

Mr A Browne  
South Ayrshire Council  
Sent By E-mail

Our ref: LDP-370-2

11 October 2016

Dear Adrian Browne

**SOUTH AYRSHIRE PROPOSED TOWN CENTRE AND RETAIL LOCAL  
DEVELOPMENT PLAN  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)  
(SCOTLAND) REGULATIONS 2008**

I refer to my appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied myself that the council's consultation and engagement exercises conformed with their participation statement, my examination of the plan commenced on 15 June 2016. I have completed the examination, and now submit my report.

In my examination, I considered all 7 issues arising from unresolved representations which were identified by the council. In each case I have taken account of the original representations, as well as the council's summaries of the representations and the council's responses, and I have set out my conclusions and recommendations in relation to each issue in my report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues I requested additional information from the council and other parties.

I did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in my recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council may require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them where they can view the report at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117434>

and at that it will also be posted on the council's website at:

<http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority.

**It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.**

Yours faithfully

*Claire Milne*  
**Reporter**



**REPORT TO SOUTH AYRSHIRE COUNCIL**

**SOUTH AYRSHIRE PROPOSED TOWN CENTRE & RETAIL LOCAL  
DEVELOPMENT PLAN EXAMINATION**

Reporters: Claire Milne BSc(Hons) DipTP MBA MRTPI

Date of Report: 11 October 2016

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## **Examination of Conformity with the Participation Statement**

### **Introduction**

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the person who has been appointed by the Scottish Ministers to examine the plan: “firstly to examine...the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 18(1)(a).”

### **Participation statement**

2. The proposed plan was published in January 2016. The version of South Ayrshire Council’s participation statement, which was current at the time, was contained in the South Ayrshire Development Plan Scheme (DPS), 2015. This DPS was published at the outset of the preparation of the local development plan and distributed to libraries on 21 April 2015.

3. Within the DPS, the council states the following:

“The proposed plan will be made available to view at a number of locations including on the Council’s website. A consultation period of 6 weeks will be allowed for anyone wishing to submit comments on the content of the proposed plan.

We would hope that as many people as possible take the opportunity to have an input into the plan and its content. To ensure that this is possible a wide range of opportunities for people to get involved in the process will be made available.”

4. The council indicates that the consultation arrangements at the proposed plan stage will include:

- Publishing the plan on the Council’s website;
- Publishing a notice/article in a local newspaper stating that the document is available to view at certain locations and that comments on its content are welcomed and encouraged;
- Making the plan available to view at Council offices and public libraries;
- Sending a copy of the plan to each of the key agencies and having follow up discussions where required;
- Sending letters/emails out to all who responded or made representations following the publication of the main issues report and informing them of where the plan is available for inspection;
- Hold information days with exhibition boards, in key retailing locations affected by the proposed plan; and
- Sending out neighbour notifications to those affected by site-specific proposals.

5. The DPS includes a timetable of the key stages in preparing the local development plan. I have summarised this up to the point of examination as follows:

- May 2015 – publish main issues report (MIR)
- June to July 2015 – MIR consultation (6 weeks)

- August 2015 – publish proposed plan
- September to October 2015 – proposed plan consultation (6 weeks)
- December 2015 - submit proposed plan for examination

### **Report of conformity with the participation statement**

6. The council's report of conformity presented with the participation statement was submitted with the proposed plan in accordance with Section 18(4)(a)(i) of the Act. The report provides a summary of the participation methods undertaken at each consultation stage in the preparation of the plan - commencement, main issues report and proposed plan. The approaches and methods carried out to secure the engagement of interested parties specifically in respect of the proposed plan are highlighted as follows:

- Published the proposed plan on the council website planning consultation portal with a seven-week period for representations.
- Issued statutory notices in local newspapers (Carrick Gazette and Ayr Advertiser) stating that the proposed plan was published, a brief description of its content, information on where it could be viewed and how to make representations and general enquiries.
- Notification (by email) of the publication of the proposed plan was sent to each of the Key Agencies including a link to electronic copies of the document. Physical copies of the document were also made available – none was requested.
- Notification (by letter) of the publication of the proposed plan, where to view it and how to make representations was sent to the following:
  - parties who had previously engaged in the preparation of the plan;
  - Key Agencies and other public sector stakeholders;
  - the planning forum; and
  - all parties who made representations on the adopted South Ayrshire Local Development Plan on issues relating to retail or town centres.
- Two exhibition days were held in Ayr town centre, open to members of the public.
- Neighbour notification was undertaken for redevelopment opportunity sites referred to in the proposed plan, which are part of the council's intended programme of capital projects. This includes Riverside Block, Burns House site and Ayr Academy. Wider neighbour notification on each redevelopment opportunity site was not undertaken as they did not constitute any firm development proposal and this may have confused recipients.

7. Evidence in the form of emails, website extracts, press articles, public notices and copy letters are contained in the appendices. The report of conformity states that the consultation measures specified in the participation statement have been met, in full.

### **The reporter's conclusions**

8. With three exceptions, I consider that the above information submitted by the council in its report of conformity demonstrates that its actions with regard to consultation and the involvement of the public at large as respects the proposed plan have been generally in conformity with those set out in the participation statement of the authority, published in April 2015, which was current when the proposed plan was published.

9. The first exception relates to the intention of the council to make the proposed plan available to view at council offices and public libraries. The report does not clarify what actions were undertaken in this respect. In response to my request for further information,

the council has confirmed and provided evidence that the proposed plan was available to view at Burns House (council office) and all public libraries. Based on this additional information, I am satisfied that the actions undertaken by the council were consistent with the intended approach outlined in the participation statement.

10. The second exception relates to the varying timescales indicated for consultation on the proposed plan. I note that the participation statement refers to an intended consultation period of six weeks. The public notice states that 'a 7-week consultation...will open on 11/01/16 and close 26/02/16'. This differs from the council website, neighbour notification letters and the email to libraries, which refer to a consultation period of 11 January to 28 February 2016. The latter is closer to the description of a '7-week' consultation.

11. The statutory requirement is for consultation on the proposed plan to be undertaken over a minimum period of six weeks and this appears to have been the original intention of the council within its participation statement. Given that both publicised consultation dates outlined above demonstrate that the consultation undertaken went beyond this minimum period, I am satisfied that no adverse issue arises.

12. The third exception is with regard to neighbour notification and whether the council notified those affected by site-specific proposals. In response to my request for further information, the council has confirmed that they notified the neighbours of three redevelopment opportunity sites identified within the plan. Although not allocated for any particular use, these three sites are part of the council's intended programme of capital projects. No other redevelopment opportunity sites were neighbour notified.

13. The statutory requirement is to notify owners, lessees or occupiers (and neighbours) of sites which the plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the site. Although the three notified sites do not constitute firm development proposals within the plan, the council chose, due to the sites' particular circumstances, to notify appropriate neighbours. By virtue of this, I am satisfied that the actions undertaken by the council went beyond the requirements of the participation statement.

14. Having considered all of the information provided, I find that the council has conformed with its participation statement and has in many cases exceeded minimum consultation requirements with regard to consultation and the involvement of the public at large as envisaged by Scottish Ministers. Therefore, I am satisfied that it is not necessary for me to submit a report to Scottish Ministers under Section 19A(1)(b) of the Act. I will therefore proceed with the examination of the proposed local development plan.

Claire Milne

Reporter

14 June 2016

<b>Issue: 1</b>	<b>Vision</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Vision</b>	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Mr Colin Duncan (13) GL Hearn on behalf of M&G Real Estate (25) South Ayrshire Common Weal (28)		
<b>Provision of the development plan to which the issue relates:</b>	Vision	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Mr Colin Duncan (13):</b></p> <p>The vision fails to take into account the significant impact of the M77 in moving customer spend north, especially to Silverburn. Marks &amp; Spencer in Ayr would have built a third sales floor in their store in High Street, Ayr, had it not been for the deflection of cash to Silverburn.</p> <p>Vision underplays the need to tackle the empty first and second floor flats/properties on the High Street, where there is separate direct access. There is an acute need to re-house people in High Street flats, after appropriate repairs externally and internally.</p> <p>There is a need to use Council powers to ensure landlords/owners repair potential dangerous buildings (shrubs/trees growing out of buildings: potential hazard). Station Hotel simply one of many potentially dangerous buildings. The representation suggests little action has been taken to date and questions whether a death/serious injury will occur before action is taken on building maintenance.</p> <p><b>GL Hearn on behalf of M&amp;G Real Estate (25):</b></p> <p>This representation generally supports the content of the PLDP vision, however, opposes the inclusion of reference to any relaxation of retail restrictions at the Heathfield Retail Park. The representation clarifies that concerns around the inclusion of reference to relaxation of restrictions at the Heathfield Retail Park are set out more fully in other representations, which specifically relate to policies covering the retail restrictions at Heathfield Retail Park. These concerns are more fully addressed in the S4 form relating to <i>S4-6: LDP Policy - Commercial Centres (Heathfield)</i>, so the merits of this representation are dealt with in that S4.</p> <p><b>South Ayrshire Common Weal (28):</b></p> <p>Disappointed the town centre vision is not more radical in utilising and evidencing learning, which is now easy to access, from other places not just in the UK, but elsewhere in Europe.</p>		



The document refers the town centre being a place for 'living and socialising' but there is only passing reference to housing contained elsewhere. Providing a mix of housing opportunities within the town centre is crucial to creating a 'vibrant community' rather than an area which is deserted at night. That would also minimise the opportunity for any anti-social behaviour.

#### **Modifications sought by those submitting representations:**

##### **Mr Colin Duncan (13):**

No direct modification expressed, although the representation suggests the vision should:

- have taken account of ease of transport and access to major retail centres in the central belt
- tackle building and environmental conditions in the town centre and tackle empty upper floors of buildings in Ayr High Street

##### **GL Hearn on behalf of M&G Real Estate (25):**

Removal of reference to any relaxation of Heathfield Retail Park retail restrictions.

##### **South Ayrshire Common Weal (28):**

None specifically mentioned; although the representation indicates that the PLDP should make provision for a mix of housing opportunities within the town centre.

