

# THE BROOKHOUSE GROUP

## CUERDEN STRATEGIC SITE

### PLANNING APPLICATION BY LANCASHIRE COUNTY COUNCIL AND MAPLE GROVE DEVELOPMENTS (REFERENCE LCC/2022/0044/RH)

#### OBSERVATIONS ON AMENDMENTS TO THE APPLICATION

---

##### Background

1. Application LCC/2022/0044 was submitted to Lancashire County Council ('LCC') by Barton Willmore in August 2022<sup>1</sup>. The application is by LCC and Maple Grove Developments ('MGD'). It is for the development of parts of the Cuerden Strategic Site ('CSS') which are owned by LCC. The application site also includes highway land to facilitate access – most notably the M65 Terminus Roundabout. In summary the application seeks permission for a mix of uses comprising employment, retail, food and drink (including drive through), hotel, health and leisure, car showrooms, nursery/creche and residential uses. The application is in outline with matters reserved except for access from the highway and strategic landscaping.
2. Town Legal have made representations on behalf of the Brookhouse to object to the application.
3. On 10 January 2023 formal amendments to the application were submitted to LCC by Barton Willmore. The covering letter with the amendments ('the Letter'), states that the fundamentals of the application are unchanged and that, the amendments seek to provide clarity on some aspects and resolve inconsistencies.

##### The Brookhouse Representations

4. In summary, the representations made on behalf of Brookhouse in respect of planning matters can be summarised as follows:
  - a. The application addresses the development of the CSS on a piecemeal basis. It omits the Brookhouse parcels of land.
  - b. The application fails to deliver or indeed facilitate a comprehensive development of the CSS as required by Local Plan Policy C4 and the

---

<sup>1</sup> The application forms are dated 26 July but the LCC on-line record shows that it was received on 5 August and registered on 19 August.

approved Masterplan. Moreover, it prejudices the development of the Brookhouse parcels.

- c. The piecemeal approach would deliver substantially less development compared to a comprehensive and coordinated scheme that was blind to ownership.
- d. The application has not addressed reasonable alternatives as required by the Environmental Impact Assessment Regulations.
- e. 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 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.
- f. 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.
- g. 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.
- h. The application fails to accord with Local Plan Policy C4 because it does not provide a comprehensive scheme and is prejudicial to the whole site being delivered for an employment lead development.
- i. The uses incorporated with the application to fund necessary infrastructure and enable the development of employment are not justified as being necessary.
- j. 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.

5. The representations conclude by noting that 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.

### **The Main Amendments to the Application**

6. The amendments are described in the Letter as being minor in nature and that no changes are made to the quantum or type of development proposed. The amendments are summarised as follows:

- i. To make the detail of the proposed access off Wigan Road a matter for determination, rather than outline;
  - ii. Amendments to the landscaping plans to take account of comments of LCC's Landscape Officer;
  - iii. Amending the parameter plans to indicate that the provision of the "potential access/egress points" to adjoining land allocated by Policy C4 can be delivered; and
  - iv. Amending plans to ensure consistency regarding the "movement network" (footpaths, cycleways and the like);
7. Amendments to the parameter plans (point (iv) above), relate to the provision of access to the parcels of Brookhouse land within the allocated CSS. This is the only amendment to the application which responds in any respect to representations made by Brookhouse.
8. A commentary on each of the main aspects of the Amendments is below.

### ***Inclusion of the proposed access off Wigan Road a matter for determination***

9. The Letter accompanying the Amendments indicates that three of the four vehicular access points are now shown in detail (M65, Wigan Road, and the southern access on Stanifield Lane) and that full planning permission is sought in respect of these junctions. The design of the access at the northern end of Stanifield Road, to serve proposed residential development, remains in outline form and further details will be submitted for approval at reserved matters stage.

***Amendments to the landscaping plans***

10. The Letter refers to comments by LCC's Landscape Officers. It refers to those comments as relating to both the strategic green infrastructure shown within the parameter plans (which are for determination), and the designs shown in the illustrative masterplan (which are illustrative). It notes that not all of the comments made are relevant to the details submitted for approval at this time. The amendments are designed to go 'some way' to address the matters which have been raised, but the Letter indicates that a more detailed response would be made. Consequently, there may be further changes to the landscaping proposal.

***Amending the parameter plans to indicate accesses to Brookhouse land***

11. The wording of the Letter is that the parameters plan shows indicative internal access points from zone to zone and neighbouring development plots. It states that the plans confirm the provision of potential access points from the Application into the remaining areas of land allocated under Policy C4.
12. However, there is no commitment or indication that the accesses will in fact be provided.
13. Developing the site on a piecemeal basis raises the issue of how development across ownership boundaries would be achieved. SMR Architects on instruction from Brookhouse have considered the potential problems of developing the CSS on a piecemeal basis. There is the obvious issue of site ownerships being irregular in shape impacting on the ability to achieve an optimum layout. They have also identified levels across the CSS as a constraint and raise the question of how levels across ownership boundaries would be managed. This is relevant to the issue of access into the Brookhouse parcels of land. The amended drawings may show a connection, but unless there is no commitment to provide access to connect the Brookhouse parcels into the LCC/MGD proposal without ransom, there can be no guarantee the access points are capable of being provided in a reasonable way. This goes to the point that in the absence of a coordinated and comprehensive approach, the development potential of the CSS will not be delivered.

***Amending plans to ensure consistency regarding footpaths, cycleways etc***

14. The changes to plans to provide consistency in respect of the movement network, include connections to other parts of the CSS outside the Application, including the Brookhouse land, but again without any commitment to allow access without ransom.

***Other Matters***

15. Other matters raised in the Letter include the parameters for the residential component of the scheme (including acoustic constraints), trees, ecology/biodiversity, financial viability, the transport assessment, and comments made by South Ribble Council ('SRBC'). In respect of each element:
- Regarding the parameters for residential development, the Letter asserts that the application is in outline and other than setting a maximum number of units all other matters, including the specification location, and height of an acoustic fence are matters to be dealt with as reserved matters. The Letter indicates that the residential land would be sold rather than developed by LCC/MGD.
  - Regarding trees, it is argued that layout of each development zone will be dealt with as a reserved matter when the loss of trees and replacement planting can be assessed. It suggests that a condition can ensure that tree replacement is a key consideration for the outline elements of the application. It acknowledges that the access points and strategic landscape proposals can be assessed. It asserts that tree retention is prioritised and whilst some removal is necessary, compensatory planting is provided.
  - Regarding financial viability and in particular the request to produce a breakdown of the strategic infrastructure costs, it is argued that the submitted Financial Viability Assessment presents an appropriate level of detail to reach an informed conclusion on the viability of the scheme. They say it is not necessary to provide further detail.
  - The transport assessment and the request for details of pre-application discussions with LCC highways, the Letter declines to provide copies of pre-application discussions with LCC. It says that discussions were based on a draft scheme and that details of the pre-application discussions would 'only serve to confuse'.
  - Regarding the comments by SRBC (SRBC's objection letter is attached), the Letter say that there will be further discussions with SRBC and LCC (as the determining authority) before providing a response. It states that any further amendments to the application will be dealt with separately.

## Summary

16. The Amendments to the application address highway matters and inconsistencies between previous information submitted. Amendments to the illustrative drawings indicate potential access points into the Brookhouse parcels of land. There is no commitment to provide access.
17. The Letter indicates that further information is still to be provided as well as possibly further amendments to the application in respect of landscaping and trees in response to matters raised by SRBC. In the meantime it would plainly be premature to determine the application.
18. Regarding the Brookhouse representations:
  - The illustrative drawings now show potential access points to the Brookhouse land but there is no commitment to provide or enable the accesses.
  - There is no response to Brookhouse's concern that a piecemeal approach as proposed would deliver substantially less development compared to a comprehensive and coordinated scheme that was blind to ownership and the policy implications of not optimising the development capacity of the CSS.
  - There is no response Brookhouse's concern that the application has not addressed reasonable alternatives as required by the Environmental Impact Assessment Regulations.
  - There is no response to Brookhouse's concern that the application 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.
  - The request for evidence to support the infrastructure costs within the Viability Assessment is declined without justification. Without transparency the uses incorporated with the application to fund necessary infrastructure and enable the development of employment cannot be justified as being necessary.

