

Rotherham local plan

Supplementary Planning Document No. 10 Community Facilities



June 2021

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Rotherham
Metropolitan
Borough Council 

Community Facilities

- Introduction 2**
- Background 4**
- Providing community facilities 5**
- Safeguarding Community Facilities 8**
- Contact information 15**
- Appendix A: Case study 16**

Introduction

Introduction

- 1** This Supplementary Planning Document (SPD) has been produced to add further detail to policies in Rotherham's Local Plan. The overall objectives of the SPD are to:
 - Provide more detailed guidance on the application of policies within the Core Strategy and Sites and Policies Local Plan documents;
 - Assist applicants when preparing and submitting planning applications; and
 - Minimise the risk of delays in subsequent decision making.

- 2** The SPD will assist applicants when preparing planning applications for proposals:
 - within land allocated for community facilities in the Local Plan, or
 - involving the provision of new community facilities, or
 - involving the loss of premises allocated for other uses but which are currently or were last used to provide community facilities.

Status

- 3** This SPD has been prepared in line with national planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPD add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

- 4** As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between 17 August and 14 September 2020. The accompanying Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on 21 June 2021.

Policy context

National planning policy

- 5** The delivery of sustainable development lies at the heart of planning. This is established in National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG), and is expressed at a local level through Rotherham's Local Plan.

- 6** NPPF indicates that Local Plans should set out a strategy for a range of uses, including provision of community facilities. It goes on to make clear (at paragraph 92) that local planning authorities should plan positively for the provision and use of community facilities and other local services

to enhance the sustainability of communities and residential environments, and guard against the unnecessary loss of valued facilities and services.

Local planning policy

- 7 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018), alongside the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted in March 2012). These are available from our website:

<https://www.rotherham.gov.uk/localplan>

- 8 The Local Plan includes policies which seek to enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities by:
- supporting the retention, provision and enhancement of a range of community and social facilities, as well as
 - safeguarding land allocated for community use in the Local Plan, and buildings currently used or last used for community purposes, including sport and recreational facilities.
- 9 This guidance provides additional detail to, and should be read in conjunction with, the following policies:

Policy CS 29 Community and Social Facilities

which sets out how the Council will support the retention, provision and enhancement of a range of community and social facilities.

Policy SP 62 Safeguarding Community Facilities

which sets out how the Council will consider proposals involving the loss of land allocated for community facilities, and land and buildings currently or last used as community facilities, including sports and recreational buildings.

Policy SP 63 Loss of Public Houses

which establishes the criteria against which proposals for the redevelopment or change of use of public houses to other uses will be considered.

Policy SP 64 Access to Community Facilities

which sets out that residential development should have good access to a range of shops and services.

Background

What are community facilities?

- 10** Community facilities are an essential feature of any area, and key to delivering sustainable communities. They help meet the needs of residents and visitors, through access to facilities and services used on a daily basis, and to those used less frequently. They help ensure that neighbourhoods have access to emergency services, and that social and health care needs can be met. They can provide spaces to help bring the community together, through meeting rooms or spaces for community events, and can also provide facilities for local civic functions such as parish halls or local government offices.
- 11** The Local Plan (paragraph 4.371 of the Sites and Policies document) provides a definition of community facilities, although emphasises that this is not an exhaustive list:
- public services;
 - community centres and public halls;
 - arts and cultural facilities;
 - policing, fire and ambulance services;
 - health and education facilities;
 - public houses;
 - public toilets;
 - youth centres;
 - nurseries;
 - libraries;
 - social care facilities including day centres;
 - leisure centres (including swimming pools, sport and recreational facilities);
 - places of worship and services provided by the community and voluntary sector e.g. scout and guide premises; and
 - local shops.
- 12** The Local Plan allocates land for community use. These tend to be existing sites which include educational, health or civic facilities. However given the nature of the range of different community facilities identified above, many uses are also found in areas allocated for other uses in the Local Plan (for example, in residential areas).
- 13** In applying Local Plan policies regard will be had to the above definition. Where it is unclear whether a use falls within the definition then cases will be considered on an individual basis.

Submission of evidence

- 14** This SPD sets out the information or evidence that an applicant is expected to provide in order to demonstrate compliance with relevant policies. In all cases sufficient robust evidence will need to be provided by applicants to demonstrate how relevant policy has been met. This evidence will vary depending on each individual case. The Planning Policy team can provide more guidance on the requirements of Local Plan policies.

Providing community facilities

- 15** On residential sites of 10 homes or more Policy SP 64 Access to Community Facilities identifies that at least 80% of new homes should have safe pedestrian access to a local convenience shop and a reasonable range of other services or community facilities within 800 metres reasonable walking distance.
- 16** This recognises the contribution that compact neighbourhoods with a range of facilities and services can play in creating sustainable communities. The Council has allocated new housing development sites across Rotherham based upon a hierarchy of settlements and their ability to accommodate new development. There will also be new residential developments which come forward on other sites. In many cases new developments will be close to existing services and facilities; however where this is not the case, or where new development may place unacceptable burdens upon existing facilities, Policy SP64 identifies that new development proposals shall include the provision of new services or facilities. The exception to this is where applicants can provide robust evidence to demonstrate that such provision would not be viable or would threaten the viability of the overall scheme.

What is a 'reasonable range' of services and facilities?

- 17** Rotherham consists of settlements of differing character; including rural and urban settings and locations with differing geographical and topographical characteristics. As such it is not practical to specify the range of services and facilities which every community should have access to. Therefore what constitutes a 'reasonable range' of facilities and services will vary on a case by case basis depending upon a number of factors including the location of the site, the site context, and the details of the proposed development including its scale. However, paragraph 4.381 of the Sites and Policies document does identify, for the purposes of this policy, a subset of community uses which includes, but is not limited to, shops including post offices or their services, banking facilities or cash points, public houses, health and education facilities, places of worship, leisure uses (including swimming pools, sport and recreational facilities), community centres and public halls and services provided by the community and voluntary sector.
- 18** Applicants and developers are encouraged to engage with the communities they are building within and to work with the community to deliver the community facilities and services which are required

Measuring reasonable walking distance

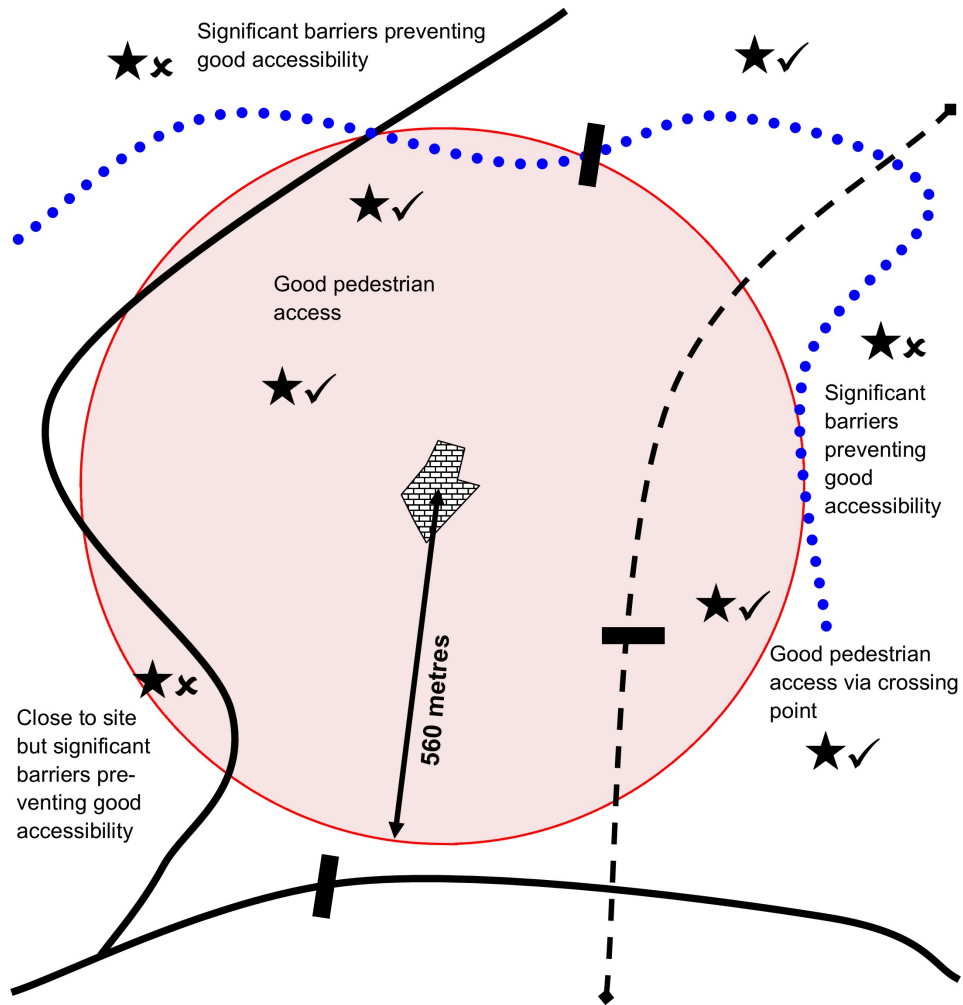
- 19** Each site is different in its relationship with its surroundings. Road and rail networks may create barriers, as might topography or other natural features. As such in calculating the services and facilities within 800 metres via a safe pedestrian route a degree of flexibility will be required. Walking distances may be shortened where, for example, sites are particularly steep or the facility would serve older or disabled people), or lengthened, for example in rural locations and green belt villages where appropriate. In these circumstances applicants should prepare clear evidence to demonstrate those facilities and services available within the 800 metres walking









distance, and justify any variation in distances with reference to particular site characteristics or circumstances.

- 20** It is recognised that development sites come in a range of shapes, sizes and layouts, with different site boundary treatments and pedestrian and vehicle access points. Recognising this, and to ensure consistency in calculating distances from existing facilities and services, measurements should be taken to the centre of the site via safe pedestrian access and taking into account barriers.
- 21** However where measurement from the centre of the site is inappropriate (for example due to the layout of the site) alternative approaches may be taken to demonstrate that at least 80% of proposed homes are within 800 metres of a reasonable range of facilities. This could include measurements taken from proposed dwellings furthest from any existing facilities and services.
- 22** A broad rule of thumb can be adopted in converting walking distance to straight line distance. The Council's Green Space Audit ⁽¹⁾ adopted an assumption that for every 400 metres of walking distance 120 metres can be deducted to estimate a straight line distance. A walking distance of 800 metres can therefore be converted to a 560 metres straight line distance. This may be a useful starting point when assessing sites; however as indicated above any assessment should take account of the site's specific context and any barriers to access.
- 23** The diagram overleaf illustrates how the straight line distance approach could be used to assist in identifying services and facilities within reasonable walking distance of a proposed site. It highlights:
 - How facilities may be close to a site but would not be within 800 metres walking distance due to barriers which prevent pedestrian access.
 - How facilities may be beyond barriers but remain within 800 metres walking distance via pedestrian crossing points.

1 Green Spaces Audit for Rotherham. 2005. Prepared by Scott Wilson

Identifying facilities and services within reasonable walking distance



Key			
	River		Service or facility within 800 metres reasonable walking distance
	Railway line		Service or facility beyond 800 metres reasonable walking distance
	Main road		560 metre straight line distance
	Pedestrian crossing point		
	Proposed development site		

Safeguarding Community Facilities

- 24** The Local Plan has two policies relevant to proposals involving the loss of community facilities: SP62 Safeguarding Community Facilities, and Policy SP63 Loss of Public Houses. Whilst public houses are included in the definition of community use it is intended that proposals which involve the loss of public houses would be considered against Policy SP63 rather than SP62. For clarity:

Policy SP62 Safeguarding Community Facilities will apply:

- To proposals which fall within land allocated on the Local Plan Policies Map for 'Community Facilities', and
- to proposals on land allocated for other uses on the Policies Map but which would involve the loss of land or premises currently used or last used for community purposes, including sport and recreational facilities.

