

Issue 07	Retail and Commercial Development	
Development plan reference:	Policy 10: City, Town and neighbourhood centres, page 29 Policy 11: Perth City Centre Secondary Uses Area, page 30 Policy 12: Commercial Centres and Retail Controls, page 30 Policy 13: Retail and Commercial Leisure Proposals, page 31-32	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Mr David Gordon (0130) Alistair Godfrey (0410) Scottish Government (0451) Theatre Trust (0454) D King Properties (Scotland) Ltd (0461) Aldi Stores Ltd (0591) Ken Miles (0592)		
Provision of the development plan to which the issue relates:	Retail and Commercial Development	
Planning authority's summary of the representation(s):		
<p><b>Policy 10: City, Town and neighbourhood centres</b></p> <p>TACTRAN (0057/01/008): Supports this policy aims but seeks an additional criterion to ensure sustainability in terms of transport.</p> <p>David Gordon (0130/01/001): Objects to the policy text about use of pavement areas for restaurant/café/bar uses because recent decisions suggest that the Council sets the bar too high in terms of adverse effect from pavement obstruction.</p> <p>Theatre Trust (0454/01/003): Supports encouragement of residential uses in upper floors but there can be conflicts between residents and existing uses and any restrictions placed on such venues can significantly harm their viability. Seeks additional text within the policy to make clear that residential use will only be supported where it would not cause harm to existing town centre use.</p> <p>Aldi Stores Ltd (591/01/003 and 591/01/004): Relevant to policies 10 and 13 considers that there is projected in the Perth and Kinross Retail Study 2016 (CD215) to be significant spare convenience retail expenditure within Perth and Kinross region and this should be referenced within the LDP.</p> <p><b>Policy 11: Perth City Centre Secondary Uses Area</b></p> <p>Theatre Trust (0454/01/004): proposes that theatres and other arts and cultural uses are</p>		

added to the list of potential uses that would be encouraged within the area as this is compatible with the types of uses already cited and can act as catalyses for wider improvement and increased vitality during the day and in the evening.

### **Policy 12 Commercial Centres and Retail Controls**

D King Properties (Scotland) Ltd (0461/01/002): Supports reference 'proposals for retail units will be promoted in the commercial centres shown on the proposals map' and that 'the Council supports improvements to the commercial centres including increased floor space.'

TACTRAN (0057/01/009): Supports this policy aims but suggest an additional criterion to ensure sustainability in terms of transport.

Scottish Government (0451/01/017): Seeks amendment to make this policy accord with SPP's (CD004, p20) 'town centre first' approach set out in paragraph 68, which highlights that the first choice of locations for retail should be town centres (including city centres and local centres); followed by edge of town centre; and only then should other commercial centres identified in the development plan be considered.

### **Policy 13 Retail and Commercial Leisure Proposals**

TACTRAN (0057/01/010): Supports this policy aims and notes that criteria 5+6 will promote sustainable travel.

Alistair Godfrey (0410/1/5): Seeks a definition of edge in criteria (b) edge of city or town centre, and suggests that (b) and (d) out of centre locations that are or can be made easily accessible by a choice of transport modes, need to be linked to Policy 12 especially – 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

Scottish Government (0451/01/018): Seeks amendment to include the full range of uses that generate significant footfall. This would make this policy accord with paragraph 68 of SPP (CD004, p20) which states that development plans should adopt a sequential town centre first approach when planning for uses which generate a significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This list of uses goes wider than the previous SPP which only referred to retail and leisure.

Aldi Stores Ltd (591/01/003 and 591/01/004): It is considered that there is projected in the Perth and Kinross Retail Study 2016 (CD215) to be significant spare convenience retail expenditure within Perth and Kinross region and that this should be referenced within the LDP. There has been an increase since the 2014 study and there is spare expenditure capacity within the Perth catchment of between £27 and 29.7 million up to 2029, which equates to between 2,200 and 2,400 sq m net floorspace. Likewise the across the whole of the Perth and Kinross area the assessment states the capacity will increase to between £38.7 and £48 million equating to between 3,200 sq m and 3,900 sq m net.

