

# Rotherham local plan

## Sites & Policies Final Draft

### Town Centre Sequential & Impact Tests Good Practice Guidance

October 2014

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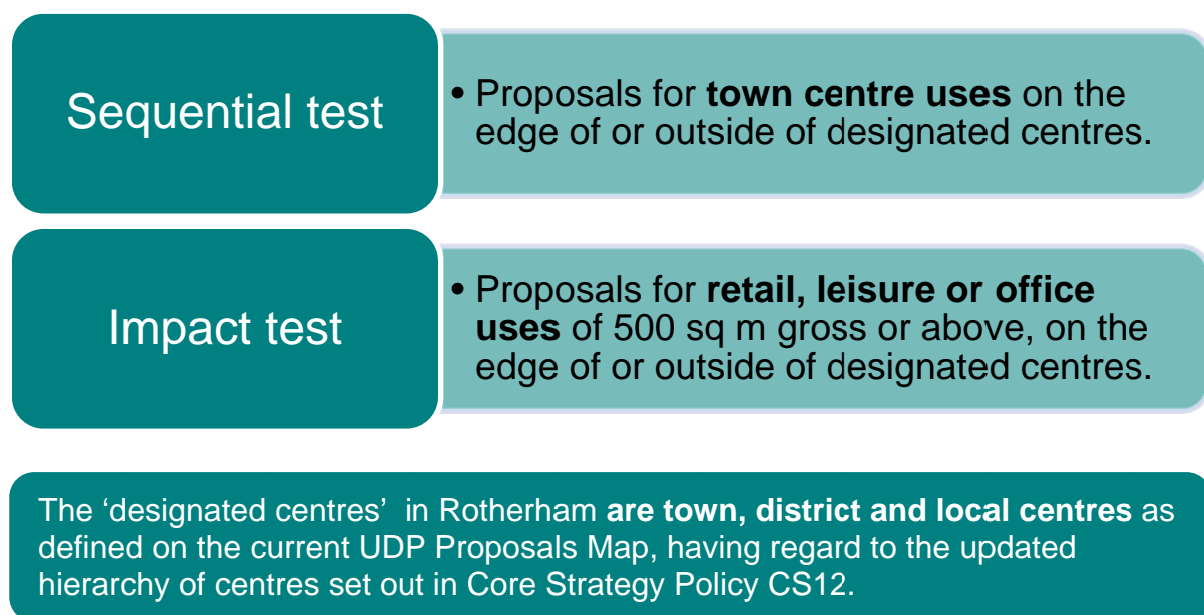
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## Introduction

1. This note sets out good practice guidance to assist applicants when submitting planning applications for main town centre uses in edge-of or out-of-centre locations which require a sequential and impact test assessment. It should be read in conjunction with:
  - The Adopted Unitary Development Plan (1999)
  - The Adopted Local Plan Core Strategy (September 2014)  
*Both available at <http://www.rotherham.gov.uk/localplan>*
  - National Planning Policy Framework and its accompanying Planning Practice Guidance. Available at <http://planningguidance.planningportal.gov.uk/>
2. A number of technical terms are used throughout; however a glossary is provided at appendix 1 which explains these further.

## When is a sequential or impact test required?

3. The National Planning Policy Framework supports the viability and vitality of town centres<sup>1</sup> by setting out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test (paragraphs 24 and 26). Core Strategy Policy CS12 provides further guidance.
4. The figure below indicates when the sequential and impact tests are required:



5. Where the above apply, sequential and impact test assessments will be required. The Council intends to amend its planning application validation policy to require the submission of sequential and impact tests (as appropriate) in order for any planning application to be validated and subsequently determined.

<sup>1</sup> References to ‘town centres’ in NPPF apply equally to other retail centres designated in development plans, such as district or local centres.

## Agreeing the scope of the assessment

6. In line with Core Strategy Policy CS12, applicants should agree with the Local Planning Authority the scope of the evidence and analysis to be submitted to ensure that this is proportionate to the scale and nature of the proposal.

**The Council supports early engagement with applicants which would allow the scope of any sequential / impact test assessment to be agreed.**

7. We provide and encourage use of our pre-application service<sup>2</sup> which aims to increase the efficiency of the Council's planning process and to resolve any planning problems and issues with the applicants at an early stage, before the submission of a planning application.
8. Where pre-application discussions have not taken place and the scope of assessment has not been agreed prior to submission of an application then further work may be required to any submitted assessment. This could delay determination of any planning application.
9. Key to any discussions will be establishing the parameters of the scheme. This should include, but is not limited to:

<b>Size</b>	Size of the scheme, ideally in gross square metres. For retail proposals details of the net sales floorspace should also be provided.
<b>Type</b>	The type of floorspace (for example are retail proposals for food/non-food), and any suggested planning conditions (such as range of goods, unit sizes etc.)
<b>Characteristics</b>	The characteristics of the development (such as catchment area, target market), the site, broad layout principles and proposed levels of parking.
<b>Operator details</b>	Where proposals are not for speculative development details should be provided of the prospective operator(s)
<b>Business model / locational requirements</b>	Details of any elements of the prospective operator(s) business model which have a bearing on site requirements. Why is the development required to be located on the proposed site / in a particular area of Rotherham? Is the development meeting an identified need in a particular area? Does the user have certain building or site requirements? This might be in terms of layout, access or market requirements.

<sup>2</sup> There may be a charge for this service depending upon the scale of the proposal. For more information please see our website: [http://www.rotherham.gov.uk/info/200074/planning\\_and\\_regeneration/513/get\\_help\\_with\\_a\\_planning\\_application/4](http://www.rotherham.gov.uk/info/200074/planning_and_regeneration/513/get_help_with_a_planning_application/4)

## Carrying out a sequential test

10. National Planning Practice Guidance sets out further guidance on undertaking the sequential test; in particular “Ensuring the vitality of town centres” paragraphs 8, 11 and 12: <http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-the-vitality-of-town-centres/ensuring-the-vitality-of-town-centres-guidance/>
11. There are four key steps to follow in undertaking a sequential test:

1. Establish the appropriate catchment for the development

2. Decide which designated centres should be assessed

3. Identify the sequentially preferable sites which should be considered

4. Undertake an assessment of the suitability, availability and viability of alternative sites

These are considered in more detail below.

### ***Establishing an appropriate catchment***

12. Establishing the catchment of the proposed development is the first step in determining which centres should form part of the assessment.
13. The catchment is the area the proposal is intended to serve. This will vary depending on the specific development proposed, and will need to take account of the size of development, the market in which the development will operate and any relevant characteristics of the business / operator model.
14. For example, the catchment for a small to medium sized food outlet will differ to that for a hotel. Similarly a more niche retailer or use may draw trade from a wider area than a mass market operator.
15. Catchments may be defined in a number of ways, such as a simple distance from the site (for example, a 1 mile radius) or a more detailed drive time calculation (which is determined by estimating the catchment served by, say, a 10 minute drive time). The distances or drive times which are appropriate will depend on the specific development.
16. Catchments may extend beyond the borough boundary; catchments which are artificially ‘clipped’ to the borough boundary will not be considered acceptable.

### ***Deciding which designated centres should be assessed***

17. Having established an appropriate catchment, this can then be used to help determine the centres which should be assessed for sequentially preferable sites, in conjunction with details of the type and size of development.
18. The centres to be considered are those town, district and local centres defined on the current UDP Proposals Map having regard to the updated hierarchy of centres set out in Core Strategy Policy CS12 and shown below:

Hierarchy	Centre(s)
Principal Town Centre	Rotherham Town Centre
Town Centre	Dinnington, Maltby, Wath-upon-Dearne
District Centre	Kiveton Park, Parkgate, Swallownest, Swinton, Wickersley

19. Once finalised the Sites and Policies document will set out new boundaries for town, district and local centres and replace those identified on the UDP Proposals Map.
20. Where the catchment extends beyond the borough boundary then the relevant local authorities should be contacted to determine which centres should be included within any sequential test and impact test.
21. Depending upon the development proposed it may be appropriate that all designated centres within the catchment should be assessed. Alternatively it may be appropriate for the assessment to be restricted to higher order centres. For example a larger supermarket or retail operator will be more appropriately directed towards town or district centres. Consideration will therefore be given to the catchment of the proposed development and the catchment area served by particular centres.
22. This recognises the different role that centres within the retail hierarchy play:

<b>Principal town centre &amp; town centres</b>	The borough's main retail, commercial and civic centre which serves the whole borough, and other larger centres which serve a wider area. Function as important service centres, providing a range of facilities and services for extensive catchment areas
<b>District centres</b>	Centres which may serve a more than local need. Usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
<b>Local centres</b>	Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre.

29. Retail parks are not classed as centres for the application of the sequential test. The exception to this is for proposals involving bulky goods uses. This is discussed further in paragraphs 38 and 39.

### **Identifying the sites to be considered**

30. Where the proposed development is in an out-of-centre or edge-of-centre location then the assessment should consider sequentially preferable sites – i.e. first those within designated centres and then, if these are unavailable, suitable or viable, sites in an edge-of-centre location. National Planning Practice Guidance indicates that preference should be given to accessible sites that are well connected to the centre.
31. Establishing whether a proposal is in an edge of or out-of-centre location will depend on the specific type of development proposed. The table below provides a summary of how edge-of-centre locations will be defined:

	<b>Retail uses</b>	<b>Office uses</b>	<b>All other main town centre uses</b>
<b>Edge-of-centre</b>	Well connected and up to 300 metres of the primary shopping area.	Outside the town, district or local centre but within 500 metres of a public transport interchange.	A location within 300 metres of a town, district or local centre boundary.
	In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography, barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre.		

<b>Town, district and local centre boundaries</b>	Defined on the UDP Proposals Map; refer to the retail centre hierarchy in Core Strategy Policy CS12.	Town, district and local centre boundaries will be redefined through the Local Plan Sites and Policies document.
<b>Primary shopping areas</b>	Defined as “Prime Shopping Streets” in the UDP. Refer to maps 1 to 12 in Chapter 7 of the UDP written statement.	New primary and secondary shopping frontages will be defined for town and district centres through the Local Plan Sites and Policies document. For local centres the centre boundary should be considered as the primary shopping area with regard to retail proposals.

32. The choice of sites to consider (including vacant premises or undeveloped sites) will depend on a number of key factors:
- The size of the proposed development
  - The operator’s business model
  - scope for flexibility in the format and/or scale of the proposal
33. The National Planning Practice Guidance notes that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. It emphasises that robust justification must be provided where this is the case, and land ownership does not provide such a justification. Where this is the case for proposed development it should inform the parameters of the assessment as discussed at paragraph 9 above.

34. National policy indicates that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. National Planning Practice Guidance indicates that it is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
35. The purpose behind this is to seek wherever appropriate to accommodate new development within town centres; making effective and efficient use of previously developed land, ensuring development is located in accessible locations, and securing new investment. Flexibility could be achieved through the amendment of 'standard' business model requirements to incorporate innovative design, such as multi level stores, and/or through shared or multi level car parking and innovative servicing solutions.
36. The Council can advise on sites which it considers should form part of the assessment. It also undertakes regular monitoring of town and district centres including identifying vacant premises. This data is available on request from the Council and may help identify sites or premises which should be assessed.
37. Where centres within other local authority areas are being considered, the relevant Council(s) may also be able to assist in identifying sites for assessment or providing any relevant monitoring data.
38. In the case of proposals for bulky goods floorspace Core Strategy Policy CS12 indicates that once sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development should be assessed.
39. Retail Warehouse Parks are identified on the adopted UDP Proposals Map. Retail Parks will be further refined as part of preparing the Local Plan Sites and Policies document.