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

##### **Mr Colin Duncan (13):**

It is not proposed to modify the Proposed LDP (**CD9**) in light of these representations. The purpose of preparing this subject LDP was to provide extensive and up-to-date evidence on the factors that affect the retail network in South Ayrshire, including wider (national) retail trends, physical issues (such as the health of Ayr town centre, as the main retail centre in South Ayrshire), and local shopping trends and habits. This work is all contained within the Monitoring Report (**CD4**), which was published alongside the Main Issues Report (**CD3**). This has resulted in the policies and vision in the PLDP (**CD9**) being focussed on strengthening support for Ayr town centre as the main civic (including retail) centre in South Ayrshire, with policies covering South Ayrshire's only commercial centre (Heathfield Retail Park) being changed from the adopted South Ayrshire LDP to reflect that a wider range of goods (bargain homeware retailers) can be sold at Heathfield without damaging, or competing with, the town centre. This reflects evidence in the Monitoring Statement (**CD4**) that, although there is some leakage from Ayr retail catchment to major shopping locations in the central belt, Ayr have a relatively strong retail catchment that experiences from low competition from other shopping centres outwith South Ayrshire. The PLDP (**CD9**) content, throughout, is based substantially on this premise.

In terms of the condition of the physical environment and buildings in Ayr town centre, the Monitoring Statement (**CD4**) also, as mentioned above, has a strong focus on improving the physical condition of the town centre. This is reflected, directly, in the vision statement in the PLDP (**CD9**) by recognising the critical role the physical environment of Ayr town centre will play in the success of the vision; "we will enhance and capitalise on the quality

of the built and natural environment in [Ayr] town centre, especially buildings and features". This is further supported throughout the PLDP (**CD9**), and, particularly under LDP Policy: Ayr Town Centre (Supporting the LDP Vision). It is considered that vision and policy content of the PLDP (**CD9**) does not require modification to strengthen its focus on the physical environment (or, indeed the intent to support housing within the town centre). In respect of other powers the Council has being used to instigate change or improvement in the physical environment or enforce change in the occupancy of residential properties within the town centre; it is the Council's view that the LDP (**CD9**) cannot be modified to achieve these outcomes.

**GL Hearn on behalf of M&G Real Estate (25):**

As outlined above, the Council's view on the proposed modification to delete reference in the vision to relaxation of Heathfield Retail Park retail restrictions is intrinsically linked to the considerations set out in the corresponding S4, *S4-6: LDP Policy - Commercial Centres (Heathfield)*, which should be referred to for the Council position on this matter. Since the Council's conclusion in that S4 is that there the modifications to the PLDP (**CD9**) in respect of Heathfield Retail Park are rejected, the proposed modification sought to the vision is also rejected.

**South Ayrshire Common Weal (28):**

The Council considers that its vision and PLDP (**CD9**) content are in line with the expectations that local development plans provide a vision for up to 20 years from adoption and a locational strategy from up to 12 years post adoption. The vision has been prepared on the most extensive and robust evidence available to inform the content of the PLDP (**CD9**); and in close partnership working with other service providers (particularly the Ayr Renaissance LLP, which is leading much of the regeneration work in Ayr town centre). As such, the PLDP reflects Regulation 10 of the Town and Country Planning (Development Planning) (Scotland) Regulations, 2008 (**CD10**), in having regard to the range of resources available for implementing the plan. Although it is unclear what the representation means, specifically, in the comment that the vision could have been more radical; the Council does not consider the vision deficient in its strategic intent, however, remains realistic in not targeting unachievable or undeliverable goals. The Council does not consider any modification to the vision is required.

The Council also considers that the PLDP (**CD9**) provides a positive framework to support housing in town centre locations through the PLDP (**CD9**), both through references to town centre living in the vision and town centre first policies; but also through identifying a number of the development opportunities sites (within the Ayr Town Centre Policy) as being suitable for residential, amongst other uses. It is not considered that there is any requirement to modify the PLDP (**CD9**) to address the representation, and the PLDP (**CD9**) already provides sufficient support for residential proposals in town centre locations.

**Reporter's conclusions:**

1. Although the proposed plan deals with a range of town centre and retail issues, the vision is aimed solely at Ayr town centre and for it to be a premier destination. Five bullet points are highlighted within this section of the proposed plan that set out how the policies and proposals will deliver the vision. Bullet point four deals with the proposed relaxation of current restrictions on shopping at Heathfield retail park.

2. My overall conclusions with regard to the proposals for Heathfield are dealt with in Issue 6. Although I find that moderately relaxing the restrictions is likely to detract some investment attention and shopping activity away from the town centre in relation to the sale of particular goods (e.g. homewares), I agree with the council that the overall scale of change allowed for is unlikely to significantly harm the town centre. Notwithstanding this conclusion, I do not see how the changes at Heathfield will particularly help to deliver the vision for the town centre as indicated in this section of the proposed plan. Bullet point four states that the plan's proposals for Heathfield are to provide the retail park with flexibility to meet commercial needs. These proposals are in response to the particular pressures and circumstances experienced in the Heathfield area and I do not consider that they are specifically aimed at supporting the town centre as a premier shopping destination. Therefore, I find the fourth bullet point relating to relaxing the restrictions on shopping at Heathfield to be inconsistent with the other bullet points set out within the vision and I agree that it should be removed. However, my conclusions on this matter do not imply that I do not generally support the proposed changes at Heathfield as dealt with in Issue 6.

3. In comparing the vision in the proposed plan with the aims within the adopted local development plan (CD7), I note that Ayr town centre is to be promoted within the network of centres as the primary town centre in South Ayrshire for retail, office and commercial leisure development. This enhanced status for Ayr town centre as the main shopping centre in South Ayrshire is explicit within bullet point one and supported by a range of other specific measures set out within bullet points two, three and five, which aim to enhance the town centre and make it a focus for investment and development.

4. The local development plan should set out an ambitious but realistic long-term vision in order to provide confidence to investors, local businesses and local communities. The proposed vision is supported by the policies and proposals within the proposed plan, which set out a range of positive measures to improve the town centre. These include defining the town centre and promoting its enhanced and more diverse role, identifying zones within the town centre as a focus for particular uses and activity, and identifying particular buildings/sites for redevelopment and future investment. I find these measures to be appropriate for a land-use plan and that an extensive range of up to date evidence has informed them, as documented in the Monitoring Report (CD4).

5. It will be for the action programme to identify how specific activities will be delivered and I note from the Draft Action Programme (CD1) that a town centre strategy is to be produced which will prioritise delivery of the vision. The council states that the vision has been prepared in close working with Ayr Renaissance LLP, which is leading much of the regeneration work in Ayr town centre. This body is also identified to prepare the town centre strategy and to prepare public realm guidance in conjunction with the council and others. Although any amendments to the action programme are a matter for the council and not for this examination, the collaborative approach described provides me with sufficient confidence that the vision for the town centre set out within the proposed plan is sufficiently ambitious and responds to the necessary issues.

6. As stated above, the vision is supported by the policies and proposals within the proposed plan. In particular, in LDP Policy: Town Centre, residential uses are supported within peripheral areas and within a number of identified redevelopment opportunity sites. Empty upper floors within the core area of town centres are also encouraged for residential uses along with other uses such as offices and those compatible with the town centre. The vision for Ayr town centre is as a hub for living and socialising as well as

shopping and working. Therefore, I do not accept that overall, the vision or specific aspects of the proposed plan do not promote a mix of housing opportunities within the town centre or opportunities to utilise vacant upper floors for such purposes.

7. The vision highlights the quality of the built and natural environment in the town centre, which will be a focus for enhancement. I note that this is supported within the action programme by the preparation of public realm guidance and opportunities for the refurbishment and reuse or redevelopment of particular buildings/sites identified within the proposed plan. Further details of the specific activities and the supporting supplementary guidance, which will target improvements in the physical environment of the town centre and tackle specific building conditions, are for the implementation of the plan and the action programme. Therefore, I do not find that these are matters that can be resolved through this examination.

8. With regard to the impact of the M77 in moving customer spend north to Glasgow and to Silverburn retail park, I note that a number of studies were commissioned by the council to provide the evidence base to inform the proposed plan. These are summarised within the Monitoring Report. The Ayrshire Household Shopping Survey, 2015, highlights that in terms of clothing and footwear goods shopping (the predominant goods sold at Silverburn), the popularity of Ayr town centre has not significantly changed since 2009. However, the study does recognise some growth in the use of Glasgow city centre and Silverburn, along with substantial increases in online shopping. These other retail destinations are also highlighted as offering a wider range and choice of clothing and footwear goods than the town centre and providing more 'experience' led shopping, combining retail, leisure, and food and drink options.

9. The direct impact of increased competition on Ayr town centre in terms of footfall, expenditure, vacancies, rental yields etc., is difficult to deduce from the evidence in the background studies as other factors, such as the recent economic downturn, may have also played a part. However, the Ayr Town Centre Resilience Study, produced in 2015, concludes that Ayr has a strong retail catchment and appears to retain a much greater proportion of its primary catchment population for shopping purposes, which the study concludes is probably a reflection of the low level of competition it faces.

10. Looking forward, the council recognises that there is more retail space in the town centre than is needed to serve the future catchment population. Within the background studies, it is recommended that the proposed strategy for the town centre should aim to match its retail offer with its catchment population and retail demand. This may involve physical change and redevelopment at key locations in order to offer a wider range of uses and attractors such as more opportunities for town centre living, offices, cafes, restaurants, bars, cultural and leisure activities. The vision with the plan seeks to achieve this by a range of measures. In response to my further information request, the council indicated that increasing the variety of uses within the town centre is one of the ways a premier destination may be created. The vision for the proposed plan recognises this and encourages a range of uses around a reduced retail core.

11. Overall, I am satisfied that the external impacts on Ayr town centre, particularly the pressure exerted by other centres, including Heathfield, has been carefully considered and an appropriate response reflected within the vision of the proposed plan. Therefore, I do not consider that there is a need to add anything further or to adjust the overall vision in response to these representations other than as recommended below.

