

NOTE

WARRINGTON, PEEL HALL

NOTE ON NPPF CHANGES AND EFFECT ON 2016 RETAIL ASSESSMENT

1 Introduction

1.1 In June 2016 Quod prepared a Retail Assessment for Satnam Millennium’s planning application for 1,200 homes and associated new local centre at Peel Hall, Warrington. Following refusal of that application and appeal, the High Court quashed the Secretary of State’s decision letter and the appeal is to be re-heard at inquiry in June 2020. In the intervening period the National Planning Policy Framework (NPPF) has been updated from the 2012 version to the 2019 version. The purpose of this note is to comment upon the changes made to town centres and retail policy and any effect this may have upon the methodology and conclusions of the June 2016 Retail Assessment.

2 The proposal

2.1 The retail element of the proposal has not changed from the original submission, nor have the number of proposed houses. 1,200 new houses are proposed, along with a local centre comprising:

- a foodstore of up to 2,000 sqm;
- 600 sqm of floorspace falling within use classes A1-A5 and D1; and
- family restaurant/pub (use class A3/A4) of 800 sqm.

3 Background

3.1 The Retail Assessment was undertaken against the policy background of the 2012 NPPF and in particular chapter 2 “*Ensuring the vitality of town centres*” (paragraphs 23 – 27). Following the requirements of this chapter, the Retail Assessment examined the proposal under the sequential and impact tests. The assessment concluded that there were no sequentially preferable sites that could accommodate the proposal and that it would have no “*significant adverse impact*”, the policy test set by NPPF 2012 paragraph 27.

4 Policy changes

4.1 The main aspects of national planning policy regarding town centres and town centre uses remained largely unchanged in the NPPF update. Most significantly, the “*presumption in favour of sustainable development*”¹ remains “*at the heart of the framework*”², just as it was the “*golden thread*”³ running through the 2012 NPPF.

4.2 The “*town centres first*” approach, which has consistently been part of government policy since the late 1980s, remains part of the new NPPF. For planning applications, this is given effect through the

¹ NPPF 2019 paragraph 11

² NPPF 2019 paragraph 10

³ NPPF 2012 paragraph 14

NOTE continued

sequential and impact tests. The sequential test has remained largely unchanged through several iterations of national planning policy and it was not materially altered by the 2019 NPPF. It still requires assessment of town centres and edge of centre locations for alternative sites where the proposal could be accommodated. If none are suitable or available out of centre sites can still be considered. This is exactly the approach that was required by the 2012 NPPF and it is the approach followed by the 2016 Retail Assessment (see section 3).

- 4.3 The impact test also remains largely unchanged. As with the 2012 version, a default threshold of 2,500 sqm is set, with proposals of this size or larger required to be assessed (unless the threshold is altered locally, as is the case in Warrington where the threshold is 500 sqm). The test itself remains in two parts: impact upon existing, committed and planned public and private investment in a centre; and impact upon town centre vitality and viability, including local consumer choice and trade. These have changed only in respect of the time frame for assessment. Under the 2012 NPPF (paragraph 26) the impact on vitality and viability needed to be assessed over a period of five years from the time of the application. For major schemes, impact was required to be assessed over 10 years. The 2019 NPPF does not include a timeframe for assessment, though the Planning Practice Guidance continues to refer to a period of five years⁴.
- 4.4 Importantly, the policy test for refusal of applications under the sequential and impact tests has not changed. Applications should only be refused “Where an application fails to satisfy the sequential test” or it would have a “significant adverse impact”⁵.

5 Conclusion

- 5.1 The policy tests with regard to town centres and retail have not changed materially between the 2012 and 2019 versions of the NPPF. It follows that the methodology used in the 2016 Retail Assessment remains valid and appropriate. As the proposal has not changed it follows that the conclusions reached in the 2016 Retail Assessment also remain valid.

⁴ Planning Practice Guidance chapter “Ensuring the vitality of town centres”, paragraph 018 Reference ID: 2b-018-20190722

⁵ NPPF 2012 paragraph 27 and NPPF 2019 paragraph 90