

# **CUERDEN STRATEGIC SITE**

## **PLANNING APPLICATION FOR A MIXED-USE DEVELOPMENT**

### **BY LANCASHIRE COUNTY COUNCIL AND MAPLE GROVE DEVELOPMENTS LIMITED**

#### **APPLICATION REFERENCE LCC/2022/0044/RH**

#### **REPRESENTATIONS ON PLANNING MATTERS BY THE BROOKHOUSE GROUP**

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##### **Introduction**

1. These representations concern planning application reference LCC/2022/0044/RH (“the Application”) for development at the Cuerden Strategic Site (“CSS”) by the Brookhouse Group (“Brookhouse”). The CSS is promoted in the Development Plan for an employment led, comprehensive development. The application is for a mixed-use scheme on land owned by Lancashire County Council. Land owned by Brookhouse within the CSS is omitted from the application.
2. Brookhouse support the principle of developing the CSS in accordance with the Development Plan and the approved Masterplan. However, the Application does not provide a comprehensive scheme for the CSS. The piecemeal approach compromises the quantum and quality of development capable of being delivered at the CSS. Further, the application demonstrably fails to accord with Policy C4 of the South Ribble Local Plan because the application is not comprehensive; it does not accord with the approved Masterplan for the CSS; and the housing, town centre uses, and sui generis uses are not justified as being necessary to enable the delivery of the CSS. In addition, the piecemeal approach to development compromises significantly the quantum of development that can be delivered with the result that the Application does not make best use of the site and compromises the ability to secure an optimum use on the CSS as a whole. This is of particular importance in circumstances when it will be necessary to release land from the Green Belt to meet future development needs.
3. The failure of the Application to address the CSS on a comprehensive basis is also relevant in the context of Schedule 4 of the Environmental Impact Assessment

Regulations 2017. This requires a description of the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. There has been no comparison between the Application and an alternative considering the CSS on a comprehensive basis.

4. The context for this Application also includes the planning permission granted in December 2017 for a mixed-use development on the site (“the 2017 Permission”)<sup>1</sup>. This proposal was comprehensive and included the Brookhouse land; it was designed to accommodate a store for IKEA and other retail units as key component of the enabling development; it was at a time when the market for employment land was less buoyant with a consequence that more enabling development was required; and it had a benefit in providing a road link through the site that would relieve pressure on Lostock Lane and the Lostock Lane/Stanifield Lane roundabout. The 2017 Permission was all square with South Ribble Local Plan Policy C4; the approved Masterplan; and the Design Code all of which work to ensure a comprehensive approach to the delivery of a high-quality development.

### **The Development Plan**

5. The Development Plan most relevant to the Application comprises the Central Lancashire Core Strategy (2012) (“the Core Strategy”) and the South Ribble Local Plan (2015), (“the Local Plan”).

#### ***The Core Strategy***

6. Within the Core Strategy, the following is of particular relevance:
  - Strategic Objective SO 1: to foster growth an investment by marrying opportunity and need by focussing investment in, inter alia, Strategic Sites;
  - Strategic Objective SO 10: to ensure there is a sufficient range of locations for employment purposes;
  - Strategic Objective SO 15: to foster “place shaping”, encouraging high quality design;

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<sup>1</sup> Planning application reference 07/2017/0211/ORM

- Policy 1: Locating Growth, which indicates that growth an investment will be concentrated in inter alia the Strategic Site at Cuerden for employment development;
- Policy 9: Economic Growth and Employment, which identifies Cuerden (“Lancashire Central”) as a location for regionally significant scheme for employment development; and
- Policy 17: Design of New Buildings, which promotes high quality development;

***The Local Plan***

7. Policy C4: Cuerden Strategic Site of the Local Plan applies to the Application Site. This policy supports development to provide a strategic employment site to provide employment, industrial and green infrastructure uses. This support is contingent on:
  - an agreed Masterplan for the comprehensive development of the site;
  - phasing and the delivery of infrastructure; and
  - an agreed programme of implementation in accordance with the Masterplan and agreed design code.
8. The policy accommodates other uses such as retail, leisure and housing where they contribute to the delivery on employment development. The policy states that the scale of enabling development will be:
  - limited to that which is clearly necessary to fund essential infrastructure;
  - not prejudice the delivery and primary function of the site for employment;
  - any town centre uses must satisfy the sequential and impact tests set out in the National Planning Policy Framework (“NPPF”) and relevant Development Plan policies.
9. For an application to be compliant with Policy C4, all of the matters identified above must be addressed.

