

REPORT TO: **PLANNING AND TRANSPORTATION COMMITTEE**
12 DECEMBER 2005

REPORT ON: **DRAFT SCOTTISH PLANNING POLICY 8: TOWN CENTRES**

REPORT BY: **DIRECTOR OF PLANNING AND TRANSPORTATION**

REPORT NO: **706-2005**

1 PURPOSE OF REPORT

- 1.1 To seek the Committee's agreement to a response to the Scottish Executive's consultation on Draft Scottish Planning Policy 8: Town Centres (SPP8).

2 RECOMMENDATION

- 2.1 It is recommended that the Committee agrees that the Appendix to this report be forwarded to the Scottish Executive as the City Council's response to the Scottish Executive's consultation on Draft SPP8.

3 FINANCIAL IMPLICATION

- 3.1 There are no financial implications arising from this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The following key themes are relevant in this instance:

- a local needs are met locally;
- b access to good food, water, shelter and fuel at a reasonable cost; and
- c access to facilities, services, goods and people is not achieved at the expense of the environment.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 A fundamental objective of Draft SPP8 is that of ensuring that "all sectors of the community have access to a range of shopping, leisure and other services and for deficiencies in provision to be remedied". This includes ensuring that town centres and new retail developments are accessible to all sectors of the community by a range of modes of transport.

6 BACKGROUND

- 6.1 The Scottish Executive has invited comments on a Draft of SPP8 which will, in due course, replace NPPG8. The latter has, since 1996 (and its revision in 1998), provided the national policy framework on town centres and retailing. The consultation draft has been produced against the background of a research study into the effectiveness of NPPG8 undertaken on behalf of the Scottish Executive and published in January 2004.

- 6.2 Whilst Draft SPP8 indicates that national policy will remain fundamentally unchanged it also stresses the Executive's continuing support for town centres. In a Dundee context, the term "town centre" applies to the City Centre and the five district centres

defined in the Local Plan Review. Draft SPP8 also emphasises the importance of other land uses apart from retailing which contribute to the success of town centres.

7 POLICY CONTEXT

- 7.1 In setting out the policy context for town centres the document highlights the focal role which they should perform. With this in mind, they should be target locations for development and regeneration and should support a diverse range of interdependent users. This mix of uses, together with their physical structure, should distinguish town centres from other types of shopping centre which could be seen as complementing the town centre.
- 7.2 However, retail and leisure uses are recognised as key elements of town centres with the former being singled out for its employment and economic role and its strong links with leisure and tourism. The document recognises the increasing diversity of the retail sector and its ability to adapt quickly to market changes. It also indicates that the Scottish Executive is committed to land use policies that secure vital and viable town centres. Its key objectives for town centres are to:
- a promote competitive places and encourage regeneration, in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities;
 - b create a climate that enables all sectors of the community to have access to a range of shopping, leisure and other services and for deficiencies in provision to be remedied;
 - c improve the physical quality of our town centre environments; and
 - d support development in existing accessible locations or in locations where accessibility can be improved.

8 POLICY PRINCIPLES

- 8.1 Draft SPP8 sets out how planning authorities should implement the key policy objectives, emphasising that they should be tailored to meet local circumstances and community needs. This is an approach that has already been pursued by the City Council, particularly where it has recognised that there may be certain needs which cannot be met by a rigid adherence to the sequential test (eg new superstores provision in the north and west of the city).
- a Identifying a Network of Centres
- In a new provision which was not included in NPPG8, the Scottish Executive indicates its support for the promotion of a network of centres "through which the individual role of each centre supports and is supported by the role of other centres". This would involve defining a network of town and shopping centres within the development plan and specifying the roles of individual centres within the network. The network would then provide a basis for considering new proposals.
 - While it is not entirely clear how this approach would operate, it would appear similar to that already operated by the City Council. For example,

the Dundee Local Plan Review defines the roles and attributes of the City and District Centres and differentiates these from the separate and distinct roles performed by the out of centre retail parks on the Kingsway and that of the edge of centre retail park in Dock Street. Range of goods restrictions operate to ensure that the retail parks do not change their roles in a manner which could threaten the roles of the City and District Centres. Draft SPP8 also indicates that changes to the roles of centres within the network should only be promoted within the context of the development plan and should not be driven by individual planning applications.