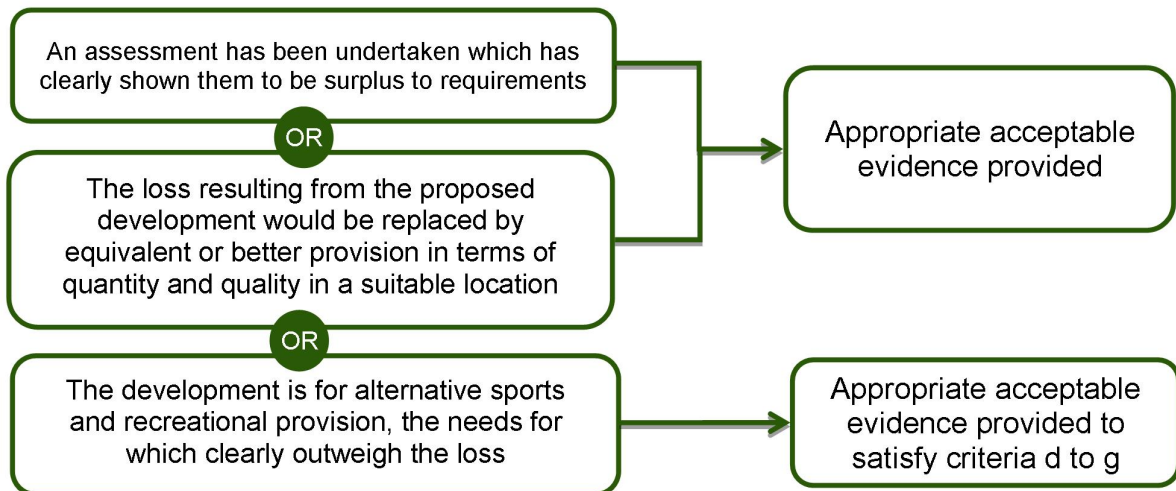
Policy SP63 Loss of Public Houses will apply to proposals for the redevelopment or change of use of public houses to other uses.

- 25** The policy will apply equally to land or premises within both the public and private sectors. The definition of community facilities includes education and social care facilities and public services, which could encompass a range of sites and buildings used by the public sector (such as buildings / offices with public access). As such it is expected that Policy SP62 will apply in many cases where proposals are seeking a change of use or redevelopment of public sector sites and premises.
- 26** For clarity Local Plan policies will only apply where planning permission is required. In some instances, depending on the specific use in question, there may be permitted development rights enabling a change of use which would not require planning permission.
- 27** The diagram overleaf illustrates how Policy SP62 will be applied and how it is expected that requirements will be satisfied.
- 28** The remainder of this section sets out in more detail how Policies SP62 and SP63 will be applied, and the evidence that will be required from applicants in order to satisfy policy requirements.

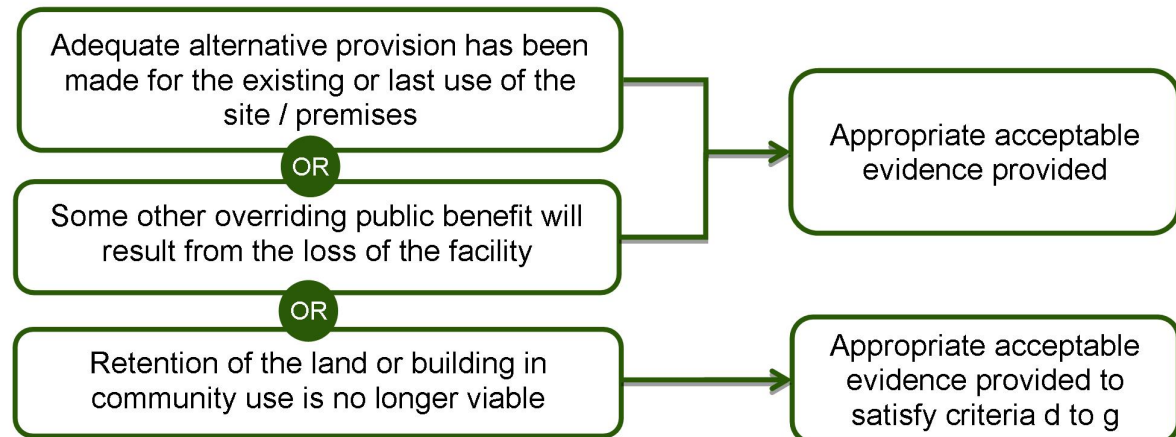
Applying Policy SP62 Safeguarding Community Uses