## ***Undertaking the assessment***

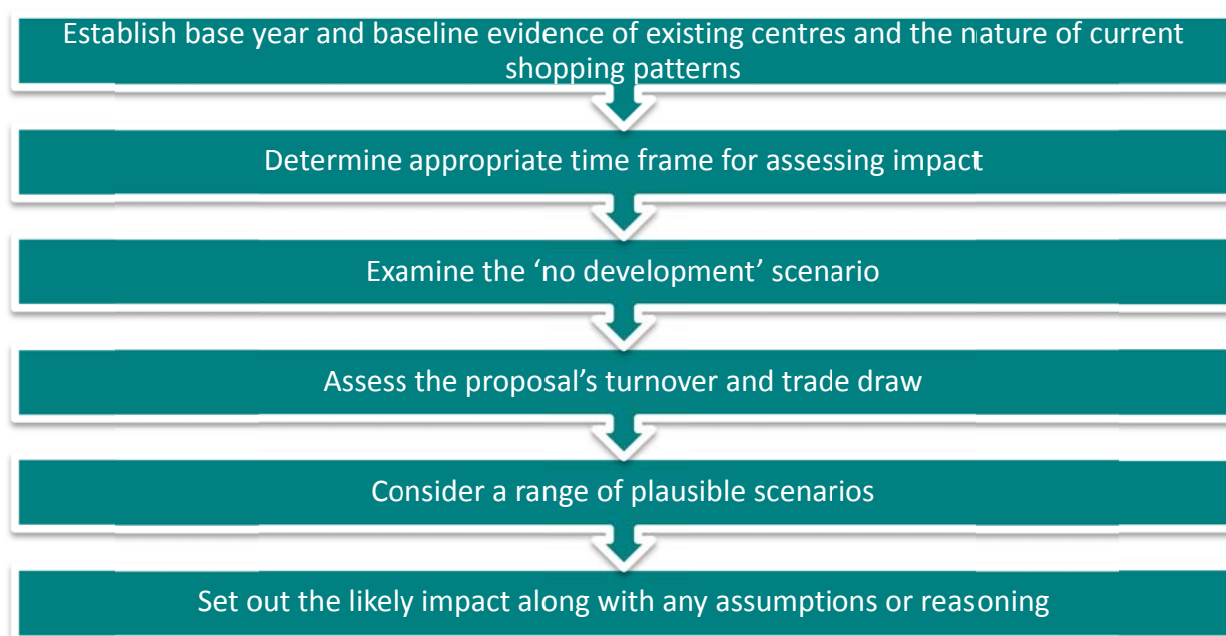
40. Core strategy Policy CS12 indicates that the sequential test should demonstrate that alternative sites are not available, suitable or viable for the proposed development.
41. The assessment of each site should therefore consider:

<b>Availability</b>	Whether sites are available now or are likely to become available for development within a reasonable period of time (determined on the merits of a particular case, having regard, for example, to the urgency of the need). Where sites become available unexpectedly after receipt of an application, this will be taken into account in the assessment of proposals. It will not be appropriate for an applicant to dismiss a more sequentially preferable site on the basis that it is not available to the developer/retailer in question.
<b>Suitability</b>	<p>With due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet. The following factors are likely to be relevant when assessing whether a site offers a suitable location for development:</p> <ul style="list-style-type: none"> <li>• Policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy.</li> <li>• Physical problems or limitations – such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination.</li> <li>• Potential impacts – including effects on landscape features and conservation.</li> <li>• The environmental conditions – which would be experienced by potential users of the proposal.</li> </ul>
<b>Viability</b>	<p>Whether there is a reasonable prospect that development will occur on the site at a particular point in time. Again the importance of demonstrating the viability of alternatives depends in part on the nature of the need and the timescale over which it is to be met.</p> <p>Relevant considerations could include market factors (such as attractiveness of the locality and level of potential market demand), cost factors (such as site preparation costs and any exceptional works necessary) and delivery factors (such as phasing and build out rates).</p>

43. If the applicant asserts that the proposal is, by its nature, locationally specific, and cannot be accommodated in a more central location, or that it is not possible to adopt a flexible approach to accommodate the development more centrally, it will be necessary to clearly justify this position.

## Carrying out an impact test

44. Core Strategy Policy CS12 identifies that proposals for retail, leisure or office uses of 500 sq m gross or above, on the edge of or outside of designated centres, must be accompanied by an impact assessment. This should consider:
- the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and
  - the impact of the proposal on the vitality and viability of centres, including local consumer choice and trade.
45. National Planning Practice Guidance sets out further guidance on undertaking the impact test; in particular “Ensuring the vitality of town centres” paragraphs 13, 15, 16, 17 and 18: <http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-the-vitality-of-town-centres/ensuring-the-vitality-of-town-centres-guidance/>
46. This includes a checklist for applying the impact test, although it is acknowledged that this is focused on retail proposals and not all steps may be appropriate for use with all main town centre uses. The steps are summarised below:



47. Consideration will be given to whether the impact of a new out-of-centre development could undermine the viability and contribution of schemes in more sequentially preferable locations, or prejudice the potential to secure further development on a more central site.
48. In undertaking an impact assessment the Council will seek to agree the scope, key impacts for assessment, and level of detail required in advance of applications being submitted. In line with national guidance impact should be considered over time: up to five years for most schemes, or up to ten years for major schemes.
49. Where proposals relate to a specific type of goods (for example a DIY retail warehouse) it may be appropriate to focus the impact assessment on that specific sector, notwithstanding the need to consider the impact of the proposal on the overall vitality and viability of town centres.

50. If unconditional consent is sought for retail or other uses, i.e. with no limitation on net sales area, unit sizes, range of goods etc, then the supporting assessment should examine all of the potential impacts and policy compliance of the full range of possible permutations which would be permitted under the proposed planning permission.
51. In assessing the impact of the proposal on existing, committed and planned public and private investment, consideration should be given to a range of factors including:
- What stage they have reached e.g. are they contractually committed?
  - The policy 'weight' attached to them e.g. are they a key provision of the development plan?
  - Whether there is sufficient 'need' for both?
  - Whether they are competing for the same market opportunity, or key retailers/occupiers?
  - Whether there is evidence that retailers/investors/developers are concerned; and
  - Whether the cumulative impact of both schemes would be a cause for concern.
52. Where the catchment extends into other local authority areas the relevant Council(s) may also be able to assist in identifying factors which should be taken into account in any assessment, and providing any relevant information, such as monitoring data, retail and leisure studies, or town centre health check data.
53. Rotherham's most recent retail and leisure studies should provide a starting point to inform any impact assessment. Currently these consist of:
- The 2010 Rotherham Town Centre Retail and Leisure Study
  - The 2011 Rotherham Retail and Leisure Study (borough-wide, excluding Rotherham town centre)

These are available on our website at <http://www.rotherham.gov.uk/localplan>

54. These studies include quantitative and qualitative data on retail floorspace requirements, leisure uses and also health checks of the borough's centres. It is acknowledged that these may need to be supplemented by more up to date where this is available, either from the Council or as provided by the applicant.

## **Informing planning decisions**

55. In line with the NPPF and Core Strategy Policy CS33, the Council will take a positive approach that reflects the presumption in favour of sustainable development. We will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
56. Wherever possible the Council will provide advice, guidance and data to applicants to assist in the preparation of sequential and impact assessments. The submitted assessments will be taken into account in determining planning applications. The failure to undertake a sequential or impact assessment can be a reason for refusal of planning permission.
57. NPPF paragraph 27 states that “Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.” Equally, compliance with the sequential and impact tests does not guarantee that permission will be granted – the Council will consider all material considerations in reaching a decision.
58. Where it is minded to grant planning permission, the Council may impose planning conditions to manage the impacts of development. The use of conditions will be appropriate where the consequences of certain types of development could lead to unacceptable impacts or have not been fully tested, and will be informed by the assessment of sequential and impact tests. For example, where retail proposals have been assessed based upon a particular scale of net sales floor space, and the impact and appropriateness of the scale of development has been judged acceptable, it will normally be appropriate to impose conditions restricting total net sales area permitted.
59. Planning conditions could be used to:
  - Prevent developments from being sub divided into a number of smaller shops or units, or to secure the provision of units suitable for smaller businesses, by specifying the maximum size of units.
  - Ensure that ancillary elements remain ancillary to the main development.
  - Limit any internal alterations to increase the amount of gross floor space by specifying the maximum floor space permitted.
  - Limit the range of goods sold, and control the mix of convenience and comparison goods.
  - Resolve issues relating to the impact of the development on traffic and amenity of neighbouring residents, such as the timing of the delivery of goods to shops and the adequate provision for loading and unloading.

