

Rotherham local plan

DRAFT Town centre uses and developments Supplementary Planning Document



September 2019

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Rotherham
Metropolitan
Borough Council



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Introduction

Introduction

1 This Supplementary Planning Document (SPD) has been produced to add further detail to policies in Rotherham's Local Plan. The overall objectives of the SPD are to:

- Provide more detailed guidance on the application of policies within the Core Strategy and Sites and Policies Local Plan documents;
- Assist applicants when preparing and submitting planning applications; and
- Minimise the risk of delays in subsequent decision making.

2 The SPD will assist applicants when preparing planning applications for main town centre uses in edge of or out of centre locations which require a sequential and impact test assessment, as required by Core Strategy Policy CS12 Managing Change in Rotherham's Retail and Service Centres. It will also provide guidance as to how policies related to town, district and local centres, in particular Policies SP20 Primary Shopping Frontages and SP21 Secondary Shopping Frontages, will be applied.

3 A number of technical terms are used throughout and a glossary is provided at appendix 1 which explains these further.

Status

4 This SPD has been prepared in line with national planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPD add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

5 As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between xx and xx. The accompanying Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on xxxxx.

Policy context

National planning policy

6 The delivery of sustainable development lies at the heart of planning. This is established in National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG), and is expressed at a local level through Rotherham's Local Plan.

7 NPPF recognises town, district and local centres as being at the heart of communities and sets out policies to support their viability and vitality. It establishes that local planning authorities should define the extent of town centres and primary shopping areas, and make clear the range of uses

permitted in such locations, and apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

8 It also establishes that for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (500 sqm gross, as established in the Local Plan).

9 Paragraph 90 of NPPF is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact then it should be refused.

Local planning policy

10 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018), alongside the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted in March 2012). These are available from our website:

<https://www.rotherham.gov.uk/localplan>

11 The Local Plan sets out a range of policies to guide development for retail, leisure and other main town centre uses. The policies include:

- the identification of a hierarchy of centres within Rotherham and strategies to support them;
- establishing the uses which will be acceptable within centres, and within different parts of centres;
- setting out how the sequential test requirements will be applied within Rotherham; and
- ensuring that the impact of retail, leisure and office development outside of town centres is assessed where appropriate.

12 This guidance provides additional detail to, and should be read in conjunction with, the following policies:

| | |
|--|--|
| Policy CS 1 Delivering Rotherham's Spatial Strategy | which sets out how retail growth will be distributed across Rotherham |
| Policy CS 12 Managing Change in Rotherham's Retail and Service Centres | which sets out the hierarchy of centres within Rotherham and strategies to support them, and sets out how the sequential and impact tests will be applied. |
| Policy CS 13 Transforming Rotherham Town Centre | sets out detailed policy for Rotherham town centre. |
| Policy SP 19 Development Within Town, District and Local Centres | which sets out the acceptable uses within Rotherham's centres. |
| Policy SP 20 Primary Shopping Frontages | which establishes the acceptable uses within primary shopping frontages and relevant criteria to be met. |

Policy SP 21 Secondary Shopping Frontages

which establishes the acceptable uses within secondary shopping frontages and relevant criteria to be met.

Policy SP 22 Hot Food Takeaways

which sets out detailed policy and criteria to be met for hot food takeaway uses.

Policy SP 23 Out-of-Centre Retail Parks and Other Out-of-Centre Developments

which sets out how proposals outside of defined centres will be considered.

Policy SP 24 Rotherham Town Centre Regeneration

which establishes aspirations for key sites within Rotherham town centre.

Policy SP 25 Rotherham Town Centre Evening Economy

which sets out how policy regarding evening and late night uses within Rotherham town centre.

13 Reference should also be made to the Rotherham Town Centre Supplementary Planning Document, which provides more detailed guidance for this centre.

