



# Local Planning Guidance Note

## No.24 Retention of Local Facilities

This guidance note explains the approach the Council will take when dealing with proposals which will result in the loss of local facilities to other uses. It is the Council's aim to ensure all reasonable steps have been made to retain local facilities in an attempt to promote sustainable communities.

### Background

Facilities which perform a social as well as an economic role are an important asset to any community. These facilities can include a:

- » local shop;
- » post office;
- » public house;
- » primary healthcare facility;
- » petrol filling station;
- » children's nursery;
- » community centre; or
- » other building performing a social or economic function.

The decline of local facilities is attributable to a variety of circumstances including changing consumer patterns, increased mobility and economies of scale. However the presence of local facilities is considered an important component in maintaining sustainable communities. The continued presence of local facilities often prevents the need to travel to the larger retail and commercial centres and serves as a vital service to the less mobile, the young and the elderly sections of the community. For instance local shops can also serve as an outlet for complimentary services, including a post office.

There is a wealth of help and support available for current shop owners and community groups wishing to stem the decline of local facilities (Appendix 1 provides details). There is no one approach that is suitable for all, essential however, is the drive and enthusiasm of those involved to ensure the continued viability of a village shop with concerted effort and action. For instance, the Plunkett Foundation is a charity dedicated to the protection of local shops and has experience in helping groups save facilities.

## Policy

The Flintshire Unitary Development Plan recognises the importance of retaining local facilities for community life, particularly where local people do not have easy access to any alternatives, with the inclusion of policy S11 Retention of Local Facilities. Policy S11 (as shown in Appendix 2) does not seek to prevent alternative uses but rather ensure that all reasonable consideration has been given to the possibility of retaining the facility, in the context that the retention of local services is considered essential to promoting sustainable communities. The Council considers it is reasonable that economic viability is among the material considerations it will take into account when determining planning applications.

The Council's position is supported by the national policy context. Planning Policy Wales (February 2011) in paragraph 10.3.9 states "The economic and social role of local shops, village shops and public houses should be taken into account when considering applications for a change of use of existing shops into dwellings or other uses. In rural areas local planning authorities should adopt a positive approach to applications for conversion of suitable village properties to shops and for extensions to village shops designed to improve their viability. A positive approach should also be taken, subject to amenity considerations, to re-establishing a public house in villages which have completely lost such provision. The lack of public transport in rural areas should not preclude small-scale retail or service development where this will serve local needs."

Technical Advice Note 6 Planning for Sustainable Rural Communities, section 5.1 states "To ensure that communities are sustainable in the long term rural residents need to have reasonable access to essential local services. Planning authorities should support the provision of local facilities, especially where they would be of benefit to rural residents distant from existing facilities. Multi-purpose use may be an appropriate way to ensure service viability, particularly in more remote areas. Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities. They should support the retention and expansion of these local facilities..."

## The application of the policy

Policy S11 will be applied to all applications which propose the loss of buildings or premises that are currently, or were last in use as a local facility, regardless of their condition and appearance.

Demand for the retention of facilities from a social and economic perspective is the thrust behind the policy however the Council feels that the viability of the facility is fundamental to its attractiveness and retention as a local facility. Therefore the Council aims to evaluate the viability of the facility by building up a picture of the potential of the facility and in that process it maybe relevant to question why the facility is not living up to its potential. It is possible with a different approach or even management for facilities to continue to serve local communities as well as provide a decent living for those running them. As a result the Council will require any application changing the use of a local facility to be accompanied by a 'statement of efforts' and 'proof of marketing'.

## Statement of efforts

The statement of efforts is an opportunity for the applicant to substantiate their view that the facility is no longer a commercial proposition and that nobody could reasonably be expected to make a living from it.

The applicant or a suitably qualified representative (e.g. a Chartered Surveyor) must describe and certify the reasonable efforts made to sell or lease the property as a local facility at a reasonable and realistic price, reflecting the economic market during that period of marketing. Reference to an inadequate return on investment or lack of market demand will not be sufficient justification alone to demonstrate that the facility cannot be retained and used for the benefit of the community.

In the statement of efforts the Council would also expect the applicant to provide an explanation of the social role of the facility in the community; the nature of the facility and the products it sells; why the facility is no longer economically viable; the attempts made to safeguard the facility such as diversification; and the distance to alternative local facilities of the same or a similar nature available.

## Proof of marketing

In order to satisfy the proof of marketing the applicant must provide evidence to demonstrate that the facility has been widely marketed for sale or lease as a going concern, through an agent/surveyor, at a reasonable price that reflects its current market value for the authorised use for at least 12 months and that no equitable offer has been refused.

The 'proof of marketing' must include:

- i. A copy of all the sales particulars for the marketing period.
- ii. Details of the number of viewings.
- iii. Details of any offers received and an explanation of why they were dismissed.
- iv. Where a dining facility is provided, details of the market aimed at and the number of covers available.
- v. The opening times for the facility.

The 'proof of marketing' must also include evidence to substantiate the following:

- i. The facility has been regularly advertised in the local press and regional press, specialist trade papers and any free papers covering relevant areas. Initially this should be intense (weekly) advertising in local papers for the first month and subsequently monthly insertions for the remaining 11 months.
- ii. The premises have appeared continuously on the agent/surveyor's website, own papers and lists of commercial/business/retail premises.
- iii. There has been an agents/surveyor's 'for sale' or 'to let' advertisement board on the site frontage throughout the period. In instances where there has been a decision not to display an advertisement board applicants must explain the reasoning for not doing so.
- iv. Local property agents, and where the facility in question is a shop or pub, specialist commercial/retail agents have been sent mail shots or hard copies to find out whether there is demand for such facilities/premises in the area.
- v. Local businesses/local community groups (where relevant) have been contacted and sent mail shots or hard copies to explore whether they can make use of the building (or part of) as alternative or additional community accommodation.
- vi. Details of the last 3 years trading accounts with a separate breakdown of the income from food and drink sales. The books may need to be checked by an independent auditor. This should be financed by the applicant.

If an application for the change of use of a local facility is received before marketing has begun then it is appropriate that the price should be agreed with all parties before marketing begins. Use may be made of an independent valuer such as a District Valuer, paid for by the applicant and instructed by the Council.

The following information will also be taken into account:

- » Public opinion.
- » The effect the loss of the facility would have on certain groups in the community and their reliance on the continuation of the facility.
- » The impact on travel patterns and use of the private car which may result from the loss of the facility.
- » The impact the change of use may have on the viability of a community.
- » If the building is listed or in a conservation area, the impact of any alterations or the change of use itself.
- » Constraints e.g. visitor potential, location, area served, building condition, parking provision, etc.

The Council will, if necessary, seek specialist advice when assessing the viability of facilities. The Council may feel the need to extend the period of marketing in times of flat or falling markets.

## Conclusion

The objective of the policy and this guidance note is not to cause financial hardship to owners of such facilities. Rather, the aim of the Council is to adopt a precautionary approach to ensure that all reasonable efforts have been made to retain local facilities. By following the advice in this guidance note, applicants will be providing pertinent information to aid the determination of a planning application in a timely manner.

# Appendix 1

## **Business support and advice in Flintshire**

Flintshire County Council provide a range of services to Flintshire's business community by encouraging new businesses to start up and existing businesses to grow and work with a wide range of partner organisations to develop and deliver initiatives. A range of financial assistance may be available to support businesses depending on its size, area of work and business location. Flintshire County Council's Business Development Team provides up to date information on available funding for new and expanding businesses.

Tel: 01352 703 055

Email: [businessdev@flintshire.gov.uk](mailto:businessdev@flintshire.gov.uk)

<http://www.flintshire.gov.uk/>

## **Business support, information and advice from the Welsh Assembly**

FS4B is an information service provided by the Welsh Assembly Government. It contains details of support around finance, premises, training, tendering and free business workshops, along with information resources, link directories, business news and events. Formerly known as Business Eye. Search their Grants and Support Directory for potential sources of help.

## **Redundancy Action Scheme.**

Did you know that ReAct funding could be the first step to starting your own business? Although ReAct funding cannot be used to set up the business itself, the Vocational Training award can be used to pay for any course that will help you become better equipped to succeed. You might want to go on a course to learn a trade or you might want to improve your business skills and start a marketing or accountancy course.

<http://business.wales.gov.uk>

## **Pub is the Hub**

The Pub is The Hub is an initiative which encourages local authorities, local communities, licensees, pub owners and breweries to work together to support, retain and locate services within rural pubs. Pub is the Hub assists with guidance on availability of project funding, and having a thorough understanding of the pub business, is able to advise on the best way to progress with each individual project.

<http://www.pubisthehub.org.uk/>

## **Plunkett Community Shop Network**

The Plunkett Foundation is the only national organisation supporting community-owned village shops across the UK. There are now over 260 community owned shops trading in England, Scotland and Wales. Most of these have been established through the support of the Plunkett Foundation.

<http://www.plunkett.uk.net/>

## Appendix 2

### **S11 Retention of Local Facilities**

Development which will lead to the loss of a shop, post office or public house or other building which performs a social as well as an economic role will be permitted only where:

- a. similar facilities exist in the neighbourhood or village which are equally as conveniently accessible to local residents; or
- b. where this is not the case, the property has been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success.

Existing facilities are important in community life, especially where local people may not have easy access to any alternatives. The need to travel for local residents can be minimised by retaining provision of facilities within new housing areas or villages through careful consideration of applications for the conversion of shops, post offices and public houses to other uses. This policy seeks to retain such facilities but recognises that some are closed out of economic necessity and prove difficult to sell or let.

A period of at least one year is required for the marketing of local facilities to ensure that every reasonable attempt has been made to retain the use for the benefit of the community. It will be a matter for the applicant to prove through the use of evidence submitted to the Local Authority that: a comprehensive and sustained marketing exercise offering the local facility as a going concern, has been undertaken; that the marketing exercise has run for a continuous period of at least one year before the planning application is submitted; and that the facility has been offered for sale or lease locally, and in the region, in appropriate publications.

## **Local Planning Guidance Note 24: Retention of Local Facilities - Summary of representation and the Council's response**

One representation was received by Mr R. A. Dewey of Bob Dewey Planning.

Mr Dewey commented that **the policy fails to include any independent objective assessment of why a particular pub is not making a profit**. Mr Dewey stated that too often landlords fail to realise that they are in a service industry and tailor their business differently particularly in a volatile market, afterall they may have only one chance to keep a customer.

**Mr Dewey requests that the guidance is changed so that every application includes an independent assessment** by a business advisor nominated by the council analysing the way in which the business has operated and commenting upon and recommending what should/could have been done to make it more viable.

A follow-up report one year later should be commissioned to reflect what changes had resulted and the impact upon the viability. This must happen before the application is registered.

### **The Council's response**

As with any proposal it is for the LPA to make an independent assessment. The guidance on 'statement of efforts' and 'proof of marketing' (the content of which are not disputed by the representee) will in most cases provide the LPA with sufficient detail to evaluate the viability of the facility. In those instances where the LPA requires specialist independent advice then the guidance note allows for that. However it is the Council's opinion that requiring every planning application proposing a loss of a local facility to be independently assessed by a specialist is too onerous.