Also considers this policy should be amended to make it consistent with SPP paragraph 73 (CD004, p21) to say under criteria 1 that proposals demonstrate either a qualitative or a quantitative deficiency rather than requiring both.

Ken Miles (0592/1/10): Seeks additional text “and Loch Leven Special Protection Area”

**Modifications sought by those submitting representations:**

**Policy 10: City, Town and neighbourhood centres**

TACTRAN (0057/01/008): Seeks an additional criterion that says “The development proposals are, or can be made easily accessible by a choice of travel mode.”

David Gordon (0130/01/001): No specific change sought. Objects to the policy text about use of pavement areas for restaurant/café/bar uses which currently refers to ‘provided such uses do not adversely affect pedestrian flows and fit with design guidance and service access’ and considers that the Council sets the bar too high in terms of adverse effect from pavement obstruction.

Theatre Trust (0454/01/003): Seeks additional text within the policy to make clear that residential use will only be supported where it would not cause harm to existing town centre use.

Aldi Stores Ltd (591/01/003 and 591/01/004): Seeks reference to the Perth and Kinross Retail Study significant spare convenience retail expenditure within Perth and Kinross region.

**Policy 11: Perth City Centre Secondary Uses Area**

Theatre Trust (0454/01/004): Proposes that theatres and other arts and cultural uses are added to the list of potential uses that would be encouraged within the area.

**Policy 12 Commercial Centres and Retail Controls**

D King Properties (Scotland) Ltd (0461/01/002): Supports the references to support retail proposals, increased floor space, and improvements within the existing commercial centres.

TACTRAN (0057/01/009): Seeks an additional criterion that says “The development proposals are, or can be made easily accessible by a choice of travel mode.”

Scottish Government (0451/01/017): Seeks amendment of the policy text as follows:

Commercial centres are shown on the proposals map, in some of the commercial centres certain uses will be restricted based on existing planning consents and legal agreements for planning obligations.

Proposals to improve commercial centres, including increased floor space provided will be acceptable where:

- a) a sequential assessment, demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available within the lifetime of the Plan;
- b) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre;
- c) it can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision;

- d) it can be demonstrated that there will be no change to the role or function of the centre in the network of centres;
- e) it is of an appropriate scale;
- f) any detrimental impacts identified in the transport assessment are mitigated
- g) parking provision and landscaping is not compromised.

Proposals to modify planning obligations and other planning controls that control floor space and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment.

### **Policy 13 Retail and Commercial Leisure Proposals**

TACTRAN (0057/1/10): Supports this policy.

Alistair Godfrey (0410/1/5): Seeks a definition of edge in criteria (b) edge of city or town centre, and suggests that (b) edge of city or town centre and (d) out of centre locations that are or can be made easily accessible by a choice of transport modes, need to be linked to Policy 12 especially – 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

Scottish Government (0451/1/18): Policy 13 should be amended to include the full range of uses that generate significant footfall (offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities) not just retail and commercial facilities.

Aldi Stores Ltd (591/1/3 and 591/1/4): No specific change sought but considers that the Perth and Kinross Retail Study significant spare convenience retail expenditure within Perth and Kinross region should be referenced. Also considers this policy should be amended to make it consistent with SPP to say under criteria 1 that proposals demonstrate a qualitative or a quantitative deficiency rather than requiring both.

Ken Miles (0592/1/10): Seeks additional text “and Loch Leven Special Protection Area”

### **Summary of responses (including reasons) by planning authority:**

#### **Policy 10: City, Town and neighbourhood centres**

TACTRAN (0057/1/8): This policy relates to accessible locations so the change proposed by Tactran is considered unnecessary.

No modification is proposed to the Plan.

David Gordon (0130/1/1): With regard to the consideration of impact on pedestrian flows when encouraging use of pavement areas there needs to be a balance struck and pedestrian flow is an important consideration. This comment concerns the development management decision process. The policy is considered appropriate.

No modification is proposed to the Plan.

