

# THE BROOKHOUSE GROUP

## CUERDEN STRATEGIC SITE

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

### STATEMENT ON THE RESPONSE OF BARTON WILLMORE TO REPRESENTATIONS BY BROOKHOUSE

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#### 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.
4. On 24 February further additional documents were submitted in support of the application. These include a response by Barton Willmore to the representations by Brookhouse objecting to the application. This note provides a commentary on the planning matters within the Barton Willmore response.
5. This commentary relies on a site capacity assessment undertaken by SMR Architects ("the capacity assessment") and a note by JLL on the employment market.

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<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.

6. The Barton Willmore response identifies 12 points in respect of planning matters. Some of the points identifies relate to different aspects of the same issue. The main points are summarised as follows:
  - It is argued that the application satisfies the requirement for a comprehensive development;
  - The issue of access to the Brookhouse parcels of land;
  - Whether the application serves to maximise the use of the Cuerden Strategic Site;
  - The justification of the mix of uses having regard to viability and the delivery of the entire site.
7. Other matters are addressed within the attached schedule which reproduces the Barton Willmore response with an additional column providing comments.
8. A commentary on each of the main points identified above is set out below.

### **The Requirement for a Comprehensive Development**

9. The Barton Willmore response argues that the application comprises a comprehensive development as required by Local Plan Policy C4 because it is consistent with the approved Masterplan for the CSS, consistent with the aims of Policy C4 and consistent with the definition of a “comprehensive development” as set out in the glossary of the Local Plan.
10. As a matter of fact, the application departs from the approved Masterplan. With regard to access and movement, design principles and green infrastructure, the Masterplan is prepared blind of ownership. By confining the site area to those parts of the CSS in the ownership of LCC, the application out of necessity departs from the Masterplan.
11. With regard to viability, the Masterplan indicates that development is dependent on significant investment. Under the heading “summary of viability issues” the following points are made (my emphasis):
  - *The initial phase and associated strategic access infrastructure must enable other future commercial uses for example; business, manufacturing and logistics development to be accommodated on a viable basis and **without delay**;*

- *The mix of uses on site are designed to both maximise employment opportunity while **ensuring delivery of the site as a whole**;*
- *Crucially, the **objective is to achieve the comprehensive development of the entire site**.*

12. It follows that if separate applications come forward, they must facilitate the delivery of the site as a whole. There is a failure to provide a clear statement that accesses will be provided to enable the development of Brookhouse parcels of land. Without such a statement the application cannot ensure the delivery of the site as a whole, deliver the comprehensive development on the entire site or deliver development over the site without delay.
13. Policy C4 requires a Masterplan, a phasing and delivery schedule and an agreed programme of implementation in accordance with the Masterplan as precursors to the grant of permission. Without satisfying paragraphs (a), (b) and (c) of the policy, a proposal cannot be policy compliant. The application relies on the Masterplan approved in 2015 and asserts that the proposals are compliant with the Masterplan. Irrespective of the Masterplan proposals for access and movement, design principles and green infrastructure with which the application does not accord, the fact that the application does not facilitate the delivery of the Brookhouse land; it does not ensure that the Brookhouse land comes forward **without delay**; it omits to **ensure delivery of the site as a whole**; and it does not meet the objective to **achieve the comprehensive development of the entire site**. The requirements of Policy C4 are not met by the application.
14. Barton Willmore maintains that “allowances have been made within the proposed development to provide access to the neighbouring plots to enable development”. Reference is made to the definition of “comprehensive development” in the Glossary of the Local Plan. Barton Willmore maintains that the application accords with the Masterplan and facilitates the delivery of a comprehensive scheme of development **in the long term** (my emphasis). The drawings accompanying the application as submitted did not show an access into the Brookhouse parcels of land. The drawings have since been amended to show vehicular access up to the boundaries with Brookhouse land. However, despite Brookhouse representations placing particular emphasis on the point, there is no commitment to construct the access points so as to enable the development of the Brookhouse parcels. The Masterplan requires a co-ordinated approach to ensure that the whole site can come forward **without delay**. The Barton Willmore response refers to the application facilitating the delivery of a comprehensive scheme **in the longer term**.

Delivery in the longer term is not consistent with the objective to deliver without delay. Further, there is nothing in the application to demonstrate that it would facilitate a comprehensive scheme over the whole CSS.

15. The reference by Barton Willmore to the definition of “comprehensive development” in the glossary of the Local Plan ignores the specific set of circumstances relating to the CSS, the requirements of Policy C4 and the objectives underlying the approved Masterplan.

### **Access to the Brookhouse Land**

16. Item (4) of the Barton Willmore response in respect of planning matters indicates summarises the Brookhouse representations as saying there was no evidence of linkages through to Brookhouse land and no assurances that such accesses would be subject to ransom<sup>2</sup>. This is not a fair summary. The fact that amended drawings indicate potential access points has been acknowledged. The point of the Brookhouse objection is that there is no commitment or other indication that the accesses will in fact be provided<sup>3</sup>. The Barton Willmore response does not resolve this objection. There remains no commitment to provides accesses so as to enable development.

### **Making Best Use of the Cuerden Strategic Site**

17. The approved Masterplan refers to the unique location and scale of opportunity and that it has the potential to attract high profile distribution, logistics, retail, leisure, e-commerce and industrial users drawn from a regional/national market<sup>4</sup>.
18. The Masterplan also refers to Cuerden needing to be positioned in terms of timing, phasing and offer to the market to respond to key drivers of demand, including anticipated growth in industrial and logistics activity<sup>5</sup>.
19. The NPPF and Planning Practice Guidance highlight the need to have regard to the locational and other requirements of the logistics sector, including sites with the ability to accommodate large scale development with big footplates in locations highly accessible to the national highway network<sup>6</sup>.

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<sup>2</sup> It is assumed that the summary should say there are no assurances that such accesses would **not** be subject to ransom.

<sup>3</sup> See paragraph 12 on the Observations on Amendments to the Application dated 20 February 2023

<sup>4</sup> Cuerden Strategic Site, Approved Masterplan, Section 4.15.8 and 9

<sup>5</sup> Cuerden Strategic Site, Approved Masterplan, Section 4.15.13

<sup>6</sup> See NPPF paragraph 83 and PPG Paragraph: 031 Reference ID: 2a-031-20190722

20. The issue with the application is that it prejudices the ability to accommodate large scale employment units within the CSS. Given the significance of the site, which has been identified as a location for inward investment since the Regional Spatial Strategy in 2008.
21. The JLL Note attached to this Commentary provides an overview of the requirements and demand for employment development. In summary:
- There is demand for “big box” units in the North West;
  - There are very few opportunities to cater for this segment of the market;
  - The CSS is suitable to accommodate large scale employment units because of the scale of the site and location on the motorway network;
  - Developing the CSS for smaller units would represent a missed opportunity given that sites capable of accommodating big box units with the locational advantages of the CSS are very rare.
22. JLL recommend a collaborative approach to deliver the CSS on the basis that value of the site as a whole is greater than the sum of the two parts.
23. Regarding the capacity of the CSS, an exercise has been undertaken by SMR Architects to assess the capacity of the site, and comparisons between the application and what could be achieved on the residual Brookhouse land. The southern part of the illustrative layout for the scheme approved in 2017 corresponds to Plot D of the application plus two parcels of land in the ownership of Brookhouse. This area was shown to accommodate 85,000 square metres of employment space, including units of circa 20,250 square metres floorspace. The illustrative layout afforded significant flexibility to deliver units in the region of 92,900 square metres<sup>7</sup> and more or a varied combination of several large units, with a single, simple, spine road for access to all plots.
24. The capacity assessment focusses on Plot D of the parameters plan and the adjoining parcels of Brookhouse land which are located immediately to the east of Plot D and immediately to the south. The capacity exercise (gross floorspace) shows the following:

	The application	Brookhouse land	Total
Option 1	28,724 sqm	33,000 sqm	61,724 sqm

<sup>7</sup> 1 million square feet

Option 2 - a single “big box”	120,114 sqm
Option 3 – 3 units, the largest 58,000 sqm	103,940 sqm
Option 4 – 4 units, the largest 45,429 sqm	106,244 sqm
Option 5 – 4 units, the largest 28,326 sqm	100,763 sqm
Option 6 – 13 smaller units, the largest 9,244 sqm	87,840 sqm

25. It should be noted that the figure of 28,726 square metres provided by the application comprises the quantum of development shown on the illustrative drawing.
26. Option 1 considers the application (the parameters plan for Plot D) plus the adjoining Brookhouse parcels. This option delivers less development than the illustrative scheme for the 2017 permission. Further, the shape and configuration of the land holdings does not enable units of 20,250 square metres floorspace to be accommodated. The consequence of the application is that less development can be delivered and the ability to provide larger units is compromised.
27. Options 2 to 6 inclusive indicate what could be achieved across Plot D and the adjoining Brookhouse parcels, combining the land ownerships. Option 6 addresses the capacity of Plot D combined with the Brookhouse parcels catering for smaller units when there is greater flexibility. Even on this basis, which does not respond to the advantages of the CSS to enable the development of units with large footprints, the quantum of development capable of being accommodated is greater than the application would enable. The exercise serves to demonstrate that substantially more development could be achieved on the site combining ownerships compared to the application the adjoining Brookhouse parcels being developed independently.
28. The application does not make best use of the site contrary to planning policy imperatives<sup>8</sup> and it stops the CSS being able to accommodate “big boxes” for which it is uniquely suited. NPPF 125 states that local planning authorities should refuse applications which fail to make efficient use of land. The application does not make efficient use of land.

### **Justification for the Mix of Uses within the Application**

29. The CSS is allocated in the Local Plan as an employment led site for development. Policy C4 indicates that alternative uses may be appropriate where it can be

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<sup>8</sup> The policy imperatives are set out in the representations to the application on behalf of Brookhouse and comprise NPPF paragraphs 119; 124; 125; 130(e); and 141.

demonstrated they help to deliver employment uses. The policy goes on to require the scale of alternative uses to be limited to that which is clearly necessary to fund necessary infrastructure. The response of Barton Willmore to criticism that alternative uses are not justified is that the Viability Assessment accompanying the application provides sufficient explanation. The Viability Assessment does not provide sufficient information or detail to enable an informed reader to conclude that the alternative uses, at the scale proposed are necessary. In particular, the infrastructure being provided is not identified and the costs are not particularised. Questions unanswered are what infrastructure is being provided; does the infrastructure facilitate the development of the whole CSS; are the cost of the infrastructure reasonable; and is the provision of the enabling development (non-employment elements of the application), the minimum to ensure the delivery of the infrastructure?

30. The application approved in 2017 by South Ribble Borough Council was the subject of a rigorous independent audit. No independent external examination of the Viability assessment has been undertaken<sup>9</sup>. In the absence of robust and transparent viability justification, the application does not meet the requirements of Local Plan Policy C4.

### **Summary**

31. Local Plan Policy C4 requires a comprehensive approach to the development of the site and the purposes of the approved Masterplan include ensuring the delivery of the entire CSS on a comprehensive basis; to ensure the delivery of the site as a whole; and to ensure that land comes forward without delay. Irrespective of whether the application accords generally with the Masterplan, it does not meet these objectives.
32. It is maintained by the Applicants that the application makes provision for accesses to serve the Brookhouse parcels of land. However, there is no commitment or statement within the application or by Barton Willmore that accesses will be constructed to enable and facilitate the development of the Brookhouse parcels. The Barton Willmore response refers to the delivery of a comprehensive scheme in the longer term. That does not accord with the Masterplan to bring sites forward without delay to secure a comprehensive development of the whole site. The omission of a clear commitment to provide access points shown on the illustrative

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<sup>9</sup> It should be noted that South Ribble Borough Council has also raised this issue in their representations dated 18 November.

schemes results in the application being in conflict with the requirement of policy C4 to deliver a comprehensive development.

33. A consequence of the piecemeal approach to the development of the CSS is that the allocation would not deliver the quantum of development it is capable of accommodating if a co-ordinated, comprehensive approach was taken. Furthermore, the piecemeal approach compromises the ability of the CSS to accommodate larger space requirements for employment development. The CSS is a large site in a strategic location suitable for meeting large space requirements. Such opportunities are in short supply. The application does not accord with National Policy for the effective use of land. This is particularly relevant as South Ribble has areas of Green Belt.
34. The viability of the application has not been verified by an independent audit. The viability evidence submitted in support of the application and which justifies the uses within the application is not transparent. It fails to demonstrate compliance with Local Plan Policy C4.
35. Other matters are addressed in the schedule attached.
36. Overall, the application does not accord with Local Plan Policy C4 and as a consequence the proposal is not in accordance with the development plan.

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