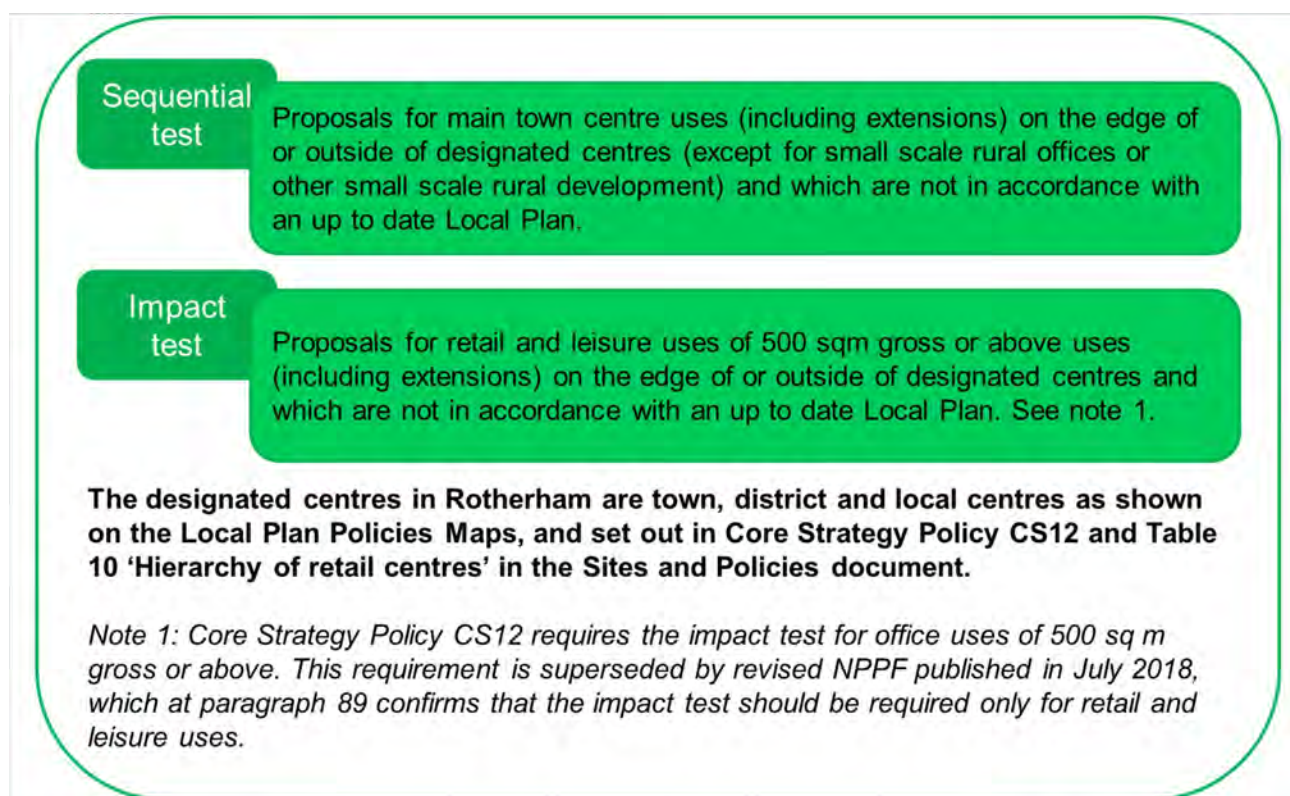
Sequential and impact tests

When is a sequential or impact test required?

14 The NPPF (at paragraphs 86 and 89) supports the viability and vitality of town centres by setting out two key tests that should be applied when planning for town centre uses which are not in an existing centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. Core Strategy Policy CS12 Managing Change in Rotherham's Retail and Service Centres provides further guidance.

15 The figure below indicates when the sequential and impact tests are required:

Figure 1 When sequential and impact tests will be required



16 The definition of main town centre uses (as set out in NPPF) is included in the glossary at appendix 1.

17 Policy SP25 Hot Food Takeaways further clarifies that hot food takeaways outside of town, district and local centres will be required to satisfy Core Strategy Policy CS12 and will not be permitted where they would result in more than two A5 units being located adjacent to each other.

18 The National Planning Practice Guidance makes clear that it is for the applicant to demonstrate compliance with the sequential and impact tests in support of relevant applications and that the failure to undertake them can be a reason for refusal of planning permission.

19 In line with NPPF paragraph 90, applications may be refused where they fail to satisfy the sequential test or are likely to have a significant adverse impact on:

- existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and / or
- on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

20 Equally, compliance with the sequential and impact tests does not guarantee that planning permission will be granted – the Council will consider all relevant planning policies and material considerations in reaching a decision on planning applications.

Agreeing the scope of the assessment

21 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.

22 We provide and encourage use of our pre-application service which aims to increase the efficiency of the Council's planning process and to resolve any planning problems and issues with applicants at an early stage, before the submission of a planning application.

23 More information on the Council's pre-application service is available on our website at: <https://www.rotherham.gov.uk/planning>

24 Where pre-application discussions have not taken place and the scope of any sequential or impact assessment has not been agreed prior to submission, then further work may be required to any submitted assessment. This could delay determination of any planning application.

25 Key to any discussions will be establishing the parameters of the scheme. This should include, but is not limited to:

Table 1 Establishing the parameters of a scheme

| | |
|---|---|
| Size | The size of proposed development, preferably in gross square metres. For retail proposals the net sales floorspace should also be provided. |
| Type | 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.) |
| Characteristics | The characteristics of the development (such as catchment area, target market), the site, broad layout principles, and proposed levels of parking. |
| Operator details | Where proposals are not for speculative development details should be provided of the prospective operator(s) |
| Business model / locational requirements | 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. |

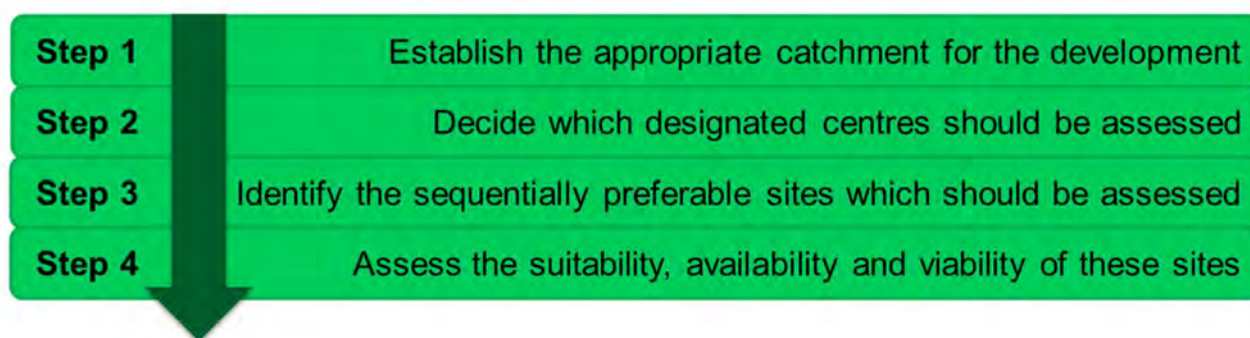
Carrying out a sequential test

26 National Planning Practice Guidance sets out further guidance on undertaking the sequential test: <https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres> The Council will have regard to this guidance in determining planning applications.

27 Where proposals relate to extensions to existing uses the sequential test should be carried out based on the property / use as proposed to be extended. For example, for a proposed 300 sqm extension to an existing unit of 1,100 sqm the assessment should be based on the combined development of 1,400 sqm.

28 There are four key steps to follow in undertaking a sequential test, which are considered in detail below:

Figure 2 Sequential test steps



Step 1: Establishing an appropriate catchment

29 Establishing the catchment of the proposed development is the first step in determining which centres should form part of the assessment.

30 The catchment is the area the proposal is intended to serve / draw trade from. 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.

31 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.

32 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, for example, a 10 minute drive time). The distances or drive times which are appropriate will depend on the specific development.

33 Catchments may extend beyond the borough boundary. Catchments which are artificially 'clipped' to the borough boundary will not be considered acceptable:

Figure 3 Treating catchments across boundaries



Step 2: Deciding which designated centres should be assessed

34 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 proposed development.

35 The centres to be considered are town, district and local centres defined in the Local Plan and which comprise the hierarchy of centres set out in Policy CS12 and table 9 of the Sites and Policies Document:

Table 2 Hierarchy of centres in the Rotherham Local Plan and centre definitions

| | | |
|--------------------------------|--|--|
| <p>Town Centres</p> | <p>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.</p> <p>Rotherham Dinnington Maltby Wath-upon-Dearne</p> | |
| <p>District Centres</p> | <p>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.</p> <p>Kiveton Park Parkgate Swallownest Swinton Wickersley</p> | |
| <p>Local Centres</p> | <p>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.</p> <ul style="list-style-type: none"> ● Bassingthorpe Farm - Urban Village (indicative) ● Woodlathes Road / Acorn Way, Bramley ● Main Street / Cross Street, Bramley ● East Bawtry Road, Brecks ● Brinsworth Road, Brecks ● Brinsworth Lane, Brinsworth ● Herringthorpe Valley Road / Wickersley Road, Broom ● Middle Lane, Clifton ● Doncaster Road, Dalton ● Doncaster Road / Far Lane, East Dene ● Fitzwilliam Road, Eastwood ● Union Street, Harthill ● Chaucer Road, Herringthorpe ● St Johns Green, Kimberworth Park | <ul style="list-style-type: none"> ● Hangsman Lane, Laughton Common ● Muglet Lane, Maltby ● Kilnhurst Road / Queen Street, Rawmarsh ● Kilnhurst Road, Rawmarsh ● The Parade, Rawmarsh ● Bellows Road, Rawmarsh ● Harding Avenue / Symonds Avenue, Rawmarsh ● Swallow Wood Road / Sheffield Road, Swallownest ● Church Street, Swinton ● Woodhouse Green, Thurcroft ● Green Arbour Road, Thurcroft ● Rotary Drive, Wath-upon-Dearne ● Highfield Commercial, Waverley (indicative) ● Waverley New Community, Waverley (indicative) |

36 Boundaries for these centres are shown on the Policies Maps accompanying the Sites and Policies document. More detailed maps of the town and district centres can be found at appendix 1 of the Sites and Policies document. The exception is where centres are identified as being indicative. In these instances the centres will be provided as part of the development of larger schemes and at present their precise location and extent are not known. These centres should still be considered, where relevant, as part of any sequential assessment and account will be taken of the latest information regarding these centres at that time.