- The request for information regarding discussions about highways is also declined on the basis that releasing the information would cause 'confusion'. We see no basis for this assertion.

19. Overall, the Amendments to the application do not address the planning issues raised in the objection submitted on behalf of Brookhouse: it provides no certainty that access to the Brookhouse land will be delivered; a piecemeal approach would not accord with the development plan and it would result in an inefficient use of land across the CSS as a whole counter to policies within the NPPF; and there is no justification for the proposed mix of uses within the application.

Alyn Nicholls BA(Hons) MRTPI  
20 February 2023



T: 01484 860000  
M: 07836 654108

E: [REDACTED]  
W: [www.alynnicholls.com](http://www.alynnicholls.com)

140 Denby Lane  
Upper Denby  
Huddersfield HD8 8UN

Date: 18 November 2022

Our Ref: LCC/07/2022/00044

Your Ref: LCC/2022/0044/RH

Please ask for: Chris Sowerby

Direct Dial Tel: 01772 625544

Email: [chris.sowerby@southribble.gov.uk](mailto:chris.sowerby@southribble.gov.uk)



Civic Centre  
West Paddock  
Leyland  
Lancashire  
PR25 1DH

01772 625625  
[southribble.gov.uk](http://southribble.gov.uk)

Mr Rob Hope  
[by email]

Dear Mr Hope

**RE: Planning Application Ref. LCC/2022/0044**  
**Cuerden Strategic Site, East of Stanifield Lane, Lostock Hall**

I write with reference to the request for the Council's comments on the above planning application.

The application was discussed at the Council's Planning Committee meeting on the 10 November 2022, with the decision being taken to raise the following points:

**Points of Objection**

- 1. That an independent viability assessment is required to be undertaken prior to determination to ascertain if the "enabling development" (i.e. retail, leisure and housing) is the minimum required to fund essential infrastructure in line with the requirements of Policy C4 of the South Ribble Local Plan**

The site is allocated as a 'Major Site for Development' under Policy C4 of the South Ribble Local Plan. Policy C4 permits the development of uses other than employment, such as retail, leisure and housing, provided this enables the development of the employment uses, and is limited to that which is clearly necessary to fund the essential infrastructure needed for the site. No viability assessment has been provided to demonstrate the uses other than employment that are proposed are the minimum necessary in order to enable the delivery of employment uses on the site. This is a policy requirement.

- 2. That a detailed review of sequential alternative sites is requested from the applicant which considers the merits of the application in terms of compliance with retail and town centre planning policy for assessment**

Policy C4 requires that any main town centre uses must satisfy the sequential and impact tests in the NPPF. In respect of this, the Council commissioned Nexus Planning, consultant retail planning specialists, to provide advice in respect of the acceptability of proposed town centre uses. Nexus Planning advise us that they are not satisfied with the assertion that there is no requirement to undertake a detailed sequential test assessment, considering the proposal's compliance with retail and town centre planning policy. Policy C4 is clear in that any proposed main town centre use must satisfy the sequential and impact policy tests as set out in the NPPF, as was the approach taken in respect of the extant 2017 consent. As no consideration of this has been provided no conclusions in respect of acceptability of the proposal against the sequential test can be made. This is a policy requirement.



**3. That additional information is provided for assessment in respect of retail impact which addresses trade diversion from Bamber Bridge and consideration of a scenario to take account of permitted convenience floorspace at the B&Q store Bamber Bridge not coming forward**

In regard to the impact policy test we consider the proposal to comply with the first part of the impact test. However, regarding the second part of the impact test our appointed consultant retail planning specialists advise:

*“there are two outstanding matters which need addressing by the applicant, prior to any conclusion being reached in respect of the acceptability of the proposal against the second part of the impact test [...]:*

- 1. Further consideration is required in respect of the assumed levels of trade diversion from Bamber Bridge district centre, giving consideration to the trading implications of the Food Warehouse, and how this would alter the cumulative impact assessment; and*
- 2. A further impact scenario is required to take account of the potential for the permitted convenience floorspace at the B&Q store to not come forward in practice”*

The provision of additional retail impact information which addresses trade diversion from Bamber Bridge and consideration of a scenario to take account of permitted convenience floorspace at the B&Q store Bamber Bridge not coming forward is a policy requirement.