***The Masterplan***

10. A Masterplan for the development of the CSS was prepared in 2015 and it has been endorsed by the South Ribble Borough Council and adopted for development management purposes<sup>2</sup>. It is highly material and intrinsically bound into Policy C4. Key objectives of the Masterplan are summarised as follows:
11. A comprehensive strategy to provide an orderly approach to the delivery of individual development plots;
  - A mix of uses designed to maximise employment opportunity and ensuring delivery of the site as a whole;
  - A necessity for strategic access infrastructure to ensure the availability of land for development;
  - A critical objective is to achieve the comprehensive development of the whole site.
12. The Masterplan also requires green infrastructure throughout the site and secure high-quality design throughout the development and an integrated sustainable transport strategy.
13. Paragraphs 5.8 to 5.23 of the Planning Statement supporting the Application set out a justification in terms of Policy C4 and the Masterplan. Paragraph 5.10 refers to the Masterplan. It treats the adoption of the Masterplan as satisfying criterion (a) of the policy. It says that as the Application makes provision for access to the Brookhouse land and that applications will come forward in the future, the CSS allocation would be developed comprehensively. However, there is no clear proposal as to what provision would be made to enable access, whether access would be subject to a ransom (the consequence of which would be to prejudice the likelihood of comprehensive development in accordance with Policy C4), whether an access point would be determined by and at the convenience of the Applicant's scheme for development, or when access would be provided. Brookhouse have been seeking assurances from the Applicant that notwithstanding other issues with the Application, it would commit to unfettered access to the Brookhouse land. To date no assurances have been provided.

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<sup>2</sup> The Council endorsed and adopted the Masterplan at a meeting on 22 April 2015.

## The Proposal

14. Unlike the 2017 Permission, the current Application adopts a piecemeal approach to developing the CSS. The Application comprises three parcels of land of an irregular shape within the CSS. Land in the ownership of Brookhouse within the CSS, which also comprises three parcels of an irregular shape, is omitted from the Application.
15. The Application is a hybrid and apart from the access off the M65 Terminus Roundabout into the site, all matters are reserved. The layout is indicative. However, the irregular shaped parcels of land compromise an efficient layout of development and place a limitation on the size of employment unit capable of being accommodated on the site. To illustrate this point, The 2017 Permission approved circa 82,500 square metres of employment development on Plot D<sup>3</sup>, and the adjoining Brookhouse parcels of land. It is estimated that Brookhouse parcels if developed alone and independently of LCC land, could accommodate circa 35,000 square metres of employment development. The Application indicates a maximum of 47,000 square metres in Plot D, although the illustrative layout shows about 30,000 square metres of development. The total deliverable on the LCC Plot and the Brookhouse parcels on a piecemeal basis is about 65,000 square metres of development. This is 17,500 square metres less that could be achieved if a comprehensive approach were taken. However, the point does not end there. The orientation of units shown on the illustrative drawings within Plot D will not work because of gradients, as the land falls generally north-south. The position of the link from the west to the Brookhouse parcel makes the land to the south within the CSS undevelopable without significant shift in road alignment or acceptance of small units. The indicative layout also prevents an access from the southern Brookhouse parcel through, into the CSS to the east. The prospect of delivering a link from Stanifield Lane through the CSS to the M65 Terminus Roundabout is prejudiced.
16. Notwithstanding the above and the 2017 Permission, a comprehensive approach to addressing the development potential blind of ownership, Plot D and the adjoining Brookhouse parcels is capable of accommodating a unit of 100,000 square metres of employment use.
17. The piecemeal approach of the Application substantially compromises the potential of the CSS to deliver employment development.

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<sup>3</sup> As defined by in the current Application documents.

18. Employment and commercial uses proposed within the Application are limited to 160,000 square metres gross floorspace<sup>4</sup>. The Application envisages development coming forward on the Brookhouse parcels of land following the development of the LCC parcels. However, the CSS is compromised because of the shapes of the parcels of land. Changes in ground levels impact on the quantum of development that could be achieved. It is evident from the points made above that the illustrative scheme submitted as part of the Application serves to demonstrate that the maximum floorspace for employment use cannot be achieved. The application, by adopting a piecemeal approach substantially underdelivers the potential of the CSS to meet the development needs arising in Central Lancashire.
19. It is also relevant to note the detailed representations to the application by the Landscape Unit dated 22 November which highlights fundamental flaws in the approach towards providing green infrastructure across the site in a matter which is consistent with the adopted Masterplan and Local Plan Policy C4. The piecemeal development of the CSS mitigates against a comprehensive approach to green infrastructure and as such the application fails to accord with Local Plan Policy C4.

### **The NPPF**

20. Chapter 11 of the NPPF is concerned with making effective use of land. Paragraph 119 states that policies and decisions should promote an effective use of land and that there should be a clear strategy for accommodating needs; paragraph 124 states support for development that makes efficient use of land; and paragraph 125 states that local planning authorities should refuse applications which fail to make efficient use of land. In respect of design, paragraph 130(e) states that the potential of sites to accommodate an appropriate and mix of uses should be optimised.
21. Given the extent of the Green Belt in South Ribble Borough, policy for the Green Belt is relevant to the Application. Paragraph 140 states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Making the best possible use of land not within the Green Belt is referred to in paragraph 141. Particular reference is made to optimising the density of development in line with the policies in Chapter 11.

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<sup>4</sup> Whilst the various schedules of uses within the application documents, including Table 3.1: Total Land Use of the Planning Statement, indicate the total floorspace for employment and business would comprise 155,000 square metres of Employment use, Class E(e); and 19,000 square metres of Business use Class B2, B8, and E(g)(iii), thereby totalling 174,000 square metres (there are also variations in the floorspace figures between documents), Table 3.1 and paragraph 3.21 of the Planning Statement indicate that employment and commercial development would be limited to 160,000 square metres floorspace. There is also not clarity about which components within the Application fall within “commercial development” and the 160,000 square metre limitation.

22. There is a clear imperative within the NPPF to make the best and most efficient use of land when it is developed. This imperative has greater significance in an area where there is Green Belt. The Application falls demonstrably in this context. The Application being for development within only part of the CSS, sets a piecemeal approach which compromises significantly the amount of development the CSS can accommodate. Further, the shape and ground levels of the plots limits the size of units that can be accommodated. The potential of the site to provide choice is compromised.

### **Viability**

23. The Planning Statement relies on the Viability Assessment forming part of the Application to support the Application on respect of the requirements of Local Plan Policy C4 and the justification for the non-employment uses within the proposal. However, the Viability Assessment is not transparent. The analysis relies on figures provided by Maple Grove Developments which indicate the total on-site infrastructure costs required for the delivery of the development to be £59.6 million, of which £40.7 million is “off-plot” infrastructure works, and £18.9 million of on-plot infrastructure. The Viability Assessment provides no justification or explanation of these costs nor any indication of what works are required to enable the development of the CSS. Furthermore, there is no indication as to whether the provision of infrastructure necessary to enable development on the Brookhouse parcels is included within the estimates of costs. Knowledge of the infrastructure necessary to deliver the Application and development on the Brookhouse parcels of land is critical. Without transparency the credibility of the Viability Assessment cannot be verified. It should be noted that the representations by South Ribble Borough Council to the application indicate that an independent viability assessment should be undertaken.
24. Notwithstanding the issue of transparency regarding infrastructure works and costs, the Viability Assessment indicates that higher returns derive from land developed for employment use rather than the non-employment uses. The justification for the inclusion of the non-employment uses is to provide funding to enable the delivery of the employment land.