**Reporter's recommendations:**

Modify the local development plan by:

1. On page 4, removing bullet point four that refers to Heathfield retail park.

<b>Issue: 2</b>	<b>LDP Policy: Town Centre First Principle</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Policy: Town Centre First Principle</b>	<b>Reporter: Claire Milne</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
South Ayrshire Common Weal (29)		
<b>Provision of the development plan to which the issue relates:</b>	LDP Policy: Town Centre First Principle	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>South Ayrshire Common Weal (29):</b></p> <p>This section could have been expressed in a way which made it easier to understand but, notwithstanding, largely agreed with it.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>South Ayrshire Common Weal (29):</b></p> <p>No specific modification stated.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><b>South Ayrshire Common Weal (29):</b></p> <p>It is noted the representation does not object to the policy content. In preparing the PLDP (<b>CD9</b>), as is the case with all planning publications for consultation, the editorial process is geared to minimising the use of technical phrases and jargon. The Council considers that the PLDP (<b>CD9</b>) is written in clear and plan English. Notwithstanding this, developments plans also serve as a policy framework for regulating the use of land and development, and must be cognisant of other relevant policies and strategies. As such, where technical terms require to be used, these terms are included in a glossary to assist the interpretation of the LDP (<b>CD9</b>). The Council considers this policy is expressed in simple terms, and does not consider that there is any merit in modifications to this policy to assist its interpretation.</p>		
<b>Reporter's conclusions:</b>		
<p>1. The proceeding text to this policy is a direct quote from the Scottish Government's website setting out the Town Centre First Principle. The need to apply a town centre first policy when planning for town centre uses is also reflected within Scottish Planning Policy. LDP Policy: Town Centre First Principle reflects the overall aims of Scottish Government and sets out how the council intends to prioritise the town centre in terms of future investment, resources and decision-making. This policy also refers to other</p>		

supporting policies within the proposed plan such as the network of centres and sequential approach, which will ensure appropriate uses are directed to town centres. As an introductory and therefore overarching policy, I find that it gives a clear indication of the overall approach that the council will take with regard to this key principle, consistent with national planning policy. Therefore, I do not consider that the policy needs to be altered in order to improve its general understanding or interpretation.

**Reporter's recommendations:**

No modifications.



<b>Issue: 3</b>	<b>LDP Policy: General Retail (Sequential Approach)</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Policy: General Retail (Sequential Approach)</b>	<b>Reporter: Claire Milne</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Ediston Opportunity Fund (23) South Ayrshire Common Weal (31)		
<b>Provision of the development plan to which the issue relates:</b>	<b>LDP Policy: General Retail (Sequential Approach)</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Ediston Opportunity Fund (23):</b></p> <p><u>Retail outside of the town centre:</u> This section states, in the final policy criterion, (c): “where there is sufficient capacity for the proposal in quantitative terms or that the proposal would introduce choice or quality of provision that will reduce leakage of expenditure, such that it will create sufficient capacity for the proposal in the catchment area”. The second part of this test requires an applicant to ‘create sufficient capacity’ for the proposal. This should be a qualitative test to accord with government policy and should refer only to the proposal helping to address a qualitative deficiency; there should be no reference to ‘capacity’. This would allow an assessment of retail developments based on the impact on town centre retail trade and whether the development addresses a qualitative deficiency.</p> <p><u>Agreed out of centre retailing:</u> This is an additional policy that requires to be overcome to that criteria set out for proposals for retail development outside town centres. However, this policy does not appear to follow the sequential approach. The wording suggests that a proposed retail development of up to 929sqm (which is the same size as many of the retail units in Heathfield Retail Park) could be granted planning permission for any form of retail use, but that it should be for local neighbourhood needs. The term ‘local neighbourhood needs’ is not defined in the policy or in the glossary of terms. Given the size of store that this policy refers to is the same size as some units at Heathfield, this could allow large retail stores in locations which could compete not only with the town centres, but also with Heathfield. It is suggested that clarification is needed to control out of centre developments and a clear definition is required of ‘local neighbourhood needs’.</p> <p><b>South Ayrshire Common Weal (31):</b></p> <p>Noted with interest the 10% rule in relation to floorspace and wondered who monitors this.</p>		



**Modifications sought by those submitting representations:****Ediston Opportunity Fund (23):**

The representations seek:

1. Modification to criterion 'C' of the "Retail outside of the town centre" policy section to remove the requirement for new retail developments that reduce leakage by creating choice or quality of retail provision by demonstrating the proposal will create capacity for the development.
2. Modification to include a definition of "local neighbourhood needs" in the PLDP glossary, to ensure development under 1000sqm serves the purpose stated in the PLDP policy.

**South Ayrshire Common Weal (31):**

No modification sought.

**Summary of responses (including reasons) by planning authority:****Ediston Opportunity Fund (23):**

The Council does not support the proposed modification (1), as above. This provision exists to ensure that proposals for new retail development outwith town centres, that improve the retail offer in South Ayrshire by reducing leakage through improving choice or quality of retail offer, genuinely add to the choice and quality of retail in South Ayrshire, and that this is quantified by the applicant through the development management process. Without this provision the Council would be concerned that there is no consistent methodology for ensuring that new retail development is meeting a qualitative deficiency in the retail offer, and would serve to claw back leakage of expenditure from South Ayrshire to other shopping locations that meet that deficiency. This is a long-standing element of South Ayrshire's planning policies relating to retail developments outwith the town centre. It formed part of both the South Ayrshire Local Plan and the currently adopted LDP. The adopted LDP examination report (**CD11**) considered this matter and agreed with the Council at that time, that it can only be known whether there is merit in the proposal if the capacity to accept the development exists and is known. The Reporter commented: -

"it can only be known whether a development can be accommodated and will serve a purpose, such as reducing leakage, if the capacity for the development is known. If there is no capacity, allowing a development could have an adverse impact on the vitality and viability of retail premises in town centre and other locations. I conclude that there should be no change to this part of the policy."

As such, it is considered that there is no change in circumstances that would merit a modification to this long-standing policy provision, which continues to serve its purpose in ensuring that new retail development outwith town centres meets a demonstrable need. The proposed modification is, therefore, rejected.

The Council does not support the proposed modification (2), as above. This policy provision forms part of the Council's policy framework for out of centre retail development in the current adopted LDP (**CD7**) and in the South Ayrshire Local Plan(**CD8**), prior to that; and it has been successful in allowing new retail proposals of a scale that could

meet local needs (i.e. under 1000sqm), while not appreciably damaging any town centre. This PLDP introduces safeguards against exploitation of this policy provision by recognising that the proposals for a local neighbourhood centre at the South East Ayr urban expansion may be able to misuse the policy provision, as in the adopted LDP, by allowing unrestricted units up to 1000sqm at that location. Specifically, a note to this policy, excludes the policy being applied to the Corton neighbourhood centre. It is not considered that there are any other locations than present a risk to the town centre by being established retail centres that could be desirable for town centre operators; and the evidence in the monitoring statement demonstrates that there is little, or no latent demand for additional retail provision that is not being satisfied by the network of centres. As such, the Council remains of the view that any unit under 1000sqm can be deemed as meeting local needs, as a continuation of its long-established policy position. The proposed modification seeks a definition of meeting local needs. The Council does not consider that this is necessary, since proposals for retail development that are under 1000sqm are considered to be meeting local needs, and this is set out in the policy. The Council is of the view that adding additional measures to control out of centre development, including to restrict goods ranges, through a glossary definition, would be inappropriate and disproportionate to the impact of controlling and monitoring such proposals through the development management process, when balanced against the risk of exploitation of this policy.

#### **South Ayrshire Common Weal (31):**

It is noted that no modification is sought, and no opposition to the allowance for 10% of out of centre stores to be unrestricted is expressed; however, that a query is raised over the enforcement of this provision. For clarity, this policy is intended to limit the range of unrestricted goods that can be sold in any single out of centre retail unit. The 10% allowance is based on gross floorspace of that unit, so as it can be easy for the Council's planning enforcement team to monitor and determine when a breach of this allowance occurs and based on, and an extension of, the successful operation of this allowance for out of centre food stores.

#### **Reporter's conclusions:**

##### Preliminary matters

1. With regard to who monitors the 10 percent gross floorspace allowance, I note that the council has responded indicating that this is the responsibility of the council's enforcement team. I do not consider that the plan needs to be amended to reflect this matter and therefore have not addressed it any further in my conclusions.

2. I note that this policy comprises four parts – (1) sequential approach, (2) retail outside of the town centre, (3) agreed out of centre retail and (4) retail development outwith settlements. In response to my further information request seeking clarity on various terms within the policy, the council has suggested four amendments to the policy in order to correct errors. These comprise the following:

- the title of the policy should be amended to reflect that used within the adopted local development plan, namely "LDP Policy: General Retail";
- reference to Heathfield Retail Park at part (1), criterion (c), should be deleted;
- reference to Heathfield in the part (4) of the policy should be amended to read: "Retail development in the Heathfield Commercial Centre shall require to comply

with LDP Policy Commercial Centres (Heathfield)” and made a footnote to the entire policy; and

- an additional footnote should be added as follows: “The restrictions on the range of goods that can be sold at commercial centres (i.e. Heathfield) are set out in LDP Policy: Commercial Centres (Heathfield)”.

3. The suggested text within the final bullet point above is already contained within part (3) of the policy as a separate note – the council suggests it should be a footnote to the entire policy. Although the council’s suggested amendments above do not relate to unresolved representations to this particular policy, I find that they bring more clarity to the proposed plan and do relate to unresolved objections and support my conclusions with regard to Issue 6. For these reasons, I also consider them to be more than consequential amendments. Therefore, I support the suggestions made by the council and consider that the policy should be modified accordingly. In relation to the third bullet point above, I consider the word “also” should be added after ‘shall’ to ensure that both policies are used in the assessment of proposals for Heathfield.

4. In a follow-up further information request to the council, among other matters, I asked the council to suggest appropriate standardised wording that would help achieve some clarity over the terms ‘outside of town centre’, ‘out of centre’, ‘out of town centre’ and ‘out-of-town centre’. On subsequent reflection, I am satisfied that as this was not a specific issue raised in the unresolved representations, it is not a matter which I can address through this examination.

#### Retail outside of the town centre

5. Scottish Planning Policy (paragraph 73) expects out of centre proposals to meet qualitative or quantitative deficiencies and to be assessed alongside other factors including effects on the vitality and viability of centres. I consider the main purpose of assessing whether there is sufficient capacity is to ensure that proposals do not take trade and subsequent expenditure away from town centres, which could adversely affect their vitality and viability.

6. Retail capacity is generally expressed in quantifiable terms such as floorspace and can often relate to a deficiency in a particular type of retailing such as convenience or comparison. In my experience, retail capacity is normally calculated using a range of factors including available expenditure, catchment population, catchment size, etc. Qualitative deficiency is generally more concerned with the characteristics of provision, such as identifying a particular gap (sector or geographic), lack of quality or choice. In the context of this policy, criterion (c) refers to ‘choice or quality of provision’.

7. Within the monitoring report (CD4) there does not appear to be an overall assessment of the future capacity (floorspace requirements) within South Ayrshire for different types of retailing. This is not a necessary requirement to inform the proposed plan and I accept that these types of strategic assessments can quickly become out of date due to the dynamic nature of the retail industry and retail forecasting. References to qualitative matters are mainly contained within the Ayr Town Centre Resilience Study, 2015, which assessed the health of the town centre and considered its physical form, footfall, mix of uses, retailer representation, evening economy, etc.

8. I note the council’s references to the adopted local development plan examination report (CD11), and the conclusions of the reporter with respect to leakage and retail

capacity, however, I do not accept the council's view that there has been no change in circumstances. The reporter's conclusions on this matter were made in the context of Scottish Planning Policy, 2010, which required that proposals contrary to the development plan should meet qualitative and quantitative deficiencies identified in the development plan. The slight but important change introduced in the third bullet point of paragraph 73 of Scottish Planning Policy, 2014, has altered the way these two matters should now be considered. Each should be considered separately. Therefore, I agree that in determining whether there is a qualitative deficiency, it should not also be necessary for a proposal to demonstrate that it will create sufficient retail capacity. To retain the requirement that both a qualitative and quantitative deficiency should exist would not be consistent with current Scottish Planning Policy.

9. Notwithstanding this, I note the council's concerns over leakage of expenditure and impacts on existing centres. I accept that such quantitative measures could also have qualitative effects. For example, clawing back expenditure leakage from out of centre locations could reduce overall car borne trips and resulting carbon emissions or it could displace footfall to other locations. Therefore, in order to support an argument for quantitative or qualitative deficiency, sufficient evidence should be provided in both instances and I have recommended a modification to that effect.

#### Agreed out of centre retail

10. I note that proposals within a commercial centre and for 1,000 square metres gross floorspace or less are specifically excluded from part (3) of the policy. References to local neighbourhood needs are made within the part (2) dealing with retail outside of the town centre and would also be dealt with under part (1) dealing with the sequential approach. Therefore, any clarification needed around the term 'local neighbourhood needs' would essentially apply to parts (1) and (2) of the policy, not part (3) dealing with agreed out of centre retail as suggested by the representation.

11. In response to my further information request, the council acknowledges that a proposal meeting local neighbourhood needs would likely fall within the category of convenience goods i.e. goods that are purchased for almost immediate consumption, with a local catchment customer profile. As this is not immediately obvious from the policy, I agree that greater clarity is required in relation to the term 'local neighbourhood needs'. Without such clarity, it would be difficult to assess a proposal's compliance with the relevant parts of the policy. The council's response is helpful in this regard and I consider that a separate definition of the term 'local neighbourhood needs' should be inserted within the glossary.

#### **Reporter's recommendations:**

Modify the local development plan by:

1. On page 7, amending the title of the policy to "LDP Policy: General Retail".
2. On page 7, under part (1) 'Sequential approach', criterion (c), removing the words "Heathfield Retail Park" in brackets.
3. On page 7, under part (2) 'Retail outside of the town centre', replacing criterion (c) with the following: "c. where there is clear evidence that the proposal will meet a quantitative or qualitative deficiency".

4. On page 7, under part (3) 'Agreed out of centre retail', moving the second point under 'Note' referring to commercial centres i.e. Heathfield, to become a second footnote to the entire policy.

5. On page 8, under part (4) 'Retail development outwith settlements', replace the final sentence with the following: "Retail development in the Heathfield Commercial Centre shall also require to comply with LDP Policy: Commercial Centres (Heathfield)" and move this sentence to become a footnote to the entire policy.

6. On page 18, within the glossary, adding the following term and definition: "Local neighbourhood needs – Retailing of convenience goods with a local catchment profile".

<b>Issue: 4</b>	<b>LDP Policy: Town Centre (Guiding land use)</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Policy: Town Centre (Guiding land use)</b>	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
South Ayrshire Common Weal (35)		
<b>Provision of the development plan to which the issue relates:</b>	<b>LDP Policy: Town Centre (Guiding land use)</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>South Ayrshire Common Weal (35):</b></p> <p>Whilst we broadly welcomed this, we also thought that this was an opportunity to be imaginative and innovative about how the core shopping areas could be used e.g. a food market which might provide the opportunity for rethinking the farmers' market concept to ensure that good quality, locally produced fresh food can be purchased e.g. fresh fish, artisan bread etc. along the lines of markets in England and on the continent. There is evidence that local farmers and producers are being disadvantaged by the number of big supermarkets and their smaller high street outlets within the area and any plan for Ayr should seek to support local food suppliers as much as possible.</p> <p>The lack of a town centre gallery or equivalent providing an outlet for local artists and craftspeople to exhibit was also noted.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>South Ayrshire Common Weal (35):</b></p> <p>No specific modification is sought.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><b>South Ayrshire Common Weal (35):</b></p> <p>It is noted that there is no objection to the proposed policy in the PLDP (<b>CD9</b>), however that the representation considers there to be a lack of imagination on the policy content in allowing food markets to support local food suppliers and space to accommodate arts and crafts uses in town centres. The Council considers that the PLDP (<b>CD9</b>) provides a significant amount of opportunities for the widest range of uses and activities to occur or be located in the town centre: -</p> <ul style="list-style-type: none"> <li>indirectly, through flexible planning policies that seek to guide land uses (for example, core shopping areas are intended to allow predominantly shops, but</li> </ul>		

- additional uses where they support the shopping function of the core); and in peripheral town centres areas, where further flexibility is provided; and,
- directly, through development opportunities, where the Council has actively identified land and buildings that would benefit from reuse and/or regeneration, and outlined an extensive range of uses that would be appropriate for that site.

It is not considered that there are further available development plan interventions that could be introduced to the PLDP (**CD9**) through modifications to this policy to ensure the concerns in the representation are addressed. In any case, the PLDP would not infringe on the ability for these activities to be carried out in town centre locations, in most cases.

**Reporter's conclusions:**

1. I agree that this policy provides a range of opportunities to utilise existing buildings and spaces within the core shopping areas for a variety of purposes. The identification of specific proposals such as a food market and gallery are more appropriate for the implementation of the local development plan. I note the council's intention within the Draft Action Programme (CD1) to prepare a town centre strategy. The strategy will identify the actions to be undertaken in the delivery of development opportunities identified within the proposed plan, some of which fall within the core shopping areas. I find that this policy provides a suitable land-use planning framework for the core shopping areas, containing an appropriate level of detail for a local development plan, and therefore I do not consider that any modifications are necessary.

**Reporter's recommendations:**

No modifications.



<b>Issue: 5</b>	<b>LDP Policy: Ayr Town Centre (Supporting the LDP Vision)</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Policy: Ayr Town Centre (Supporting the LDP Vision)</b>	<b>Reporter: Claire Milne</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Mr Norman Mclean, Fort & Wallacetown Community Council (17) South Ayrshire Common Weal (32)		
<b>Provision of the development plan to which the issue relates:</b>	LDP Policy: Ayr Town Centre (Supporting the LDP Vision)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Mr Norman Mclean, Fort &amp; Wallacetown Community Council (17):</b></p> <p>With regard to Item 6 above 78/81 High Street, We feel that the Policy should also include the demolition as the building is "marooned" with no practical servicing arrangements. This will undoubtedly deter developers thus having a decayed building over a long period that will ultimately become unsafe. An open space at this location in High Street would be welcomed and afford a facility for open air projects in this location.</p> <p><b>South Ayrshire Common Weal (32):</b></p> <p>If Ayr is to become 'southwest Scotland's premier destination', what was proposed did not seem to contain anything that would make it stand out from other places. A much more radical approach is required to attract visitors to the area.</p> <p>The council should do all in its power to hold landowners of vacant and dilapidated buildings to account.</p> <p>The harbour is as an area where development could lead to opportunities for visitors and residents to enjoy leisure pursuits which would bring business to the town. The development of water sports, berthing and associated toilet/shower/laundry facilities for yachts and other boats, even a ferry service to Campbeltown are options that could make Ayr a more attractive destination.</p> <p>The need to provide accommodation for council workers in the town centre is accepted because of the benefits to local shops and businesses, however, the decision to build on the Riverside area is disappointing given this site could provide attractive open space for communal use by many groups of people (e.g. public performance area), and would also allow the riverside walkway to be developed as an attractive part of the town. The Affleck site for example would be eminently suitable for an office building.</p> <p>The representation expresses disappointment that the opportunity to provide a more integrated transport system was not part of the plan, and hope that this can be considered in some way when Burns House is demolished to make onward travel more straightforward. With the current layout of the surrounding roads it did not appear this</p>		



area would lead to a convivial open space in the way the Riverside area could.

The representation seeks a pedestrian area in Ayr the High Street.

Part of the development of the Heritage Area (Ayr Academy) could serve as a museum that celebrates the history of Ayr.

The PLDP should provide more opportunity for people to live in the town centre to give it more life as it is deserted at night.

The uses proposed for the Station Hotel could also include development, in part at least, as a conference/exhibition centre especially as it is close to transport facilities.

#### **Modifications sought by those submitting representations:**

##### **Mr Norman Mclean, Fort & Wallacetown Community Council (17):**

- Include, within the table of preferred and alternative uses for town centre redevelopment opportunities that the building at 78 /81 High Street, provision to support the demolition of the building.

##### **South Ayrshire Common Weal (32):**

Either directly, or through critical comments, the following modifications are sought:

- A more radical approach is required to realise the vision of Ayr as 'southwest Scotland's premier destination'
- The LDP should recognise that the harbour is as an area where development could lead to opportunities for visitors and residents to enjoy leisure pursuits which would bring business to the town (particularly development of water sports, berthing and associated toilet/shower/laundry facilities for yachts and other boats, and a ferry service to Campbeltown).
- The Riverside could provide attractive open space for communal use by many groups of people (e.g. public performance area), and would also allow the riverside walkway to be developed as an attractive part of the town.
- The Affleck site for example would be suitable for an office building.
- The representation seeks a pedestrian area in Ayr the High Street.
- Part of the Heritage Area (Ayr Academy) could serve as a museum that celebrates the history of Ayr.
- The PLDP should provide more opportunity for people to live in the town centre to give it more life as it is deserted at night.
- Station Hotel should include preference for development, in part at least, as a conference/exhibition centre especially as it is close to transport facilities.