## Contact Information

For further information please contact us using the details below.

### For planning policy queries:

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

Telephone: 01709 823869

Post: Planning Policy, Rotherham MBC, Riverside House, Main Street,  
Rotherham, S60 1AE

Website: [www.rotherham.gov.uk/localplan](http://www.rotherham.gov.uk/localplan)

Submit your query online at:

[www.rotherham.gov.uk/forms/form/57/en/planning\\_policy\\_team\\_message](http://www.rotherham.gov.uk/forms/form/57/en/planning_policy_team_message)

### For planning application queries, including arranging pre-application discussions:

Email: [development.management@rotherham.gov.uk](mailto:development.management@rotherham.gov.uk)

Telephone: 01709 382121

Post: Development Management, Rotherham MBC, Riverside House, Main  
Street, Rotherham, S60 1AE

Website: [www.rotherham.gov.uk/info/200074/planning\\_and\\_regeneration](http://www.rotherham.gov.uk/info/200074/planning_and_regeneration)

Submit your query online at

[www.rotherham.gov.uk/forms/form/60/en/development\\_management\\_enquiries](http://www.rotherham.gov.uk/forms/form/60/en/development_management_enquiries)

## Appendix 1: Glossary and Definitions

**Unitary Development Plan (UDP):** A document which is used to make decisions on proposals for development. The Rotherham UDP covers all the borough. The UDP will be replaced by Rotherham's new Local Plan.

**Bulky Comparison goods:** Large or bulky items such as DIY goods, furniture and floor coverings, major household appliances, audio-visual equipment and bicycles.

**Convenience goods:** Low-cost, everyday items that consumers are unlikely to travel far to purchase such as food and non-alcoholic drinks, tobacco, alcohol, and newspapers

**Core Strategy:** This forms part of the new Local Plan. It sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision.

**District centres:** District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.

**Impact test:** ensures that the impact over of certain out-of-centre and edge-of-centre proposals on existing town centres is not significantly adverse.

**Local centres:** Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre.

**Main town centre uses:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

**National Planning Policy Framework:** Sets out the government's planning policies for England and how they are expected to be applied. It provides guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.

**National Planning Practice Guidance:** A web-based resource which provides further explanation and guidance in relation to the National Planning Policy Framework.

**Non Bulky Comparison goods:** Goods for which the consumer expects to visit a range of shops before making a choice, such as clothing, footwear, household goods and other non-food purchases

**Primary shopping area:** Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

**Primary shopping frontages:** Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods.

**Secondary shopping frontages:** Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

**Sequential test:** guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge-of-centre locations, and, if neither town centre locations nor edge-of-centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre.

**Sites & Policies Document:** This forms part of the new Local Plan. It will show specific development sites and contain policies to guide the release of land and design of new development.

**Small parades:** Small parades of shops of purely neighbourhood significance which are not regarded as centres.

**Town centres:** Town centres will usually be the second level of centres after city centres and, in many cases, they will be the principal centre or centres in a local authority's area. In rural areas they are likely to be market towns and other centres of similar size and role which function as important service centres, providing a range of facilities and services for extensive rural catchment areas. In planning the future of town centres, local planning authorities should consider the function of different parts of the centre and how these contribute to its overall vitality and viability.