b Focusing Development in Town Centres

- Planning authorities are urged to adopt a sequential approach to selecting sites for all town centre type uses capable of contributing to the vitality and visibility of town centres. Town centres are the locations of first choice for such developments, followed by edge of centre and, finally, accessible out of centre locations. However, exceptions may be possible where SPP8 or the development plan provides accordingly. In essence the advice is similar to that of NPPG8 but is more concise and less prescriptive. For example, it does not reproduce the extensive list of criteria to be satisfied by out of centre developments which is contained in NPPG8. This may reflect a desire on behalf of the Executive not to replicate policy guidance which is already contained in other national policy documents.
- New advice is included on the delineation of town centre boundaries and on the types of uses which it should incorporate. Although not particularly detailed, this could assist planning authorities in justifying the boundaries defined for their city and district centres. In this context it is worth noting that the delineation of Dundee's City Centre boundary was challenged (unsuccessfully) at the public inquiry into the Dundee Local Plan Review.
- Revised advice is provided on what constitutes "edge of centre" in relation to proposals for new city centre type uses. This expands on the guidance given in NPPG8 and recognises that edge of centre cannot be defined in terms of distance alone. It highlights the relevance of other factors like topography, ease of access, existence of barriers, ease of movement via physical linkages, etc. This is an improvement on the NPPG8 guidance and recognises the need to take account of a range of considerations.
- While the guidance on out of centre developments reflects that of NPPG8, there is also acknowledgement that bulky goods retailing (furniture, carpets, DIY etc) is no longer crucial to the vitality and viability of town centres. It also suggests that conditions controlling the format of units, including the development of mezzanine floors, should be used where appropriate.

c Improving Town Centres

- Specific intervention aimed at improving town centres and creating successful places is encouraged. This could extend from large scale development to more modest public realm improvements. The employment of town centre management is also encouraged in this context.

- Town centre strategies are seen as vital in providing the more detailed framework for town centre improvements within the broader context set by the development plan. The strategy should be developed in co ordination with other strategies (eg community plan, transport and economic strategies) and involve joint working with relevant stakeholders. They should also take account of up to date monitoring and review of town centres and of associated health checks.

d Providing an Attractive and Safe Environment

- The new guidance highlights the Executive's desire to see higher design standards in new developments and for policies and proposals to take account of its recent policy guidance on design. Well designed buildings and public spaces are seen as important elements which can improve the health, vitality and economic potential of town centres.
- Earlier advice in NPPG8 had advocated providing for mixed use developments in town centres. New advice is now provided to the effect that higher density development is also encouraged in town centres. Standard designs which do not integrate properly with their surroundings and are not linked effectively with the surrounding urban fabric should be refused planning permission.

e Enhancing Accessibility

- In addition to recognising the importance of accessibility to the success of town centres, the new guidance links this to issues of social justice and health improvement. It stresses the need to ensure that town centres are accessible at all times to the community as a whole, including those with impaired mobility. It also highlights the employment and training opportunities they offer, together with access to a range of goods and services. Their role as a provider of access to fresh food purchases is also acknowledged.

f Monitoring and Review

- Not surprisingly, monitoring is seen as essential to the planning and management of town centres. However, effective monitoring will need to extend beyond simply the retail function and needs to embrace a range of factors contributing to vitality and viability. Health checks are seen as the key to achieving this and a range of key performance indicators is provided which can be deployed to assess how a centre is performing. They can also assist in pointing to the measures necessary to achieve improvement.

9 **IMPLEMENTATION**

9.1 Development Plans

- a Planning authorities are urged to identify a network of town centres, shopping centres and out of centre shopping areas and formulate policies for the support and enhancement of town centres. They should also assess the potential of centres to accommodate new development and identify suitable sites for this.

Furthermore, they should indicate whether there is a requirement for out of centre development and, if so, identify appropriate locations.

9.2 Assessing Proposed Developments

- a In assessing relevant planning applications, authorities will require to ensure that the proposal is of high design quality and involves a location which is, or can, be made accessible to the community as a whole by a range of travel modes. In the case of development which is not consistent with the development plan, a range of criteria must be considered when assessing the proposal. These include the sequential test and the need to avoid unacceptable impact on the vitality and viability of the network of centres identified in the development plan.
- b The introduction of protection for the vitality and viability of the network of centres appears to represent a significant departure from previous policy. Hitherto, such protection only applied to town centres. By applying it to the network as a whole, it could effectively extend this protection to, for example, the retail parks. To avoid confusion, there is a need for clarification on this issue from the Scottish Executive.
- c Impact analysis is required for applications for retail and leisure developments with floor space in excess of 2,500m² gross and which involve edge of centre or out of centre locations not in accordance with the development plan. However, impact analysis may also be necessary for smaller retail and leisure and "other town centre uses which may be considered to have a significant impact on vitality and viability." The possible need to consider the impact of uses other than retail and leisure is a new provision in the guidance. It is not made clear what these other uses might be and the nature of techniques which might be employed to assess their impact. However, this will presumably be addressed by updated guidance on impact assessment which will be published in future.

9.3 Casinos

- a Casino development proposals will need to take account of the Gambling Act 2005 which provides for determining the geographical distribution of casino premises licences. However, there may be scope for casinos in other locations where these can be justified by material considerations including contribution to regeneration, employment and tourism and close proximity to other accessible major leisure developments.

9.4 Notification of Applications

- a The guidance reminds planning authorities of the circumstances requiring the notification of certain proposed developments to the Scottish Ministers where it is their intention to grant planning permission.

10 CONCLUSIONS

- 10.1 An early impression is that with only 38 paragraphs, Draft SPP8 is considerably shorter than NPPG8 which has 99 paragraphs. Perhaps as a result, it is more succinct and less prescriptive in a number of respects. The criteria to be met by developments contrary to the development plan, for example, are considerably abbreviated. It also omits or provides less detailed policy advice in a number of the

areas covered by NPPG8 (eg amusement centres, factory outlet centres, restaurants, pubs and hot food outlets, petrol filling stations etc). This may represent a desire to focus more heavily on strategic issues. However, the removal of guidance on amusement centres is a matter of concern from a City Council viewpoint. Certain amusement centre proposals in the city have proved to be controversial in the past. The new guidance also fails to incorporate a glossary of terms. This is unfortunate, since the NPPG8 glossary provides a set of definitions which tend to be generally accepted and have proved useful in structure and local plan preparation.

- 10.2 Notwithstanding the fairly extensive scope of the research study which preceded the draft of SPP8, there is not a great deal of difference from the broad thrust which is currently set out in NPPG8. There is heavy emphasis on the need to focus development on town centres as far as possible and to apply the sequential approach to proposals with the potential to contribute to town centre vitality and viability. The latter includes proposals involving uses other than retail. This is further reflected in the absence of a reference to retailing in the title of the document. The importance of achieving high design standards within town centres is stressed, as is the need to pursue improvements to the public realm.
- 10.3 The concept of networks of centres is a new one and is perhaps the main difference between Draft SPP8 and NPPG8. However, this concept needs further explanation and elaboration. Nevertheless, on the face of it, the approach advocated would seem similar to that already applied by the City Council with the distinctions it operates between the City and District Centres and the retail parks.

11 CONSULTATIONS

- 11.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning) and Director of Economic Development have been consulted and are in agreement with the contents of this report.

12 BACKGROUND PAPERS

- 12.1 There are no background papers of relevance to this report.

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17 November 2005

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APPENDIX 1**COMMENTS ON DRAFT SCOTTISH PLANNING POLICY 8 - TOWN CENTRES****1 GENERAL**

- 1.1 Draft SPP8 is considerably shorter and somewhat narrower in scope than NPPG8. Perhaps as a result it is more succinct and less prescriptive in a number of respects. The criteria to be met by developments contrary to the development plan, for example, are considerably abbreviated. It also omits or provides less detailed policy advice in a number of the areas covered by NPPG8 (eg amusement centres, factory outlet centres, restaurants, pubs and hot food outlets, petrol filling stations etc). This may represent a desire to focus more heavily on strategic issues. However, the absence of guidance on amusement centres is a matter of particular concern from a City Council viewpoint. Amusement centres have been a contentious issue in Dundee over a number of years and the absence of national policy guidance on this subject could prove to be problematic. Accordingly, the City Council would wish to see the reinstatement of guidance on this subject. Draft SPP8 also fails to incorporate a glossary of terms. This is unfortunate, since the NPPG8 glossary provides a set of definitions which tend to be generally accepted and have proved useful in structure and local plan preparation.
- 1.2 Notwithstanding the fairly extensive scope of the research study which preceded the draft of SPP8, there is not a great deal of difference from the broad thrust which is currently set out in NPPG8. It is reassuring to note that there remains a heavy emphasis on the need to focus development on town centres as far as possible and to apply the sequential approach to proposals with the potential to contribute to town centre vitality and viability. The latter includes proposals involving uses other than retail. There also appears to be less direct focus on retailing and a greater emphasis on the full range of interacting uses which together make up a town centre.

2 FOCUSING DEVELOPMENT IN TOWN CENTRES

- 2.1 While much of this advice in this section of the guidance is familiar, new advice is provided on the delineation of town centre boundaries. Although not particularly detailed, this could assist planning authorities in justifying the boundaries defined for their city and district centres. In this context it is worth noting that the delineation of Dundee's City Centre boundary was challenged (unsuccessfully) at the public inquiry into the Dundee Local Plan Review.
- 2.2 Revised advice is provided on what constitutes "edge of centre" in relation to proposals for new city centre type uses. This expands on the guidance given in NPPG8 and recognises that edge of centre cannot be defined in terms of distance alone. It highlights the relevance of other factors like topography, ease of access, existence of barriers, ease of movement via physical linkages etc. This is an improvement on the NPPG8 guidance and recognises the need to take account of a range of considerations when considering whether a particular location is edge of centre.
- 2.3 While the guidance on out of centre developments reflects that of NPPG8, it also acknowledges that bulky goods retailing (furniture, carpets, DIY etc) is no longer crucial to the vitality and viability of town centres. Furthermore, it suggests that conditions controlling the format of units, including the development of mezzanine floors, should be used where appropriate. This is a form of control which the City

Council has applied over a number of years by imposing conditions limiting the scale of sales floor space provision in new retail developments.

3 NETWORK OF CENTRES

- 3.1 The concept of a network of centres is new and planning authorities are advised to define the network of centres in their development plans. While the network will include centres other than town centres, investment priority should focus on town centres. There is a need for greater clarity regarding the status of centres within the network which are not town centres. The second bullet point of paragraph 32 suggest that they would have a "protected" status similar to that of town centres. Given that the network concept is new, there would also be merit in providing more advice on the criteria which would justify the inclusion of a centre within the network.

4 MONITORING AND REVIEW

- 4.1 The current advise in NPPG8 highlights the need to assess retail developments and trends. It also advises planning authorities to assemble data on the quality, quantity and convenience of retail provision and to maintain time series data on shopping patterns. However, Draft SPP8 advocates incorporating town centre health checks into the monitoring process. It also provides a range of vitality and viability key performance indicators which could be applied for this purposes. These would extend monitoring beyond simply assessing retail change and would require it to address, along other things, factors like pedestrian flows, prime rental values, changes in land use, commercial yields and to undertake consumer surveys.
- 4.2 This would allow for a significantly more sophisticated analysis of town centre performance and help develop a clearer picture of the actions necessary to tackle identified shortcomings. On the other hand, undertaking health checks along these lines could have significant resource implications and it is likely that elements of these exercises would need to be outsourced to specialist consultants. While the guidance recommends health checks for town centres, there is no suggestion that similar checks should be undertaken for other centres within the network of centres.

5 IMPLEMENTATION

- 5.1 The guidance notes that impact analysis is required for applications for retail and leisure developments with floor space in excess of 2,500m² gross and which involve edge of centre or out of centre locations not in accordance with the development plan. However, impact analysis may also be necessary for smaller retail and leisure and "other town centre uses which may be considered to have a significant impact on vitality and viability.
- 5.2 The possible need to consider the impact of uses other than retail and leisure is a new provision in the guidance. It is not made clear what these other uses might be and the nature of techniques which might be employed to assess their impact. It is hoped that these issues will be addressed by the updated guidance on impact assessment which is due to be published.