37 Where the catchment of proposed development extends beyond the borough boundary then the relevant planning departments of local authorities should be contacted to determine which centres should be included within any sequential test and impact test.

38 Depending upon the development proposed it may be appropriate that all designated centres within the catchment should be assessed. In other circumstances it may be appropriate for the assessment to be restricted to higher or lower order centres. For example, a larger supermarket or retail operator will be more appropriately directed towards town or district centres. Alternatively it may be appropriate for assessments of proposals for small convenience goods providers, such as a grocers or corner shop, to be limited to local or district centres. Consideration will therefore be given to the type, scale and catchment of the proposed development and the catchment area served by particular centres. This approach recognises the different role that centres within the retail hierarchy play.

39 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 51 to 53.

Step 3: Identifying the sequentially preferable sites which should be considered

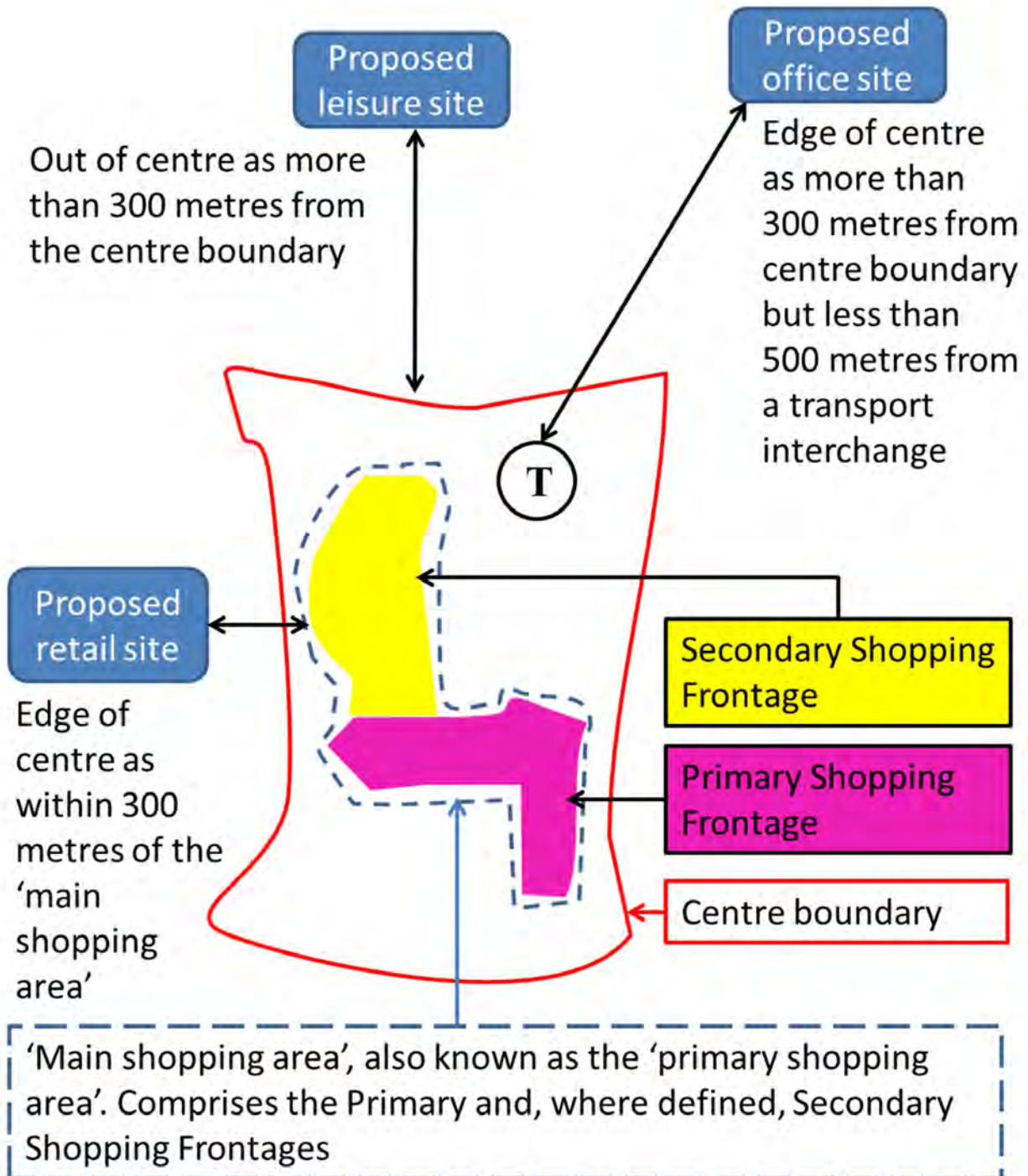
40 Where the proposed development is in an out of centre or edge of centre location then the assessment should consider sequentially preferable sites – i.e. first those within designated centres and then, if these are unavailable, suitable or viable, sites in an edge of centre location. National Planning Practice Guidance indicates that preference should be given to accessible sites that are well connected to the centre.

41 Establishing whether a proposal is in an edge of or out of centre location will depend on the specific type of development proposed and the site context. Table 3 'Defining edge of centre locations' and Figure 4 'Retail centre components and edge of centre locations' provide more information on how edge of centre locations are defined.

Table 3 Defining edge of centre locations

| | Retail uses | Office uses | All other main town centre uses |
|--|---|--|--|
| Edge of centre | Well connected and up to 300 metres of the primary shopping area. | A location within 300 metres of a town, district or local centre boundary, and locations outside of these centres but within 500 metres of a public transport interchange. | A location within 300 metres of a town, district or local centre boundary. |
| <p>In determining whether a site falls within the definition of edge of centre, account will 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.</p> <p>Rotherham’s primary shopping areas are identified in Policy SP22 Development Within Town, District and Local Centres as ‘main shopping areas’ consisting of primary and, where they are defined, secondary shopping frontages, identified on the inset maps at appendix 1 of the Sites and Policies document.</p> <p>For local centres the centre boundary should be considered as the primary shopping area with regard to retail proposals.</p> | | | |

Figure 4 Retail centre components and edge of centre locations



42 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.

43 In addition it will be important to have regard to the requirements of Policies SP23 Primary Shopping Frontages and SP24 Secondary Shopping Frontages. In some circumstances where proposals require a ground floor presence it may not be appropriate to consider sequentially preferable sites within these areas; this will require further consideration at the time of any planning application. This may be where:

- Particular uses are not supported at ground floor level within Primary or Secondary Shopping Frontages;
- Existing Primary and / or Secondary Frontages are at or below the concentration of A1 shops at ground floor level established in these policies.

44 There may be circumstances when it remains appropriate to consider locations within Primary or Secondary Shopping Frontages. For example this may be the case where uses are not identified as acceptable at ground floor level, but could be accommodated on upper floors (such as B1(a) office uses).

45 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 25 above.

46 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.

47 The purpose behind this is to seek wherever appropriate to accommodate new development within 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.

48 Flexibility could include agreement to only consider sequentially preferable sites within a reasonable size range to accommodate the proposed development (such as +/- 10%). In such circumstances the Council may accept the automatic discounting of sites outside of any agreed range.

49 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.

50 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.

Assessing proposals for bulky goods floorspace

51 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, then the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development should be assessed.

52 Rotherham's retail parks, defined on the Policies Map, are located at:

- Cortonwood
- Parkgate Shopping Park, Parkgate
- Northfield Retail Park, Parkgate
- Great Eastern Way, Aldwarke

53 The application of the sequential test for bulky goods should also take account of vacancies within any other retail parks in Rotherham at the time of preparing the assessment.

Step 4: Undertaking the assessment

54 Core Strategy Policy CS12 indicates that the sequential test should demonstrate that alternative sites are not available, suitable or viable for the proposed development. Evidence provided should be robust and proportional given the size and scale of proposed development.

55 The assessment of each site should consider:

Table 4 Assessing sequentially preferable sites

| | |
|---------------------|---|
| Availability | 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. |
| Suitability | <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"> • Policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy. • Physical problems or limitations – such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination. • Potential impacts – including effects on landscape features and conservation. <p>The environmental conditions – which would be experienced by potential users of the proposal.</p> |
| Viability | <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> |

56 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.

Format of sequential assessment

The Council expects clear evidence to be provided of the sequential assessment, including details of the sites considered and their assessment. The precise format of each assessment report may vary, however the following structure is suggested:

Introduction: setting out brief details of the proposed scheme, including the parameters set out in table 1 of this SPD (i.e. size, type, characteristics, operator details, business model / locational requirements).

Catchment definition: providing a clear indication of the catchment area (preferably including a clearly marked up map) and appropriate justification.

Centres assessed: identifying the centres within the catchment which are to be assessed. Where certain centres within the catchment are not to be assessed (see earlier advice in this SPD) then clear justification for this approach should be set out.

Site assessment criteria: clearly setting out the site assessment criteria having regard to the parameters identified above and including any elements of flexibility.

Site assessments: this section should set out the assessment for each site based on the criteria established. It should provide a clear consideration of sites in terms of their availability, suitability and viability. It should be based on up to date information and should include a clear conclusion for each site. Where sites are discounted (i.e. considered not available, suitable or viable) the conclusion should make clear the reasons for this.

Conclusion: this section should provide an overall conclusion of the sequential assessment. Where sequentially preferable sites are identified which are available, suitable and viable then these should be highlighted. Where sites have been discounted as not available, suitable or viable then this should also be highlighted.

57 The Council will consider sequential assessments submitted as part of a planning application or pre-application enquiry. It will endeavour to provide any advice or comments on the information submitted in a timely manner to assist applicants.

Carrying out an impact test

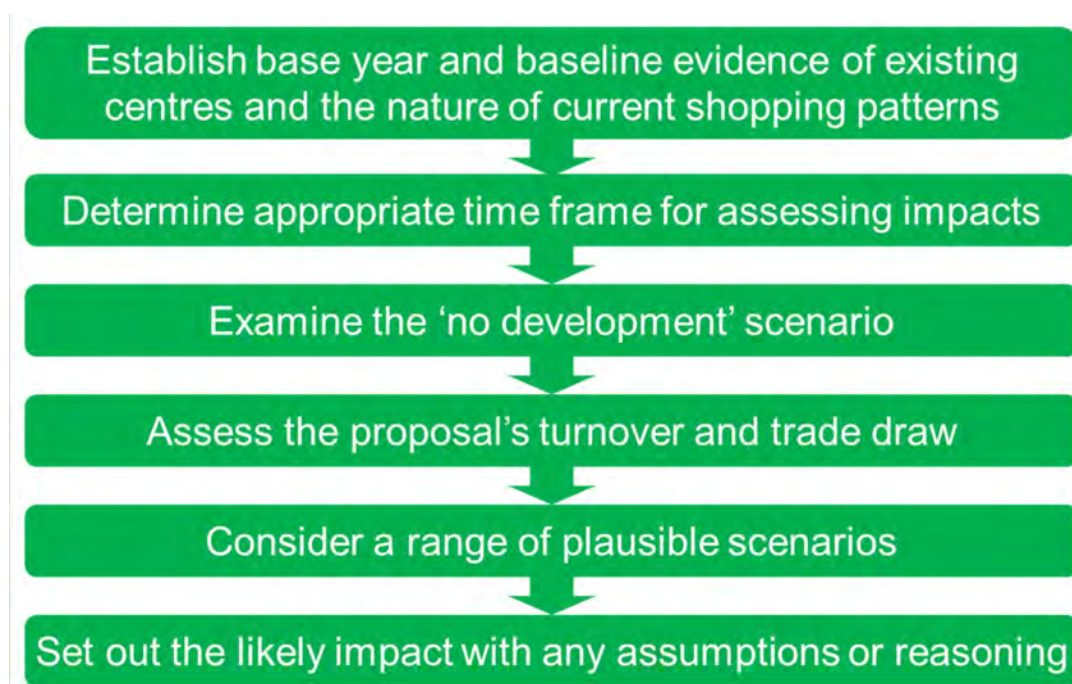
58 Core Strategy Policy CS12 identifies that proposals for retail or leisure uses of 500 sq m gross or above, on the edge of or outside of designated centres, must be accompanied by an impact assessment ⁽¹⁾. This should consider:

- 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.

59 National Planning Practice Guidance sets out further guidance on undertaking the impact test: <https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres> The Council will have regard to this guidance when determining planning applications.

60 This includes a checklist (at paragraph 018) 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:

Figure 5 Undertaking an impact test



¹ Core Strategy Policy CS12 also requires the impact test for office uses of 500 sqm gross or above. This requirement is superseded by revised NPPF (July 2018) which at paragraph 89 confirms that the impact test should be required only for retail and leisure uses.

- 61** 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.
- 62** 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. The basis of any assessment will normally consider potential impacts on designated centres within the catchment area identified as part of the sequential test. 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.
- 63** 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.
- 64** If unconditional consent is sought for retail or other uses (for example, with no limitation on net sales area, unit sizes, range of goods and so on) 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.

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 (for example, 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.

- 65** 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.
- 66** Rotherham's most recent retail and leisure studies should provide a starting point to inform any impact assessment. Currently this is the Sheffield & Rotherham Joint Retail & Leisure Study, February 2017, available on our website at:

https://www.rotherham.gov.uk/downloads/200074/planning_and_regeneration

67 This includes quantitative and qualitative data on retail floorspace requirements, leisure uses and also health checks of Rotherham, Dinnington, Maltby and Wath upon Dearne town centres. It is acknowledged that these may need to be supplemented by more up to date data where this is available, either from the Council or as provided by the applicant.

68 Other information relating to Rotherham town centre is also available in the following documents:

- Rotherham Town Centre Supplementary Planning Document (adopted July 2016) available at: https://www.rotherham.gov.uk/downloads/200074/planning_and_regeneration
- Rotherham Town Centre Implementation Masterplan (September 2017) available at: https://www.rotherham.gov.uk/downloads/download/345/town_centre_masterplan

Development within Primary and Secondary Shopping Frontages

69 Policy SP19 Development Within Town, District and Local Centres establishes the acceptable uses within Rotherham's hierarchy of centres. Within town and district centres there are 'main shopping areas' which consist of 'Primary Shopping Frontages' and, in some cases, 'Secondary Shopping Frontages'. Separate guidance on the uses acceptable within the shopping frontages is provided in Policy SP20 Primary Shopping Frontages and Policy SP21 Secondary Shopping Frontages.

