



# Retail and Commercial Development

## Introduction

Local Development Plans contain policies on retail and commercial development for the following reasons

- To ensure town centres continue to be the focus for retail, commercial and residential development, and as centres for social, community and tourism activity.
- To protect the vitality and viability of town centres
- To ensure a diverse range and quality of shopping
- To support the most appropriate scale of development in the most appropriate locations
- To support investment to maintain and improve town centres

The approach to retail and commercial development will therefore help provide opportunities for retail development in the most appropriate locations whilst maintaining the vitality and viability of town centres.

## Context

Retail and commercial development contributes significantly to the Moray economy and also plays an important role in sustaining the vitality and viability of town centres and the communities they serve. Town centres also act as centres of employment and services and as a focus for civic and community activity as well as for retail and leisure. Approximately 71% of the total available expenditure in Moray is spent in shops in the area.

The national policy context is set by Scottish Planning Policy (SPP). This recognises the importance of town centres and promotes town centres as the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities as well as homes and businesses. SPP supports the identification of a network of centres for retail, and the use of policies to encourage the most appropriate scale of development within the centres identified in the network. Development plans must ensure a sequential approach to site selection is taken for retail, and commercial leisure proposals, whereby town centre locations are considered first. Scottish Planning Policy only supports out of centre locations where there will be no significantly adverse impact on the vitality and viability of existing centres.

The National Review of Town Centres reported back to the Scottish Government in June 2013. The External Advisory Group Report set out key actions and recommendations. The key principle running through this is the need to implement a "Town Centre First Policy" and a key action is identified as extending the town centre first presumption for retail development to all footfall generating uses including leisure, office, public facilities and homes.

The Town Centre First approach was also brought out in the Elgin City for the Future project which recognises Elgin High Street as the most important economic space in the region and positioned the health of Elgin town centre at the core of the Elgin City for the Future strategy. The strategy sets out various actions under the platform "Elgin High Street First" and the actions focus on improving transport infrastructure and connectivity and developing the critical mass and attractiveness of Elgin town centre. These actions have now been merged in a unified Action Plan within the Moray Economic Strategy. The settlement statement for Elgin includes a strategy for Elgin town centre and retailing.

With the exception of those uses covered by Policy R3 all retail developments and other uses generating significant footfall such as leisure or public buildings should be located within Town Centres, as indicated on the respective settlement statements.

Within the Core Retail Areas, identified on settlement plans, approval will not be given to proposals for non-retail uses at frontage on ground level unless it is for a financial, professional or other services (as defined by use Class 2) or a restaurant or cafe (as defined by use Class 3) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.

Outwith the Core Retail Area proposals that contribute to creating a mix of uses in the town centre, including retail, commercial, leisure, entertainment, recreation, tourism, residential, cultural facilities and community facilities, will be supported subject to the criteria below.

Within town centres all proposals must satisfy the following provisions:

- a) Proposals must be appropriate to the role, scale and function of the centre (as described in Table 1 “Retail Centres and Roles”).
- b) Sensitive design solutions must be applied to proposals to respect the character, scale and amenity of the town centre. Particular care should be taken with proposals within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes.
- c) Adequate servicing and infrastructure must be available including road capacity, public transport, pedestrian links and car and cycling provision, where appropriate identified through a Transport Assessment; sewage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.
- d) Rear service access to existing shops and commercial activities is preserved or an adequate alternative is to be provided.
- e) Lanes or closes off the main shopping streets will be preserved or an adequate alternative is to be provided
- f) Parking should be provided in accordance with the prevailing Moray Council Standards.

#### JUSTIFICATION:

The primary policy intention is to promote the continued use of town centres for a diverse mix of uses including retail, commercial and residential development, and as centres for social, community and tourism activity. Retail and commercial development is generally supported if it is shown that design is sensitive to location and that adequate servicing and infrastructure is available.

It is important to maintain and encourage the use of town centres for retail and commercial use. This function will be assisted by retaining core areas primarily for retail and commercial services and by ensuring that rear service access is maintained.

Lanes and closes perform important functions related to accessibility to town centres and also in retaining an essential character that adds to the retail and commercial function.

The parking standards approved by the Economic Development and Infrastructure Committee in May 2011 include “zero parking” provision for specific types and scale of development in defined town centres. The prevailing Parking Standards should be referred to for further details.

Pedestrianisation has been successfully implemented in Elgin, and opportunities for general improvements both in Elgin and elsewhere will add to the overall vitality and viability of the town centres. Public open spaces in town centres are important to allow features such as farmers’ markets to operate, making significant contribution to the vitality of the centre.

Creating activity within town centres is important in terms of vitality and viability, and this will be enhanced by encouraging the use of upper floors for residential use.

The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

Improvement to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no unacceptable impact on the overall commercial viability of the area.

Proposals for new retail development within defined town centres will not have to be accompanied by a retail impact statement unless the proposal extends outwith the Town Centre boundary.



Outwith town centres retail development proposals (including extensions) and other uses generating significant footfall such as leisure or public buildings, must:

- a) comply with the sequential approach which requires that locations for new development be considered in the following order of preference:
  - Principal and Other Town Centre Sites;
  - Edge of Town Centre Sites;
  - Other Commercial Centres identified within the Table 1 "Retail Centres and Roles";
  - Derelict or vacant land in out of centre locations that are or can be made easily accessible by pedestrians and a choice of modes of transport;
  - Out of centre sites in locations which are, or can be made, easily accessible by pedestrians and a choice of modes of transport,
- b) demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, this being demonstrated where appropriate, by a Retail Impact Assessment,
- c) meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d) provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e) contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable, with the exception of specialist retailing associated with tourism which should be considered against Policy R3 and roadside facilities which should be considered against Policy T3. Small shops intended to meet the convenience needs of a local neighbourhood should be considered against Policy R3.

#### JUSTIFICATION

The focus for retail and commercial development and leisure, community and tourism facilities is town centres. Other opportunities will only be considered if a sequential assessment demonstrates that no suitable and viable sites (existing or available within a reasonable period of time - 5 years) are available within the town centre. This assessment requires to be submitted by developers along with the planning application and must demonstrate that all potential town centre options have been thoroughly assessed before less central sites have been considered. Applicants must demonstrate rigour in their search of alternative sites for retail proposals, by an early and systematic assessment of sites. The Council will aim to work with relevant stakeholders to identify sequentially suitable and viable sites with regard to the guidance set out in SPP. It is recognised that the application of the sequential approach requires flexibility and realism by all parties.

Developers must also demonstrate that their proposals have no more than a minor adverse impact on the vitality and viability of the existing centres through consideration of wide range of indicators, including expenditure flows.

For the purposes of the sequential approach, those sites identified as Commercial Centre in Table 1 and as 'CC' on the settlement maps are considered to be appropriate sequentially preferable locations for developments which cannot be accommodated within town centres or on the edge of town centre.

Retail and commercial developments are often large and conspicuous elements of the townscape. In all cases the highest design standards are to be expected.

Development proposals outwith settlement boundaries are considered to have a detrimental impact on town centres and are not supported.

Retail uses are not principally employment uses, and allocation of land for employment/business does not imply it will be acceptable as a retail development site.

**Table 1 “Retail Centres and Roles”**

This table provides guidance on the retail centres in towns across Moray and on the nature of development that is supported within these centres.

| <b>Centre Type /Role</b>                  | <b>Policy Approach<br/>New Development</b>   | <b>Principle for<br/>sequential approach</b>  | <b>Centre</b>                                       |
|---|--|---|---|
| Principal Town Centre                     | Diverse mix of uses and largest retail offer. Focus also for leisure, entertainment, recreation and cultural and community activities.     | Presumption in favour of all retail developments. Preferred location for retail development, leisure, entertainment, cultural and community activities particularly with a regional market/catchment. | Elgin   |
| Other Town Centres                        | Local retail provision. Wide range of uses, including specialist independent convenience and comparison retailer and other local services. | Preferred location for retail development where the market/ catchment is the town or area but not regional  | Buckie, Forres, Keith                               |
| Local Centres                             | Local retail provision serving local resident population and some passing trade  | Preferred location for convenience shops where the market is the town or hinterland   | Aberlour, Dufftown, Fochabers, Lossiemouth, Rothes. |
| Commercial Centres (CC on settlement map) | Bulky goods, comparison, and convenience.  | Preferred location for bulky goods, comparison outlets and leisure if town centre and edge of centre sites are not available.   | Edgar Road, Elgin                                   |

Proposals for Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing will generally be acceptable in the following circumstances:

- a) small shops which are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary
- b) ancillary retail operations to an industrial or commercial business. In this case ancillary is defined as up to 10% of total gross floorspace of the business, and up to 1000 square metres gross total of retail floorspace, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises.
- c) farms or farm buildings for the retailing of farm produce, or,
- d) specialist retailing associated with an existing or proposed recreation or tourist development and where the scale and function of the proposal is appropriate to the character of the area.

These types of retailing are exempt from the sequential assessment requirement but may, when requested by the Planning Authority, be required to demonstrate that they will not have an adverse effect on the vitality and viability of the identified network of centres.

In all cases, satisfactory provision must be made to ensure that the environment is not compromised and that there is appropriate access and parking, and other service provision.

**JUSTIFICATION:**

Provision for a local or neighbourhood shop contributes to the overall sustainability of an area and reduces the need to travel to shopping centres for day to day requirements.

The plan seeks to encourage local business and this may be achieved by enabling direct sales to the public through ancillary retail operations. Similarly, farm shops can help broaden the rural economy and provide opportunities for diversification.

Specialist retailing must be linked to a tourist or recreational facility. Specialist retailing that is not linked to a tourist or recreational facility will be assessed against Policy R1 or R2.

