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SPECIAL PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 16TH JULY, 2018

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 16TH JULY, 2018 at 2.00 p.m. or at the conclusion of the Local Review Body, which ever is latest.

J. J. WILKINSON,
Clerk to the Council,

9 July 2018

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Town Centre Core Activity Area Pilot Study (Pages 3 - 34) Consider report by Service Director Regulatory Services. (Copy attached.)
5.	Any Other Items Previously Circulated.
6.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

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TOWN CENTRE CORE ACTIVITY AREA PILOT STUDY

Report by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

16 July 2018

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval of a pilot study (Appendix A) in respect of amendments to current planning practice for processing planning applications for proposals within core activity areas within town centres in the Scottish Borders.**
- 1.2 The primary purpose of the study is to examine ways to revitalise and reinvigorate the town centres of Hawick and Galashiels by considering options to add more flexibility to policy ED4 (Core Activities in Town Centres) within the adopted Local Development Plan (LDP) 2016 which is aimed at protecting core activity areas within these towns. It suggests a number of options to be considered, identifying potential advantages and disadvantages for each. In essence the study recommends the removal of the core activity area in Hawick. It recommends the retention of the core activity area in Galashiels but proposes a wider and more flexible range of uses which could be supported.
- 1.3 The study also lays down some further criteria guidance relating to policy ED4 to be considered for planning application proposals within other core activity areas within Scottish Borders towns i.e Galashiels, Peebles, Kelso, Melrose, Jedburgh, Selkirk, Eyemouth and Duns. As this pilot scheme proposes to remove the core activity area from Hawick this will not be relevant to Hawick. The guidance states, with reference to considering the longevity of vacancy of premises, that if premises have been vacant for 6 months and evidence is submitted which confirms it has been adequately advertised for a substantial period of that time, then that will carry much weight in the decision making process. Policy ED4 also makes reference to the need to give consideration of any "significant positive contribution" in relation to proposals within the core activity. The study expands upon examples of what are considered to be factors determining "significant positive contribution". The study also seeks discussion and consideration by members of removing the requirement for Developer Contributions within Galashiels Town Centre.
- 1.4 In order to monitor the impacts of the recommended courses of action it is considered the study should operate as a pilot scheme for a trial period of one year. This will allow the opportunity to draw conclusions as to the

success or otherwise of these amendments and the findings can be brought forward to be considered as permanent actions within the proposed new Local Development Plan.

2 RECOMMENDATIONS

2.1 I recommend that the Planning and Building Standards Committee agrees to

a) Approve the Pilot study to be implemented with immediate effect for a period of one year.

b) Agree to receive a report back following the end of the trial period which makes reference to any relevant issues and outcomes.

3 BACKGROUND

3.1 Retailing is a feature of daily life providing jobs and services in the local community. Retail development in particular can act as a catalyst to further investment in addition to creating employment opportunities and associated growth, partly due to the pedestrian footfall and economic activity it generates. The Scottish Government acknowledges that town centres are a key element of the social and economic fabric in Scotland. Scottish Planning Policy (SPP) encourages the improvement of town centres to create distinctive and successful places which are a focus for a mix of uses including retail, housing, leisure, entertainment, recreational, cultural entertainment and community facilities.

3.2 The Scottish Government's Town Centre First Principle 2014 asks that government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best-value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity. The adopted SESplan Strategic Development Plan (SDP) 2013 acknowledges that town centres make a significant contribution to the SESplan area as centres for employment, services and a focus for civic activity and identifies a network of centres.

3.3 The adopted LDP 2016 follows these principals by allowing a wide range of uses within town centres. To further these principals, at ground floor level within the central core area of these town centres, policy ED4 - Core Activity Areas in Town Centres seeks to encourage commercial uses which increase footfall and economic activity which in turn prevents the gradual loss of essential town centre activities which are important to the vitality and viability of the town centres. In order to achieve this policy ED4 seeks to safeguard shop uses and food and drink outlets which are considered appropriate complimentary uses. The policy does however offer a degree of flexibility which can be applied to decision making across

the Scottish Borders for any relevant planning application. This allows consideration of, for example, how the particular town centre is performing, cognisance of current vacancy and footfall rates, opportunities for joint shopping trips and the longevity of vacancy and marketing of the vacant retail unit. If a town centre is performing well there may be little justified need to lose retail premises. However, if there are significant factors which result in town centres underperforming, there may be a case for allowing an alternative use.