### **Benefits**

25. A fundamental issue with the Hatch Economic Benefits Statement is that the assessment of benefits is based on the potential floorspace for each category of use within each plot as opposed to the maximum development within each plot. For example, In Plot A, job creation and GVA is based on a maximum floorspace of 30,000 square metres. However, the illustrative plan identifies 9 units within the plot which equal 17,000 square metres. This point applies to other Plots within the Application.

The Benefits Statement does not provide a realistic assessment of the benefits likely to arise from the application.

### **The Need for a Road Link**

26. The 2017 Permission was based squarely on the Masterplan. However, it provided a road link through the CSS from the strategic access off the M65 Terminus Roundabout to Stanifield Lane. This through-link would enable employment development in the southern part of the CSS to access the motorway network directly as opposed to having to use Stanifield Lane, Lostock Lane and the A6 link road to access the Terminus Roundabout. This is an important feature of the 2017 Permission to reduce the impact of employment traffic on the surrounding road network and was deemed necessary to provide relief to Stanifield Lane/Watkin Lane signalised junction by offering routing through the site and an alternative to access the M65 strategic network<sup>5</sup>. The Application does not identify a route through the site and the piecemeal approach is prejudicial to the delivery of a road link.

### **Summary and Conclusions**

27. The CSS is a strategic site within Central Lancashire and a designated focal point for growth and investment for employment uses within the Core Strategy. The Local Plan promotes the development of the site for employment on a comprehensive basis to ensure the delivery of the whole area. The Local Plan recognises that enabling development may be required and supports such development provided it can be justified as being necessary and is the minimum required to secure the development of the allocation. A Masterplan supplements the Local Plan. The purposes of the Masterplan are inter alia, to ensure a comprehensive development and ensure that development is of a high-quality design. A Design Code was also prepared.
28. The 2017 Permission was all square with Local Plan Policy C4; the approved Masterplan; and the Design Code all of which work to ensure a comprehensive approach to the delivery of a high-quality development. It dealt with the CSS comprehensively and included the Brookhouse parcels of land. It was at a time when the market for employment land was less buoyant with a consequence that more enabling development was required; and it had a benefit in providing a road link through the site that would relieve pressure on Lostock Lane and the Lostock Lane/Stanifield Lane roundabout. The road link was necessary to render the development acceptable.

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<sup>5</sup> See the LCC Highway consultation response to the 2017 Application dated 12 September 2017.



29. The current Application addresses the development of the CSS on a piecemeal basis. It omits the Brookhouse parcels of land. The Applications fails to deliver or indeed facilitate a comprehensive development of the CSS as required by Local Plan Policy C4 and the approved Masterplan. Moreover, it prejudices the development of the Brookhouse parcels. The piecemeal approach would deliver substantially less development compared to a comprehensive and coordinated scheme that was blind to ownership. The Application has not addressed reasonable alternatives as required by the Environmental Impact Assessment Regulations. The sub-optimal development of the allocation would be counter to policy in the NPPF which states that local planning authorities should refuse applications which fail to make efficient use of land. This issue is highly relevant in the context of meeting the need for development in a local authority where open land is subject to Green Belt policy.
30. The Application also prejudices the provision of a link road through the site that would enable all development within the CSS a direct access to the motorway network and relieve pressure on the highway network in the immediate vicinity of the site.
31. The Viability Assessment which purports to justify enabling development is opaque. Assessment provides no justification or explanation of infrastructure costs nor any indication of what works are required to enable the development of the CSS. The benefits arising from the Application are overstated.
32. Overall, the Application fails to accord with Local Plan Policy C4 because it does provide a comprehensive scheme and is prejudicial to the whole site being delivered for an employment lead development. Further, the uses incorporated with the Application to fund necessary infrastructure and enable the development of employment are not justified as being necessary. The Application also fails to accord with policy within the NPPF to make the best use of land when it is developed. Paragraph 125 states that local planning authorities should refuse applications which fail to make efficient use of land. Paragraph 141 sets a requirement to make the best possible use of land not within the Green Belt. This Application fails this requirement.
33. Whilst Brookhouse are supportive of the development of the CSS in a manner consistent with Local Plan Policy C4, this Application does not accord with the Development Plan nor National Policy as expressed in the NPPF.