

Issue 10	Retail and Commercial Development	
Development plan reference:	Retail and Commercial Development, page 76 <ul style="list-style-type: none"> • R2 Out of Centre Development of Retail, Commercial and Leisure Proposals, page 80-81 • R3 Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing, page 82 	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>R2 Out of Centre Development of Retail, Commercial and Leisure Proposals</u> British Land Properties Limited (0074) Asda Stores Ltd (0206)</p> <p><u>R3 Neighbourhood and Local Shops, Ancillary Retailing and Recreation or Tourist Related Retailing</u> CJ And CRH Dunbar (Pitgaveny) (0908)</p>		
Provision of the development plan to which the issue relates:	Policies R1 to R3 provide the framework for considering retail, leisure and commercial proposals. Policies aim to ensure that town centres continue to be a focus for a mix of uses; to safeguard the vitality and viability of town centres; and support the most appropriate scale of development in the most appropriate locations.	
Planning authority's summary of the representation(s):		
<p><u>R2 Out of Centre Development of Retail, Commercial and Leisure Proposals</u> <u>British Land Properties Limited (0074)</u> Support is given to the identification of Springfield Retail Park as a Commercial Centre. Springfield Retail Park forms the role of a commercial centre and forms part of a wider network of centres.</p> <ul style="list-style-type: none"> • Reference should be added to R2 to support proposals for retail and/or leisure development in Commercial Centres where their function complements that of other centres within the network, having particular care not to undermine town centres. • Policy R2 should be amended to support investment in Commercial Centres and acknowledge the benefits this will bring such as employment, investment, retention of expenditure and town centre prospects. • Policy should be amended to allow for retail floorspace to be developed outwith the town centre where its operation ordinarily requires. Retail development of less than 1,000 sqm should be acknowledged as potentially 		

being appropriate and justifiable in out of centre retail locations.

- Table 1, as it relates to Commercial Centres, should also include reference to these being an appropriate location for leisure related development where there are no sites available, either suitable or available, within the town centre or edge of centre sites.

Asda Stores Ltd (0206)

The word “town” should be removed from criteria b) in respect of the requirement to demonstrate no unacceptable individual or cumulative impact on vitality and viability of the network of centres. In line with Scottish Planning Policy the sequential approach should include awareness of the commercial centres listed in the hierarchy. Removal of the word “town” will make it clear the sequential approach covers local and commercial centres. Support is given to the recognition of Edgar Road Retail Park as an established retail area and its identification as a Commercial Centre in Table 1. The Edgar Road Retail Park is an established area for the ASDA store and the adjacent retail warehousing acknowledges that this retail provision is complementary to the Town Centre. As such the role of Edgar Road Retail Park reflects the definition of Commercial Centre set out in Scottish Planning Policy. Support is given to maintaining and strengthening the retail hierarchy for Elgin by recognising the role Edgar Road Retail Park plays in the shopping habits of the local community through the retention of the retail allocation and it’s identification as a Commercial Centre.

R3 Neighbourhood and Local Shops, Ancillary Retailing and Recreation or Tourist Related Retailing

CJ and CRH Dunbar (Pitgaveny) (0908)

- The policy should reflect that ancillary uses are not always identical in scale. The policy should be amended to allow flexibility to determine the circumstance in which ancillary use is appropriate and not include reference to a finite area or percentage of floorspace. Part b) of the policy should be amended to remove the definition of ancillary retailing comprising 10% of gross floor space up to a maximum of 1,000 square metres.
- There should be greater clarity as to the circumstances in which it will be required to demonstrate there will be no adverse impact on vitality and viability on the identified network of centres and what format this should be.
- The justification states that specialist retailing "must" be linked to a tourist or recreational facility. This should only be an aspiration and not a requirement as there are specialist retailers that are not directly related to either tourism or recreation and in some cases tourism or recreation may occur as a spin-off of the primary use.

Modifications sought by those submitting representations:

R2 Out of Centre Development of Retail, Commercial and Leisure Proposals

British Land Properties Limited (0074)

- Add text to R2 to support proposals for retail and/or leisure where their function complements other centres in the network and does not undermine town centres.
- Amend R2 so this supports investment in Commercial Centres and acknowledges benefits of this.

- Amend R2 to allow retail floorspace to be developed outwith the town centre where its operation ordinarily requires this.
- Amend R2 to acknowledge that retail development of less than 1,000 sqm is potentially appropriate and justifiable out of centre.
- Amend Table 1 to refer to Commercial Centres as being appropriate locations for leisure related development where there are no sites available within the town centre or edge of centre.

Asda Stores Ltd (0206)

Remove word "town", from policy criteria b).

R3 Neighbourhood and Local Shops, Ancillary Retailing and Recreation or Tourist Related Retailing

CJ and CRH Dunbar (Pitgaveny) (0908)

- Part b) of Policy R3 amended to remove the definition of ancillary retailing comprising a maximum of 10% of gross floorspace up to a maximum of 1,000 square meters gross total of retail floorspace, such that the policy reads as follows: "b) ancillary retail operations to an industrial or commercial business, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises."
- The justification for Policy R3 is amended to read "Developers should aspire to link specialist retailing to a tourist or recreational facility".

Summary of responses (including reasons) by planning authority:

R2 Out of Centre Development of Retail, Commercial and Leisure Proposals

Amending policy R2 to explicitly support leisure and/or retail within Commercial Centres would not be reflective of the town centre first approach within Scottish Planning Policy (CD01 paragraph 60). In line with Scottish Planning Policy the focus of policy is to support town centres and policy R2 sets out in what circumstances exceptions to this approach may be supported. The Commercial Centre in the table at Edgar Road does not have the characteristics of a town centre and has a specific retail focus rather than the mixed use functions the High Street /town centre performs. Support for retail and/or leisure in Commercial Centre is conditional upon the sequential approach being met and there being no unacceptable impact on vitality and viability. The amendment requested is not required.

The contribution the Commercial Centre at Edgar Road makes is acknowledged within the Elgin settlement statement and reference is made to this area helping to maintain Elgin's competitiveness with Aberdeen and Inverness. It is considered that by identifying an area as a Commercial Centre support is given to appropriate investment and this does not require to be explicitly stated. There is no statement regarding the employment benefits of retail and leisure within the town centre text and no justification for this to be added for Commercial Centres. No amendment to the policy is required.

As required in Scottish Planning Policy (CD01 paragraph 69) and as noted within the justification flexibility and realism by all parties in the application of the sequential approach is expected. However, it should be up to the developer to

demonstrate that a proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated in a sequentially preferable location.

Policy R3 gives support to limited exceptions to the sequential approach for specific types of retail that may ordinarily be expected to be located out of centre. There is no justification for the policy R2 text to be amended to allow this more generally for “operational reasons” as this could undermine town centres. If such instances occur these should be justified by developers when applying the sequential approach to proposals with all parties applying flexibility and realism to proposals. No modification is proposed.

Policy R3 supports “neighbourhood” retail proposals and rather than having an area based threshold it is considered more appropriate to look at the function of proposals. Therefore, support can be given to proposals that clearly serve the convenience needs of a local neighbourhood. A square metre threshold encourages applications just below this threshold and does not consider the function of such shops which could potentially undermine town centres. It is considered that Policy R3 provides sufficient scope for acceptable out of centre retail proposals and no modification is proposed.

The comments regarding adding text to the Commercial Centre section of Table 1 to include leisure uses is noted. There is some merit to the suggestion as, in principle, policy R2 would support leisure uses at Commercial Centres where town centre or edge of centres sites were not available as demonstrated by the sequential approach. Therefore the addition of leisure to the existing wording would not alter the sequential approach taken within the policy. This is excluded from the table in the Proposed Plan to emphasise that the strong preference is for leisure uses to be located within town centres reflecting the town centre first approach within Scottish Planning Policy (CD01 paragraph 60) and Elgin City for the Future (CD29). If the Reporter is minded to amend this then similar provision should be made to “Other Town Centres” and “Local Centres”. The text in the third column of Table 1 “Retail Centres and Roles” would therefore read

- Other Town Centres “Preferred location for retail and leisure development where the market/catchment is the town or area but not regional”
- Local Centres “Preferred location for convenience shops and local leisure facilities where the market is the town or hinterland.”
- Commercial Centres “Preferred location for bulky goods, comparison outlets and leisure if town centre and edge of centre sites are not available.”

The comments from ASDA are noted and it is acknowledged that reference to “town” centres in criteria b) could give the impression that Commercial Centres are not included. The intention was to ensure no unacceptable impacts on the network of centres identified in Table 1 “Retail Centres and Roles”. If the Reporter is so minded, the Council would not object to the replacement of the word “town” with the word “retail” in part b of the policy to reflect the title of Table 1 “Retail Centres and Roles”.

The Council would have no objection if the Reporter were minded to amend the policy to refer to “retail centres” in part b of the policy as highlighted above.

R3 Neighbourhood and Local Shops, Ancillary Retailing and Recreation or Tourist Related Retailing

It is noted that the respondent is seeking less prescription and greater flexibility in relation to the definition of ancillary but more clarity about when an assessment of impacts on vitality and viability will be requested.

It is considered that the amendment proposed to the definition of ancillary would introduce too much flexibility and not sufficiently support Town Centres as required by Scottish Planning Policy (CD01). This proposal could allow premises to be predominantly retail. The policy criteria of 10% of floorspace ensures retail remains the subordinate use. 1,000 sqm is generous and comparable to some of the units at Edgar Road Commercial Centre. It is reasonable to expect proposals beyond this to comply with the sequential approach within Policy R2 and it is up to the developer to demonstrate that the proposal cannot be altered to be accommodated at a sequentially preferable location. No modification is proposed.

Proposals will be assessed on a case by case basis in terms of likely impacts on vitality and viability. Given the breadth of potential proposals considered by policy R3, applying criteria or thresholds for when retail impacts will be assessed is problematic. Paragraph 71 of Scottish Planning Policy (CD01) allows authorities to request an impact assessment for small retail and leisure proposals which may have a significant impact on vitality and viability.

The tourism link is the justification for specialist retailing to potentially be acceptable out of centre and not require application of the sequential test. Tourism uses generally have a locational need to be in a specific location, e.g. a historic site, or natural heritage feature which justifies an out of centre location. This minimises impacts on existing town centre retail and ensures retail is targeted to sustainable locations. There is no justification generally for all specialist retail to be exempt from the sequential approach and the policy should not be amended.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations: