

# **Independent Examination of Peak District National Park Development Management Policies**

## **Peak District National Park Authority Responses to Matters and Issues**

**NB, existing modifications are highlighted in red with suggested new changes shown with strikethrough and underline.**

### **Matter 9 – Shops, Services and Community Facilities - Adele**

**Issue 1:** Are the policies consistent with the Framework?

**Issue 2:** Are the policies consistent with the Core Strategy?

**Issue 3:** Are the policies clear and effective?

### **Policy DMS1: Shops, professional services and related activities in Core Strategy named settlements**

#### **1. Should the policy state the types of development to which it would apply? Is it consistent with Core Strategy policy HC5?**

The policy is not clear about what development would be permitted because it refers variously to 'shops services and related activities', 'development' and 'in furtherance of HC5', which could be interpreted as each meaning something slightly different.

Policy as drafted is headed 'Shops, professional services and related activities' but the policy itself states 'In furtherance of Core Strategy HC5 'development' within named settlement listed . . .'

HC5 permits (with conditions relating to visitor capacity, the needs of the community, harm to living conditions, harm to the role or character of the area and harm to vitality and viability) shops, professional services and related activities and premises for the sale and consumption of food and drink.

HC5 could be interpreted as being more permissive than DMS1 if the 'related activities' are not specified.

Suggest amendment of Policy DMS1:

'In furtherance of Core Strategy HC5, 'shops, professional services and premises for the sale and consumption of food and drink' within named settlements listed . . .'

**2. Is part A consistent with the Framework in terms of promoting competition in town centres? Should a modification to this policy be considered?**

Para 23 of the NPPF requires that planning policies 'promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres'.

Except Bakewell, all settlements to which this policy applies are villages; small, rural and relatively isolated. Therefore residents are reliant to some degree on local convenience stores. The settlements do not have 'town centres' and no capacity for the kind diverse retail offer, competition and customer choice envisioned by the NPPF.

Para 7.5 of the DMP also explains that "since most of the National Park's settlements lie within reach of larger towns it is reasonable to limit retail development to that which serves the need of the local community and the settlement's visitor capacity."

Bakewell however does have the capacity for competition, choice and diversity as required by the NPPF. In seeking to protect 'local convenience shopping' here, the argument is one of the balance between Bakewell's dual role as a shopping centre that must serve both tourists and residents/neighbouring villages.

This is addressed in Chapter 6 of the GL Hearn report *Bakewell Employment Land and Retail Review* (evidence library ref EB25) and Bakewell Neighbourhood Plan (Reg 14 consultation draft) (evidence library ref EB24). The Hearn report (para 6.13) concludes "overall, the centre is considered to be healthy although there is perhaps too much of a focus on servicing tourists need rather than local need." Bakewell Neighbourhood Plan asserts (para 6.2.7) ". . . there is therefore a strong evidence base to support action to redress (the) imbalance between A1/A2 use classes and A3/4/5 use classes in the central shopping area. Bakewell Neighbourhood Plan draft Policy E1 attempts to restrict change of use from A1 or A2 but comments received as part of the Regulation 14 consultation challenge the soundness of this approach.

Part A of DMS1, in seeking to protect local convenience shopping in Bakewell and other Core Strategy 'DS1' settlements, is consistent with the NPPF given the duty on national park authorities to seek to foster the social and economic well-being of local communities, and is a proportionate interpretation of Core Strategy HC5 which states 'professional services and premises for the sale and consumption of food and drink will be permitted provided that there is no harm to living conditions *or to the role or character of an area*, including its vitality and viability.'

**3. Part C concerns newly built shops and conversions and requires separate access to upper floors. Should this say 'where there is upper floor accommodation' or similar?**

DS1 would require provision of separate access to upper floors whether or not the upper floors were intended for accommodation at the time of the build/conversion.

Para 7.7 of DMP explains that the intent of the policy is to encourage use of upper floors that may otherwise be empty.

See also proposed modification M7.11.

Paras 7.6(part, beginning 'Flexible use . . .') -7.10 could be moved to the front of DMS1

**4. *Would part D of the policy be necessary given the controls under Building Regulations?***

M1 Schedule 1 Building Regulations 2010 states 'Reasonable provision should be made for people to (a) gain access to, and (b) use, the building and its facilities. 'There is also protection for historic buildings.

Part D of DMS1 is not necessary.

**Policy DMS2: Change of use of shops, community services and facilities**

**5. Should the policy provide more detail as to what is meant by 'shops, community services and facilities'?**

Para 7.12 of DMP states 'community facilities include: public houses, local shop (convenience store) churches/chapel, schools, village halls.

Core strategy para 12.25 defines 'community services and facilities' as 'those listed in Use Class D1 and D2 such as clinics, health centres, day centres, playgrounds, playing fields and sports facilities, children's nurseries and schools, village halls and church centres'.

Core Strategy Policy HC4 C widens the definition (and seeks to prevent change of use) to 'buildings or sites which provide community services or facilities including shops and financial and professional services'.

The Authority suggests that paragraphs 7.11 and 7.12 may be amended so that they align with Core Strategy.

Amend paragraph 7.11. Delete "The change of use of a building or site which provides community services, including shops and financial services, to non-community uses . . ." and replace with "Community services and facilities include those within D1 and D2 Use Classes, local convenience shops, financial and professional services (A2 Use Classes) and public houses (A4 Use Class). The change of use of such buildings or sites to non-community uses . . ."

Amend para 7.12. Delete "Community facilities include: public houses, local shop (convenience store), churches/chapels, schools, village halls."

## **6. Should the policy state that change of use to affordable housing would be acceptable if this is the case?**

DMS2 B already states that change of use to affordable housing as part of a mixed use scheme is acceptable.

## **7. Would other evidence such as evidence of operational need for health facilities be appropriate as an alternative to marketing?**

The role of other evidence is recognised by proposed modification M7.7. 'A service provider may make representation to the Authority if it considers, and can demonstrate with reasoned justification, that evidence

regarding viability that forms part of a wider estate reorganisation programme, is acceptable . . . .’

### **8. Is the policy consistent with Core Strategy policy HC4C?**

Yes, as long as there is clarity about what is meant by ‘shops, community services and facilities’, as suggested above under question 5.

### **Policy DMS3: Retail development outside Core Strategy named settlements**

### **9. How would retail activity at petrol stations be limited or controlled?**

The Authority considers that attempts to control retail activity could become overly prescriptive, e.g. by specifying floor space, car parking or use class of the retail element. Such an approach is considered to be ineffective in terms of controlling the relative financial importance to the business of the retail element. However the policy is clear that the retail element must be ancillary and it is felt that this provides sufficient direction for decision making.

### **Policy DMS5: Outdoor advertising**

### **10. Part D restricts remote advertisements but part A (i) implies that these would be acceptable provided they are as near to the business as possible. Is there a tension between these two parts?**

For planning purposes, ‘advertisement’ is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

“any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”

‘Advertisements’ in part A of DMS5 which “*will be* granted consent provided . . .” includes by definition the part D ‘advertisements for the purpose of announcement or direction’ which “*will not be* granted consent unless . . .”

Therefore there is a tension between these two parts. Part D is not therefore necessary given the safeguards in Part A and may be deleted.

**Policy DMS7: Retention of community recreation sites or sports facilities**

**11. Should the policy refer to the safeguarded sites shown on the Policies Map?**

Agreed

Add new para 7.42 to read 'The policies map shows the existing community recreation sites and sports facilities that have been safeguarded for community use'. (Amend para 7.39 to read 'The policies map shows the existing community services and facilities that have been safeguarded for community use.')

Amend Policy DMS7 to read (A) Development that would prejudice the continued use of community recreation sites or sports facilities, including those identified on the Policies Map, will not be permitted . . .

**12. Should there be 'or' between parts C and D?**

Yes. It is appropriate to maintain this choice so that the overall level of provision remains the same while new or alternative sports can also be provided for.