

Consultation comments on policy E8 – local shops, services and facilities

- Support - 15
- Neither support of object - 1
- Object - 3

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments that support policy E8 – local shops, services and facilities		
Respondent number	Comment	Officer comment
ANON-KSAR-NKSU-J	<p>At the request of a resident, I've assessed policy E8 vs. the suggested CAMRA policy – as follows:</p> <p>https://www1-camra.s3.eu-west-1.amazonaws.com/wp-content/uploads/2019/03/28150913/CAMRA-Model-Planning-Policy-v.Nov-2022.pdf</p> <p>Based on this input, I would suggest adding the words “and cannot be made so” after the word viable in paragraph vi of Policy E8 – and the word ‘character’ after the word ‘overall’ in policy ix of Policy E8</p> <p>Can we also suggest that in the case of the proposed closure of a public house, we would expect proposals to be assessed against CAMRA’s proposed ‘public house viability test (either by us or the applicant).</p> <p>https://www1-camra.s3.eu-west-1.amazonaws.com/wp-</p>	<p>Policy E8 and the accompanying text already take account of the factors considered in the CAMRA policy and viability test and it would not be appropriate to refer to such documents within the local plan.</p> <p>The proposed addition to criteria vi) would add to the policy and an amendment is proposed to that effect.</p> <p>It is not considered necessary or appropriate to add the word ‘character’ to criteria within Policy E8, as the local plan should be read as a whole and this issue should be considered as part of the design process as set out in Policy D1 plan. Historic character will be covered by the Heritage polices and in the countryside, rural character will come into consideration under NE14.</p> <p>Recommended Response: Add ‘and cannot be made so’ to criteria vi</p>

	<p>content/uploads/2019/03/14082430/Public-House-Viability-Test-v.2015.pdf</p> <p>I'm unclear whether this would need to be in the policy itself or the commentary in order to have effect.</p>	
ANON-KSAR-NKZY-W	We are supportive of this policy, which provides protection of valued facilities against unnecessary loss in line with paragraph 93 of the NPPF (2021).	Support welcomed and comments noted. Recommended response: No Change.
ANON-KSAR-NKBD-G	Such a shame we have lost shops such as Dinghams, Hotter Shoes and C&H Fabrics from Winchester	Support welcomed and comments noted. The local plan cannot protect specific businesses. Policies E3 and E7 set out a flexible approach to town centre uses generally which it is hoped will encourage a wider range of uses. Recommended response: No Change.
ANON-KSAR-NKJY-D Hampshire County Council	<p>Hampshire County Council in its role, as both a public landowner and service provider, supports the intentions of Policy E8 to maintain the provision of necessary community facilities during the Plan period.</p> <p>The County Council as a public service provider has an on-going need to review and, if necessary, rationalise surplus facilities as part of wider County Council strategies to improve local services in the community.</p> <p>To remain effective in meeting this commitment, the County Council will be implementing a series of service-driven improvements, covering both frontline and support services. This may sometimes result in the 'necessary loss' of particular community buildings and land in County Council ownership, in order to reinvest</p>	<p>It is considered that Policy E8 already provides criteria that allow for appropriate consideration of loss of facilities by re-evaluation of services as general rule, including any alternative community benefits.</p> <p>Applications will be considered on their merits and the particular circumstances of any loss of uses and re-investment can form part of that consideration.</p> <p>Recommended response: No Change.</p>

	<p>proceeds of sale in local service improvements.</p> <p>The County Council request that the policy should have increased flexibility to accommodate the unique role and function of public service providers. This approach is supported by paragraph 93 of the NPPF (July 2021), which requires the LPA to “plan positively” to “provide social, recreational and cultural facilities and services the community needs”.</p> <p>The County Council therefore recommends that the protection criteria sub clause vi. is followed with an ‘or’. Alternatively, additional text could be applied following these sub clauses to allow for these circumstances, for example additional text could read: ‘unless it is part of a public service provider’s plans to re-provide or enhance local services and the proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.’</p> <p>This recommendation draws on the wording of Basingstoke & Deane Borough Council’s Adopted Local Plan 2011 – 2029, Policy CN8 – Community, Leisure and Cultural Facilities, part h, and South Downs Local Plan 2014– 2033, Development Management Policy SD43- New and Existing Community Facilities and is therefore a material consideration in Plan making.</p> <p>The County Council’s proposed amendment would reinforce the unique role and function of public service providers and their need for managed change to deliver</p>	
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	operational service improvements over the Plan period (be justified and effective).	
ANON-KSAR-N856-2	The proposed 3G football pitches suggested by the parish council for development at Mill Lane, Wickham would be counter to development of this type of facility in the countryside as there is no identified need, location in the countryside is not appropriate, there are suitable alternatives nearby, there are considerable impacts on the natural environment and rural character of the area and finally, it is opposed by local residents.	The points regarding the proposal at Mill Lane in relation to this policy are noted, however comments regarding that proposed development need to be considered under responses to site allocation The Glebe (WK2) and other allocations in Wickham as relevant. Recommended response: No Change.
BHLF-KSAR-N8T8-3 Olivers Battery Parish Council	OBPC supports Policy E8 but the viability assessments of the sites and evidence of the appropriate marketing need to be relevant to the nature, scale and location of sites and not for town centre uses.	This comment has been considered under Policy E7. Recommended response: No Change.

Comments which neither support or object to policy E8 – local shops, services and facilities		
Respondent number	Comment	Officer comment
ANON-KSAR-NKWW-R	I have been in discussion with WCC and its Leader about the potential closure of the Corner House Public House in Winchester. Within this discussions, it became clear that there is not sufficient criteria within the local planning policy to deal with decisions regarding the closure of Public Houses and/or their conversion to housing. It was suggested by Martin Tod that I write into this consultation and propose that more specific criteria	This issue has been addressed by response to ANON-KSAR-NKSU-J (Comments in support of E8) above. Recommended response: No additional changes

	<p>be adopted into the future Local Plan. Specifically, with developers often citing "unviability" of Public Houses, and with the current Local Plan having no assessment criteria for "unviability" I would like to propose that the CAMRA Viability Test (or parts of it) be adopted within the Local Plan to provide a structured framework for assessing if a Public House is viable or not. Without, developers will simply cite unviability by virtue of having marketed a Public House at an excessive price for a period of time. I have found the process of submitting this feedback hugely complex - please excuse the fact that I have had to use the "other" category, but I'm afraid the process is not easy for someone who wants to make a simple comment.</p>	
ANON-KSAR-N8YF-P	<p>Consideration needs to be made, similar to my comment regarding development in rural areas - surely we need to take into consideration growing villages that are now almost as big as the small towns need more facilities. If facilities are not to be permitted, there should be a halt on development residential wise - you cannot reasonably have one without the other and at the same time suggest there should be less vehicular use</p>	<p>Policy E8 provides a positive policy approach towards facilities within settlements, encouraging their provision and seeking to retain them where possible. However, the local authority does generally rely on private developers to bring many facilities forward. Where large-scale residential development is proposed, the plan requires the provision of necessary infrastructure, including certain facilities to service the needs of the new development.</p> <p>Recommended response: No change</p>

Comments which object to policy E8 – local shops, services and facilities

Respondent number	Comment	Officer comment
ANON-KSAR-NKHU-7 Oliver's Battery Parish Council	Local Shops, Services and Facilities (Policy E8) OBPC supports Policy E8 but the viability assessments of the sites and evidence of the appropriate marketing need to be relevant to the nature, scale and location of sites and not for town centre uses.	This comment has been considered under Policy E7. Recommended response: No Change.
ANON-KSAR-NKZ5-S	Supporting local shops, services and facilities. No mention of supporting them to reduce carbon footprint and consideration to biodiversity protection and enhancement. E.g., through infrastructure improvements or rates reductions	Unfortunately this falls outside the remit of the local plan. Other initiatives of the council such as through the GEDS are involved in developing the green economy. Recommended response: No Change.
ANON-KSAR-N8EJ-6	I broadly support the policy but I feel that in order to continue to provide services for local people the parking in the villages should be free. This enables local people to pop easily to the shops or the pub etc. but also attracts visitors to come to these same services which enable them to survive.	Comment noted, however the provision of free parking is outside the remit of the local plan. Recommended response: No Change.
		Updating of the text to reflect the new F2 Use Class and that such small convenience stores fall within the remit of this policy, in association with amendments to Policy E4. Recommendation: Add the following to paragraph 10.125 – Convenience stores, mostly selling essential goods, including food, that are less than 280 sqm in size are considered to provide a local facility.

	Recommendations	Officer response
Comments from SA	NONE	
Comments from HRA	NONE AS YET	

Amendments to policy E8

Amendments to supporting text

All supporting text updated, final version below.

LOCAL SHOPS, FACILITIES AND SERVICES

10.127 Local services and facilities provide an important function in supporting the viability and viability of local neighbourhoods, the market towns and more local service centres. Outside of the settlement's areas, local services and facilities can provide a vital role in supporting local communities and more isolated areas.

10.128 The availability of local services and facilities supports the self-sufficiency of areas and reduces the need for unnecessary travel. Maintaining a network of local services and facilities supports the council's goal of reducing carbon emissions, the overall strategy of this plan and the Carbon Neutrality Action Plan.

10.129 Within the rural area, the provision and retention of local services and facilities is particularly important, where there is often a lack of choice and easily accessible alternatives and may be limited opportunities for public transport to access wider areas. Some facilities and services may be particularly critical in certain communities, such as the local school, shop or pub or health centre.

10.130 It is therefore important to retain any existing provision at the same time as encouraging new facilities and services.

10.131 Local services and facilities fall into the following categories:-

- Community centres and village halls;
- Indoor sports and recreation facilities, including allotments;

- Educational, health and care establishments (including nursing/care homes);
- Premises for the emergency services, public utilities and infrastructure;
- Local pubs and shops;
- Libraries, cultural and arts facilities;
- Churches, places of worship and cemeteries/burial grounds.

10.132 The above list is illustrative and is not considered exhaustive. Convenience stores, mostly selling essential goods, including food, that are less than 280 sqm (floorspace) in size are considered to provide a local facility.

10.133 Because of the need to conserve the district's undeveloped countryside, development is generally limited to that which has an operational need for a countryside location or for extensive areas of undeveloped land. To override the normal presumption against non-essential development in the countryside, there must be a need for the development proposed and it must provide an essential local facility or service. The development may either need to be located on the site proposed for operational reasons, or it should be demonstrated that it is not practical or feasible to locate the development within a defined settlement.

10.134 Examples of such development may include community or education facilities, premises for emergency services or development by statutory undertakers and public utility providers.

10.135 Shops, pubs, arts and cultural services and facilities that attract visiting members of the public are town centre uses, which should be located with regard to the town centre hierarchy of Strategic Policy E3 and detailed considerations set out in Policy E4. These uses are not generally appropriate within the countryside, due to their traffic implications and impacts on the rural character.

10.136 Exceptionally such uses may be considered as part of rural economic development or tourism as set out in policies E9 – E11 below. Such proposals will not fall within the terms of this policy as they are not primarily aimed at providing a service or facility for local communities.

