

MRPP

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STATEMENT

**EXAMINATION OF BASINGSTOKE
AND DEANE LOCAL PLAN
DOCUMENT**

ISSUE 8: Q17 INFRASTRUCTURE

SEPTEMBER 2015

Background

1. In Basingstoke, Tesco Stores Ltd trade from several supermarkets, notably the superstore within the Chineham District Centre and the 'Metro' within Basingstoke town centre. In addition, they serve smaller communities across the town through their 'Express' stores.
2. Tesco have also been engaged with the local planning authority with regard to a land interest it controls between Winchester Road and The Harrow Way, immediately to the west of (but not within) the defined Brighton Hill industrial area and adjoining, to the west, the Brighton Hill Retail Park. That site has the benefit of an implemented retail planning permission for non-food, retail warehouse development.
3. Tesco Stores Ltd has considerable expertise nationwide with regard to the planning process and the delivery of economic development and associated infrastructure.
4. Thus, as part of the business community within Basingstoke, Tesco welcomes the opportunity of participating at this Examination through its retained consultant, Martin Robeson Planning Practice (MRPP).

The Duly Made Objections

5. Policy CN7 imposes certain restrictions on development proposals which *"would be detrimental to or result in the loss of essential facilities and services that meet community needs and support well-being"*. Our representation highlights that the policy, as drafted, is not consistent with paragraph 70 of the NPPF and the Impact Assessment to the Framework. We submit that it should, in accordance with the NPPF, be made explicit that this policy relates only to development proposals directly affecting (i.e. through redevelopment or change of use) the essential facilities and services involved. It cannot be used to resist the grant of planning permission elsewhere.

Response to Inspector's Questions

(Q17.5: Robustness of the Community Services Policy (CN7))

6. To address this issue, it is necessary to consider the purpose of paragraph 70 of the Framework. This explains the requirement *"to deliver the social, recreational and cultural facilities and services the community needs"*. Indeed, as the first bullet point beneath that introductory text explains, the policy is about *"planning positively"* for the provision of such facilities (including local shops). It is in that context that the provision of such services are seen as *"enhancing the sustainability of communities and residential environments"*.
7. Paragraph 70's second bullet point specifically relates to *"guarding against"* the unnecessary loss of facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The third bullet point refers to the ability for existing facilities to be able *"to modernise"* for the benefit of their community, and the final point asks for an *"integrated approach"* to consider the location of housing, economic uses and community facilities and services.
8. To fully appreciate the thrust of paragraph 70, it is appropriate to read it in the context of paragraph 69 which sets out overall aims. This refers to planning policies and decisions *"aiming to achieve places which promote three main considerations"*.
9. The first relates to opportunities for meetings between members of the community who might not otherwise come into contact with each other. Examples of how this can be facilitated are given of mixed use developments, strong neighbourhood centres and active street frontages. The second relates to safe and accessible environments where crime and disorder do not undermine the quality of life and the third relates to safe and accessible developments, which encourage active and continual use of public areas.
10. The Framework's approach here is therefore focused on delivering the provision of facilities. It does this in tandem with a desire to prevent the loss of

valued facilities but, when the Framework is read as a whole (i.e. in the context of decision making in its part two, including retail impact decisions at paragraph 26), it is clear that this section does not extend retail impact policy protection to local shopping parades.

11. The approach at paragraph 70 is one that encourages development plans to plan positively for new development and protect existing facilities from change of use (or demolition) applications rather than to give them policy protection as if, for instance, they were town or local centres.
12. Indeed, this is consistent with the Government's Impact Assessment of the Framework which at the second paragraph on page 59 explains *"This policy will help communities prevent the loss existing buildings and developments, which are locally important, valued and viable community facilities and services, to alternative higher value developments such as private housing and business. Planning policies may identify specific buildings or developments and / or set out criteria for assessing planning applications. Criteria may require applicants demonstrating the current building or development is no longer required or viable for use by a community facility of service. The redevelopment and reuse of buildings and developments which are no longer viable, for community uses, will also be supported by the proposed policy"*. Extracts of this document are appended to this Statement.
13. This ought to provide the basis for the Council's Policy CN7. It has two main thrusts; the support of proposals that specifically provide or improve essential services and, in the context of development management decisions relating to such services, seeking to resist their loss. In this regard, paragraph 5.65 of the LP explains that *"the retention and improvement of local services and facilities is a key issue, particularly for residents outside of Basingstoke town, and one that has been consistently raised by residents through consultation. Support for local services is important to the sustainability of local communities, as well as for social inclusion"*.

14. The reasoned justification also explains (at paragraph 5.66) that, *“This policy seeks to support suitable proposals which provide and improve essential facilities and services, whilst also protecting essential facilities and services from redevelopment or change of use unless it is no longer necessary, practical, desirable, or viable to retain them, or it can be demonstrated that they are no longer needed”*. Certain key services covered by the proposed policy are set out, and these include healthcare facilities, post offices, public houses, libraries and child care facilities, places of worship and shops, including local shopping parades. In terms of the application of this policy, it is intended that planning applications that *“would entail the loss of an essential service must show evidence of alternative provision, financial viability, or the results of marketing exercises, to show that the service cannot continue to be provided”* (paragraph 5.67). As indicated above, the reasoned justification explains that the policy *“also seeks to support proposals for new facilities and services that would meet identified local needs”* (paragraph 5.68).

15. But we also note that the supporting text to Policy EP3 addressing *“Town, District and Local Centres”* refers to Policy CN7 as dealing with local shopping parades that *“serve the day-to-day needs of local communities”*. In that regard, Policy EP3 sets a floorspace assessment threshold of only 250m² (net) in order to *“maintain the overall vitality and viability of the borough’s smaller centres which are generally more dependent on frequent day-to-day convenience shopping”* (paragraph 7.27). This is similar language to, *“A number of local shopping parades across the borough serve day-to-day needs of local communities, as referred to under the essential services policy (CN7)”* (see paragraph 7.20) and suggests that protection from new retail proposals elsewhere, is being sought to be extended to local shopping parades.

16. Our fears were confirmed when the Council used an earlier similar emerging version of CN7 (CN6 of the earlier Pre-Submission Plan) as part of a reason for refusal for an out of centre superstore.

17. The Inspector's decision clearly explained that:

“The Council maintains that undesignated local shopping parades receive a measure of support from paragraph 70 of the Framework. However, the definition of Town Centre in the Glossary to the Framework includes district and local centres but specifically excludes small parades of shops of purely neighbourhood significance. The parades mentioned by the Council fall into that latter category. The Impact Assessment of the Framework makes clear that paragraph 70 is aimed at the loss by development or change of use of valued local facilities. It would be illogical to introduce a form of impact test through paragraph 70 when such a provision is explicitly excluded for local parades by the definition of Town Centre”.

Suggested Changes

18. We therefore look to amend Policy CN7 to make its purpose very clear:

Policy CN7 – Essential Facilities and Services

~~Development proposals will be permitted where t~~ **The y provision de or improvement of essential facilities and services and that sustain and enhance the vitality and viability of communities will be permitted.** In addition to allowing, in principle, such proposals within settlements, these facilities and services may, as an exception, be permitted adjacent to settlements where they will meet an identified local need.

~~Development proposals which would be detrimental to or result in the loss~~ **The redevelopment or change of use of essential facilities and services that meet community needs and support well-being will only be permitted where it can be clearly demonstrated that:**

- a) The service or facility is no longer needed; or
- b) It is demonstrated that it is no longer practical, desirable or viable to retain them; or
- c) The proposals will provide sufficient community benefit to outweigh the loss of the existing facility or service, meeting evidence of a local need.

The Council will work positively with local communities and support proposals to retain, improve or re-use essential facilities and services, including those set out in Neighbourhood Plans or Orders including Community Right to Build Orders, along with appropriate supporting development which may make such provision economically viable.

APPENDIX



National Planning Policy Framework

Impact assessment

July 2012
Department for Communities and Local Government

Risks

The risks of this change in policy are not directly related to the increase in flexibility the policy changes will give to councils, but depend on how councils choose to use this flexibility to deliver affordable housing in rural areas. There is a risk that local communities may choose not to support market housing in rural areas. The current guidance on rural exception sites specifies that any new affordable homes built on rural exception sites should be allocated to 'local people'. Evidence⁸⁹ suggests that how residents define 'local' varies between villages. Focus group evidence from the same research found that residents are more likely to be accepting of new development if the additional housing was to be reserved for local people. There is a possibility that in some villages residents will be less willing to support new market housing even if it enabled affordable housing to be provided as it would be open to everyone (unlike affordable housing).

Wider impacts

If a council takes a more proactive or flexible approach to the delivery of rural housing, there may be increases in the number of rural homes, including affordable homes. This would help support the viability of rural services, support the rural economy and could lead to improved affordability and more housing choice in rural areas.

Environmental impacts

Where a council increases the amount of housing development there can be an adverse impact on the environment in terms of the additional natural resources utilised for development and carbon impacts during the construction and lifespan of the housing. See discussion earlier of illustrative impacts. There are however opportunities through the planning system to ensure that the new housing incorporates sustainable design and renewable energy.

Allowing councils to make decisions on the most appropriate locations for development will allow them to consider wider sustainability issues. Developments can be located taking account of their accessibility to shops and services by means other than the private car. Developments of a sufficient scale can be designed to encourage use of public transport, walking and cycling and can integrate sustainable waste management systems. Smaller sites for example in rural areas can be beneficial supporting the viability of local shops and services which might be vulnerable to closure leading residents to make longer journeys.

Land allocated for housing development on the edge of towns and villages is often lower grade agricultural land and may be of lower biodiversity value than other sites such as garden land or previously developed land that has been restored to nature. Environmental and biodiversity considerations should be taken into account at site selection stage and in planning decisions on individual applications. Designated areas of special environmental importance will continue to be given very strong protection.

• *Protecting community facilities*

Problem under consideration/rationale for intervention

Government policy in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* asked councils, when assessing planning applications affecting community facilities in local centres and villages, to consider the importance of the facility or service to the local community or the economic base of the area. Local councils were asked to refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs. However, not all important community facilities are located within defined local centres and villages. Public houses for example are often scattered geographically.

Policy objective

⁸⁹ Department for Environment, Food and Rural Affairs, 2010, Research into Rural Housing Affordability, <http://www.colinbuchanan.com/rural-housing-affordability>

The Coalition Agreement included a commitment to help support important community facilities and services. In line with this, the proposed policy strengthens the current policy by asking councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss. This policy is applied to all community facilities and not just those within defined local centres and villages.

This policy will help communities prevent the loss existing buildings and developments, which are locally important, valued and viable community facilities and services, to alternative higher value developments such as private housing and business. Planning policies may identify specific buildings or developments and/or set out criteria for assessing planning applications. Criteria may require applicants demonstrating the current building or development is no longer required or viable for use by a community facility of service. The redevelopment and reuse of buildings and developments which are no longer viable, for community uses, will also be supported by the proposed policy.

Options considered

Option 1: do nothing. The do nothing option would not impose any additional cost on any agent but would continue to affect the ability of councils to protect against the loss of important community facilities which are outside local centres and villages.

Option 2: strengthen current policy. Strengthening the current policy to apply to all community facilities would provide councils and communities with greater control over how they can most appropriately protect important community facilities. The policy cannot prevent unviable businesses closing but it can send a strong signal of the importance the local community attach to the continuation of a community asset and encourage innovation and diversification to maintain viability. However, the proposed policy might impose modest additional costs on councils as they would need to develop an understanding of the availability and viability of community facilities within their areas. Costs may also be incurred by developers in instances where they need to produce evidence to demonstrate a building or development previously used by a community facility is no longer required or viable for community use. **This is the preferred option.**

Impacts: Costs and benefits

Benefits

- *councils*

Providing councils with greater policy control over the loss of important viable community facilities, in all locations, would be consistent with the 'localism' agenda, as councils and their communities will be able protect the community facilities that are important to them.

- *business*

The policy could help to ensure there is a continued supply of available and affordable community facility premises for local community based businesses to operate from. However, where community facility premises are no longer required or viable the policy would enable developers to redevelop or change the use of a building for a more viable development; this again would be a benefit to business. The policy may give encouragement to business and communities to find innovative solutions to problems or to diversify their offer to increase viability.

- *communities*

Strengthening of the existing policy would provide councils with greater powers to help protect their communities against the loss of important community facilities. Protecting the facilities which are important to individual communities will contribute to achieving healthy, sustainable, prosperous and vibrant local communities

Costs

- *councils*

Modest costs may be incurred as councils will need to develop an evidence base and put a planning policy in place. This may involve survey work of existing community facilities, availability and viability. This is likely to include an assessment of location and accessibility factors, public consultation and adoption in the Local Plan.

- *business*

The policy expressly seeks to retain existing uses that are valued by local communities. Businesses seeking to convert community facilities for other land uses may face additional costs in demonstrating that the existing use is no longer viable or that an alternative use should be allowed.

- *communities*

No costs have been identified for communities.

- *environment*

No costs have been identified for the environment.

- **Green Belt**

Green Belt land is designated to restrict development in areas where it has been deemed necessary: to prevent unrestricted sprawl, the merging of towns and to protect the openness of countryside. The government strongly supports the Green Belt and does not intend to change the central policy that inappropriate development in the Green Belt⁹⁰ should not be allowed.

Policy changes

Core Green Belt protection will remain in place. Four minor changes to the detail of current policy are proposed in order to resolve technical issues relating to current policy. These changes do not harm the key purpose of the Green Belt, as in all cases the test to preserve the openness and purposes of including land in the Green Belt will be maintained. These changes are:

- i. Development on previously-developed Green Belt land is already permissible if the site is identified in the Local Plan as a major developed site – it is proposed to extend this policy to similar previously-developed sites not already identified in a Local Plan;
- ii. Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure;
- iii. Community Right to Build schemes will be permissible if backed by the local community.
- iv. The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings.

Problem under consideration/rationale for intervention

In a few technical instances current policy is restrictive, which has made it difficult for councils to consider development opportunities that could bring social, economic and environmental benefits to their communities, even if they cause no harm to the purpose of the Green Belt.

- i. Current policy restricts the infill/redevelopment of major developed sites to those only **identified in the Local Plan**. This makes it difficult for the redevelopment of previously-developed sites in the Green Belt, which are not identified in the Local Plan, to come forward. This can lead to the loss of potential economic, environmental and social benefits.

The decision-making process in this type of case clearly has to be weighed up, taking account of the need to protect the openness and purposes of Green Belt land. The change proposed

⁹⁰ *The Coalition: our programme for government*, HMT, May 2010.
http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf