

CENTRAL LANCASHIRE LOCAL PLAN REGULATION 19 CONSULTATION.

REPRESENTATIONS BY THE BROOKHOUSE GROUP

in relation to

Queen's Retail Park, Horrocks Quarter, Preston;

Policy EC11: Town Centre Hierarchy;

Policy EC12: Preston City Centre; and

The Policies Map.

INTRODUCTION

1. Queen's Retail Park is an established component of Preston City Centre. It has been developed by the Brookhouse Group and is managed by Brookhouse as a long-term investment. Whilst the focus of these representations is Queen's Retail Park, they also address other matters arising in Policies EC11 and EC12 which concern town centres and main town centre uses.
2. In summary, the general approach of the draft Local Plan towards main town centre uses is supported, as is the approach towards development at Preston City Centre, and the approach towards Queen's Retail Park. However, in order to be sound, modifications to the plan are necessary. The necessary changes are identified at the end of this Statement.

BACKGROUND

3. There is a long-standing acknowledgement of the role of Queen's Retail Park as an integral element of the City Centre. Queen's Retail Park is located within the defined City Centre at the junction of Newall Lane and London Road which are major routes into Preston City Centre from the east and the south. Historically, it is part of the site of Horrocks Mill (hence the references to Horrocks Quarter in the draft Plan). Queens Retail Park has been important to secure the regeneration of this this part of the City Centre and to improve connectivity between residential areas to the east and the City Centre.
4. Planning permission for retail development on land now comprising Queen's Retail Park was first approved in August 1994. The most relevant planning permissions are the following:

- a) Planning Permission Reference 05/03/0626, for the erection of two single storey buildings including a garden centre to one unit, and the change of use of a warehouse unit to retail use. The total floor space approved was 7,061 square metres gross. Whilst a condition was imposed to prohibit the sale of food other than the ancillary sale of confectionery at the checkout (Condition 8), there are no controls over the type of goods to be sold, the subdivision of units, nor restrictions on the amount of floor space to be used for the sale of retail goods.
 - b) Planning Permission Reference 06/2008/0845 for the development of a food store of 11,770 square metres gross floor space and unit shops totalling 1,650 square metres gross floor space and a hotel. This was an outline planning application and was approved by the council in April 2011. As with planning permission 05/03/0626 referred to above, there are no controls over the type of goods to be sold, the subdivision of units, nor restrictions on the amount of floor space to be used for the sale of retail goods. A reserve matters application was not submitted and this permission has not been implemented. Nevertheless, it demonstrates the acceptability of this scale of retail development at Queens Retail Park.
 - c) Planning Permission Reference 06/2011/0628 for a mixed use development including a food store of 7,340 square metres gross and unit shops (Use Classes A1 to A5) of 11,443 square metres gross. This was approved in March 2012 it has not been implemented. Again, there were no restriction or controls to limit the uses within this approval.
 - d) Planning Permission Reference 06/2012/0279 for a large retail store for the sale of food and non-food goods of 11,541 square metres gross, and various commercial units (Use Classes A1 to A5), comma totalling 6,738 square metres gross floor space. Planning permission was granted in January 2015.
5. Up to 2015, the aim had been to deliver a comprehensive redevelopment of Queen's Retail Park and the surrounding area (including adjoining land). A change in the retail market dictated a different approach was necessary to secure the regeneration of the area. An incremental approach followed:
- e) Planning Permission Reference 06/2014/0959 for the development of Aldi and two "pod" units fronting Stanley Street. Planning permission was granted in May 2015. Aldi has been developed and has been trading since 2016. One of the pod units has been developed and is occupied by

Costa Coffee. Consistent with earlier decisions, there are no controls over goods that may be sold, the subdivision of the units, nor controls on the use of floor space.

