

CENTRAL LANCASHIRE LOCAL PLAN EXAMINATION MATTER 10 – ECONOMIC POLICIES

REPRESENTATIONS BY THE BROOKHOUSE GROUP SUPPLEMENTARY WRITTEN STATEMENT

in relation to

Policy EC12: Preston City Centre;

Introduction

1. Representations were made on behalf of the Brookhouse Group in relation to the draft economic policies in the context of the Brookhouse long-term investment interest in Queens Retail Park and matters arising in Policies EC11 and EC12 which concern town centres and main town centre uses. A Statement dated 4 November has been submitted in relation to Matter 10 of the Inspector's Examination MIQs. The understanding at that point was that the matters raised were not particularly controversial. The further clarification was provided in relation to paragraph 5.42 of the Draft Plan. The intention was that any other matters arising in respect of Matter 10 could be addressed orally at the Examination Hearing.
2. We have reviewed the councils Statement for Matter 10 in light of our representations. Generally, we are comfortable with the changes proposed to the plan and the approach taken by the councils except for the response to the question "Is the approach to ancillary uses soundly based?" This relates specifically to Queens Retail Park. Ancillary uses are the subject of EC12 Part 7. Our representations suggested that Part 7 could be deleted.
3. However, the councils Statement raises significant concerns about the way policy for Preston City Centre and Queens Retail Park is intended to operate. Whilst it is a narrow point about ancillary uses, it is one which is important and has wider implications.

The Brookhouse Representations to the Reg.19 Draft Plan

4. Representations by Brookhouse to the Regulation 19 Draft Plan included a report which provided background information including the planning history of Queens Retail Park, it set out suggested changes to Policy EC12 and the reasons for them.

5. Important points arising from the background and the planning history are:
- a. that Queens Retail Park has been treated as an integral and important part of the City Centre, being located at an important gateway into the Centre from the east and the south;
 - b. Horrocks Quarter of which Queens Retail Park forms part, is allocated for town centre uses in Policy OP5 of the adopted Preston City Centre Area Action Plan (“the AAP”);
 - c. Development at Horrocks Quarter/Queens Retail Park is important for the regeneration of the City Centre;
 - d. Queens Retail Park has an important role in providing an accessible route between residential areas to the east and the Primary Shopping Area (“PSA”)¹; and
 - e. There are no controls within any of the planning permissions for developed which restrict the use of floorspace at Queen Retail Park, not limitations in APP Policy OP5, other than a maximum level of additional floorspace and to exclude a cinema use from the range of uses acceptable on the site.
6. With regard to Policy EC12 Part 7 (which relates specifically to Queens Retail Park²), the draft states that ancillary customer cafes, ancillary customer restaurants and ancillary concession operations will be appropriate within existing Class E (retail units). The Brookhouse report noted that ancillary uses did not require planning permission and it referred to the fact there were no restrictions on units at Queen's Retail Park to exclude such uses. It stated that Part 7 of the policy is unnecessary.

The Brookhouse Matter 10 Statement

7. As it was not anticipated that the representations in respect of Policy EC12 Part 7 would be controversial, the Statement for Matter 10 indicated that Brookhouse would rely on representations made at the Regulation 19 Draft Plan and address and additional matters orally.

¹ See AAP Policy OP5.

² As proposed to be amended.

The Councils Matter 10 Statement

8. In response to the question of whether the approach to ancillary uses soundly based³, indicate that the justification for Part 7, is that it is unlikely that ancillary uses would exceed 500 square metres (gross) within existing retail units in this location. It references the local impact thresholds in Policy EC11, Part 7 and that there is a Costa Coffee and planning permission for a standalone food and beverage unit to be occupied by Greggs.
9. This justification for Part 7 raises concerns about the meaning of “ancillary uses”; whether the background to Queens Retail Park is properly understood; and how policies EC11 and EC12 are intended to operate in respect of Queens Retail Park.

Discussion

Ancillary or Incidental Uses

10. Policy EC12 Part 7 states that ancillary cafes etc and concession operators will be appropriate within existing Class E(a) retail units. A question arises of whether in this context, ancillary cafes and concession operators would amount to development and therefore require planning approval.
11. An ancillary or incidental use is unlikely to require planning permission if the use is related to and subsidiary to the primary use. The question would be a matter of fact and degree. Further, there would be no material change of use if an ancillary or incidental use were within the same use class. Class E encompasses food and drink to be consumed on the premises (Class E(b)). Clearly ancillary cafes and restaurants fall within Class E and concession operators selling different or specialist goods would also fall within Class E.
12. Bearing in mind that EC12 Part 7 refers to ancillary cafes and restaurants and concession operators within existing units if these uses were ancillary there would not be a material change of use. In any event, these uses would fall within Class E and there would be no change of use. Part 7 is pointless and serves no purpose

The Background to Queens Retail Park

13. The background to Queens Retail Park is described in the representations to the Regulation 19 Draft Plan and summarised above. There are no planning conditions restricting the use of any unit at Queens Retail Park. This arises because

³ Page 12 of the councils Matter 10 Statement.

development has been consistent with the Council's aspirations for the site and APP Policy OP5. The Retail Park has been considered to be part of the City Centre.

14. It should also be borne in mind that the development of main town centre uses (except a cinema use) is supported by APP Policy OP5, with a proviso that any increase in net floorspace shall not exceed 12,500 square metres and development being subject to various design principles⁴.
15. Consequently, none of the existing Class E(a) retail units have planning conditions that would prevent concession operators, nor ancillary café or restaurant facilities within existing units.
16. In as far as Policy EC12 Part 7 allows development of concession operators and ancillary café and restaurant facilities within existing units, it is unnecessary as there is nothing to prevent them at present. This is why the representations to the Regulation 19 Draft Plan suggested Part 7 should be deleted.

The Operation of Policies EC11 and EC12 in Respect of Queens Retail Park

17. However, the justification for Part 7 as set out in the councils Matter 10 Statement raises concerns about the way in which Policy EC11 and EC12 are intended to operate. The justification of EC12 Part 7, as described above, relates to the potential impact on the Primary Shopping Area of development at Queens Retail Park.
18. Our understanding of how Policies EC11 and EC12 are intended to operate is as follows:

- a. Policy EC11 is a strategic policy. The following parts are relevant to Queens Retail Park:

(1) sets of the town centre hierarchy (with Preston City Centre at the top);

(2), it defines PSAs;

(3) it states that appropriate main town centre uses should be located in the defined centres;

⁴ Development of main town centre uses will now be nowhere near to 12,500 square metres because significant parts of the Horrocks Quarter site are now being promoted for housing development.

(6) concerns out of centre development and requires retail and leisure main town centre uses should be subject to a Sequential Test;

(7) sets out impact thresholds for retail and leisure developments; and

(8) states that extensions, mezzanine floors and proposals to remove restrictions at existing edge of centre and out of centre development would be subject to the above criteria.

- b. Policy EC12 is a strategic policy for Preston City Centre. The most relevant parts for Queens Retail Park are:

(5) which states that the City Centre is the preferred location for Class E(a) uses (and lists types of uses within Class E);

(6) which states that the PSA followed by Horrocks Quarter (Queens Retail Park) are the sequentially preferable locations for Class E(a) shops; and

(7) refers to ancillary uses at Queens retail Park and is described above;

19. The most relevant points arising from these policies are:

- Main town centre uses are directed to Preston City Centre. Queens Retail Park falls with the City Centre;
- Parts (6) and (7) of EC11 apply to out of centre development. Queens Retail Park is within the City Centre and as a consequence there is no requirement arising from EC11 to address either the Sequential Test or the Impact Test for development at Queens Retail Park. Note that this is the position under the current development plan: AAP Policy OP5;
- However, EC12 Part 6 states that in respect of Preston City Centre, the PSA has priority over Queens Retail Park in the Sequential Test for Class E(a) shops.

20. As development for main town centre uses at Queens Retail Park would accord with policy, there would be no requirement to address either the sequential or impact test arising from Policy EC11. However, Policy EC12 would require applications for Class E(a) at Queens Retail Park to address the question of whether there were suitable sites available to accommodate the application within the Preston PSA.
21. It is therefore difficult to see how EC12 Part 7 could possibly be justified by reference to retail impact and the proposed local impact thresholds. It also implies that development at Queens Retail Park could be subject to the Impact Test. However, bearing in mind Queens Retail Park is within Preston City Centre there is nothing in Policy EC11 or EC12 to require impact to be addressed.
22. Policy EC12 Part 7 serves no purpose. The explanation and justification for it within the councils Matter 10 Statement only serves to confuse the issue. Consequently, this paragraph of Policy EC12 should be deleted.

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