works. APPROVED
- 6.15 2020/0962/FUL - The construction of four substations and two temporary accesses to facilitate the future phases of residential and employment development within the Yew Tree Farm Strategic Site. APPROVED
- 6.16 2019/1093/FUL - Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate

Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane. APPROVED SUBJECT TO DEED OF VARIATION

- 6.17 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. APPROVED
- 6.18 2015/1268/FUL - Creation of haulage depot and offices with associated access, yard, parking etc. Land off Tollgate Road. APPROVED
- 6.19 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m<sup>2</sup> of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m<sup>2</sup> of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 6.20 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

## **7.0 CONSULTEE RESPONSES**

- 7.1 LCC Highways (21.04.21) – no objection.
- 7.2 United Utilities (25.03.21) – no objection
- 7.3 Merseyside Environmental Advisory Service (MEAS) (09.07.21) – no objection subject to revised landscape plans
- 7.4 Lead Local Flood Authority (10.08.21) – no objection to discharge of drainage condition
- 7.5 Lancashire Fire and Rescue (12.03.21) – recommend development complies with Building Regulations
- 7.6 Lancashire Constabulary (08.03.21) – recommend security measures
- 7.7 WLBC Environmental Health (11.08.21) – no objection subject to noise condition

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Burscough Town Council (08.04.21) – Supports that this application will create further jobs. However, is concerned that the SUDs systems will not be managed properly and would require, as a condition, that a management company monitors the accumulated water release so as not to overload the systems. Note that United Utilities have provided example conditions, which the Town Council support and suggest that these are enforced. Burscough Town Council would also like to draw attention to the road's infrastructure and request that some of the smaller / country roads should have weight restrictions enforced

around the vicinity of this development. Burscough Town Council would also object to the agent's report inferring that there are strong transport links, this is untrue, as there is a limited bus service and at least a 40 minute walk from either of the train stations.

## **9.0 SUPPORTING INFORMATION**

9.1 The application is supported by the following information:

Design and Access Statement  
Planning Statement  
Drainage Strategy Report  
SuDS Maintenance Plan  
Biodiversity Enhancement Plan  
Travel Plan

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed. The site is subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and applicants in their proposals and planning applications for development on the site.

10.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

10.3 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development  
Section 6 Building a strong, competitive economy  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment  
Section 17 Facilitating the sustainable use of minerals

### West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire  
SP3 – Strategic Development Site: Yew Tree Farm  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EC1 – The Economy and Employment Land  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN1 – Low Carbon Development and Energy Infrastructure  
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

### Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure  
BPI2: Surface Water Drainage  
BPI3: Foul Water Drainage  
BPE1: Burscough Industrial Estate  
BPT1: Transport and Development  
BPT4: Sustainable Transport Routes  
BPD1: Design and Accessibility Principles  
BPD2: Detailed Design Elements

As the site lies within a mineral safeguarding area, Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD is also relevant

- 10.4 The following supplementary planning documents are also relevant:  
SPD – Yew Tree Farm Masterplan (Feb 2015)  
SPD – Design Guide (Jan 2008)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR PLACE AND COMMUNITY**

- 11.1 In my opinion the main considerations in assessing the proposals are:

Principle of Development  
Visual Impact  
Highway impact and parking  
Drainage  
Impact on Neighbouring Land Uses  
Any Other matters

### Principle of Development

- 11.2 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities was granted in 2018 as part of a hybrid planning permission Ref.2018/0525/HYB. Therefore, the principle of development on the site has already been established. This application seeks Reserved Matters Approval pursuant to the outline permission for details of layout, scale, appearance and landscaping.
- 11.3 The quantum of floorspace proposed under this application (25,476sqm) would, together with employment development already approved on part of the site through planning permission 2020/1142/FUL, fall within the scope of the outline permission (31,100sqm).
- 11.4 The outline planning permission granted development for B1, B2 and B8 uses. However, on 1<sup>st</sup> September 2020 the Town and Country Planning (Use Classes) Order was amended and Use Class B1 was replaced by Use Class E. Class E includes:
- E(a) Display or retail sale of goods, other than hot food
  - E(b) Sale of food and drink for consumption (mostly) on the premises
  - E(c) Provision of:
    - E(c)(i) Financial services,
    - E(c)(ii) Professional services (other than health or medical services), or
    - E(c)(iii) Other appropriate services in a commercial, business or service locality
  - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

- 11.5 The applicant asserts that because planning permission included Class B1 uses this should now be treated as Class E. It is noted that the transitional arrangements made through The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 do not include provisions relating to existing planning permissions yet to be implemented in terms of whether a Class B permission can now be treated as a Class E permission. The applicant contends that the Regulations state: "For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as *inter alia* (d) Class B1 (Business), that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E." The applicant believes that this is applicable in the case of existing planning permissions and that on this basis, the B1 element of the approval should now be treated as Class E. The applicant has reflected this in the proposed description of development.
- 11.6 Whilst I do not doubt that the changes to the Use Classes Order and the associated implications of the Regulations means that the government intended to allow a greater degree of flexibility in the uses that are now permitted under the previous Class A1, A2, A3, D1, D2 and B1, I disagree that the outline permission automatically extends a right to replace Class B1 with Class E as the land was not "being used" for one of the Classes previously specified in Part A or B of the Schedule to the Use Classes Order on 31st August 2020. The land was simply not being used at all so no use has been implemented to be able to benefit from permitted development.
- 11.7 Notwithstanding the above, in the absence of clear guidance on the matter, the issue should be addressed as part of this Reserved Matters application so that it is clear what uses are able to operate within the employment units. Therefore, I am satisfied that Class E includes use B1 that forms part of the outline permission and is acceptable; however, I consider it important to restrict the specific sub-classes listed within Class E. The implications of granting permission for Class E uses are that it will be possible to change uses between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports etc. without requiring planning permission. Whilst the government's reasoning behind the creation of Class E is to provide more flexibility for employment uses and reflect changing business and retail models, it remains important to ensure that this is not at the expense of the re-distribution of uses more appropriately located within town centres.
- 11.8 A fundamental purpose of paragraphs 86 to 91 of the NPPF is to protect town centres. Whilst the new Class E provides more flexibility to assist and regenerate failing town centres, having regard to a current and likely future shrinking retail presence, it also has the effect of undermining the very town centres it seeks to revive by allowing retail and other town centre uses within out of centre and unsustainable locations. As such, I consider it necessary to limit the extent of Class E uses permitted in this location to those consistent with policies in the Local Plan and Burscough Parish Neighbourhood Plan. This can be dealt with through the imposition of a suitably worded condition. On this basis, I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy SP3 of the Local Plan and the outline planning



permission.

### Siting, Layout and Design

- 11.9 Paragraph 126 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment. This guidance is reiterated within Policy DP5 of the Council's SPD Design Guide and the YTF Masterplan along with the Burscough Parish Neighbourhood Plan.
- 11.10 The external appearance, layout, scale and design of the proposed development is considered acceptable and appropriate within the context of the split site and neighbouring industrial estate. The layout of the units provides the opportunity for landscaping along the road frontages to soften the appearance of the large buildings and the position of some buildings parallel to and some horizontal to the road offers a more interesting street scene. The presence of SuDS features and landscaping at the junction of Chancel Way and Tollgate Road creates a feeling of space with the units set back from the junction.
- 11.11 The size and appearance of the buildings is similar to those already erected on the first employment phase of the Yew Tree Farm Strategic site at Dakota Business Park and also reflects the scale of other existing buildings on the industrial estate. All of the buildings incorporate gently sloping pitched roofs and facades will incorporate Kingspan cladding in goosewing grey and damp-proof course Weinerberger brickwork in blue. Doors, roller shutters and window fittings will be provided in anthracite grey. Internal ground floor office/trade counter areas are distinguished with window panelling making these areas visible from the outside and providing interest in an otherwise bland industrial unit. The number of access points vary across the proposed buildings but generally comprise extended roller shutter entrances to allow HGV access, ancillary staff access points and fire escapes. I am satisfied that the proposed layout, scale and appearance provides a consistency of design approach lacking in other parts of the industrial estate and is compliant with the NPPF, Local Plan, Burscough Parish Neighbourhood Plan and the SPD's Design Guide and Yew Tree Farm Masterplan.

### Highways

- 11.12 Access to both Barracuda and Seafire Business Parks was approved as part of the detailed element of application (2018/0525/HYB) therefore the principle of industrial use and access is established and the cumulative highway impacts of the overall development of the YTF strategic site mitigated through the delivery of offsite improvements. LCC Highways have been consulted and consider that the proposed uses are consistent with any comparable E, B2 & B8 industrial use and advise that, given the level of the proposed use and scale of the wider employment area, the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 11.13 With regard to the internal layout, LCC Highways have advised that it is expected the estate road will be a privately maintained road within the Industrial Estate and the proposals are adequate for the type of uses envisaged. I note that disabled parking, motorbike parking, cycle storage and electric vehicle charging points have been indicated on the submitted layout. In terms of parking, the exact requirement for each unit is

unknown at this stage as each unit could be used for Class E, B2 or B8 purposes. It is likely that the final occupiers will comprise a mix of all three. A total of 472 spaces are provided for the employment units (124 on Barracuda and 341 on Seafire). Of these, 42 are disabled spaces and there are also 42 electric vehicle charging points. The applicant has undertaken an assessment of the number of spaces required, having regard to the requirements in the Local Plan as well as the speculative nature of the development. The applicant advises that a number of the proposed buildings are subject to pre-let agreements and a number of these relate to B8 uses where a standard of one space per 100 sqm applies. A calculation of spaces applying the use class of the pre lets and applying an average 48 sqm figure across the other units (based on an average of Class B1, B2 and B8) results in a requirement is 466 spaces. I am satisfied that this calculation is proportionate, reasonable and robust and that sufficient car parking spaces are proposed to account for a varying degree of likely future scenarios at the site.

- 11.14 To encourage sustainable development a detailed Travel Plan to encourage the use of measures such as car sharing and cycle to work schemes has been submitted, with details provided of a Travel Plan Co-ordinator to work with occupiers of the proposed units and their staff in promoting travel to work by means other than the private car or by car-sharing. In addition, new pedestrian/cycle links have been provided through YTF to link the industrial estate with residential areas of the town. In view of the above highway considerations, I am satisfied the development complies with NPPF, Policy SP3 and GN3 of the Local Plan, the Yew Tree Farm Masterplan SPD and Policy BPT1 of the Burscough Parish Neighbourhood Plan.

#### Impact on Neighbouring Land Uses

- 11.15 Policy GN3 of the Local Plan allows development provided it retains or creates reasonable levels of amenity for occupiers of the neighbouring and proposed properties. The site lies immediately north of industrial units off Tollgate Crescent and west of units off Ringtail Road and Tollgate Road within the Burscough Industrial Estate. To the east is an area of public open space and potential school site with residential properties beyond. Existing dwellings on Higgins Lane to the east of the site are approximately 220m from the boundary of Barracuda BP, dwellings currently under construction by Anwyll Homes lie approximately 170m to the east of the boundary of Seafire BP.
- 11.16 Outline permission has already been granted for B1, B2 and B8 employment uses on the site and the impact of noise and disturbance was considered at that time. No specific hours of use have been applied for and it is possible that units on each business park could operate 24 hours a day. The layout of the business park includes areas where HGV manoeuvring and loading/unloading will take place close to the eastern boundary. This boundary is closest to existing and proposed dwellings and although the distance between the site and the dwellings is 170m to 220m, no buildings lie in-between to act as a noise barrier. The Council's Environmental Health Officer has raised concerns in this regard and has suggested a condition be imposed that requires mitigation be provided should noise levels be above recognised guidelines. I am satisfied that, subject to this condition, any noise concerns can be addressed.
- 11.17 Paragraph 185 of the NPPF and Local Plan Policy GN3 also require any impact of light pollution to be limited and in this regard, details of proposed lighting can be required by condition.

#### Ecology/Landscaping

- 11.18 One of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The

NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Policy EN2 of the Local Plan states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. The detailed considerations of ecology were assessed at the time of the hybrid application.

- 11.19 In order to discharge conditions 13 and 14 of the outline element of the hybrid permission, the applicant has submitted a Biodiversity Enhancement Plan (BEP). There are no protected habitats or trees/hedges directly affected by the proposed development. The BEP proposes the installation of 7no. bird nesting boxes on the site and also contains the details of an updated water vole inspection of the ditch which runs along the east of the development area. The ditch was considered to be sub-optimal for water vole during a previous survey in 2018 and no evidence of water vole was found. The updated inspection was undertaken in 2021 and no evidence of water vole was recorded. MEAS have been consulted and confirm that the details provided within the BEP are sufficient to satisfy the requirements of conditions 13 and 14 of the outline planning permission.
- 11.20 The submitted BEP makes recommendations regarding landscaping. MEAS and the Council's Arboriculture Officer have reviewed the submitted landscaping proposals. In order to maximise the benefits of the site landscaping for ecology, it was recommended that the proposed grass mix was replaced with an alternative low maintenance mix which includes native wildflowers as well as grasses. This has now been amended and I am satisfied that the proposed landscaping along road frontages and within the site will visually enhance the surrounding area and increase biodiversity in accordance with Policy EN2 of the Local Plan.

### Drainage

- 11.21 The NPPF sets out a hierarchy for surface water drainage and Policy GN3 of the Local Plan requires that new development does not result in unacceptable flood risk or drainage problems on or off-site and that sw is managed at source. Policy BPI2 of the Burscough Parish Neighbourhood Plan reiterates this approach. An overarching drainage strategy has already been agreed for this site as part of the relevant outline and hybrid applications; however a detailed site specific drainage strategy has also been submitted.
- 11.22 An existing culverted watercourse crosses the south section of the site (Seafire) and flows west to connect with Langley's Brook to the west. Open watercourses bound the eastern boundary, an existing watercourse that is already partially culverted crosses the Barracuda area and a recently formed new watercourse and flood basin is located to the north edge of Seafire adjacent to Chancel Way.
- 11.23 The site lies within Flood Zone 1, the least susceptible to flooding from rivers or sea. Reference to published surface water and ground water mapping however shows that parts of both Seafire and Barracuda Business Park are projected to be subject to some surface flooding in storm events. Existing surface water run-off from these former green-field sites is generally directed to existing watercourses and culverts that discharge finally to the culverted watercourse passing through the site. This culvert drains surface water from pipes and ditches and flows west to link with Langley's Brook and onward to the river estuary.
- 11.24 Evidence has been submitted which demonstrates that the ground conditions on the site are unsuitable for the use of infiltration drainage for sw disposal. As such, the second most

preferable form of disposal is to a surface water body (pond, stream, river etc.). The surface water from the development is to be discharged to the existing culverted watercourse. It will be collected in underground pipe drainage networks and will be attenuated by flow control at the final discharge point to the existing culvert. The use of large diameter pipes, reinforced concrete box culvert and final balancing ponds will be installed to hold the attenuated water volume. In line with previous development on the Yew Tree Farm site, final attenuated discharge from all impermeable drained areas will be limited to a final pass forward flow equal to 2.0l/sec/ha in accordance with the agreed overall YTF strategic site drainage strategy. Due to the size of the overall development the drained areas will be split into 4 drainage networks, 2 ponds and 2 final discharge points before entering the existing culvert that serves as the overall discharge from the Yew Tree Farm site area.

- 11.25 The proposed foul water discharge from this development will be discharged by gravity sewer connecting to the adjacent existing public combined sewer at various locations throughout both Barracuda and Seafire business parks. The required diversion of the surface water away from the public combined sewer at Lordsgate Lane has now been completed which creates capacity within the sewer (many more volumes of surface water exist in combined sewers compared to foul so the removal of even a small amount of sw frees up capacity for large amounts of foul). No surface water from the consented YTF development connects with a public sewer. United Utilities and LLFA are satisfied with the proposed drainage scheme, which is in full accordance with the approved overarching drainage strategy. I therefore consider that the proposed development meets the requirements of Policies GN3, IF2 and EN2 of the local plan.

#### Mineral Safeguarding

- 11.26 In accordance with Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD a Mineral Assessment was submitted by the applicant at the outline application stage. The assessment concluded that any mineral resource on the site was not a commercially viable deposit and the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. No further assessment in this regard is necessary.

#### Conclusion

- 11.27 In summary, it is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, scale and design. There are no significant highway, drainage or amenity concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

### **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the following conditions and reasons:

#### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference LO1 Rev C (Site-wide Masterplan) received by the Local Planning Authority on 25th August 2021;  
Plan reference LO2 Rev C (Barracuda Business Park Layout) received by the Local Planning Authority on 25th August 2021;  
Plan reference LO3 Rev B (Seafire Business Park Layout) received by the Local Planning Authority on 25th August 2021;

Plan reference GO1 Rev A (Building 1 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO2 Rev B (Building 2 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO3 Rev A (Building 3 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO4 (Building 4 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO5 Rev A (Building 5 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO6 (Building 6 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO7 Rev A (Building 7 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO8 Rev A (Building 8 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO9 Rev A (Building 9 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO10 Rev A (Building 10 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO11 Rev A (Building 11 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO12 Rev A (Building 12 Seafire) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO13 (Building 2 Barracuda) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO14 (Building 3 Barracuda) received by the Local Planning Authority on 27th January 2021;  
Plan reference GO16 Rev A (Building 5 Barracuda) received by the Local Planning Authority on 26th February 2021;  
Plan reference GO17 (Building 6 Barracuda) received by the Local Planning Authority on 26th February 2021;  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

2. Materials for the development hereby approved shall be implemented in accordance with the schedule contained within Materials Schedule SO1 and External Materials Schedule SO2 received by the Local Planning Authority on 26th February 2021 unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on:  
Plan Ref: 008/01 Rev P6 received by the Local Planning Authority on 25th August 2021;  
Plan Ref: 008/02 Rev P5 received by the Local Planning Authority on 25th August 2021;  
Plan Ref: 008/03 Rev P5 received by the Local Planning Authority on 25th August 2021;  
Plan Ref: 008/04 Rev P6 received by the Local Planning Authority on 25th August 2021;  
The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 10 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those

originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. The development hereby approved shall be carried out in accordance with the following drainage details:  
Rutter Johnson Drainage Strategy for Seafire and Barracuda Business Park (excluding Unit 1) Report No: 16079 Rev B dated March 2021 and received by the Local Planning Authority on 19th March 2021.  
The measures shall be fully implemented prior to first occupation of any unit and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. No surface water will be permitted to drain directly or indirectly into the public sewer.  
Reason: To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Drainage shall be maintained and managed in accordance with the Yew Tree Farm Strategic Development Site Seafire and Barracuda Business Parks SuDS Maintenance Plan dated 25th May and received by the Local Planning Authority on 24th June 2021.  
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. Boundary fencing on the site shall be implemented in accordance with Plan reference LO2 Rev C (Barracuda Business Park Layout) and  
Plan reference LO3 Rev B (Seafire Business Park Layout) received by the Local Planning Authority on 25th August 2021; and External Materials Schedule SO2 received by the Local Planning Authority on 26th February 2021.  
Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. No unit hereby permitted shall be brought into use until the associated area for the movement, loading, unloading and parking of vehicles for that unit have been provided, constructed and surfaced in complete accordance with Plan reference LO2 Rev C (Barracuda Business Park Layout) and Plan reference LO3 Rev B (Seafire Business Park Layout) received by the Local Planning Authority on 25th August 2021. These areas shall be retained at all times thereafter.  
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. No unit shall be occupied until the proposed Electric Vehicle Charging points and Sheffield style covered cycle rack associated with that unit have been implemented in accordance with approved Plan reference Plan reference LO2 Rev C (Barracuda Business Park Layout) and  
Plan reference LO3 Rev B (Seafire Business Park Layout) received by the Local Planning Authority on 25th August 2021 and the charging points and cycle stands shall be retained as such thereafter.

Reason: In the interests of sustainable and alternative transport choice and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parks and hardstandings shall be passed through an oil interceptor, the details of shall have first been submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.  
Reason: To prevent pollution of the water environment, and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. No building on the site shall be open for business until a scheme detailing the proposed lighting(including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.  
Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Prior to the occupation of any of the units hereby approved, a noise assessment shall be carried out for noise sources associated with the daytime and night-time operations of the development hereby approved. This assessment shall demonstrate that the following standards are / will be met at the nearest residential receptors:  
LAeq 50-55 dB 16 hours - gardens and outside living areas  
LAeq 35 dB 16 hours - indoors daytime  
LAeq 30 dB 8 hours - indoors night-time (23.00-07.00)  
LAFmax 45 dB (8 hours - indoors night-time (23.00-07.00)  
LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)\*  
Please note that any assessment shall be carried out for the most sensitive hours. The methodology for any assessment shall be first submitted to and agreed in writing by the Local Planning Authority prior to any assessment taking place.  
\* The evening standard LAFmax will only apply where the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.  
If noise levels are anticipated to exceed the above standards at the receptors then a scheme of physical mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures (if required) shall be implemented prior to the occupation of the units and associated service yards to which they directly relate.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. No building shall be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that unit, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for each unit shall be implemented before the associated unit hereby permitted is brought into use and retained as such thereafter.  
Reason: To reduce and manage waste generated from the development in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
13. No raw materials, finished or unfinished products or parts, equipment, machinery, crates or materials, other than waste and recycling facilities approved under condition 12, shall

be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No unit shall be occupied until the 3 no. common/woodland/garden bird boxes have been provided on the site in accordance with Table 1 and Figure 1 and Page 10 of the Biodiversity Enhancement Plan dated June 2021 and received by the Local Planning Authority on 25th June 2021.

No unit upon which the 8 no. house sparrow boxes are to be installed shall be occupied until the boxes for that unit have been provided in accordance with Table 1 and Figure 1 and page 10 of the Biodiversity Enhancement Plan dated June 2021 and received by the Local Planning Authority on 24th June 2021. No All boxes shall be retained as such thereafter.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The measures indicated on pages 5 to 8 and 11 to 16 (The Ecological Management Plan) of the Ecological Enhancement Plan dated June 2021 and received by the Local Planning Authority on 24th June 2021 shall be implemented in full during the construction period.

Reason: In order to protect protected and notable species and enhance biodiversity of the site and so to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the premises to which this permission relates shall be used for the following uses and Use Classes only and for no other purpose (including any other use falling within the specific Class) of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission:

Any use within Class B2

Any use within Class B8

The following uses within Class E:

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class in order to protect Ormskirk and Burscough town centres and to comply with the NPPF and Policy SP3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

1. In order to keep people safe and feeling safe, and to reduce crime and disorder, with regards to security measures the Designing



Out crime Team would recommend that any new developments such as this proposal are designed, built and completed to achieve Secured by Design Commercial certification.

2. The submitted drainage strategy (March 2021, Ref - 16079 Seafire & Barracuda BP (RevB), Tollgate Rd, Burscough, Rutter Johnson) proposes to create several diversions to the unnamed watercourse that runs north-south along the eastern boundary of the site. Any work within the banks of the watercourse which may alter or impede the natural flow of water will require Land Drainage Consent from the LLFA under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). When applying for Land Drainage Consent, as a minimum, the applicant will be expected to:
  - a. Carry out studies of the existing culvert/watercourse condition and capacity;
  - b. Undertake an examination of the downstream condition and implications of the development proposal, and;
  - c. Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the agreed discharge rate of 2 l/s/ha.As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here:  
Guidance: <https://www.lancashire.gov.uk/media/903914/land-drainage-consent-advice-note.pdf>  
Application form: <https://www.lancashire.gov.uk/media/903913/land-drainage-consent-application-form.pdf>  
For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
SP1 - A Sustainable Development Framework for West Lancashire  
  
SP3 - Strategic development Site: Yew Tree Farm  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC1 - The Economy and Employment Land  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Burscough Parish Neighbourhood Plan, Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report.