- f) Planning Permission Reference 06/2017/1118, approved in January 2016 for the development of two retail units on land adjoining Aldi. One of these units has been developed and is occupied by Food Warehouse. The second unit has yet to be developed. There are no planning conditions to control the use of the development.
 - g) Planning Permission Reference 06/2017/0387, approved in July 2017 allowed the use of 2,353 square metres of floor space at the retail park to be used for a leisure use falling within Class D2 or for Class A1 purposes. Again there's no restriction over the use of the premises within these two use classes, the amount of floor space that may be used for retail sales, nor the subdivision of the units approved.
 - h) Planning Permission Reference 06/2017/0565, also approved in July 2017 allowed the installation of a mezzanine floor of 487 square metres in a unit occupied by Smyths Toys. The permission contains no limitations or restrictions on the use of this floorspace.
 - i) Planning Permission Reference 06/2017/1093, approved in December 2017 was for the reconfiguration of the former Homebase unit for occupation by The Range. It also proposed an additional small retail unit on the site of the Homebase garden centre. The net increase in floorspace was 1,128 square metres gross. As above, there are no restrictions on the use of this floorspace.
6. The Preston City Centre Area Action Plan (“the AAP”) was adopted in 2016. Policy OP5: Horrocks Quarter, relates to Horrock Quarter which includes Queen Retail Park¹. The purpose of this policy was *“to secure a high quality, well designed and sustainable development benefiting of its prominent location on a key arterial route and major gateway into and out of the City Centre”*². The policy allocates the area for town centre uses; it indicates that any net increase in floorspace should not exceed 12,500 square metre gross unless a sequential assessment has been undertaken to demonstrate that proposals could not be located in the Primary

¹ Horrocks Quarter as defined in the Area Action Plan includes land bounded by Queen Street, Stanley Street, Church Street and Grimshaw Street

² Preston City Centre Area Action, Plan paragraph 7.82.

Shopping Area (“PSA”), and that an impact assessment demonstrates that the proposal has no significant adverse impact on the PSA. The policy also states that proposals for a cinema would be assessed against Policy EV2³; it set out design considerations for development proposals; it requires development to make provision to improve public realm and improve pedestrian accessibility to Church Street to better integrate the site with the City Centre and to link the City Centre to the Inner East Preston Neighbourhood Area to the east; and that a single comprehensive redevelopment scheme for the area is not required, but any individual proposal should demonstrate that it does not prejudice development elsewhere within the area.

7. The threshold of an additional 12,500 square metres gross reflected the amount of development that had been approved at Queens Retail Park and land immediately adjoining⁴. The amount of additional floorspace development for town centre uses which has taken place at Queens Retail Park since the adoption of the Area Action Plan in 2016 is 4,048 square metres⁵. It is improbable that the threshold of 12,500 square metres will be breached because land which has been promoted for retail and other town centre uses is now being promoted for housing through Policy HS4.6.
8. In summary, Queen's Retail Park is an established location for retail and leisure development within the City Centre there are no controls over the ranges of goods which can be sold from the approved developments. The range of uses approved include those falling within the former Use Classes A2 to A5. There is scope for further development by way of current undeveloped parcels and the potential for remodelling the existing development in the future to respond to different market conditions and requirements.
9. Policy OP5 of the AAP promotes the development Queens Retail Park and the Horrocks Quarter as an important part of the regeneration of the City Centre,

³ Policy EV2 allocated land at the Markets Quarter in the City Centre for a cinema. The policy required proposals for a cinema elsewhere to address the potential impact on the delivery of a cinema within the Markets Quarter and the regenerative impact on the wider City Centre. The cinema within the Markets Quarter has been developed and is now operating.

⁴ It is relevant to note that land adjoining Queen Retail Park to the west comprises the former site of Booth's Supermarket's Warehouse a Depot. This was under the control of Brookhouse until 2024. It is now to be developed for housing (and is allocated in the draft Plan under Policy HS4.6, Former Horrocks Mil, Queen Street)

⁵ The additional floorspace comprises 06/2014/0959 (the Aldi permission), 481 square metres; 06/2017/1118 (the Food Warehouse permission), 1,952 square metres; 06/2017/0565 (the Smyths mezzanine permission) 487 square metres; and 06/2017/1093 (the Range permission), 1,128 square metres.

including the improvement of pedestrian access through the area. It sets a threshold for additional town centre uses of 12,500 square metres, above which a sequential assessment and an impact assessment is required. Below this threshold Policy OP5 does not require these policy tests to be addressed.

10. It is significant that there are no controls by way of planning conditions at Queens Retail Park to limit the ranges of goods that may be sold, the amount of retail floorspace within units, nor the subdivision of units.

POLICY EC11: TOWN CENTRE HIERARCHY

11. Policy EC11 has eight parts. Part 1: Identifies the hierarchy of centres in Central Lancashire it states that the centres listed are identified on the Policies Map. The hierarchy reflects the established order of centres in Central Lancashire. This hierarchy is supported by the Brookhouse Group.
12. Part 2: Refers to Primary Shopping Areas (“PSAs”) in Preston, Chorley and Leyland. It states that these are also identified on the Policies Map. It also states that these centres are where retail development (Class E(a)) are concentrated. This is correct as a matter of fact.
13. The National Planning Practice Guidance (“the PPG”) notes that the definition of PSAs are a tool to support the vitality and viability of centres⁶. However, this must operate in the context of the changes to the Use Classes Order (“UCO”), in 2020 which introduced Class E and which embraces a wider range of business types than the former Class A1 (Retail Use), and the various amendments to the General Permitted Development Order 2015 (“GDPO”), which allow changes of use from retail to other uses.
14. Part 3: Indicates that support will be given to retail and other main town centre uses within the centres identified in the centre hierarchy. This is supported by the Brookhouse Group.
15. Parts 4 and 5 are concerned with development within the defined PSAs and other centres. The aim is to avoid the loss of ground floor retail uses. The function of this policy has to have regard to the changes to the UCO and the GPDO. It is suggested that this part of the policy is reviewed to consider the implication of changes to the UCO and GPDO and how these changes impact on the reasonableness of the considerations contained within this policy.

⁶ PPG paragraph 002 Reference ID: 2b-002-20190722

16. Part 5 of the policy supports residential and office development on upper floors within centres. This is supported by the Brookhouse Group.
17. Part 6, 7 & 8, this part of Policy EC11 relates to proposals for out of centre and edge of centre development. Part 6 requires development to satisfy the sequential approach to site selection. Part 7 is concerned with the impact test and sets out impact thresholds above which the requirement to undertake an impact assessment is engaged. Part 8 indicates that the sequential and impact tests will apply to extensions and to the removal of restrictions on existing retail developments.
18. Regarding Part 6 and the sequential test, the policy refers to out of centre and edge of centre locations. However there is no indication whether “the centre” for these purposes is the whole centre as defined on the Policies Map or for those centres where a PSA is defined, whether the centre for the purposes of the sequential test is the defined PSA. This is relevant to Queens Retail Park which falls within the City Centre but outside the PAS. If the centre is intended to be the PSA, it raises the question of the status of those parts of the defined centre which fall outside the PSA when applying the sequential and impact tests.
19. Part 7 sets out impact thresholds. For the threshold of 500 square metres gross, the location should be referred to “all other areas”. The reference to Preston City Centre in this context is redundant. For clarity it suggested that the list should be amended so that the threshold of 200 square metres is first, followed by the 300 square metre threshold and then the 500 square metre threshold.
20. Part 8 addresses circumstances where there is an application to extend a unit, install a mezzanine floor or remove restrictions on the range of goods to be sold within a retail unit. The reference to applications dealing with these types of development being “subject to the above criteria”, should be clarified by being specific that such proposals would be subject to the impact thresholds set by Part 7 of the policy.
21. In the text supporting Policy EC11, Paragraph 5.42 refers to the Impact Tests and states by reference to the National Planning Policy Framework (“NPPF”), that if a proposal is found to have a significant adverse impact, the application must be refused. Paragraph 95 of the NPPF does not use the word “must”. It states that an application “should” be refused. ***ASDA v Leeds City Council [2021] EWCA Civ32***, deals specifically with this point⁷. It says that the words “should be refused” in

⁷ See Paragraph 36 of the judgment.

paragraph 90 of the NPPF⁸ have a clear meaning: they do not mean “must” be refused.

POLICY EC12: PRESTON CITY CENTRE STRATEGY

22. This policy aims to ensure the status of Preston as the principal centre within Central Lancashire. Brookhouse supports this broad objective as it is key to the strategy of the Local Plan.
23. Part 5 of the policy refers to the role and function of Preston City Centre. It states that the City Centre will be the preferred location for development and investment in Class E(a) uses, “including” shops, service uses, leisure uses, cultural uses, tourist uses and other town centre uses. However, the types of uses identified do not all fall within Class E(a). It is suggested that this part of the policy is amended to refer to main town centre uses, as opposed to Class E(a), because as drafted, it is factually misleading.
24. Part 6 of the policy states that the PSA, followed by the Horrocks Quarter Opportunity Area, are the sequentially preferred locations for Class E(a) shops within the City Centre. It states that the Horrocks Quarter Opportunity Area is identified on the Policies Map. However, this is not the case. It is not identified on the Policies Map⁹. The Policies Map should be amended to identify the Horrocks Quarter Opportunity Area, or in the alternative, identify Queen's Retail Park and change the reference to Horrocks Quarter in Part 6 of the policy to Queen's Retail Park.
25. Part 7 of the policy relates specifically to Queen's Retail Park and Horrocks Quarter. It states that ancillary customer cafes, ancillary customer restaurants and ancillary concession operations will be appropriate within existing Class E (retail units). Ancillary uses do not require planning permission. Irrespective, there are no restrictions on units at Queen's Retail Park to exclude such uses. Part 7 of this policy is unnecessary.
26. More generally, Queens Retail Park is acknowledged in the APP, which is part of the current Development Plan applicable to the City Centre, as a location where town centre uses will be permitted in order to secure regeneration benefits for the centre as a whole; to improve a key gateway location and improve linkages between the Inner East Preston Neighbourhood Area to the east and the City Centre. So long as

⁸ Paragraph 95 of the current version of the NPPF.

⁹ Neither the Policies Map showing the whole plan area nor the Preston City Centre Inset (Map 3.2) identify the Horrocks Quarter Opportunity Area.

development falls below the threshold of an aggregate of an additional 12,500 square metres only, there is no requirement to demonstrate compliance with the sequential nor impact tests. On the basis of Policy EC12 as drafted, the requirement to address the sequential test would apply to all applications for retail and leisure proposals. It would also apply to all retail and leisure proposals exceeding the impact threshold of 500 square metres gross as set by Policy EC11. There is no justification for a more restrictive policy for Queens Retail Park compared to the current Development Plan policies.

SUMMARY

27. These representations support the approach of the Draft Local Plan which promotes the role and function of Preston City Centre and the role of Queen's Retail Park in contributing to the vitality and viability of the City Centre. However, the following amendments are necessary to ensure the Local Plan meets the Test of Soundness.

The Policies Map

28. Whilst Policy EC12 states that the Horrocks Quarter Opportunity Area is identified on the Policies Map, it is not. This should be rectified. However, the notation on the Policies Map should be Queen's Retail Park. The wording of policy EC12(6) should be amended to replace Horrocks Quarter Opportunity Area with Queen's Retail Park.

Policy EC11

29. Clarification should be provided as to the role of the PSA in applying policy for main town centre uses and an explanation should be provided as to the status of those parts of the City Centre within the defined boundary but outside the PSA.
30. The approach to development and reference to retail frontages should be reviewed in the context of changes to the Use Classes Order and General Permitted Development Order, and the implications of Class E.
31. There is an inconsistent approach to PSAs in Preston compared to Chorley and Leyland this should be reviewed.
32. The Impact Threshold should be reordered and referenced to Preston City Centre removed from the table as it is redundant, With regard to Part 8, it should be made clear that the above "criteria" is the impact threshold set out in Part 7.