Theatre Trust (0454/1/3): With regard to encouragement of residential uses on upper floors the sought addition of text to caveat that this will only be supported where it would not cause harm to the existing town centre is not essential.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. The policy text could be amended to add 'On the upper floors, particularly where property is underutilised, the Council will encourage the retention and development of housing and other uses complementary to city or town centres where it would be compatible with the city or town centre uses.'

Aldi Stores Ltd (0591/01/003 and 0591/01/004): With regard to referencing the Perth & Kinross Town Centre and Retail Study 2016 ((CD215) the forecast spare expenditure is only potential, will be highly dependent on the retail market, and is point in time with developments coming forward and changing the picture. When determining retail planning applications the study conclusions and any Retail Impact Assessment (RIA) will be considered during the development management process. An up to date assessment will be carried out then and it is not necessary or appropriate to include reference to this study in the policy.

No modification is proposed to the Plan.

### **Policy 11: Perth City Centre Secondary Uses Area**

Theatre Trust (0454/01/004): The Perth Concert Hall, the Perth Museum and Art Gallery, and the Library all lie within this area. Any proposal would need to be treated on its merits however it is recognised that there could be some potential for additional cultural uses within this area (subject to a sequential approach). The Council would be comfortable with making the change to policy 13 as requested by Scottish Government to expand its scope to include the full range of uses that generate significant footfall rather than just retail and commercial leisure (please see below under Policy 13). This would address this issue too without requiring a change to Policy 11.

No modification is proposed to the Plan.

### **Policy 12 Commercial Centres and Retail Controls**

D King Properties (Scotland) Ltd (0461/01/002): Supportive comments noted.

TACTRAN (0057/01/009): This policy relates to accessible locations so the change proposed by TACTRAN is considered unnecessary.

No modification is proposed to the Plan.

Scottish Government (0451/01/017): The suggested change to make this policy in accordance with SPP (CD004 p20) and Policy 13: Retail and Commercial Proposals is logical and would provide better clarity and consistency however the the Council seeks an additional sentence (2<sup>nd</sup> sentence of the policy) which clarifies what information that will be required to assess impact.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification to amend the policy text as suggested it would not have any implications for any other aspect of the plan.

### **Policy 13 Retail and Commercial Leisure Proposals**

TACTRAN (0057/01/010): Supportive comment noted.

Alistair Godfrey (0410/01/005): There is no need to define edge of centre, a measurement would be inappropriate as the distance will vary in relation to the size of the existing centre and the settlement.

No modification is proposed to the Plan.

It is sufficient that retail proposals for edge of city centre or town centre and for out of centre locations have to comply with Policy 12 and criteria 1-7 which includes as (7) it can be demonstrated that there will be no significant impact (individual or cumulative) on any of the centres within the network of centres. This goes further than the scope of policy 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

No modification is proposed to the Plan.

Scottish Government (0451/01/018): The suggestion that this policy should be extended in scope to include the full range of uses that generate significant footfall would be beneficial and would align better with the Transport and Accessibility Policy 58B New Development Proposals (CD144, p93).

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change to replace 'The location for retail and commercial leisure facilities' with 'The location for any use that generates a significant footfall (retail, commercial leisure, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities)' as it would not have any implications for any other aspect of the plan.

Aldi Stores Ltd (0591/01/003 and 0591/01/004): With regard to referencing the Perth & Kinross Town Centre and Retail Study 2016(CD215), the forecast spare expenditure is only potential, will be highly dependent on the retail market, and is point in time with developments coming forward and changing the picture. When determining retail planning applications the study conclusions and any Retail Impact Assessment (RIA) will be considered during the development management process. An up to date assessment will be carried out then and it is not necessary or appropriate to include reference to this study in the policy.

No modification is proposed to the Plan.

With regards to amending this policy to make it consistent with SPP (CD004 p21) to say under criteria 1 that proposals demonstrate a qualitative or a quantitative deficiency rather than requiring both would be beneficial.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change to point 1, 'it can be demonstrated that a proposal helps meet quantitative and or qualitative deficiencies in existing provision.'

No modification is proposed to the Plan.

Ken Miles (0592/01/010): The policy text already includes “and Loch Leven Special Protection Area”

No modification is proposed to the Plan.

**Reporter’s conclusions:**

**Reporter’s recommendations:**