



PLANNING COMMITTEE: 16TH MARCH 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2021/0507/ARM

PROPOSAL: 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

APPLICANT: Crompton Property Developments Ltd

ADDRESS: Site Of Former Yew Tree Farm, Higgins Lane, Burscough.

REASON FOR CALL IN: Application has been called in by Cllr Derelli and Cllr Clandon to consider the future management of the site.

Wards affected: Burscough West

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on a Reserved Matters application which relates to the western part of the Yew Tree Farm Strategic Development site. Permission is sought to create an equipped play area, a multi-use games area [MUGA], a running/cycle track with the installation of fitness station equipment, along with the installation of associated landscaping. Members are advised that the principle of the development has been established taking into account the previous outline planning approval in association with the Yew Tree Farm Masterplan/SPD
- 1.2 It is considered that the proposals are essential community facilities that will provide greenspace and outdoor sport provision incorporating SuDs which

would greatly benefit the community and form a key component of the proposed 'linear park' which is a key element of the YTF masterplan.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions

3.0 THE SITE

- 3.1 The application site relates to a western proportion of the former Yew Tree Farm site which adjoins phase two of the development and is bounded immediately to the north by Chancel Way. Immediately on western boundary is a public right of way and further west employment land currently under development.
- 3.2 Currently this part of the development contains SuDs systems in line with the wider drainage strategy of the site including a swale running parallel with Chancel Way and basin which has recently been provided with a knee rail and life buoy life saving equipment. Moving south is a flood basin grassed area which will be utilised as parkland in dry conditions and the areas of the proposed MUGA and equipped play area immediately adjoin this to the south of the application site.

4.0 PROPOSAL

- 4.1 The application comprises the development of an equipped play area, a multi-use games area [MUGA], a running/cycle track, the installation of fitness station equipment, along with the installation of associated landscaping.
- 4.2 The equipped play area which is approximately 800 sq metres includes typical equipment such as slides, swings and climbing frames and will be secured by a standard 1.2m high steel galvanised and powder-coated bow-top railing with gates. The adjoining MUGA is approximately 800 sqm and will incorporate football nets and basketball hoops at either end which will allow a range of court style sports to be undertaken. The MUGA is enclosed within a fence forming an enclosure around the perimeter to prevent balls or other equipment from easily drifting into the equipped play area. The fencing forming this enclosure is 2.03m in height at the sides and 3.03m height at the ends where balls will typically be directed towards.
- 4.3 A running/cycle track is also proposed which utilises the existing public footpath connecting Dakota Business Park with the link road and then creates a new loop which runs around the drainage basin and associated land to the north of the central community park features. The track is 1.2 meters wide and comprises compacted gravel. In addition to the above, fitness stations are proposed at regular intervals on the southern part of the existing public footpath that connects Dakota Business park with the link road.

5.0 PREVIOUS RELEVANT DECISIONS

Phase 2 Residential (Anwyl Homes)

- 5.1 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
- 5.2 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

Phase 1 Residential (Redrow Homes)

- 5.3 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
- 5.4 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
- 5.5 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

Phase 2 Employment (Barracuda and Seafire Business Parks)

- 5.6 2021/0113/ARM - 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). APPROVED
- 5.7 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
- 5.8 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtall 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)

- 5.9 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
- 5.10 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
- 5.11 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

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

- 5.12 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- APPROVED
- 5.13 2015/0171/OUT - 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 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² 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 s106 agreement

6.0 OBSERVATION OF CONSULTEES

- 6.1 Aborigicultural Officer – No objections
Leisure Services – No comments received
Environmental Health – No comments received

7.0 OTHER REPRESENTATIONS

- 7.1 Councillors Clandon and Dereli raised concerns relating to public safety upon the site and the future management implications.
- 7.2 Burscough Town Council objected to the original submission in terms of positioning of MUGA and public safety surrounding the SuDs.

8.0 SUPPORTING INFORMATION

- 8.1 Management & Maintenance Performance Standards (prepared by Milieu Landscape Design);
Funding Mechanism Information (prepared by NRE Surveyors).

9.0 RELEVANT PLANNING POLICIES

- 9.1 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 their applicants in their proposals and planning applications for development on the site.
- 9.2 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.
- 9.3 The following policies apply:
- National Planning Policy Framework (NPPF)
Section 2 Achieving sustainable development
Section 5 Delivering a sufficient supply of homes
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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
EC1 – The Economy and Employment Land
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure
BPI2: Surface Water Drainage
BPI3: Foul Water Drainage
BPH1: New Residential Development
BPH2: Housing Mix
BPT1: Transport and Development
BPT2: Environmental Improvement Corridors
BPD1: Design and Accessibility Principles
BPD2: Detailed Design Elements
BPC1: Community Infrastructure

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

- 9.4 The following supplementary planning documents are also relevant:
SPD – Yew Tree Farm Masterplan (Feb 2015)
SPD - Open Space (July 2014).
SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:

- Principle of Development;
- Layout and Design;
- Visual Impact;
- Public Safety;
- Neighbouring Amenity;
- Ecology;
- Future Maintenance

10.2 Principle of Development

NPPF para 91 encourages planning decisions to 'enable and support healthy lifestyles' including the provision of sports facilities as such the proposed equipped play area, multi-use games area, running/cycle track, fitness equipment and associated landscaping will create a community park which was envisaged by the original YTF masterplan and the concept subsequently approved by the original planning permission which was required by obligations attached to the associated S106 agreement.

Both the running/cycle track feature and the provision of fitness stations will assist in establishing the creation of a 'Linear Park' which is a key principle set out within the YTF Masterplan/SPD. Taking into account the original planning consent in tandem with the YTF masterplan against the policy backdrop of SP3 – Strategic Development Site: Yew Tree Farm and EN3 – Provision of Green Infrastructure and Open Recreation Space of the WLLP then the principle of the proposal is considered acceptable.

10.3 Layout and Design

The proposed positioning of the equipped play area and MUGA are now altered from the original submission and will be alongside each other centrally to the south of the grassed flood basin area. The revised location is considered to be more aesthetically pleasing and will link more coherently with the linear park route and stand alone fitness equipment.

Externally the MUGA will be bounded by a green galvonised mesh fencing system which is 2.03m in height at the sides and 3.03m at each end. The equipped play area will be fenced off with 1.2m high flexarailing. The details surrounding the hard surfacing/landscaping and equipment in both the MUGA and equipped play area will be subject to condition to ensure that they are in line with the requirements of the wider drainage strategy.

10.4 Visual Impact

NPPF paragraph 127 requires that plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

The concept of a community park and outdoor facilities has always been an integral element of the aspiration of the strategic development site, as such negotiations have taken place since the original submission which have

repositioned the MUGA and equipped play area to a more central position which offers more balance and in turn accessibility to ensure the facilities are in an appropriate position in design terms which is fundamental principle set out within the original WTF masterplan.

The proposal will offer a distinct buffer between the built form of employment units to the west and the residential properties currently under construction upon the remainder of the site. The open space will offer an aesthetically pleasing view when travelling in either direction along Chancel Way. It is considered that overall all the proposal including the associated landscaping will add high quality green infrastructure and outdoor facilities, which will be suitably designed to accord with the requirements of policy EN3 establishing open space that addresses a clear community need.

10.5 Public Safety

After some widely publicised incidents of children coming to harm playing on ice during cold weather in 2022 in the UK, concerns have been raised in relation to the public safety associated with the site given the body of water at the SuDs basin. In acknowledging the concerns raised, a knee rail and associated lifesaving equipment has now been erected on site which is welcomed by the council.

10.6 Neighbouring Amenity

Currently the site can be considered relatively isolated in terms of proximity to residential occupiers due to the current phasing of development upon the site. This will change as the wider site is developed out and there will be dwellings immediately to the east of the MUGA and play area. It is acknowledged that the proposed uses involved with the application can often be associated with anti-social behaviour and therefore the possibility of impacting neighbouring amenity needs to be carefully considered to ensure accordance with policy GN3 of the WLLP. As such the open nature of the site and its visibility will ensure that there is a level of surveillance from neighbouring occupiers that will enable the proper authorities to deal with any potential anti-social behaviour that may arise.

10.7 Ecology

An extensive 'Landscape Habitat Creation, management & Maintenance Plan' dated October 2019 prepared by Mileu Landscape Design has been submitted both previously and as part of this current application there is clear detail on how the site should be maintained to ensure the site is managed carefully.

As such the proposals have been assessed by the Council's Tree Officer who confirms that the proposals remain consistent with the approved landscaping plan and is therefore deemed acceptable taking into account both the OPP and the Landscape strategy for the wider site.

10.8 **Future Maintenance**

The outline consent ref 2015/0272/OUT which governs the wider strategic development site for Yew Tree Farm, was approved subject to the completion of a S.106 Legal Agreement. This secured a number of developer obligations. The provision of public open space together with its long-term management and maintenance forms Schedule 1 of the S.106 Agreement.

To ensure consistency with the wider outline consent and obligation, officers requested further information in relation to the management and maintenance of the open space area. In response, the applicant has confirmed that the 'community park' will be transferred into the ownership of a management company, Yew Tree Park Management Company, Burscough Ltd, in line with the requirements as set out in the s.106 through identifying the management company. The management company, similar to the majority of new build developments, will be funded from service charge contributions paid by each house purchaser on the various phases of residential development, most of which is now committed through the grant of permission.

These arrangements have been put in place to ensure compliance with the requirements of Schedule 1 of the S.106 Agreement entered into by the applicant in relation to ensuring that there is an adequate funding mechanism in place for providing and maintaining the open space land which is to be used as a community park. Policy OS1 of the Open Space provision SPD highlights the preference for this arrangement and subject to adhering with all other requirements of the S106 agreement then the proposals for the future management of the site are considered acceptable. Officers are therefore satisfied that sufficient controls are in place by way of legal agreement, as such further conditions are not considered necessary in this regard.

11.0 **CONCLUSION**

11.1 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:

1. The development in this phase of the development authorised under varied outline planning permission 2019/1093/FUL must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the

light of altered circumstances and to comply with section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Amended Plan of Swale Area and Play Provision ref dwg 006 Rev P5
received 26.01.2023

External Materials Schedule ref dwg 102-YTF-PL Rev A received 23.02.2023
Landscape Management Plan dated October 2019 prepared by Milieu
Landscape Design

Site location plan received 19.04.2021

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.

3. Landscaping shall be carried out in accordance with the details indicated in the Landscape Management Plan prepared by Milieu Landscape Design dated October 2019 and received as part of this application on 19.04.2021. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting. The landscaping shall be maintained in accordance with the details indicated on the above plans in perpetuity.

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.

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the original Flood Risk Assessment (February 2015, Project No.: 62000610, WSP).

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance. Defra Technical Standards for Sustainable Drainage Systems and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

5. Prior to the development hereby approved being brought into use full details of the composition and final finishes of ground surface areas of both the MUGA and equipped play area shall be provided and agreed in writing by the Local Planning. This shall include full technical specifications which shall be compliant with the local ground conditions and take account of the overarching drainage strategy for the strategic site.

Reason: In the interests of high quality design and to ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework,

Planning Practice Guidance. Defra Technical Standards for Sustainable Drainage Systems and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

13.0 SUSTAINABILITY IMPLICATIONS

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.