**Points of Comment/Consideration**

**1. That the submitted application on only part of the allocated site will not prejudice the development of the other parcels of the allocated site (owned by Brookhouse Group Limited)**

The site was allocated as a ‘Major Site for Development’ under Policy C4 in order to deliver a significant proportion of the Council’s employment land requirements. It is noted that the application excludes three parcels of land within the Cuerden Strategic Site Local Plan allocation that are under separate ownership (by Brookhouse Group Limited). In order for the allocated site to be capable of delivering the whole of the allocation it is paramount that the application does not prejudice the development of other parcels of the allocated site.

**2. Due consideration must be given to the 2015 adopted masterplan and for it to be determined if the application under consideration accords with the broad principles set out in the adopted masterplan together with the policy requirements are met in relation to phasing, a delivery schedule and an agreed programme of implementation**

Policy C4 require there to be a masterplan for the comprehensive redevelopment of the site. A masterplan for the site was adopted by the Council in April 2015 and provides a framework against which future planning applications can be considered. The masterplanning process considered key drivers for the site including access and movement, highways improvements, sustainable transport, design principles, green space, viability and relationships to existing residential areas. The resulting spatial framework and Masterplan set out the mix and layout of uses considered appropriate for the site together with primary and secondary access arrangements and indicative locations for green open space and plantation replacement landscaping. Lancashire County Council, as the decision-maker, must give due consideration to the 2015 adopted masterplan and determine if the application under consideration accords with the broad principles set out in the adopted masterplan.

**3. The Design Code stipulations for high quality design and built environments are secured by a suitably worded condition and strictly applied to the consideration of future Reserved Matters applications**

**4. It is noted that a Design Code has been submitted as part of this application to assist in the shaping of the development of the site. The Design Code will serve as a technical document to ensure high quality development for future phases of the Cuerden site. The purpose of the Design Code is to**

establish high quality, sustainable design aspirations to ensure consistency across the site. It establishes key development-wide aspirations and provides design guidance in more detail for individual character areas. The character areas are: mixed use; residential; employment & business and employment, business & leisure. The Design Code has been prepared in such a manner so if the mix of uses in locations changes then the character area description is flexible enough to deal with this. The Design Code stipulations for high quality design and built environments need to be secured by a suitably worded condition and strictly applied to the consideration of future Reserved Matters applications in order to provide a high quality development.

**5. The impact of the additional traffic and the impact on highway capacity/junction safety requires full and careful consideration together with the control of HGV routing to safeguard the amenities of residents**

Whilst the previously approved scheme included a large retail unit on the site, the change to one or more large storage and distribution uses would attract a greater number of HGVs with the uses potentially operating on a 24 hour basis. It is therefore important to fully and carefully consider the impact highway impacts of the development together with the controlling of HGV routing to safeguard the amenities of residents

**6. Removal of proposed accesses to the site from Stanifield Lane**

Stanifield Lane is already congested, with the provision of access to the development from Stanifield Lane further increasing traffic and impacting on highway safety. Consideration should be given to serving the whole development solely from the M65 terminus.

**7. That a weight limit be applied to Stanifield Lane to restrict usage by HGVs**

The use of Stanifield Lane by HGVs has a detrimental impact on road capacity, highway safety and residential amenity. Consideration should therefore be given to the application of a weight limit along Stanifield Lane.

**8. We would welcome further discussion and engagement as the detail is worked up and would be happy to discuss proposed conditions prior to the publication of the Planning Committee Report.**

Yours Sincerely



Chris Sowerby  
Development Planning Team Leader