

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 JUNE 1996

SUBJECT: PLANNING APPLICATION 01/95/0043
MIXED COMMERCIAL DEVELOPMENT, GUTHRIE PORT/
BURNSIDE DRIVE, ARBROATH - SECTION 50 AGREEMENT

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: Planning consent was granted for the above development by Tayside Regional Council subject to a Section 50 Agreement restricting the commodities which could be sold from the retail units. The applicant is now requesting amendment to the Regional Council approved terms of the Section 50.

1 RECOMMENDATION

It is recommended that in response to the applicant's request to delete any reference to electrical goods in the Section 50 Agreement required to control the range of goods to be sold, that the status quo be maintained and the request be declined.

2 INTRODUCTION

2.1 Outline planning consent for a mixed use development comprising: a non-food retail unit (1,858 s.m.); a second non-food unit (929 s.m.); garden centre (929 s.m.); an auto trade unit (929 s.m.); fast food restaurant and a light industrial unit, was granted by the Regional Council in May 1995.

2.2 The Regional Council sought to restrict the range of goods that could be sold from the retail units in order to afford some protection for the town centre shops. This was to be achieved through a Section 50 Agreement excluding the following:-

Food	Clothing and Footwear
Toys	Sports Goods
Jewellery, Silverware, Watches, Clocks	
Restricted Electrical Goods (excluding kitchen appliances forming part of fitted kitchens; lighting; gardening & DIY electricals sold in DIY unit; vehicle accessories).	
Pre-assembled Furniture.	

The categories of goods to be sold from the garden centre were also specified.

2.3 The terms of the Section 50 Agreement were reflected in conditions imposed on the planning consent as follows:-

13. Unit 1 shall be used for the sale of DIY produces and for no other purpose.....
14. The restaurant shall be used for this purpose and for no other purpose.....
15. Unit 2 shall be used for the sale of motoring products and no other purpose.....

An additional non-food unit was unspecified on the submitted/approved plans and no specific restrictive condition was imposed.

3 AMENDMENTS SOUGHT

- 3.1 The procedures for preparing and signing the Section 50 Agreement were put in train but more recently the applicant has approached the Department seeking revisions to the list of excluded commodities. The reason given is the marginal viability of the retail park concept for a town the size of Arbroath. The restrictions, they claim, are excessive and deny flexibility, to such an extent the situation is of concern to the funder and could jeopardise the implementation of the whole project.
- 3.2 Alterations to the garden centre goods list and deletion of pre-assembled furniture and any electrical goods from the list of restricted goods were requested. Officials were not well disposed to support such substantial changes and recommended the applicant reconsiders and makes a formal request for less deletions. That request has now been received and has been confined to electrical items (but restricted to no more than 10,000 sq. ft.).
- 3.3 The Committee is now required to consider this request. Should the request be declined the applicant could either accept the original terms of the Section 50 or receive a planning refusal which could be appealed.
- 3.4 Pre-assembled furniture was excluded because of the existence on the High Street of three substantial furniture retailers, a strong representation for a town the size and economic status of Arbroath. Loss of even one would result in a large increase in vacant town centre floor space. It is debatable if the same can be said of electrical outlets which once numbered four but with the closure of Currys and Clydesdale is now down to two only. Would another electrical retailer on the retail park be advantageous to the shopping public of Arbroath or could it lead to yet another loss of a High Street electrical outlet?
- 3.5 I am not fully convinced that the relaxation of electrical goods requested by the applicant would be beneficial to the town or that it would not lead to further High Street closures thus further jeopardising the economic buoyancy of the town centre.
- 3.6 Should the Committee be disposed to permit the relaxation requested, some consideration would have to be given to revising/deleting conditions attached to the planning consent.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/IAL

Alex Anderson
Director of Planning, Transport & Economic Development