Routes to satisfying Policy SP62

Proposals involving the loss of existing sport and recreational buildings



Proposals involving the loss of other community facilities



Applying the policy to sport and recreational uses

- 29** Where proposals involve the loss of sport and recreational buildings (buildings were last used for these uses) evidence will need to be provided to show how criteria a, or b, or c are met, to demonstrate that:
- an assessment has been undertaken which has clearly shown them to be surplus to requirements; or
 - 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; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 30** Assessments and evidence submitted shall be undertaken in accordance with current good practice guidance. The assessment shall provide a robust, impartial, independent, and transparent assessment of the supply of, and current and future demand for, those uses proposed to be lost. The assessment shall be based on an appropriate and justified catchment area.
- 31** Depending on the type, scale, nature and location of loss proposed, then the catchment may be borough-wide and or require consideration of cross-boundary demand with other Local Authority areas. Any assessment will require involvement of, and discussion with, key stakeholders, prior to submission of any planning application; to ensure the parameters of the assessment are appropriate. The Assessment will take account of the quantity, quality, accessibility and availability of provision. Sport England provide a number of planning tools to assist in the undertaking of up to date assessments:
- Assessing Needs and Opportunities guidance
 - Playing Pitch Strategy Guidance

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

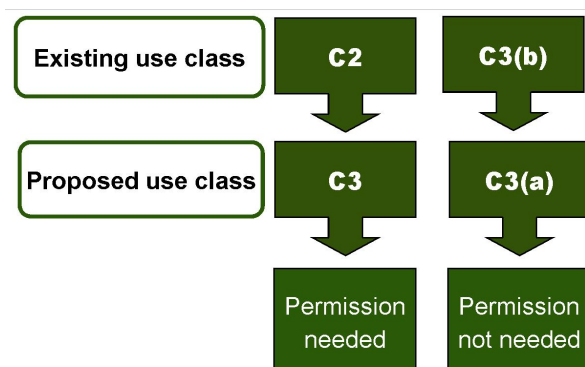
Applying the policy to other community facilities

- 32** For other community facilities the second part of policy SP62 is relevant. The following sections clarify how the policy will be applied in a number of specific circumstances relating to care homes, buildings and offices with public access, and local shops, before setting out how applicants will be expected to satisfy relevant policy criteria.

Care homes

- 33** A number of care homes and children's homes fall within existing residential areas and in many cases redevelopment proposals are likely to focus on re-use for more traditional housing uses. Most care homes fall within Use Class C2 (residential institutions) or Use Class C3(b) (up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.)

34 Changes of use within the sub-classes of Use Class C3 (for example from Use Class C3(b) to another residential use) would not require planning permission. However a change of use from a C2 use to a residential C3 use would require planning permission. The critical question will be in determining whether care homes fall within Use Class C2 or C3(b).



35 With regard to Use Class 3(b), previous decisions⁽²⁾ have held that it is unrealistic to expect children to look after themselves in a single household. To fall within this use class carers must also reside on site and have no other permanent address, to form a proper functioning household. As such a children’s home run on shift patterns would not be considered to fall within Use Class 3(b), but to fall within Use Class C2.

36 Where a property is, or was, run as a care home for adults then the key consideration is whether the residents form a single household. Previous judgement⁽³⁾ noted a reluctance to consider that those who suffer from disability or are in need of care can never constitute a household, and that a judgement needs to be made based on the nature of the disability and the degree of care required. Therefore, depending on the circumstances of the specific case, homes may fall either within Use Class C2 or Use Class C3(b).

37 The case study at Appendix A provides an example of how the policy would be applied to a proposed change of use of a children's home to residential use.

Buildings and offices with public access

38 Buildings or offices (including depot sites) which do not include any element of public access are not considered to fall within the definition of community facilities. However where buildings or offices do include public access to services or facilities (such as libraries, pay-points or other services), then any planning application to change their use will be considered against Policy SP62.

Local shops

39 The reference in the definition of community facilities to local shops, post offices and banking facilities / cash points is not intended to apply where these uses are within an existing town, district or local centre as defined in the Rotherham Local Plan. It is intended to apply where these uses are serving local communities in other locations (for example shops within housing estates or residential areas, or within villages). The policy seeks to maintain such facilities for the benefit of local communities.

2 North Devon District Council v First Secretary of State [2003]

3 R (on the application of Crawley Borough Council) v FSS and Eve Helberg [2004]

What criteria do proposals need to satisfy?

- 40** Applicants will need to demonstrate that either:
- adequate alternative provision has been made, or
 - there is some other overriding public benefit that will result from the loss of the facility, or
 - the retention of the land or building in community use is no longer viable.
- 41** Applicants only need to satisfy one of the bullet points above. For example, if appropriate evidence demonstrates that alternative provision has been made there is no requirement to also demonstrate a public benefit or that the site is no longer viable for community use. It is only if applicants are seeking to show that community use is no longer viable that criteria d to g will be applicable (these criteria relate to marketing of the site).
- 42** In all cases sufficient robust evidence will need to be provided by applicants to demonstrate how the policy has been met. This evidence will vary depending on each individual case.

Adequate alternative provision

- 43** Where an applicant contends that alternative provision has been made then evidence is expected to demonstrate:
- the level of need for the particular service or facility in question;
 - the location(s) where alternative provision has been made, and
 - how this alternative provision meets the identified needs.
- 44** It is expected that the alternative provision will be in the form of built development rather than undeveloped land; because there is no guarantee that alternative provision will be provided on this land the Local Planning Authority will not be in a position to agree that alternative provision sufficient to meet identified needs has been provided.
- 45** Adequate alternative provision will be dependent on the specific circumstances of each case; submitted evidence should clearly establish:
- the use and need the site is meeting at present (including the geographical area of this need), or the previous use and need if the site is no longer in use;
 - projections of this need in the future; and
 - how this need will be met in the absence of the site or premises.
- 46** It will be important for the application to clearly establish the relevant geographical area within which to assess currently available provision and for this to be agreed with the Local Planning Authority. The defined area in which the need is considered will vary from case to case. For some community facilities need could be borough-wide and appropriately met through one or a small number of facilities; for others it could be that the need facilities and services is at a smaller scale such as ward, parish or smaller community area and met by a network of facilities across the borough.

- 47** Having established the geographic area for consideration, applicants should demonstrate the nature and location of comparable facilities and how these would meet the need in question, whilst having regard to future projections of need based on anticipated growth in the locale.
- 48** In considering whether the alternative provision is appropriate, regard will be had to Policy CS29 and supporting provision in locations accessible by public transport, cycling or on foot. This approach enhances the quality of life, improves health and well-being and serves the changing needs of all of Rotherham's communities. Supporting evidence could be provided by reference to relevant plans, strategies, and funding programmes, and their status.

Over-riding public benefit

- 49** If it is argued that an over-riding public benefit will result from the development, evidence will need to clearly demonstrate the public benefits arising from the development, and explain how this is considered to outweigh the loss of the facility in question. For example, it is recognised that the redevelopment of sites and premises in community use can raise funds to improve or replace existing facilities, either on the existing site, or at an alternative location. Where this is the case it should be demonstrated that any receipts from redevelopment would be used for the specific improvements identified. Equally, if it is proposed to redevelop the site for other uses then the Local Planning Authority will need to be satisfied that the alternative use is deliverable and will deliver sufficient public benefits which outweigh the need to retain the existing use.

Community use no longer viable

- 50** Finally, if it is considered that retention of the land or premises in community use is no longer viable then evidence to demonstrate this shall be provided which shows how criteria d to g of the policy have been met. The policy wording is clear that all of the criteria must be satisfied.
- 51** In addition to the marketing information, other relevant evidence could be provided, such as:
- the current and projected trading performance (where the use is a business);
 - the current patterns of use and projections of this use in the future;
 - the nature and condition of the building or site and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation.

Applying Policy SP63 Loss of public houses

- 52** It is recognised that public houses can play an important role within the local community, offering residents a meeting place for food, drink, entertainment and functions. They can help bring communities together, promoting social cohesion and integration and are considered an important element in maintaining vitality and vibrancy within the area.
- 53** Policy SP63 seeks to ensure that these important community facilities are retained wherever possible, whilst recognising that where pubs are no longer economically viable or do not provide an important community function, alternative uses of the site may be considered.
- 54** Where proposals involve the loss of a public house then the Council will expect applicants to demonstrate that all criteria in Policy SP63 are met, supported by the submission of appropriate and robust evidence regarding:
- the economic viability of the public house use;
 - efforts made to explore opportunities to re-let premises (in particular through an existing or formation of a new social enterprise or charitable group);
 - how the premises have been marketed to meet the requirements of criterion c;
 - that there is not an identified need for the public house based on the requirements of criterion d(i) and d(ii).
- 55** To demonstrate compliance with criterion d, applicants will be required to identify (preferably on a map) whether there are alternative licensed premises within 800 metres reasonable walking distance of the public house. Where the existing public house provides a wider variety of ancillary uses, such as function rooms or meeting rooms, then this evidence should also demonstrate that there are alternative premises which offer similar facilities within 800 metres reasonable walking distance of the public house. Depending upon the nature of these ancillary functions then there is no requirement that any alternative provision should be met within another public house. It is acknowledged that meeting or function rooms may be provided for community use in other types of premises.
- 56** A broad rule of thumb can be adopted in converting walking distance to straight line distance. The Council's Green Space Audit ⁽⁴⁾ adopted an assumption that for every 400 metres of walking distance 120 metres can be deducted to estimate a straight line distance. A walking distance of 800 metres can therefore be converted to a 560 metres straight line distance. This may be a useful starting point when assessing sites; however any assessment should take account of the site's specific context, including barriers and constraints such as topography, road and rail infrastructure or other features.

4 Green Spaces Audit for Rotherham. 2005. Prepared by Scott Wilson

Contact information

If you have any questions regarding this Supplementary Planning Document please contact Planning Policy:

Submit an enquiry to Planning Policy online:

<https://www.rotherham.gov.uk/xfp/form/535>

Email: planning.policy@rotherham.gov.uk

Telephone: 01709 823869

Website: <https://www.rotherham.gov.uk/localplan>

Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

<https://www.rotherham.gov.uk/xfp/form/216>

Email: development.management@rotherham.gov.uk

Telephone: 01709 823835

Website: <https://www.rotherham.gov.uk/planning>

Post: Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Appendix A: Case study

Case study example: Change of use of operational children's home to residential use

Policy requirements: In the first instance the Local Planning Authority will need to determine whether planning permission is required. If the use of the site falls within Use Class C3(b) then planning permission would not be required as there are permitted development rights which allow changes to other residential uses within Use Class C3.

If the use of the site falls within Use Class C2 then planning permission would be required, and the applicant would need to satisfy Policy SP62, along with other relevant policies.

Where Policy SP62 applies there are three routes for applicants to satisfy its requirements:

- If the application is seeking to demonstrate that alternative provision is made elsewhere, then it should be accompanied by evidence showing what the need for children's homes is (current and projected). It should clarify what area the need relates to (i.e. is it borough-wide? Is it at a smaller geographical level?) The application should make clear how the need is to be met in alternative sites and premises and show how these sites are appropriate in terms of the geographical area of need.
- If the application is seeking to demonstrate that there would be an over-riding public benefit, then evidence would need to show how the proposed housing use would deliver substantial benefits for the community. The applicant would need to show how this would be of wider benefit to the public than retaining the existing children's home use. It is unlikely that delivery of traditional market housing would be considered to provide an over-riding benefit unless it was shown to be an irreplaceable catalyst for a wider regeneration scheme (the Local Planning Authority would need to be convinced that the regeneration scheme is viable and will be delivered.) If the proposal was for more specialised housing to meet specific needs then consideration would be given to whether the need for the proposed use would outweigh the existing use.
- If the application seeks to demonstrate that the existing use is no longer viable, then evidence will need to show why this is the case. Policy SP62 recognises that the site or premises could potentially be used by other providers to meet other community needs. The application therefore needs to show how it has been appropriately marketed for a period of not less than 12 months.

The Local Planning Authority would need to be satisfied that appropriate marketing methods have been used. This is likely to include targeting of other community service providers and show that opportunities for premises to be taken on by local co-operatives, social enterprise or charitable groups have been explored. Where reasonable offers have been made this is likely to indicate that the site / premises remain viable for community uses, therefore evidence should also be provided of any offers received, to satisfy the Local Planning Authority that no reasonable offers have been turned down/ refused and the reasons why. The applicant may also wish to provide other supporting evidence regarding viability, for example details regarding the nature and condition of the building or site and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation.