

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 20 AUGUST 2007

REPORT ON: REQUESTED VARIATION OF KINGSWAY WEST RETAIL PARK EXTENSION SECTION 75 AGREEMENT

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 397-2007

1 PURPOSE OF REPORT

- 1.1 To seek the Committee's agreement to a variation of the Section 75 Agreement applying to the Kingsway West Retail Park Extension. This is sought in order to permit the establishment of a unit selling pets and related goods at the park.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee agrees to a variation of the Section 75 Agreement applying to Unit B14 at Kingsway West Retail Park. This will replace the existing range of goods limitations covering the unit with revised limitations which would authorise its use as a pets unit. The Appendix to this report indicates the basis for the revised range of goods limitations.

3 FINANCIAL IMPLICATIONS

- 3.1 The Council's reasonable legal fees in connection with the variation of the Section 75 Agreement shall be met by Ravenside Investments Limited.

4 SUSTAINABILITY POLICY IMPLICATIONS

- 4.1 None.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6 BACKGROUND

- 6.1 A formal request has been submitted on behalf of Ravenside Investments Ltd. for a variation of the current Section 75 Agreement which applies to the Kingsway West Retail Park Extension. The variation is sought in order to allow the establishment of a pet store by Acorn Pet Centres Ltd in Unit B14 of the retail park. While the sale of pets is not prohibited at the park, there are certain goods associated with the care and upkeep of pets which would conflict with the current goods range restrictions applied by the Section 75 Agreement.

7 PLANNING CONSIDERATIONS

- 7.1 Goods range restrictions have been applied from the outset at Kingsway West Retail Park. Their main function has been to control the range of goods sold from the retail park in order to avoid potentially damaging retail impact on the City Centre and other shopping centres. This has been done by restricting the retail park largely to the sale of bulky goods and limiting the sales of what might be regarded of 'mainstream' city centre goods ranges. The latter include clothing and footwear, toys, sports goods and certain electrical goods.
- 7.2 By restricting such sales the main aim is to ensure that the City Centre continues to have a strong representation of retailers trading in these goods and is not undermined by the loss of these retailers to locations such as the out of centre retail parks. Policy 47 of the Dundee Local Plan Review sets out the broad framework of goods range restrictions which apply to the city's retail parks.

7.3 As indicated earlier, the sale of pets is not prohibited at Kingsway West Retail Park. Nevertheless, there are certain goods forming part of the Acorn Pets range which would be prohibited by the current goods range restrictions. These are as follows:

- Food for dogs, cats and other pets
- Dog coats
- Toys for dogs, cats, birds and other pets

As things stand at present, the sale of these goods would conflict with the Section 75 Agreement's restrictions on the sale of food, clothing and toys. However these restrictions were applied with a view to controlling sales of children's toys, fashion and leisure goods and preventing further foodstore developments. They were not formulated with the aim of resisting the establishment of a pets unit on the retail park. While performing a valuable role, this type of retailing is not a mainstream city centre use which should be subject to the special controls applicable to other more sensitive forms of retailing.

8 CONCLUSIONS

8.1 It is concluded that the establishment of a pets unit at Kingsway West Retail Park is acceptable in planning terms provided that the sale of currently prohibited goods is suitably restricted to pets related items.

8.2 Ravenside Investments Limited will be required to meet the Council's reasonable legal fees in connection with the variation of the Section 75 Agreement.

9 CONSULTATIONS

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

10 BACKGROUND PAPERS

10.1 None.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning Services

IGSM/AB/DDB

19 July 2007

Dundee City Council
Tayside House
Dundee

APPENDIX - MATTERS TO BE INCLUDED IN VARIATION OF SECTION 75 AGREEMENT

The variation will apply only to Unit B14 and will permit the sales of goods ranges indicated in (a) below.

(a) Range of goods (Limitations)

The sale of the following goods solely for the purposes of the feeding, care and upkeep of domestic pets:

- Food
- Clothing
- Toys

(b) In the event that Unit B14 should cease to operate as a pets unit, the original range of goods limitations will be reinstated and will apply to any subsequent retail uses at the unit.