- 10.137 Due to the importance of retaining local facilities and services, proposals that involve the loss of a local facility of service will be expected to demonstrate that it is not practical or viable to retain the facility or site in the existing use or a use that would benefit the local community.
- 10.138 Applicants will be expected to provide evidence of why it is not practical or viable to retain the facility or service, such as recent accounts and business plans. Evidence should also be submitted that the potential for altering the business model and making full use of the premises and site in order to make it viable have been fully explored. In the case of shops and pubs there may be the potential to use parts of buildings for alternative supporting uses or make better use of ancillary rooms or outbuildings within the site.
- 10.139 In cases where services and facilities are no longer commercially viable, they have occasionally been taken over by the local community. Examples include local shops and pubs. Therefore, sites should be offered for community purchase. Communities can ask their local council to register local facilities – such as pubs - as Assets of Community Value (ACV) and information is provided on the city council's website of the process for this: <https://www.winchester.gov.uk/community-recreation/crtb>
- 10.140 Where the sale involves an ACV the nominator and wider community will be informed about the proposed sale (or long-term lease). The community has six weeks to express its interest in making a bid and can then prepare and submit a full bid within six months. Any community bids will then be considered along with any other bids. The owner is under no obligation to sell the property to the community and can sell to any bidder at any price. The successful bidder then takes over ownership of the property. The City Council has a list of Assets of Community Value on the web site: winchester.gov.uk/community-recreation/crtb.
- 10.141 Applicants will be expected to provide evidence of the marketing of the site in support of their proposals. This will include viability assessments and details of the marketing undertaken, such as the terms and conditions under which the site was marketed, where and for how long the site was marketed. Marketing should be undertaken for a period of at least 12 months.

10.142 When considering applications that involve the loss of services and facilities, the council will take into account the accessibility of suitable alternative facilities. The access by sustainable and active travel will be part of this considerations, as will physical distance. The lack of any suitable alternative facilities within rural settlements, or nearby settlements will be a key consideration.

10.143 Facilities such as shops and pub and health centres, can play a vitally important role in the vitality and viability of settlements and local communities. They have the potential to act as hubs and meeting places for the local community, often in combination with other activities. The city council will therefore consider carefully the role that the premises/site do or could provide as part of the assessment of any application.

Policy E8 Local Shops, Services and Facilities

Proposals for the development of new, extended or improved facilities and services will be supported in accordance with the Local Plan vision SP1 and objectives and the spatial strategy set out in SP2 Within settlements, facilities and services that do not serve a local function should be located within the centres in accordance with Strategic Policy E3 above.

In the countryside, shops, pubs, arts and cultural services and facilities that attract visiting members of the public will not generally be permitted, except within the terms of Policy E10 below.

In the countryside, the development of essential facilities and services to serve local communities may exceptionally be permitted, where they comply with the plan as a whole and:

- i. There is an identified need for the development within that area.**
- ii. A location in the countryside is essential for operational reasons, or**
- iii. there are no suitable alternative sites for the proposed development within the defined built-up area of the settlement(s) which the development is intended to serve.**
- iv. There are no unacceptable impacts on the natural environment or the rural character of the area.**

Development proposals should not threaten or result in the loss of premises or sites used to provide services and facilities unless it can be demonstrated that:

- i. The site/premise is not required because the service or facility has been satisfactorily relocated or is no longer needed to serve the locality.**
- ii. The service/facility is no longer practical or viable and cannot be made so, and**
- iii. The site or building has no reasonable prospect of being used for an alternative service or facility which would benefit the local community.**

As part of the assessment of proposals, applicants will be expected to provide viability assessments of the sites and evidence of the appropriate marketing for alternative services or facilities. Marketing should be undertaken for a minimum of at least 12 months.

When considering proposals, account will be taken of:

- i. Whether the loss of the service or facility would cause harm for those living within the neighbourhood, settlement, or rural catchment with a reasonable need to access such facilities in the future.**
- ii. Whether the loss of the facility would have a detrimental impact upon the overall vitality and viability of the settlement.**
- iii. The role that the facility provides – or could provide – within the local community, including whether the facility is an Asset of Community Value, and**
- iv. Whether the loss is part of an agreed plan to provide improved local services in equally accessible location**

Any alternative uses or proposals for sites and premises will be assessed with regard to the spatial strategy and strategic policies of this plan.