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Shops, Services and Community Facilities

Strategic Context

- 7.1 The National Park Authority whilst pursuing its statutory purposes seeks to foster the economic and social well-being of local communities within the National Park. **Core Strategy policies HC4 and HC5** promote the retention and development of local services and community facilities such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship in settlements listed in **Core Strategy policy DS1**, provided other policy concerns are also satisfied. Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. Good local services and community facilities help reduce the need for travel to other locations, contributing to a more sustainable transport pattern and to the vitality of a settlement.
- 7.2 Whereas the majority of retail development will be focused in the settlements named in Policy DS1, exceptions may be appropriate for retailing of goods grown, produced or processed on the farm or where proposals are small scale and ancillary to a business acceptable under **Core Strategy policy E2** or are related directly to and are ancillary to recreation and tourism facilities. It should be noted that land use planning policy has a limited influence on retail and community service provision compared to market forces and other public sector expenditure and programmes.
- 7.3 Bakewell is the main service centre within the National Park. Its development issues for shops, services and community facilities are considered in policy DMB1.
- 7.4 The National Park Authority's policies require clear justification for any change of use of a community facility, service or shop and, where it can be justified, provision must, wherever possible, be to meet another community need or offer alternative community benefit such as local needs affordable housing. Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.

Shops, professional services and related activities in Core Strategy named settlements

- 7.5 Local businesses such as village shops and public houses are essential components of community life and policies seek to guard against the loss of valued facilities and services. The day to day needs of local communities are increasingly being met by innovative projects such as the community-owned village shop at Winster, the community pub in Bamford and the shop at Parwich, which operates from the village pub. Since most of the National Park's settlements lie within reach of larger towns and cities beyond its boundary, it is reasonable to limit retail development to that which serves the needs of the local community and the settlement's visitor capacity. In this way the natural beauty and cultural heritage of the National Park can be conserved and enhanced. Wherever possible the aim of planning policy within the National Park is to retain the primary retail function (use class A1 shops) in order to maintain the viability and vitality of named settlements. Planning applications must therefore be supported by evidence to show that local convenience shopping will not be adversely affected or undermined by the proposed development. In rural communities the local shop (convenience store) often provides the only shopping option available to the local community without the need to travel.

DMS1 Shops, professional services and related activities in Core Strategy named settlements

In furtherance of Core Strategy HC5 development within named settlements listed in policy DS1 of the Core Strategy will be encouraged provided that:

- A. supporting evidence shows that local convenience shopping will not be adversely affected or undermined; and
- B. there are adequate facilities and access for the storage and disposal of goods, waste and delivery of stock; and
- C. in newly built shops (and in those conversions that involve substantial change to an existing building) provision is made for access allowing separate use of upper floors. This should be from an entrance onto the front of the building wherever possible; and
- D. access is provided for people with a mobility difficulty where practicable.

Change of use of shops, community services and facilities

- 7.6 Access to community facilities and services are considered an essential element of sustainable and inclusive communities and sense of place. Flexible use of community facilities can provide a useful means of extending the range of services in a locality.
- 7.7 When buildings are converted to a shopping use, the upper floor is not always required by the shopkeeper. If allowance is not made for access to upper floors they can be left vacant. Their use for single person accommodation or office space is then prevented, to the disadvantage of the vitality of settlements and sometimes to the upkeep of the buildings concerned.
- 7.8 The Town and Country Planning (General Permitted Development) Order 2015 allows for the change of use of the first floor of a shop to living accommodation or a financial or professional service use without the need for planning permission. Such uses can prevent the loss of vitality that accompanies buildings which are partly unused. The National Park Authority will encourage the appropriate use of upper floors of buildings when assessing development proposals.
- 7.9 Change of use of the ground floor part of a local shop to a financial or professional services outlet or hot food shop is often inappropriate in a small settlement with only one or two shops. However, within the larger settlements these can be suitable as secondary uses, provided they do not dominate normal retail use, or threaten the character, viability and vitality of the local centre.
- 7.10 Where an existing shop is operated from the ground floor of a family home as a mixed residential and retail use if the two uses cannot be satisfactorily separated, residential amenity may sometimes override other considerations. If the shop window is a feature of heritage significance it must be retained.
- 7.11 The change of use of a building or site which provides community services, including shops and financial services, to non-community uses can undermine the vitality and sustainability of an area. Change of use is strongly resisted, by **Core Strategy policy HC4C** to protect the availability of facilities locally, and to help the young, the elderly and those without access to private transport. Only where it can be shown that the facility is no longer needed by the community, that there is a facility available elsewhere in the settlement that will satisfy the same community need and that the facility where the change of use is proposed can no longer be viable will change of use be permitted. Any approved new use should wherever possible provide for another local community need or offer alternative community benefit such as affordable housing. Community sports and recreation sites and facilities are dealt with in a separate DMS7.
- 7.12 For proposed change of use of existing community facilities to non-community use applicants will need to apply the following viability and marketing tests to the development proposal. Community facilities include:
 - Public Houses
 - Local shop (convenience store)
 - Churches/Chapels
 - Schools
 - Village Halls

Viability

- 7.13 In the case of community facilities such as schools and religious buildings, information will be required about alternative available facilities in the proximity, user numbers and other supporting information. which adequately demonstrate that the building is no longer needed by the community.
- 7.14 In cases where the proposal is for the conversion of an existing commercial premises applicants will be asked to supply trading accounts over a period of 5 years for the existing enterprise. Depending on the nature of the enterprise this may need to be broken down into different sectors of the business. This information may then be assessed by an independent financial appraiser appointed by the National Park Authority.
- 7.15 For all applications details will be required of contact with the Parish Council or Parish Meeting or other adjacent Parishes to establish the needs existing in the local area and an assessment of housing needs in the Parish or adjoining Parishes with reference to a Housing Needs Survey. The scheme may be of a size that is suitable for an individually justified and developed local needs home. Evidence of eligibility for this type of housing will need to be provided.
- 7.16 If there is no evidence of local affordable housing need, either individual or Parish wide, viability and marketing tests will be required to check that the building cannot be used for alternative community benefit. Information relating to efforts to improve the viability and usage of the facility or to diversify the use of the facility will be material.
- 7.17 The Authority will consider proposals for mixed community uses favourably, provided that the scheme is consistent with other Core Strategy and development management policies.

Marketing

- 7.18 Where an applicant is seeking change of use to a non-community use, evidence of reasonable attempts to sell or let the community facility as a going concern will be material and include:
- Submission of evidence of a thorough marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing and evidence of marketing of the property through the economic development department of the appropriate local authority for at least 12 months;
 - Details of contact with the Town Council, Parish Council or Meeting and other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to an up to date housing needs survey prepared by or in consultation with the district authority as housing authority.
 - A suitable firm of commercial property agents, who have a good knowledge of the property, and the appropriate local, national, or niche market, should carry out the marketing. In some cases it may be necessary to appoint more than one marketing agent. A copy of the letter of instruction to the agent should be supplied to the Authority.
- 7.19 Evidence that the asking price or market rent is the market value as defined by the RICS "Appraisal and Valuation Standards" ('The Red Book') which must take into account the structural condition of the property and the planning constraints affecting it.
- 7.20 For the purposes of testing the market, this figure may reflect alternative uses that are in accordance with development plan policies, but must not be based on potential uses for which consent is required but has not been obtained. Irrespective of the proposed use, it must enhance the valued characteristics of the National Park as well as satisfying other material considerations.
- 7.21 The methodology used by the surveyor in arriving at a valuation must be clearly identified and demonstrated to the Authority. It must show what figure, if any, has been allowed for the goodwill of a business, for any fixtures and fittings and for the building itself. The floor area must also be identified so that a value per unit area can be established for comparison with the local market. The National Park Authority

may seek the opinion of the District Valuer as to whether a realistic sale price or leasehold rent has been set.

7.22 The National Park Authority will also request written details of all enquiries received and the reasons why potential buyers/leaseholders found the buildings to be unsuitable and/or why proposed offers were not accepted. The marketing exercise should include:

- Advertising in the local and regional press, usually a minimum of one advert per month in a local newspaper which can be shown to provide coverage of the area in question; and
- A minimum of two adverts over the marketing period in a relevant national publication

7.23 Under **Core Strategy policy HC4C** evidence of reasonable attempts to secure another community use must be provided before any other use is permitted. The National Park Authority will need to be satisfied that the viability and marketing exercises have been carried out robustly and in accordance with the criteria set out above. Where reference is made to the availability of another building, available elsewhere or reasonably accessible, that will satisfy the same community need, the National Park Authority will need to make a judgement about whether the same need will be satisfied, for example the availability of a public house is likely to cater for a different user to that of a church/chapel.

DMS2 Change of use of shops, community services and facilities

- A. Where an applicant is seeking change of use to a non-community use, evidence of reasonable attempts to sell or let the shop or community facility as a going concern must be provided including:
- (i) evidence of a thorough viability and a marketing exercise with a commercial property agent, sustained over at least 12 months⁷⁶, to sell or let the building for alternative community uses or facilities including local needs affordable housing; and
 - (ii) evidence of marketing of the property through the economic development team of the appropriate local authority for at least 12 months; and
 - (iii) details of contact with the Town Council, Parish Council or Meeting and other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to an up to date housing needs survey prepared by or in consultation with the district authority as housing authority
- B. The Authority will consider favourably proposals for change of use of shops, community services and facilities to mixed use community schemes including the provision of affordable housing for eligible local need and for workspace.
- C. Where the ground floor of a dwelling is a mixed residential and retail use, residential amenity will be fully taken into account when considering change of use. If segregation of the retail area from the dwelling would have an unacceptable impact on its residential amenity, permission will be granted for change to residential use.

⁷⁶ A business may make representation to the Authority if it considers 12 months to be too long a period for the type of business concerned, but the business will need to provide reasoned justification why a shorter period of marketing is justified.

Retail Development outside Core Strategy named settlements

- 7.24 In keeping with **Core Strategy HC5**, outside settlements named in Core Strategy policy DS1, retail development as part of farm diversification may be acceptable provided that farm shops principally sell goods grown, produced or processed on the farm.
- 7.25 Other retail uses in the countryside will only be acceptable where proposals are small scale and ancillary to a business acceptable under **Core Strategy E2** or relate directly to and are ancillary to recreation and tourism facilities. **Core Strategy Policy E2** is clear that a business use in an isolated existing or new building in the open countryside will not be permitted.
- 7.26 Retailing related to the needs of motorists and the wider community is acceptable at existing petrol stations provided, that in land use terms, the retail operation must remain ancillary to the main use of the site. Development on existing garden centre sites or nurseries must be related to horticulture and principally offering for sale goods which are produced on the premises.
- 7.27 Retail sales from existing factory units may be acceptable where the goods sold are manufactured on the site and retailing is ancillary to the main use. Retailing linked to a recreational development should also remain closely related and secondary in scale to the primary recreational use, including refreshments and food sales.

7.28 For all proposals it will be important to avoid generation of traffic that would lead to inappropriate levels on small country lanes. Proposals should take account of the impact on local centres and should not be of a scale or nature that become significant attractions in their own right or that threaten the retail viability or potential of nearby settlements.

7.29 Whilst permitted development rights exist, at the time of writing, for the change of use to retail of agricultural buildings under 500 square metre floor space, (subject to a Prior Approval process) this allows only for the principle of change of use rather than the physical development. Substantial alterations or the insertion of new doors and windows into the structure will require an application for planning consent. Buildings Regulation Approval could also be required including provision for escape in the event of a fire. Applicants are therefore advised to contact the National Park Authority to discuss the proposal as well as the authority responsible for Building Regulations (usually the District Council).

DMS3 Retail development outside Core Strategy named settlements

- A. Where retail development is associated with an industrial or business unit, sales will be mainly restricted to goods produced on the unit.
- B. At petrol stations, retail activity must remain ancillary to fuel sales.
- C. New development within existing garden centre sites or nurseries will not be permitted unless it is related to the primary function of the site and would not damage the valued characteristics of the area.
- D. Proposals to expand or intensify the use of an existing site or building must assess the impact of the development in its landscape context by reference to the Peak District National Park Landscape Strategy and Action Plan.

Shop Fronts

- 7.30 Shop fronts have a marked visual impact on the character of settlements. Whatever other attention has been paid to the quality of development, they can make a critical difference. The Authority's Detailed Design Supplementary Planning Document for Shop Fronts provides clear examples and advice about this area of commercial opportunity for owners to make the most of a building's character: recognising the strong attraction of the traditional appearance of settlements in the National Park. Shop fronts often incorporate advertising and require alterations to a building. Attention is, therefore, also drawn to Policies DMS5 and DMC3.
- 7.31 External roller shutters are not compatible with the conservation and enhancement of the National Park's character. Alternatives should be used. These include internal roller shuttering and internal shutters of a more traditional design.

DMS4 Shop fronts

Particular attention will be paid to the design and appearance of any new shop fronts or alterations to existing shop fronts, to ensure that the proposed works conserve and where possible enhance the character and appearance of the building and its locality. External security roller shutters will not be permitted.

Outdoor Advertising

- 7.32 The display of advertisements is dealt with by the Town and Country Planning (Control of Advertisements) Regulations 2007 and 2012. The Peak District National Park is designated as an Area of Special Control under section 221(1) of the Town and Country Planning Act 1990 as amended and consequently some specific restrictions apply to advertisements over and above those that apply generally. Advice should be sought from the National Park Authority to check if consent is required and whether advertisements may be displayed on a building or land. Under the Regulations control over advertising is more rigorous in areas such as Conservation Areas and National Parks and whilst some advertisements have deemed consent, others require the National Park Authority's "express consent". Some classes of advertisement (such as general poster hoardings and fluorescent signs) may not be displayed at all, and stricter controls on size and lettering apply. Control applies to both private and public signs, including village finger-post direction signs when these are not in the highway.
- 7.33 Signs in the highway and advance signing of businesses to assist traffic management are controlled by the appropriate highway authority. In doing so, these authorities are required (under section 62(2) of the Environment Act 1995) to have regard to National Park purposes.
- 7.34 Businesses should avoid unnecessary proliferation of adverts and signs, bearing in mind that it is the special qualities of the National Park which attracts most paying visitors. Similarly, illumination where permitted requires special care in order to avoid urbanisation of the area's character. Signs should be as near as possible to the business concerned and preferably on its own land or premises. Business managers are asked to consider the contribution that they can make to conserving and enhancing the National Park's special character and to discuss proposals with the National Park Authority at an early stage.
- 7.35 Where approval is required, the following policies set a framework for decisions. Where there is sufficient concern over advertising that does not normally require consent, the National Park Authority may seek to bring it within control and is able to create areas of special control where necessary.

DMS5 Outdoor advertising

- A. Advertisements will be granted consent provided that they:
- (i) are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in named settlements of Core Strategy policy DS1); and
 - (ii) do not result in a proliferation of signs inappropriate to the building or locality; and
 - (iii) do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties; and
 - (iv) are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings; and
 - (v) are of a high standard of design, materials and construction; and
 - (vi) their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area.
- B. Internal illumination will not be granted consent (except for single illuminated pole signs essential to road safety at petrol stations on main roads). External illumination will not be granted consent unless it is during opening hours in predominantly commercial areas; or is at public houses, restaurants or similar premises open after dark providing it does not adversely affect dark skies.
- C. Signs or adverts more than 3.6 metres above ground level, or (if lower) above the bottom level of any first floor window on the same wall, will not be granted consent unless:
- (i) they are hanging signs; or
 - (ii) the building is a public house, hotel or restaurant that does not have a fascia and the sign or advert has individual lettering attached to it so as to minimise any harmful visual impact and any damage to the stone or brickwork.
- D. Advertisements for the purpose of announcement or direction will not be granted consent unless they are reasonably required having regard to the nature and location of that which they advertise.

Safeguarding Sites for community facilities

- 7.36 Community facilities make a positive social, educational, recreational or health-related contribution to the lifestyle of local residents. Core Strategy policies guard against the loss of any facility or service which meets an essential community need. The National Park Authority's approach is set out in **policy HC4 part C of the Core Strategy**, including that any development of sites or buildings justified under policy should meet another community need including affordable housing. The absence of the required justification will demonstrate that alternative options to meet the social or economic needs of the local community have been insufficiently explored to warrant a change of use to a use not otherwise permitted by **policy HC4 of the Core Strategy**.
- 7.37 Sites likely to be developed for beneficial community use, through a neighbourhood plan, for example, which have been agreed in principle by the National Park Authority, can also be safeguarded from other development and where possible, identified on the Policies Map. Applicants should seek up to date information from the National Park Authority about such identified sites. Long term availability of new buildings for public use is clearly essential and the National Park Authority may seek planning obligations to ensure this.
- 7.38 Exceptions to safeguarding such sites may be acceptable where an equally good alternative site is made available. Development offering a dual or multiple community use should be considered particularly favourably, although conservation interests always need to be taken into account.
- 7.39 The Policies Map shows the existing community recreation sites and sports facilities that have been safeguarded for community use.

DMS6 Safeguarding sites for community facilities

Sites identified for the provision of new or expanded community facilities in a Neighbourhood Plan or those gaining planning permission for such use will be safeguarded from other prejudicial development on or adjacent to the site.

Retention of community recreation sites or sports facilities

- 7.40 The redevelopment of community recreation sites or sports facilities should be avoided since they are important for the well-being of the National Park's communities. **Core Strategy Policy HC4 part D**, sets out the principle that the redevelopment of a community recreation site or sports facility for other uses will not be permitted unless a satisfactory replacement site or facility has been provided or it can be demonstrated that the facility is no longer required. In exceptional circumstances where the redevelopment of a community recreation site or sport facility can be justified alternative uses should meet another community need including affordable housing. Satisfactory evidence of attempts to meet such a need will be required.
- 7.41 Appendix 9 sets out the information as detailed by Sport England for any application for development of recreation sites or sports facilities.

DMS7 Retention of community recreation sites or sports facilities

- A. Development that would prejudice the continued use of community recreation sites or sports facilities will not be permitted unless:
- B. an assessment has been undertaken which has clearly shown the open space, buildings or land to be no longer required; and
- C. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and
- D. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- E. Exceptionally where sites can be shown to be no longer required, new uses should meet another community need (including those for affordable housing for local people). Evidence of reasonable attempts to secure such a use will be required before alternatives are permitted.