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

##### **Mr Norman Mclean, Fort & Wallacetown Community Council (17):**

The subject building is a listed building within the town centre and is prominent within the urban form along a substantial stretch of the High Street. It is recognised that the building is vacant and has been for some time. Part of the vision for this LDP (**CD9**) is improving/enhancing and capitalising on the built heritage of the town centre; and part of

that strategy includes identifying buildings capable of bringing wider benefit to the town centre, through their re-use and renovation. This building was included in the PLDP (CD9) for as part of this strategy, and to promote and support its appropriate and sensitive re-use. The Council would consider the demolition of that building to be contrary to the wider objectives of the PLDP (CD9), as set out in the vision. The Council, therefore, rejects the suggested modification. In any case, the Council considers that it would not be appropriate for the LDP to facilitate the demolition of this building, through supporting the proposed modification, since there are established development management procedures in place to guide applications for listed building demolitions. Those procedures would allow consideration of a proposal for demolition to conclude whether the demolition of the building is acceptable, as a matter of principle; not an LDP.

### **South Ayrshire Common Weal (32):**

The Council considers that its vision and PLDP (CD9) content are in line with requirements for local development plans to provide a vision for up to 20 years from adoption and a locational strategy for up to 12 years post adoption. The vision has been prepared on the most extensive and robust evidence available to inform the content of the PLDP; and in close partnership working with other service providers (particularly the Ayr Renaissance LLP, which is leading much of the regeneration work in Ayr town centre). As such, the PLDP reflects Regulation 10 of the Town and Country Planning (Development Planning) (Scotland) Regulations, 2008 (CD10), in having regard to the range of resources available for implementing the plan. Although it is unclear what the representation means, specifically, in the comment that the vision could have been more radical; the Council does not consider the vision deficient in its strategic intent, however, remains realistic in not targeting unachievable or undeliverable goals. The Council does not consider any modification to the vision is required.

Any powers the Council has at its disposal to require building owners to improve the physical conditions of their building lie outwith the scope and remit of this, or any, development plan. It is not considered that any modification can be made to this PLDP to address the representation.

The Council agrees with the representation that Ayr Harbour offers potential growth in tourism opportunities. The Harbour area is outwith the scope of this PLDP, geographically, since it is not located in a town centre; and in policy terms, since it is not an identified retail location. Notwithstanding, the PLDP vision identifies that the PLDP is to provide a “spatial framework to capitalise on the accessibility of the town centre, and promote links to other town assets”. This is clear recognition that there will be other environmental, social or economic assets in Ayr that attract people to use those functions, and that the PLDP intends to place the town centre to be able to capitalise on those assets and create links between users of those assets and the town centre. It is not considered that any modification is required, as the harbour is outwith the PLDP scope and that PLDP, in any case, sufficiently explicit in seeking to capitalise on links to such assets.

The redevelopment of the “Riverside Block” does not preclude both redevelopment of the site and open space, incorporating a walkway. Indeed this is specifically referred to in the supporting text for the Riverside Block in the Redevelopment Opportunities Table within the PLDP (CD9). The decision to pursue development of part of the site by South Ayrshire Council as an office for Council employees is 1) outwith the control of the Council as planning authority, 2) in line with the preferences in the Redevelopment

Opportunities Table in the PLDP (CD9), as well as wider strategic objectives for the whole town centre, and the locality and 3) not contradictory to the development of part of the site for open space, with links into the River Ayr walk. Indeed the Council has recently approved non-statutory planning guidance (Ayr Riverside Development Framework) (CD12), which provides detail on how it is envisaged that the site will develop, by providing a framework for assessing any future development proposal – including a Council office building.

The redevelopment opportunity sites table reference to the demolition of Burns House comments that this course of action would enable reconfiguration of the street pattern and circulation of vehicle and pedestrian traffic, together with the open space. It is considered that this is a sufficient indication of the opportunity to strategically masterplan the wider area, and no modification is deemed necessary to accommodate the point raised in representations.

It is outwith the remit of the LDP to designate a pedestrian zone in the town centre, and this modification is rejected. Notwithstanding the Ayrshire Roads Alliance – responsible for roads in South Ayrshire has recently undertaken a consultation exercise on transport options for High Street (including fully pedestrianised, status quo and fully open to traffic). This review concluded that neither pedestrianised zones in the town centre, nor fully open to public traffic were suitable options for the High Street, and, in particular would have an unacceptably adverse impact on bus movements within the town centre. As such, there is no change to the proposed High Street traffic movements – other than at the north end of the High Street, which may, in future, allow two-way traffic to enter that end of the High Street, subject to redevelopment proposals in the High Street. This is reflected in the PLDP (CD9).

The Ayr Academy preferred uses in the opportunities table, is not intended to be exhaustive, as stated in the policy. It is not intended to cover all potential uses for every building, and it is feasible that other proposals may come forward to reuse the building that could be supported, in principle. No modification is proposed to the opportunities table is necessary, as the table already outlines that a museum is a suitable use for the building.

The Council also considers that the PLDP (CD9) provides a positive framework to support housing in town centre locations through the PLDP (CD9), both through references to town centre living in the vision and town centre first policies; but also through identifying a number of the development opportunities sites (within the Ayr Town Centre Policy) as being suitable for residential, amongst other uses. It is not considered that there is any requirement to modify the PLDP (CD9) to address the representation, and the PLDP already provides sufficient support for residential proposals in town centre locations.

The Station Hotel preferred uses in the opportunities table, is not intended to be exhaustive, as stated in the policy. It is not intended to cover all potential uses for every building, and it is feasible that other proposals may come forward to reuse the building that could be supported, in principle. No modification is proposed to the opportunities table. However, the Council has no objection to any such modification, if deemed appropriate.

#### **Reporter's conclusions:**

1. The building at 78/81 High Street, Ayr, is identified within the list of redevelopment

opportunity sites within the proposed plan. The proposed plan indicates that the preferred uses for each of the redevelopment opportunity sites are not meant to be exhaustive but reflect a range of suitable planning uses. Although this former Clydesdale Bank building is in a state of disrepair, the preferred option is for sensitive and suitable reuse, not demolition. The building is identified within the proposed plan in order to promote and support its appropriate and sensitive reuse, which could include conversion to retail, office, leisure (café, restaurant, bar) or other uses compatible with a shopping centre. Office or residential uses are also supported on the upper floors.

2. The building is listed and has a prominent, central location on High Street within the central retail core and heritage quarter. It is visually distinctive, sitting separate to the surrounding buildings. I note the concerns that the servicing arrangements to the building may act as a deterrent to future developers, however I find the wide range of uses supported within the policy provide for a variety of development opportunities. I agree with the council that it would not be consistent with the vision of the proposed plan for the policy to promote demolition of the building, certainly without any agreed redevelopment proposals or wider cultural heritage considerations. Based on the council's response, it is also clear that the matters to consider in relation to demolition should be dealt with separately, through the development management process and I concur with this. Therefore, I do not agree that the proposed plan should be modified to support demolition of the building at 78/81 High Street.

3. The introduction to the proposed plan states that this Town Centre and Retail Local Development Plan has been produced to provide a clear vision to support the work of Ayr Renaissance in developing a strategy and delivery plan for Ayr town centre. It is the council's intention that this local development plan will supersede and supplement elements of the adopted local development plan, 2014, namely town centre, sequential assessment, retail network policies and parts of the spatial strategy. All other elements of the adopted plan will remain in place.

4. The vision of the proposed plan includes promoting links to other town assets such as the seafront - this would include Ayr Harbour, which lies outwith the confines of the town centre. In the council's response to my further information request, it also highlights that a spatial framework will be developed which will promote links to other town assets. I do not consider that specifically including opportunities to promote the harbour area for visitors and residents would be within the remit of this town centre and retail focused local development plan, support for which already exists within the adopted plan. Given this and the aspirations within the vision to capitalise on the linkages between the town centre and other town assets, I find a specific reference within the proposed plan to Ayr Harbour is neither appropriate nor necessary.

5. The riverside block site is part of overall plans by Ayr Renaissance to regenerate the north part of High Street. A development framework dated December 2015 has been produced for this site, which includes a vision for redeveloping the existing buildings, providing high quality public realm and open space for public use, and improving accessibility to the river.

6. There is clearly an aspiration by the council and others to improve this part of the town centre and although redevelopment of existing buildings is part of the main proposals, the policy supports some open or civic space onto the riverfront. I have no remit to examine the development framework but I note the policy support for its preparation and for public open space provision and extension of the riverside walkway. Therefore, I am satisfied

that these matters are already sufficiently covered given the remit of the proposed plan and no further changes are required. With regard to pedestrianisation of High Street, I note the council response and recent review of transport options. However, I agree that this is not a matter for the local development plan or for this examination.

7. The next site referred to is the former Affleck's, a cleared and vacant site located at the rear of properties fronting High Street, Sandgate and Newmarket Street. The list of preferred uses for this site includes offices. At the former Ayr Academy in Fort Street, the preferred uses include museum/gallery. As these uses appear to be consistent with those suggested in the representation, I do not consider that any modifications are necessary. In any case, as highlighted above, the list of preferred uses for each of the redevelopment opportunity sites is not meant to be exhaustive and in general, the re-use of the sites will be supported for a wide range of town centre uses. Given this context, the policy would support, in principle, conference/exhibition uses at the former Station Hotel as suggested by the representation.

8. The policy for Ayr town centre has a particular role in supporting the vision within the proposed plan, which promotes the town centre as a hub for living and socialising as well as shopping and working. Residential opportunities are indicated within a number of redevelopment opportunity sites identified within the proposed plan and a wide range of uses is supported in the town centre zones. Therefore, I find the proposed plan already provides a supportive policy framework for the introduction of residential uses and opportunities for people to live within the town centre and I do not consider there to be a need to add further references as suggested in the representation.

**Reporter's recommendations:**

No modifications.

<b>Issue: 6</b>	<b>LDP Policy: Commercial Centres (Heathfield)</b>	
<b>Development plan reference:</b>	<b>Town Centre &amp; Retail LDP Policy: Commercial Centres (Heathfield)</b>	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Mr Colin Duncan (14)  Courts Nominees Ltd (21)  Ediston Opportunity Fund (22)  GL Hearn on behalf of M&amp;G Real Estate (25)  South Ayrshire Common Weal (36)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<b>LDP Policy: Commercial Centres (Heathfield)</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Mr Colin Duncan (14):</b>  <b>GL Hearn on behalf of M&amp;G Real Estate (25):</b>  <b>South Ayrshire Common Weal (36):</b></p> <p>What is the justification for further development at Heathfield, which will take even more money out of the Town centre?</p> <p>Concerned about the impact of increasing to 20% the option of selling home furnishings on those shops in the High Street which also sell such goods.</p> <p>Despite being a 'commercial centre', Heathfield remains an out-of-town centre which can be harmful to town centre vitality. Loosening restrictions at Heathfield, which the LDP advocates, will not bring about the visions for Ayr Town Centre which this plan envisages.</p> <p>There are concerns in the first instance that the loosening of restrictions could lead to further softening in the future. Indeed the Scottish Government Reporter's examination report for the South Ayrshire LDP, which is mentioned in the MIR for this plan, highlighted that de-restricting Heathfield and enabling it to directly compete with Ayr Town Centre could "create leakage from the town centre" to its detriment. It is noted from the Case Officer on a recent planning application at Heathfield to vary conditions on what can be sold in certain units (14/00611/APPM):</p> <p style="padding-left: 40px;">"The range of goods proposed to be sold could introduce goods that are the mainstay of town centres. This could fundamentally change the nature of the retail park so that it functions more akin to the traditional high street, to the detriment of the town centres, particularly Ayr town centre".</p> <p>We understand that this application has been granted permission and subsequently Units 2-12 being allowed to sell, to an extent, class 1 and 'homeware' goods subject to approval from the Local Planning Authority. Despite this outcome, we would still highly advise that the local plan does not allow, in policy, the relaxation of this restriction of</p>		



Heathfield. Site B and C should also continue to only sell food goods and bulky goods respectively.

Paragraph 63 of Scottish Planning Policy notes that out-of-centre locations should only be considered when, amongst other things there will be no significant impact on the vitality and viability of existing centres. Easing restrictions will have an effect on the health of the town centre. Heathfield Retail Park is located 3.1 miles/5km from the town centre located, located just beside the A77 and Whitletts roundabout. Being located a great distance does not encourage shoppers to then visit the town centre and therefore provide linked trips. Instead, easy access and exiting can be achieved from this road without ever having to go into the town centre.

Vacancy rates are already high compared to the national average: 16% and 13.7% respectively. It must be understood that this proposed policy will not help these matters, or ease the work which needs to be done in the town centre. This proposal would essentially undermine efforts to regenerate Ayr Town Centre. This expansion would allow goods that are already sold in the town centre and the impacts are likely to be significant. While it is accepted that the sequential approach required flexibility and realism, there is a choice of sites/premises throughout and on the edge of Ayr Town Centre.

In terms of retail, there is no question that allowing additional and unrestricted retail floorspace at Heathfield would cause harm to Ayr town centre. The Council's own South Ayrshire LDP background paper acknowledges that the biggest threat to Ayr town centre comes from out of centre food stores and retail parks in Ayr. There is no doubt that this threat would be exacerbated if the Council were to allow further loosening of restrictions at Heathfield which may in turn attract retailers that otherwise would have been attracted to the Town Centre.

It may be argued that this policy will create job opportunities and attract different retail operators. However, in economic times which are still challenging, this proposal will be detrimental in the long term despite possible short-term gains. Any jobs or benefits which may be generated will be balanced with jobs lost elsewhere – most probably in the Town Centre.

Ayr Town Centre is clearly susceptible to retail impact. The emergence of Braehead and Silverburn shopping centres are evidence of this. We cannot understand how the overall goal of this LDP can be achieved if out of centre retail warehouse parks are strengthened to make them more attractive to shoppers. However, as we noted in our representations to the MIR, there are still concerns that the relaxation of trading proposals at Heathfield will have a detrimental effect on the health of the town centre. Introducing these relaxations would be paradoxical to the overall goal of reinvigorating the town centre.

#### **Courts Nominees Ltd (21):**

The representation is broadly supportive of the proposal to moderately relax restrictions on shopping at Heathfield to provide the retail park with greater flexibility to meet commercial needs in a way that will not harm Ayr town centre and welcomes recognition that existing planning policies require to be adjusted to take account of modern commercial requirements. However, the representation considers that the justification for relaxing shopping restrictions at Heathfield Retail Park (site A) as equally applicable to the site on which the B&Q store is located, which is currently part of Heathfield Retail Park (site C). As such, the representation seeks modification of the PLDP to include the

site on which the B&Q store is located, either, as part of Site A, or within its own separate designation, and to allow that site to be subject to the same restrictions as proposed in Site A.

**Ediston Opportunity Fund (22):**

Under the terms of Heathfield Retail Park site A it states that proposals for additional retail floorspace will be considered against LDP Policy: General Retail.

As South Ayrshire Council is aware, proposals at Heathfield do not always relate to 'additional retail floorspace', but can also relate to changes to existing retail floorspace to allow perhaps different ranges of goods. This policy should make it clear that there is a way in which such changes can be assessed under the LDP Policy: General Retail.

**Modifications sought by those submitting representations:**

**Mr Colin Duncan (14):**

- No specific modification is sought.

**South Ayrshire Common Weal (36):**

- No specific modification is sought.

**GL Hearn on behalf of M&G Real Estate (25):**

- The representation opposes the proposed relaxed trading restrictions at the Heathfield Retail Park, and seeks that Heathfield Retail Park, Site A, remains, as in the currently adopted LDP, a bulky goods retail location.

**Courts Nominees Ltd (21):**

The representation seeks the following modification: that the Site C shown on the Heathfield Strategy Map (Page 16) is amended to exclude the B&Q store site, and that the B&Q store sites included within Site A or subject to their own allocation which supports the following:

- The premises be permitted to sell any goods falling within Class 1 of the Use Classes (Scotland) Order, 1997, up to a maximum of 10% of the gross floorspace of that unit.
- Up to 20% of the cumulative gross floorspace of the unit being available to sell "homeware goods" as defined in the draft LDP.

**Ediston Opportunity Fund (22):**

- LDP Policy: General Retail should be modified to ensure that it relates not only to new retail floorspace, but altered floorspace.

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

**Mr Colin Duncan (14):**

**GL Hearn on behalf of M&G Real Estate (25):**

**South Ayrshire Common Weal (36):**



Through gathering extensive evidence on wider retail trends, including the format and accessibility of the retail offer of Ayr town centre, national trends, particularly operator requirements for 'bargain retailers', as an identified market growth area, and local shopping habits within South Ayrshire, the retail policy framework for Site A within the Heathfield Retail Park has been altered in the PLDP (**CD9**) from the historical position of being strictly bulky goods. This change allows up to 20% of Site A to be able to sell a range of goods, defined in the PLDP (**CD9**) as 'Homeware' goods. It was considered that this allowance would not shift the role of the Retail Park from a bulky goods retail park to an unrestricted Park; rather the additional allowance to be able to sell homeware goods would be commensurate with the existing role of the Park. Homeware goods are common within contemporary bulky goods retail parks. This is because these goods are predominantly either selling goods already permitted (i.e. they fall within the 'bulky' definition or they comprise goods sold to an ancillary level within bulky goods stores, or they are sold commonly within supermarkets e.g. household cleaning products. The Ayr and Prestwick area has 4 supermarkets, none within town centres, selling these ranges of goods. With restrictions on the range of non-household goods that can be sold from these units, this minimises the risk of any unit selling goods that would compete directly with the town centre e.g. clothing. This, combined with corresponding evidence that there was demand in Ayr for 'homeware' bargain retailers that could not be met in town centre locations, underpinned the conclusion that the proposed allowance at Heathfield would: -

- i. not impact on Ayr town or compromise the vision aspirations for Ayr town centre;
- ii. allow Heathfield Retail Park (Site A) as the only commercial centre in South Ayrshire, to capitalise on an identified retail operator demand in South Ayrshire that was not (and could not) be met in town centre locations – thereby ensuring the role of the Heathfield Retail Park remained complementary to Ayr town centre, and that it would not create leakage from the town centre to the Retail Park;
- iii. provide flexibility for the Heathfield Retail Park (Site A) to operate with more flexibility to meet modern retail park market needs;
- iv. improve the long-term future viability and vitality of the Heathfield Retail Park (Site A)
- v. be likely to reduce leakage of expenditure from South Ayrshire on bargain retail shopping, for which there is an established demand that cannot be met within South Ayrshire's network of centres, without the proposed 'homeware' allowance.

A series of applications for planning permission have been submitted for Site A in recent years that support the evidence in the Monitoring Statement (**CD4**) that there is a market demand for 'homeware' or bargain retailer occupiers at Site A.

There is no evidence in the Monitoring Statement (**CD4**) or through planning applications that there is a level of demand for 'homeware' occupiers that would not be satisfied through the proposed approach.

The Council is, therefore, of the view that the proposals relating to Heathfield Retail Park, Site A, will not have a damaging impact on Ayr town centre; and would improve the choice and quality of the retail offer in South Ayrshire within its network of centres.

**Courts Nominees Ltd (21):**

The intent of the provision of the LDP (**CD9**) that allows out of centre shops at commercial centres to restrict floorspace for the sale of goods that are not bulky or food goods is to allow such retail units operational flexibility to sell an ancillary level of unrestricted retail goods (i.e. 10%), to recognise that modern food stores and bulky goods retail units often sell a small range of ancillary goods. It was recognised that such a level of unrestricted sales area would not alter that the unit would remain a bulky goods or food store. This allowance has been a long-standing planning policy provision for large, out of centre food stores. It was considered that some bulky goods stores also already operate this way (for example, PC World, Halfords at Heathfield), and that it would be appropriate to reflect the operational nature of such stores within the LDP, since it is not an operational practice that alters the nature of those stores, or damages the town centre. The Council has not modified the Heathfield Strategy Map and accompanying text to reflect this situation because LDP Policy: Sequential Approach (Agreed out of centre retail) applies to the commercial centre at Heathfield Retail Park. Notwithstanding, the Council has no opposition to modifying the Strategy Map and accompanying text to clarify this, should it be considered appropriate.

It is not considered appropriate to remove the B&Q store site and including it within Heathfield Retail Park, Site A. Site A is a long established retail park integrated with the adjoining ASDA superstore served by bus provision. Through gathering extensive evidence on wider retail trends, including the format and accessibility of the retail offer of Ayr town centre, national trends, particularly operator requirements for 'bargain retailers', as an identified market growth area, and local shopping habits within South Ayrshire, the retail policy framework for Site A within the Heathfield Retail Park to be altered from the historical position of being strictly bulky goods, to allowing up to 20% of Site A to be able to sell a range of goods, defined in the PLDP as 'Homeware' goods. It was considered that this allowance would not shift the role of the Retail Park from a bulky goods retail park to an unrestricted Park; rather the additional allowance to be able to sell homeware goods would supplement the existing role of the Park. This was against a backdrop of the Site A being a reasonably healthy bulky goods retail park but that still carried a small vacancy rate, concerns with its future lease expiry profile, and lacked diversity in its retail offer. This, combined with corresponding evidence that there was demand in Ayr for 'homeware' bargain retailers that could not be met in town centre locations, underpinned the conclusion that the proposed allowance at Heathfield would: -

- vi. not impact on Ayr town centre;
- vii. allow Heathfield Retail Park (Site A) as the only commercial centre in South Ayrshire, to capitalise on an identified retail operator demand in South Ayrshire that was not (and could not) be met in town centre locations;
- viii. provide flexibility for the Heathfield Retail Park (Site A) to operate with more flexibility to meet modern retail park market needs;
- ix. improve the long-term future viability and vitality of the Heathfield Retail Park (Site A)

A series of applications for planning permission have been submitted for Site A in recent years that support the evidence in the Monitoring Statement (**CD4**) that there is a market demand for 'homeware' or bargain retailer occupiers at Site A.

There is no evidence in the Monitoring Statement (**CD4**) or through planning applications that there is a level of demand for 'homeware' occupiers that would not be satisfied

through the proposed approach.

The portion of Heathfield Retail Park (Site C) that is located to the west of Heathfield Road, and is currently occupied by B&Q, is physically and visually separated from Site A and from the Asda superstore served by bus transportation. Heathfield Road acts as a significant barrier to pedestrian movement between the two sites, to such extent that it would not be appropriate or logical to consider the B&Q store location as a part of Site A. As such the Council opposes the proposed modification to include this location within the Site A designation and, by extension, being part of the land area in which 'homeware' goods can be sold.

Although the site forms part of the larger (and undeveloped) Site C, there is no wider proliferation of such bulky goods or food stores at this location that make the site anything other than a large, single-occupier site, for the sale of bulky goods, consistent with the current and proposed policy framework. There has been no evidence that the site, with current bulky goods restrictions, has been problematic for the continued viability and occupancy of the site, given that it has been occupied by the same bulky goods operator for a significant period. There is, therefore, no quantifiable or demonstrable evidence that to support the policy framework at this location being modified to allow the single unit occupying the site being able to sell 'homeware' goods. As such, while the Council has no opposition to the site being classified as separate from Site C; it does not support the current portion of Site C occupied by B&Q being permitted, through policy, to sell 'homeware' goods.

#### **Ediston Opportunity Fund (22):**

The Council has no objection to the suggested amendment, and would be content with a non-notifiable modification to reflect this.

#### **Reporter's conclusions:**

1. The area identified as Heathfield lies approximately 5 kilometres from Ayr town centre, adjacent to the A77. The area covered by Heathfield Commercial Centre, which has been confirmed by the council in response to my further information request, consists of Sites A, B and C as indicated on the Heathfield Strategy Map on page 16 of the proposed plan. The council has also clarified that Site A is the area represented by the retail park. This clarification is helpful and aids understanding of the elements of the strategy that apply to the different parts of the commercial centre. Therefore, to ensure consistency and improve reading of the policy, I consider that the labels on the strategy map, the accompanying text box and column titles should be amended accordingly.
2. I also note the council's suggestion that references to Heathfield within LDP Policy: Network of Centres should be amended to provide further clarity on the role of the commercial centre. Although this policy is not the subject of an unresolved representation, I find that there are important linkages between this policy and that dealing with the commercial centre, which would warrant further clarity. As the underlying aims of the commercial centre would not be altered, I agree with the council's suggested amendments.
3. Within the adopted local development plan (CD7), the Heathfield Strategy Map identifies the retail park as Sites A and B with an adjoining area (now Site C) as Heathfield Retail. Site A is restricted to the sale of food goods, with no more than 10

percent gross floorspace for non-food goods (goods specified). Site B and the Heathfield Retail area are restricted to the sale of non-food goods (goods specified).

4. The proposed plan introduces the following main changes. Site A (previously Site B) is still restricted to the sale of specified non-food goods (now termed bulky goods in the glossary) but also allows each unit to sell up to 10 percent of its gross floorspace for unrestricted goods. In addition to this, up to 20 percent of the gross floorspace of all the units within Site A are allowed to sell 'homeware goods', a new term defined in the glossary. Site B (previously Site A) is still restricted predominantly to the sale of food goods but also allows up to 10 percent of the gross floorspace for items other than bulky goods and for car and bicycle parts. Site C (previously Heathfield Retail area) is unchanged and still restricted to the sale of bulky goods.

5. At my site visit, I noted the location of the original retail park, which comprises of an L shaped block of 10 retail warehouse units of varying sizes. Eight of the 10 units are occupied by a variety of bulky goods furniture, floor covering, electrical and DIY retailers, with the other two units occupied by retailers Halfords and more recently, Poundworld. Opposite to this block is a single retail unit occupied by the electrical retailer Maplin and three smaller adjoining kiosk units occupied by Costa, Greggs and a further one, which is vacant. Completing the retail park are three recently constructed units; two of which are occupied by M&S Food and Tapi Carpets; the third unit is currently vacant. Pizza Hut and KFC restaurants are located at the entrance to the retail park. The council explains that this entire area is identified as Heathfield Retail Park comprising Site A on the Strategy Map. Site B consists of a food superstore, filling station and car wash and Site C contains a large vacant site and a separate B&Q retail warehouse unit.

6. The main area of concern raised in the representations is with regard to the proposed changes to the retail park (Site A), in particular, proposed alterations to the type and proportion of goods that can be sold. I recognise that proposals to modify existing goods restrictions can alter quite significantly the scale and/or nature of retailing at a particular location. This could have potentially important implications for the vitality and viability of town centres and the role of individual retail centres. The proposed plan states that the policies for the retail park continue to reflect the established, mainly bulky goods role of the park, which complements the role of town centres. The main policy change is to units within Site A to allow an unrestricted range of goods to be sold at an ancillary level within each unit and for a restricted range of homeware goods to be permitted across the retail park as a whole.

7. I note the planning history of the retail park and the incremental changes to allow a wider range of goods to be sold within particular units. For example, the consented supermarket which was not implemented, allowed for up to 10 percent gross floorspace for non-food goods and a further approval in 2014 (planning application reference 14/00611/APP) that added 'home furnishings' to the description of goods permitted to be sold.

8. I also note the council's continued position as outlined within the submitted committee reports with regard to maintaining the bulky goods retail function of the park and the resistance to completely remove the goods restrictions or allow significantly greater amounts (above 10 percent) of gross floorspace to be unrestricted (planning application reference 15/00428/FURM). This planning decision also applied the term 'homeware goods', making specific reference to the proposed plan.

9. In reviewing the proposed definition of homeware goods set out within the glossary, I note that it excludes fashion clothing and footwear items but may include home furnishings (such as wall hangings, home decorations, curtains and bed linen), stationery, kitchenware and food and drink and DIY items. I agree that many of these goods may be found within supermarkets and within bulky goods retail outlets and therefore are already likely to be present in varying quantities in retail stores within the commercial centre and other out of centre supermarkets. At my site visit, I also noted that these goods are present within certain retail stores within the town centre, which the council acknowledges in its response to my further information request by identifying the retailers Wilkinsons, Poundland and Watt Brothers, which all trade from high street units along with others on short-term leases within the Kyle Centre.

10. Having queried the term 'bargain homeware retailing' referred to in the council response, the council has clarified that there is no real distinction between this term and the retailing of 'homeware goods' as referred to in the glossary. The council considers there to be demand for the retailing of such goods within both town centre and out of centre locations as evidenced within the Ayr Market Intelligence Assessment produced in May 2015. The council considers that some of this market demand could be met from town centre units, subject to suitable units being available, however argues that generally the demand cannot be met within existing units including those within edge of centre locations. The council also considers that much of the existing homeware goods floorspace is already located in out of town locations, within existing supermarkets and within Heathfield retail park. Any trade diversion therefore is likely to be from these existing out of centre stores rather than from those in the town centre.

11. From my own observations, I agree that the range of items falling within the proposed definition of homeware goods already exist to a greater and lesser extent within existing supermarkets and that many of these items are sold within the retail park. I also acknowledge that these items are sold within certain units in the town centre. Given the demand expressed, I also accept that there is the potential for new homeware retailers to seek a presence either within the town centre or out of town. Existing vacant units, proposed redevelopment of the Kyle Centre, Arran Mall and the north part of the High Street at Riverside Block might provide opportunities for such retailers to locate within the town centre, although this is subject to a variety of timescales and specific retailer requirements. It is not inconceivable that existing homeware retailers within the town centre might seek to relocate to the retail park and there are certainly no planning controls over this. Therefore, there can be no assurances over what might happen and whether some trade diversion from town centre retailers has already occurred or would occur in the future.

12. Scottish Planning Policy requires the application of a sequential town centre first approach to the location of retail uses. Commercial centres identified within plans are intended to have a more specific focus on retailing and/or leisure uses and where necessary to protect the role of town centres, plans should specify the function of the commercial centre. In this case, the function of Heathfield Retail Park is identified for bulky goods retailing and is to be maintained as such.

13. The proposed policy framework set out within the proposed plan introduces limits to the level of floorspace that would be permitted for the sale of unrestricted ancillary goods and specified homeware goods within individual units within the retail park. Many of the existing units are already operating within a 10 percent unrestricted goods floorspace limit. Therefore, in reality, the plan's proposals would not introduce a substantial change



to the position that exists currently and consented over a number of years. The plan's proposals would also limit the gross floorspace to a maximum 20 percent for homeware goods, which the council indicates would equate to approximately 4,000 square metres or three of the larger original units. Based on these estimates and given the goods restrictions imposed by the policy, I do not consider that the primary role of the retail park as a bulky goods retail park would be substantially altered.

14. There is a relatively small number of existing homeware goods retailers within the town centre, as referred to by the council, which may or may not be affected by the proposals at Heathfield. I recognise that some of suggested demand for homeware goods could locate within the town centre if the normal sequential test were to be applied; however, I also acknowledge the apparent lack of suitable premises. The council acknowledges the level of existing vacancies within the town centre and the need to focus attention on the revitalisation of the centre. It is seeking to do this through the preparation of this local development plan and the development of a town centre strategy. Overall, I do not consider that the scale of the proposed changes at Heathfield would detract from these aims or adversely affect the aspirations and vision for the town centre to an unacceptable degree.

15. The council also highlights that the retail park, although generally healthy, still carries a small vacancy rate (which I observed on my site visit), has raised concerns over its future lease expiry profiles and lacks diversity in its retail offer. I note the references to the previous local development plan examination report (CD11) where unresolved representations to that plan sought wholesale de-restriction of uses at Heathfield in order to prevent leakage and improve the retail park. On this matter, the reporter concluded that he found no overriding evidence to suggest that the range of goods that can be sold at Heathfield should be expanded, with the risk that this would have an adverse impact on the vitality and viability of Ayr town centre.

16. In relation to this current examination, I have been presented with a range of background evidence within the Monitoring Report (CD4), which identifies demand for the retailing of homeware goods, along with limited capacity for such uses within the town centre and edge of centre locations. Notwithstanding this, I do not consider that the proposed plan aims to introduce wholesale de-restrictions of uses at Heathfield or allow it to directly compete with the town centre. In my view, the plan's proposals for Heathfield are much more modest than this. Overall, I agree that some flexibility should be afforded to the retail park and I consider the plan's proposals to be a measured response to the recognised demand for the sale of homeware goods and a reflection of the changing nature of modern retail parks. Therefore, I accept the council's position that the additional allowance to sell homeware goods would supplement the existing bulky goods role of the retail park and I do not accept that the policy should revert to that shown in the adopted local development plan.

17. The representation by Courts Nominees Ltd relates to Site C and more specifically, the site occupied by the existing B&Q unit. The council does not accept that the B&Q site should be identified along with Site A and, by association, be allowed to sell a proportion of homeware goods. However, the council states that it has no opposition to allowing an ancillary unrestricted goods allowance of 10 percent gross floorspace on the B&Q site in order to reflect the operational nature of bulky goods stores which already include a degree of non-bulky goods for sale. Such an approach would not alter the nature of the store or damage the town centre.

18. Although I can appreciate the council's response, which is a reflection of what might already happen within existing bulky goods stores; if this principle is accepted, I see no reason why it should not also apply to the remaining area of Site C. This area is currently undeveloped, identified within the policy for bulky goods retailing and I am not aware of any physical or other reasons for making any distinction between this area and the B&Q site with regard to controlling the range of goods sold. However, the council has made it clear that they do not support a 10 percent unrestricted ancillary allowance across the whole of Site C and planning approval for the undeveloped area has not been conditioned as such.

19. Attempting to compose a suitable policy that reflects existing retail operating scenarios is, in my view, fraught with difficulty given the timescales involved in the plan making process. It also detracts from the process of plan preparation as a forward planning exercise. I accept that there is a substantial planning history and other circumstances relating to Site A, which supports the argument for more flexibility. However, I have not been provided with any evidence to support such an approach within Site C. Therefore, to maintain consistency across Site C, I do not consider that any changes should be made to the policy approach for this area as outlined within the proposed plan.

20. With regard to introducing a 20 percent gross floorspace allowance for homeware goods on the B&Q site, I note that the site is clearly located outwith the designated retail park, accessed separately and physically and visually separated. As concluded above, I find that some flexibility with regard to the retail park is reasonable given the particular circumstances but I do not consider that this flexibility should extend beyond Site A and apply to the B&Q site.

21. In response to my further information request, the council has clarified that an assessment against LDP Policy: General Retail applies to Sites A and C but not to Site B which has been developed for food retailing. I consider that Site B should also be included in any assessment, even though it is already developed and occupied for food retail purposes, as it could still be subject to future redevelopment proposals for non-food retail. In relation to the specific concerns highlighted within the representation by Ediston Opportunity Fund, I agree that references to LDP Policy: General Retail should relate to changes to existing retail floorspace as well as additional floorspace, however I note that this stipulation is already included within the policy. Overall, I find that the requirement to assess all relevant proposals against LDP Policy: General Retail should be made more explicit and stated more clearly at the outset of the policy. Therefore, I consider that the statement dealing with this matter should be moved to the beginning of this section to ensure that it is clear that it applies to the entire commercial centre.

22. The council states in response to my further information request that the reference to Site B within the glossary definition of homeware goods is incorrect and it should state Site A. It also states that this could be done as a non-notifiable change. I agree with this statement and that the council can make this minor correction without my formal recommendation.

#### **Reporter's recommendations:**

Modify the local development plan by:

1. On page 5, LDP Policy: Network of Centres, modifying the third bullet point to read:

**“Heathfield** commercial centre has an important role for bulky goods retailing, selling items that are not suited to selling in town centre units.”

2. On page 16, Heathfield Strategy Map, replacing the label ‘Heathfield Retail Park’ with “Heathfield Commercial Centre” and label Site A as “Retail Park”.

3. On page 16, Heathfield Strategy Map (text box alongside), replacing the words ‘Heathfield Retail Park: Retail’ with the words “Heathfield Commercial Centre”.

4. On page 16, Heathfield Strategy Map (text box alongside), adding titles to the two columns as follows: first column be titled “Sub areas within Heathfield” and second column be titled “Preferred uses within sub areas”.

5. On page 16, Heathfield Strategy Map (text box alongside), moving the third paragraph under Heathfield Commercial Centre dealing with references to LDP Policy: General Retail, to the beginning of this section so that it is clearly applicable to Sites A, B and C.



<b>Issue: 7</b>	<b>Low Green Conservation Area</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Mr Kenneth Wilson, The Low Green and Ayr Seafront Trust Ltd (27) – referred to as LAST		
<b>Provision of the development plan to which the issue relates:</b>	N/A (Representation refers to a perceived omission from the PLDP)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Mr Kenneth Wilson, The Low Green and Ayr Seafront Trust Ltd (27):</b></p> <p>Representation expresses disappointment that the PLDP makes no mention specifically of the Low Green.</p> <p>It is 13 years since the Planning Authority decided to include the Low Green in Ayr 1 Conservation Area. Since 2003 the Planning Authority has done nothing to further that aim.</p> <p>The representation supports that the PLDP Environmental Report at 4.2.2 states, as a SEA cultural heritage topic, that the objective is to safeguard "cultural heritage features and their settings through responsible design and position of development". However, the representation expresses surprise that there is no mention of the means chosen to achieve this end; that is, an extension to the Ayr 1 Conservation Area.</p> <p>Since the Low Green is simply a proposed extension to an existing Conservation Area, we felt that the aspirations stated in 4.2.2 are woefully inadequate to enable the Planning Authority to comply with its own proposed and agreed policies.</p> <p>This inordinate delay again raises the view of the LAST before 2003, that the Low Green is of sufficient importance to justify Conservation Status on its own merits.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Mr Kenneth Wilson, The Low Green and Ayr Seafront Trust Ltd (27):</b></p> <p>None, specifically; however it is clear that the representation would like the PLDP to include reference to the Low Green being designated a conservation area.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><b>Mr Kenneth Wilson, The Low Green and Ayr Seafront Trust Ltd (27):</b></p> <p>This emerging LDP is a subject LDP which has a remit contained to town centres and</p>		

retail policies – therefore, also including proposals for retailing outwith town centres. The remit of the PLDP (**CD9**), therefore, does not include the designation of conservation areas outwith town centres and that do not relate to existing or proposed retail uses. For clarity, this LDP will only supersede those parts of the currently adopted South Ayrshire LDP (2014) (**CD7**) that relate to town centres and retailing. As such, the remainder of the adopted LDP (**CD7**) will retain its status as the development plan, until replaced in future. The adopted LDP (2014) (**CD7**), at page 48, and as part of the Historic Environment section, states that: “The Council will extend the conservation area at Ayr to incorporate the Low Green...”. This provision will, therefore, remain part of the extant LDP, and, indeed, this remains the Council’s intent. The fact that work has not progressed, as yet, on the designation of the Low Green as a conservation area, is not related to this, or any, development plan. The proposed modification is rejected, since it is outwith the remit of this LDP, and that the adopted LDP (2014) (**CD7**) already provides a development plan reference to the Council’s intention to designate the Low Green as a conservation area. In any case, the representation expresses dissatisfaction with the Council’s prioritisation of work programme related to the historic environment, and this is a matter that cannot be remedied by way of modification to this development plan.

#### **Reporter’s conclusions:**

1. The introduction to the proposed plan states that this Town Centre and Retail Local Development Plan has been produced to provide a clear vision to support the work of Ayr Renaissance in developing a strategy and delivery plan for Ayr town centre. It is the council’s intention that this local development plan will supersede and supplement elements of the adopted local development plan, 2014, namely town centre, sequential assessment, retail network policies and parts of the spatial strategy. All other elements of the adopted plan will remain in place.
2. The council has chosen to limit the content of the proposed plan to dealing with town centres and general retail matters only, the purpose of which is outlined above. Therefore, the proposed plan does not deal specifically with non-retail matters such as the historic environment and the designation of conservation areas outwith town centres.
3. The statutory designation process for conservation areas is set out in sections 61 and 62 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended. Although the local development plan process can be used to consult on proposals to designate a conservation area, it is not in itself a vehicle for the designation, and the council would be required to pursue the designation separately under the terms of the above Act.
4. As this proposed plan is confined to matters relating to town centres and retail, I do not consider that a deficiency arises with regard to this matter or that the issue raised in the representation should be reflected in a modification to the proposed plan. Therefore, I have not addressed it any further in my conclusions.

#### **Reporter’s recommendations:**

No modification.