70 In Primary Shopping Frontages policy aims to ensure that development does not dilute the concentration of A1 shops below 65%, or reduce it further where it is already below this level.

71 In Secondary Shopping Frontages policy aims to ensure that development does not dilute the concentration of A1 shops below 30%.

72 The following principles will be observed when considering applications against policies SP20 and SP21:

- A. The percentage of A1 shops will be considered across the whole Primary or Secondary Shopping Frontage for the centre in question. Where a centre includes several areas of Primary or Secondary Frontage which are physically separate the data will not be considered for each area but combined across the total Primary or Secondary Frontage.
- B. The Council maintains annual monitoring data for town and district centres, including Primary and Secondary Shopping Frontages. This is available on request and will provide a useful starting point; however applicants will be expected to demonstrate, by way of up to date survey data, that proposed development will not reduce the concentration of A1 shops in Primary or Secondary Shopping Frontages below the relevant percentage, or further below the current percentage in Primary Shopping Frontages where this is already below the threshold (as set out in Policies SP20 and SP21). Appendix 2 shows a summary of the current monitoring data for town and district centres.
- C. Calculations will be based on ground floor premises; uses on upper floors will be excluded as will entrances to upper floors and basements.
- D. In considering survey data the Council will have regard to the current use of properties, taking account of their lawful permitted use. For example, where a unit is in use for something other than that for which it has planning permission the permitted rather than actual use will be considered. This will have regard to any lawful changes of use through permitted development rights which do not require a formal planning permission. It is also recognised that there are some circumstances where permitted development rights exist for a temporary change to certain uses for a period of two years, subject to prior notification of the proposed use to the Council ⁽²⁾. In these circumstances the current lawful planning use of premises irrespective of any temporary flexible use which is occupying them will be utilised. Thus (for example) a unit with

2 As of January 2019 uses falling within classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants/Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaways), B1 (Offices), D1 (Non-residential Institutions) and D2 (Assembly and Leisure) may change temporarily to a use falling within either A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants/Cafes) or B1 (Offices).

a lawful use as an A1 shop but which is occupied on a temporary basis as an A3 café will be deemed to be in A1 retail use.

- E. Where premises are vacant their previous lawful permitted use will be taken into account when calculating the percentage of A1 shop uses. This may include identifying where a particular use has been recorded on previous monitoring data for more than 10 years and could potentially be considered a deemed consent (however this does not represent confirmation of a lawful use by the Local Planning Authority; where planning permission has not been granted for a use then a lawful development certificate would be required to confirm this). For example a unit previously in retail use but presently vacant will be considered as a shop use contributing to the percentage of units. This recognises that premises may be vacant for a short period of time and could come back into use without the need for further planning permission. The exception to this will be where units are considered to be long term vacancies based on monitoring and / or other evidence. In such circumstances there may be constraints which are preventing the unit coming back into use and as such these units will be recorded as vacant. Where these units were previously in retail use they will not be considered as a shop use contributing to the percentage of units.
- F. Where premises are derelict or where they are unoccupied and redevelopment is expected to take place within a reasonable period of time these will not be counted as units for the purposes of applying the policies.
- G. Policies SP20 and SP21 will not be applied to proposals within Local Centres as Primary and Secondary Shopping Frontages are not defined for these centres.

Informing planning decisions

73 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.

74 Wherever possible the Council will provide advice, guidance and data to applicants to assist in the preparation of sequential and impact assessments or other evidence supporting planning applications. The submitted documents will be taken into account in determining planning applications.

75 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 the total net sales area permitted.

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

If you have any questions regarding this Supplementary Planning Document please contact Planning Policy:

Submit an enquiry to Planning Policy online:

https://www.rotherham.gov.uk/forms/200074/planning_and_regeneration

Email: planning.policy@rotherham.gov.uk

Telephone: 01709 823869

Website: <https://www.rotherham.gov.uk/localplan>

Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

https://www.rotherham.gov.uk/forms/200074/planning_and_regeneration

Email: development.management@rotherham.gov.uk

Telephone: 01709 823835

Website: <https://www.rotherham.gov.uk/planning>

Post: Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Appendix 1: Glossary and definitions

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 shopping area: areas within Rotherham's centres where retail development is concentrated, consisting of Primary and, where they are defined, Secondary Shopping Frontages. See also primary shopping area.

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). See also main shopping area.

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 allocates 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.

Supplementary Planning Documents: Provide supplementary information in respect of the policies in development plan documents. They do not form part of the development plan and are not subject to independent examination. They should not add unnecessarily to the financial burdens on development.

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.

Appendix 2: Summary of 2018 monitoring data

Table 5 Uses within centres (2018)

| Use | Rotherham Town Centre | | Dinnington Town Centre | | Maltby Town Centre | | Wath - Dearne Town Centre | | Kiveton Park District Centre | | Parkgate District Centre | | Swallowneast District Centre | | Swinton District Centre | | Wickersley District Centre | |
|---------|-----------------------|-----|------------------------|-----|--------------------|-----|---------------------------|-----|------------------------------|-----|--------------------------|-----|------------------------------|-----|-------------------------|-----|----------------------------|-----|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| A1 | 127 | 44 | 54 | 49 | 40 | 48 | 37 | 39 | 15 | 36 | 47 | 43 | 23 | 38 | 22 | 58 | 39 | 43 |
| A2 | 25 | 9 | 9 | 8 | 9 | 11 | 4 | 4 | 3 | 7 | 4 | 4 | 3 | 5 | 2 | 5 | 9 | 10 |
| A3 | 22 | 8 | 7 | 6 | 2 | 2 | 6 | 6 | 1 | 2 | 2 | 2 | 4 | 7 | 0 | 0 | 6 | 7 |
| A4 | 8 | 3 | 0 | 0 | 1 | 1 | 5 | 5 | 0 | 0 | 3 | 3 | 1 | 2 | 4 | 11 | 3 | 3 |
| A3/A4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| A5 | 8 | 3 | 7 | 6 | 8 | 10 | 4 | 4 | 4 | 10 | 12 | 11 | 5 | 8 | 0 | 0 | 6 | 7 |
| B1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| B2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| B8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| C1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| C2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| C3 | 0 | 0 | 4 | 4 | 5 | 6 | 15 | 16 | 14 | 33 | 16 | 15 | 20 | 33 | 3 | 8 | 12 | 13 |
| D1 | 9 | 3 | 5 | 5 | 3 | 4 | 8 | 9 | 3 | 7 | 3 | 3 | 3 | 5 | 0 | 0 | 2 | 2 |
| D2 | 1 | | 3 | 3 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| A1/D1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sui Gen | 24 | 8 | 7 | 6 | 4 | 5 | 2 | 2 | 0 | 0 | 5 | 5 | 0 | 0 | 2 | 5 | 6 | 7 |
| Vacant | 64 | 22 | 12 | 11 | 8 | 10 | 10 | 11 | 2 | 5 | 14 | 13 | 2 | 3 | 5 | 13 | 6 | 7 |
| Total | 290 | 100 | 110 | 100 | 83 | 100 | 94 | 100 | 42 | 100 | 110 | 100 | 61 | 100 | 38 | 100 | 90 | 100 |

Table 6 Floorspace within centres (2018)

| Floor space | Rotherham Town Centre | | Dinnington Town Centre | | Maltby Town Centre | | Wath - upon - Dearne Town Centre | | Kiveton Park District Centre | | Parkgate District Centre | | Swallownest District Centre | | Swinton District Centre | | Wickersley District Centre | |
|-------------|-----------------------|----|------------------------|------|--------------------|---|----------------------------------|---|------------------------------|-----|--------------------------|----|-----------------------------|---|-------------------------|---|----------------------------|---|
| | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % | Sqm. | % |
| Total | 74,809 | | 18,097 | | 10,239 | | 18,893 | | 4,962 | | 13,404 | | 6,361 | | 6,801 | | 8,776 | |
| Vacant | 12,033 | 16 | 1,866 | 10.3 | 580 | 6 | 902 | 5 | 277 | 5.6 | 2,246 | 17 | 139 | 2 | 367 | 5 | 612 | 7 |

Table notes

76 Data is provided for town, district and local centres as of September 2018 (with the exception of Rotherham Town Centre where data is at October 2018). The data is presented for each centre as a whole. Monitoring data (not presented here) is also available for Primary and Secondary Shopping Frontages within these centres. The data is classified by planning Use Class. A brief summary of the different use classes (as of January 2019) is set out below:

- A1** – Shops
- A2** – Financial and professional services
- A3** – Restaurants and cafes
- A4** – Drinking establishments
- A5** – Hot food takeaways
- D1** – Non-residential institutions
- D2** – Assembly and leisure
- B1** – Business (including offices excluding those in A2 use, research and development, and light industry)
- B2** – General Industrial
- B8** – Storage and distribution
- B1** – Business (including offices excluding those in A2 use, research and development, and light industry)
- B2** – Financial and professional services
- B3** – Restaurants and cafes
- B4** – Drinking establishments
- B5** – Hot food takeaways
- B1** – Business (including offices excluding those in A2 use, research and development, and light industry)
- B2** – General Industrial
- B8** – Storage and distribution
- C1** – Hotels
- C2** – Residential institutions
- C2A** – Secure residential institutions
- C3** – Dwellinghouses
- C4** – Small Houses in multiple occupation
- Sui Generis** - uses which do not fall within any use class which includes betting offices/shops, pay day loan shops, theatres, larger houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, laundrettes, taxi businesses and casinos.