

Harrogate District Local Plan (Selective Alteration)

Policy CFX:

Community Facilities Protection



Guidelines for Development Control

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Harrogate
BOROUGH COUNCIL

T P Richards DipT&RP MRTPI Head of Planning Services

1.0 Introduction

- 1.1 A key principle of sustainable development is to meet the present and future social needs and aspirations of local communities, by providing opportunities for, and access to, community facilities.
- 1.2 Community facilities are not defined by a specific planning 'Use Class'. Most community facilities are run as business operations, but may be publicly or privately owned and available for free or at a charge. They make a significant contribution to quality of life: localised facilities can form a focus for community living and are particularly important to older and less mobile people. However, some facilities may also serve a wider geographical area. A spread of community facilities across urban and rural areas is vital to meet the day-to-day needs of residents in the District.
- 1.3 In recent years many community facilities in the District have been lost to alternative uses, particularly housing, for which there is strong pressure in all areas. The provision of new community facilities has also been greatly restricted by locally high land values. Policy CFX of the Selective Alteration to the Harrogate District Local Plan therefore plays an important role in assisting with the continued provision of community facilities, by seeking to influence their retention in the face of competing development pressures.

2.0 The Policy Context

2.1 National Planning Guidance

- 2.1.1 Government guidance on planning for community facilities is based on achieving sustainable development and is contained primarily within Planning Policy Guidance (PPG) Note 6: Town Centres and Retail Development and draft Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas. There are no PPGs or PPSs which cover community facilities in other locations.
- 2.1.2 PPG6 includes an objective *“to ensure the availability of a wide range of...services and facilities to which people have easy access by a choice of means of transport”* (paragraph 1.1). This is consistent with the Government's Sustainable Development Strategy and with PPG13: Transport. A key objective of draft PPS7 is to raise the quality of life in rural areas, including through the promotion of thriving, inclusive and sustainable communities. To help ensure that people who live and work in rural areas have reasonable access to a range of community facilities, Local Planning Authorities are advised to support their retention. Development Plans

should set out *“the criteria that will apply in considering planning applications that will result in the loss of vital village services”* (paragraph 8).

2.2 Regional Planning Guidance

- 2.2.1 Regional Planning Guidance (RPG) 12 lists an objective *“to ensure that a good range of social infrastructure is accessible to all”* (paragraph 8.2). Policy S3 states generally that Development Plans should *“include appropriate measures to...ensure the provision of facilities necessary to local communities, including the retention and delivery of essential facilities”*.

2.3 Harrogate District Local Plan (Selective Alteration)

- 2.3.1 In terms of the Harrogate District Local Plan, ‘community facilities’ are defined as facilities which serve the local community and do not comprise a shopping, housing, transport, recreation, industrial or business (Use Class B) use. They include facilities such as community halls, education establishments, places of worship, health services, libraries and public houses. Care homes are classified as health services, because residents require an element of care and they provide an essential service for the local community.
- 2.3.2 This definition is reflected in Policy CFX:
“Proposals involving the loss of land or premises in community use, including community halls, schools, colleges, nurseries, places of worship, health services, care homes, libraries and public houses will not be permitted, except where it can be shown that:
- a) continued community use would cause unacceptable planning problems; or
 - b) a satisfactory replacement facility is provided, in a suitably convenient location for the catchment served, prior to the commencement of development; or
 - c) there is no reasonable prospect of:
 - i) the existing use continuing on a viable basis with all options for continuance having been fully explored, as a priority and, thereafter,
 - ii) securing a satisfactory viable alternative community use.

3.0 When will the Policy be applied?

- 3.1 Policy CFX will be applied to all planning applications which propose the loss of buildings or premises that are currently, or were last in, community use regardless of their condition and appearance. This could include cleared sites previously occupied by community buildings.

4.0 How does the Policy work?

- 4.1 Policy CFX is geared towards retaining sites and buildings for community facilities by re-use or redevelopment. Retention of the existing community facility is the priority and, if this is not viable, alternative community uses should be fully explored. Planning permission which would result in the loss of a building or premises in community use will only be granted if at least one of the three policy criteria is met.

4.2 CRITERION A

- 4.2.1 If it can be shown that the existing or an alternative community use of land or premises would cause unacceptable planning problems, then Criterion A allows planning permission to be granted for a change to other uses. Examples of “*unacceptable planning problems*” may include:

- where insufficient on-site parking is available to meet the requirements of the existing or alternative community use, resulting in on-street parking which poses an unacceptable risk to highway safety;
- where vehicular access to the site is inadequate for the existing or alternative community use, posing an unacceptable risk to highway safety;
- where the existing or alternative community use causes an unacceptable degree of harm to nearby residential amenity by reason, for example, of noise and vehicular movements.

- 4.2.2 However, if the Local Planning Authority considers that the identified planning problem can be overcome through appropriate and reasonable remedial action (e.g. by providing further car parking, improving vehicular access or providing noise attenuation/insulation), then this criterion will not be satisfied.

4.3 CRITERION B

- 4.3.1 Criterion B allows for the loss of land or premises in community use if a satisfactory replacement facility is provided as part of the applicant's proposals. It is likely that the replacement facility will have to be provided off-site, although the policy does not negate replacement as part of a mixed-use scheme on the development site itself. However, to be "*satisfactory*", the replacement facility must fully address the community needs met by the existing facility.
- 4.3.2 The replacement facility should be a new facility. The existence of a similar community facility located elsewhere (e.g. another public house in the settlement) will not be considered as a satisfactory replacement.
- 4.3.3 In all cases, the replacement facility must be available to meet displaced community needs prior to the loss of the existing facility.
- 4.3.4 The replacement facility must be equally or more accessible to the community than the facility to be lost. Accessibility should be assessed in terms of all modes of transport, but with particular regard to walking, cycling and public transport. Distance, cost and safety of travel should be taken into account.
- 4.3.5 In the case of nursing homes, there is, nationally, a move away from traditional care homes to "*care in the community*" with "*assisted living*" and "*extra care accommodation*" and this is to be encouraged. Such provision will therefore be considered as a suitable replacement facility for a care home.

4.4 CRITERION C

- 4.4.1 If an application proposing the loss of a community use does not comply with Criteria A or B of Policy CFX, then it must accord with Criterion C in order to receive planning permission. Criterion C concentrates on the issue of viability and sets out the following sequential test:
- 4.4.2 i) To receive planning permission for development which would result in the loss of a building or premises in community use, the applicant must first demonstrate that there is no reasonable prospect of the existing community use (e.g. a village hall) continuing on a viable basis. To do this, the applicant must provide evidence* covering the results of reasonable attempts to actively market the land or premises for sale or lease at a

value and description which reflects its existing community use, normally over a minimum period of twelve months. The marketing exercise should extend over the period up to submitting the planning application.

- 4.4.3 As part of this process, the applicant must show that all options which would enable the existing community use to be retained have been fully explored. For example, custom and viability might be improved by diversifying the services provided by the existing community use (e.g. additional use of a village hall to provide a creche, serving meals, locating the post office or selling groceries in a public house). In the case of large sites or buildings, it may be possible to retain the existing community use on a viable basis by 'down-sizing' to occupy only part of the premises. However, this will only be acceptable if the smaller facility is fully able to meet the needs of the community. In all cases, the views of the local community should be sought.
- 4.4.4 Harrogate Borough Council can provide further information and advice on organisations and funding schemes which can assist in a range of community facilities in rural areas (see Section 6.0 Useful Publications). For further details please contact:

Alan Sandy
Business Liaison Officer
Economic Development Unit
Harrogate Borough Council
Crescent Gardens HG1 2SG
e-mail: alan.sandy@harrogate.gov.uk
Tel: (01423) 556051
(01412) 556050

- 4.4.5 In addition, the Countryside Agency's publications provide details of organisations and funding schemes which can assist a range of community facilities in rural areas (see section 6.0 Useful Publications).
- 4.4.6 ii) If, based on the evidence* provided by the applicant, the Council is satisfied that the first stage of the sequential test has been met, then the applicant will be required to demonstrate that there is no reasonable prospect of securing a satisfactory viable alternative community use in the short term (i.e. 5 years). To do this, the applicant must provide evidence* covering the results of reasonable attempts to market the land or premises for sale or lease at a value and description which reflects satisfactory alternative community uses. The marketing required for this stage may be carried out at the

same time as stage i) of the sequential test. Again, it should normally take place over a minimum period of twelve months and extend over the period up to submitting the planning application.

- 4.4.7 The Council considers a “*satisfactory*” alternative community use to be one which will meet the needs and aspirations of local people and is environmentally acceptable in planning terms.

5.0 *Evidence of Marketing

- 5.1 To meet the requirements of stages i) and ii) of criterion C, the applicant will be required to provide all of the following marketing evidence:

- Copy of the sales particulars
- Details of the original price paid and the new guide price
- Schedule of the advertising carried out, with copies of the advertisements and details of where and when the advertisements were placed, along with an estimate of the expenditure incurred from advertising. “*Local*” marketing (e.g. local property pages) is required for all types of community use. Marketing at the regional and national level may be appropriate in the case of business such as public houses and care homes. There are a number of business sales agencies specialising in public house sales
- The confirmed number of sales particulars distributed, along with a breakdown of where the enquiries resulted from (for example, from the 'For Sale/To Let' board, advertisements, etc.).
- Details of the number of viewings.
- Resulting offers and why they were dismissed.
- Details of the period when a 'For Sale/To Let' board was displayed, or if not, the reasons behind the decision.
- Timetable of events from the initial appointment of the agents to current date.

- 5.2 In the case of licensed premises, the following information will also be required:

- The last three years trading accounts with a separate breakdown of the percentage of income from food and drink ('wet' and 'dry') sales
- Where a dining facility is provided, details of the market aimed at and the number of covers available
- Who the licence is currently held with and when it is due for renewal
- The opening times for the premises