- 3.4 It is acknowledged that the role of town centres is changing due to a number of factors, most notably completion from online shopping. Whilst this will be more fully addressed via the process for producing the next LDP, given particular issues in Galashiels and Hawick in terms of reduction in footfall and higher vacancy rates it is considered an alternative policy practice should be adapted with immediate effect for these 2 towns via this one year pilot study

4 Pilot Study

- 4.1 In order to consider the most appropriate means of taking forward the pilot study for Hawick and Galashiels 4 no options for each town were considered. Retaining the current status quo was not considered to be a realistic option given the desire to implement some type of alternative option as part of the pilot scheme. The 4 options are :
- Reduce the size of the core activity area
 - Retain the core activity area but allow a more flexible approach to potential uses
 - Amalgamation of above options
 - Remove the core activity area completely
- 4.2 Advantages and disadvantages for each of these options were considered separately for both Hawick and Galashiels, taking cognisance of a range of matters including relevant footfall, vacancy rates and any other material issues. It was considered Hawick required a radical approach. However, in Galashiels there was concern that if the pilot scheme was too flexible in allowing uses which would reduce footfall and economic activity in the town centre this could have serious impacts on the ability to maximise the economic opportunities the Borders Railway and the Tapestry will offer.
- 4.3 It is concluded that the core activity area in Hawick should be removed. The core activity area should be retained in Galashiels but a wider range of uses should be allowed. These uses are identified within Appendix 3 of the study. It is also considered there should be a general presumption in both Hawick and Galashiels against anti social uses within this area which may have detrimental impacts on the amenity of residential properties and other uses. In order to encourage redevelopment in Galashiels, consideration should be given to removing the requirement for Development Contributions within the town centre. This would relate to affordable housing and education provision. Contributions towards the Borders Railway must remain as they are a statutory requirement. There are no current Development Contributions required within Hawick Town centre.
- 4.4 The study also gives further guidance to policy ED4 relevant to towns within the Scottish Borders in respect of information to be provided in support of

proposals within core activity areas which would not normally be supported. This includes if premises have been vacant for at least 6 months adequate marketing must have taken place within this period for a substantial period of time, detailed evidence of marketing publications and interest to be provided, and an independent valuation must confirm the selling or lease price was reasonable (this is to ensure instances where no third party interest was lost due to unrealistic overpricing).

- 4.5 The study also gives further clarity to policy ED4 text which refers to the need to give consideration to the *significant positive contribution* a planning application may have to the core activity area. This includes consideration of matters relating to the economic benefits of the proposal, the footfall it is likely to generate and how active the frontage is in terms of how it can help improve the public perception of successful town centres in terms of safety, comfort, sociability and liveliness

5 IMPLICATIONS

5.1 Financial

Either

There are no cost implications arising for the Council in respect of the pilot study. However, members will discuss the option of removal of the requirement for Developer Contributions within Galashiels town centre for the one year trial period.

5.2 Risk and Mitigations

(a) Risk of not producing pilot scheme

Galashiels and Hawick town centres would continue to underperform which would be a major concern given the key strategic economic roles these towns have within the Scottish Borders

(a) Risk of producing pilot scheme

Allowing uses even for a one year trial period which may not generate significant footfall or economic activity may have a longer term impact on the vibrancy of the town centres.

5.3 Equalities

An Equalities Impact Assessment has been carried out on this study and it is not anticipated there will be any adverse equality implications.

5.4 Acting Sustainably

(a) Economic Growth

The proposed pilot study will assist in promoting stronger more vibrant town centres

b) Social Cohesion

The proposals contained within the proposed pilot study will help to meet the diverse needs of people in the local communities.

c) **Protection of the Environment**

There will be no adverse impacts on the environment. There is no requirement to carry out an Environmental Report

5.5 **Carbon Management**

It is not considered the study brings any impact on the Council's carbon emissions.

5.6 **Rural Proofing**

It is anticipated the study will have a neutral impact on the Council's carbon emissions

5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made

6 CONSULTATION

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

5.2 The Chief Officer Economic Development, the Depute Chief Executive Place, the Corporate Transformation and Services Director, and the Service Director Assets and Infrastructure have also been consulted and any comments received incorporated into the final report.

Approved by

Service director Regulatory Services Signature

Author(s)

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Planning Policy and Access)

Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eittranslationrequest@scotborders.gov.uk

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Town Centre Core Activity Area Pilot Study

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Appendix 1 – Policy ED4 Core Activity Areas in Town Centres

Appendix 2 – Use Classes Order 1997

Appendix 3 – Potential other uses within Core Activity Areas

Purpose of Study

Retailing patterns continue to fluctuate and the role of town centres is changing (e.g increase of online shopping, competition from larger national retailers). The impacts of the current challenging economic climate are being felt across the country and these trends are not unique to the Scottish Borders. Planning policy must adapt to these changing circumstances. In recent years the Council has amended the town centre policy in the Local Development Plan (LDP) to adapt to such changes and whilst these changes have helped it is acknowledged a further review of relevant planning policy could be tested via this pilot study.

There are specific immediate concerns regarding Hawick and Galashiels where reduced footfall and vacancy rates have had a detrimental impact on how these town centres have performed. This is of particular concern as Hawick and Galashiels are the 2 largest towns within the Scottish Borders and have a strategic economic and social significance for the region.

The primary purpose of this study is to examine ways to revitalise and reinvigorate the town centres of Hawick and Galashiels by considering options which provide more flexibility to LDP policy ED4 (Core Activities in Town Centres) which protects prime retail frontage areas within these towns. It suggests a number of options, identifying potential advantages and disadvantages for each.

In addition all Scottish Border towns the study states, with reference to considering the longevity of vacancy of premises, that if premises have been vacant for 6 months and sufficient evidence is submitted which confirms it has been adequately advertised for a substantial period of that time, then that will carry greater weight in the decision making process. The study also gives guidance to factors to be considered in respect of any “significant positive contribution” a proposal may have towards the performance of the core activity area.

In order to monitor the impacts of the courses of action it is considered the amendments should operate as a pilot scheme for a trial period of one year. This will allow the opportunity to draw conclusions as to the success or otherwise of these amendments and the findings can be brought forward to be considered as permanent actions within the proposed new LDP2. Whilst it would be hoped that any policy amendments may help vibrancy within these town centres, it must be acknowledged that there are a number of other external factors outwith the remit of the planning system which will influence their performance.

Policy Background

Retailing is a feature of daily life providing jobs and services in the local community. Retail development in particular can act as a catalyst to further investment in addition to creating employment opportunities and associated growth. The Scottish Government acknowledges that town centres are a key element of the social and economic fabric in Scotland. Scottish Planning Policy (SPP) encourages the improvement of town centres to create distinctive and successful places which are a focus for a mix of uses including retail, housing, leisure, entertainment, recreational, cultural entertainment and community facilities. The Scottish Government’s Town Centre First Principle 2014 asks that

government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best-value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity

The adopted SESplan Strategic Development Plan (SDP) 2013 acknowledges that town centres make a significant contribution to the SDP area as centres for employment, services and a focus for civic activity and identifies a network of centres.

LDP Policy ED4 – Core Activity Areas in Town Centres

The adopted LDP 2016 allows a wide range of uses within town centres. However, within the **central core area of these town centres**, policy ED4 - Core Activity Areas in Town Centres seeks to encourage commercial uses which increases footfall and in turn prevents the gradual loss of essential town centre activities which are important to the vitality and viability of the town centres. In order to achieve this policy ED4 seeks to safeguard shop uses which generate most footfall, and food and drink outlets which are considered appropriate complimentary uses. The policy does however offer a degree of flexibility which can be applied to decision making across the Scottish Borders for any relevant planning application. This allows consideration of, for example, how the particular town centre is performing, cognisance of current vacancy and footfall rates, opportunities for joint shopping trips and the longevity of vacancy and marketing of the vacant retail unit. If a town centre is performing well there may be little justified need to lose retail premises. However, if there are significant factors which result in town centres underperforming, there may be a case for allowing an alternative use. This policy approach is carried out by other planning authorities within Scotland. Policy ED4 can be viewed in Appendix A.

It must be noted that this existing policy ED4 approach relates to ground floor premises only within core activity areas, as a wide range of uses would be acceptable in principal on upper floors.

Use Classes Order 1997

The operation of activities from buildings and their impacts, both positive and negative, can vary considerably depending upon the nature and characteristic of each particular use. In the case of activities within town centres certain uses can generate more footfall which will increase the vibrancy of town centres. Although policy HD4 seeks to protect shop uses, cafes and restaurants, other uses could be supported in some instances, largely in instances taking account of the current performance of the town centre in question. This consideration requires reference to understanding of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO).

The UCO identifies different uses within specific classes mainly governed by the characteristics of their operations. Appendix 2 highlights these classes, examples of uses within them, instances where planning consent will / will not be required between the classes and a guidance note. In general terms any change from one use class to another constitutes development and planning permission will normally be required. Where the existing and proposed uses are within the same class this does not constitute development and permission normally will not be required.

Any uses outwith the specified use classes are defined as non-classified Sui-Generis. Planning permission is required for any change of use involving a Sui Generis use.

In terms of the use classes within the UCO, shops fall within class 1 and food and drink outlets fall within class 3. Whilst policy ED4 consequently seeks to protect and encourage these uses Appendix 3 suggests other potential uses which could be considered appropriate uses as part of the pilot study. This will be referred to further within this study report. Appendix 3 also includes consideration as to whether the frontage would be considered to be active or inactive. Active frontages are generally regarded as better designed and attractive frontages which can significantly affect public perception of successful town centres in terms of safety, comfort, sociability and liveliness.

Monitoring of Town Centre Performance

The Council carries out a series of annual surveys to monitor the performance of town centres within the Scottish Borders. These include the monitoring of vacancy rates and pedestrian footfall studies. The most recent outputs from 2017 surveys can be viewed in figures 1, 2 and 3. The surveys are snapshots in time and can obviously change within a short period of time. The national vacancy rate is currently 12% which is the same as the Scottish Borders. These outputs are important to take cognisance of when considering planning applications for proposals within core activity areas / town centres and when considering amendments to new planning policy. These figures are also relevant to this pilot study. In general it can be noted that Hawick and Galashiels are underperforming. This confirms the interest in seeking an amendment to current practice in dealing with proposals within core activity areas via this pilot study.

Fig 1 - Town Centre Vacancy rates (winter 2017)

Town	Number of units	No of Vacant Units	%age of vacancy
Hawick	258	37	14
Peebles	144	12	8
Galashiels	243	37	15
Kelso	166	10	6
Melrose	80	6	8
Jedburgh	89	12	13
Selkirk	88	12	14
Duns	61	5	8
Eyemouth	67	5	7

Fig 2 – Average Weekly Footfall

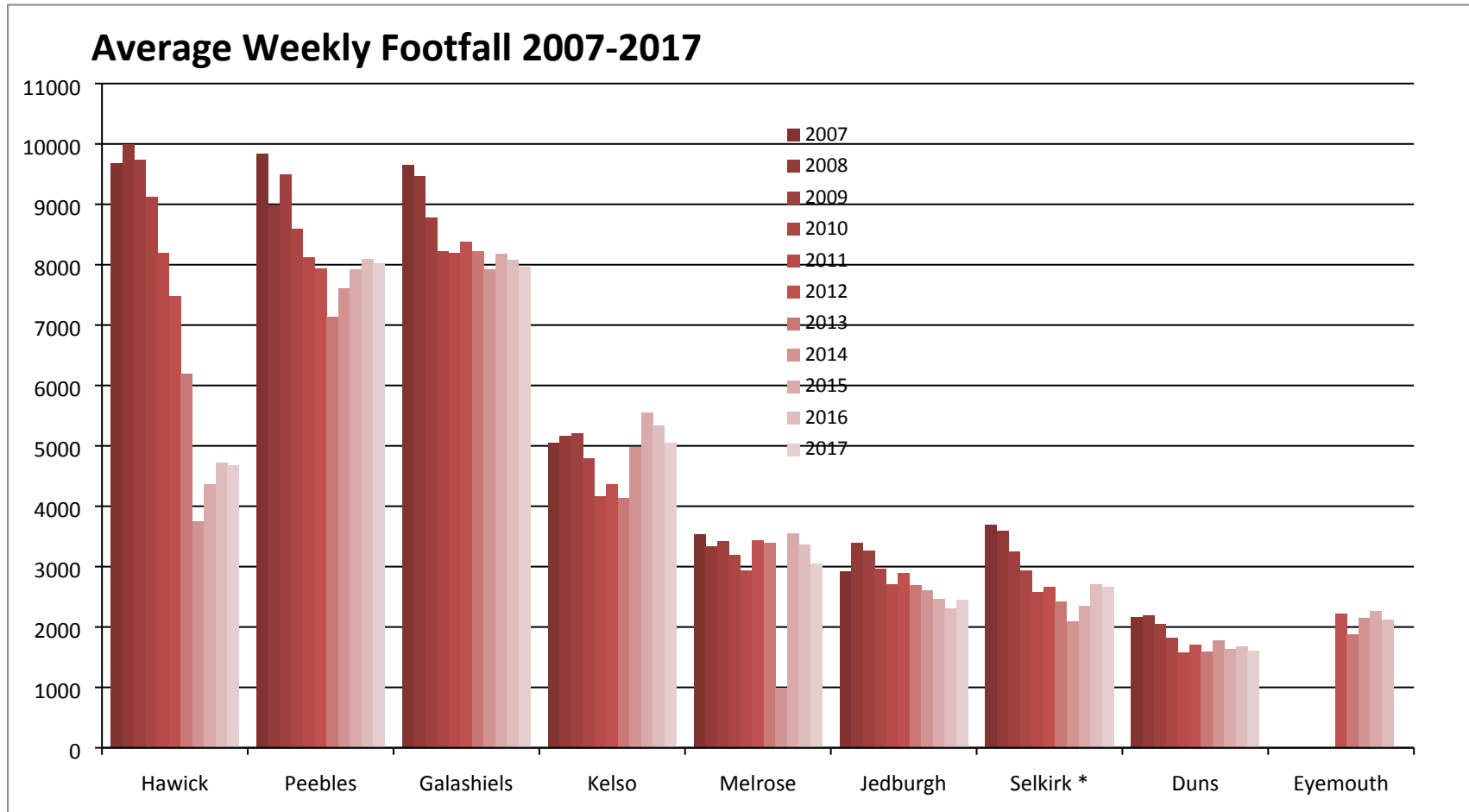


Figure 3 - Overall Footfall per Surveyed Town, per Year, 2007 Onwards

Note: The data in this table shows the weekly footfall count.

Settlement	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	% change 2016 to 2017	% change 2007 to 2017	% change 2012 to 2017
Hawick	9680	9990	9740	9130	8190	7480	6200	3750	4360	4730	4680	-1	-52	-37
Peebles	9840	8980	9500	8590	8120	7940	7140	7610	7930	8100	8020	-1	-18	1
Galashiels	9650	9470	8780	8220	8190	8380	8220	7930	8180	8080	7970	-1	-17	-5
Kelso	5050	5170	5210	4790	4170	4360	4130	4980	5550	5340	5050	-5	0	16
Melrose	3540	3340	3420	3200	2930	3430	3390	990	3550	3370	3050	-9	-14	-11
Jedburgh	2920	3400	3260	2960	2710	2900	2700	2610	2460	2310	2450	6	-16	-16
Selkirk *	3690	3590	3250	2930	2580	2660	2420	2090	2350	2710	2670	-1	-28	0
Duns	2160	2200	2050	1820	1580	1710	1600	1780	1630	1680	1610	-4	-25	-6
TOTAL	46530	46140	45210	41640	38470	38860	35800	31740	36010	36320	35500	-2	-24	-9
% Change	-	-0.8	-2.0	-7.9	-7.6	1.0	-7.9	-11.3	13.45	0.86	-2.26			
				Eyemouth		2220	1880	2150	2270	2120	2010	-5		-9
				TOTAL (inc Eyemouth)		41080	37680	33890	38280	38440	37510	-2		
				% Change (inc Eyemouth)		-	-8.3	-10.1	13.0	0.4	-2.4			

*Figures have been derived from Friday survey as weekend survey clashed with public events

In order to consider the most appropriate means of taking forward the pilot study for Hawick and Galashiels 4 no options were considered for each town. Retaining the current status quo was not considered to be a realistic given the desire to implement some type of alternative option as part of the pilot scheme. These options are

1. Reduce the size of the core activity area
2. Retain the core activity area but allow a more flexible approach to potential uses
3. Amalgamation of options 2 and 3
4. Remove the core activity area completely

Advantages and disadvantages for each of these options will be considered separately for both Hawick and Galashiels

Hawick

Prior to identifying the options for Hawick consideration must be given to the extent of the current core activity area, where the current vacant units are and what the range of uses currently within the town centre. These are identified in figure 4. Similarly the strengths, weaknesses, opportunities and threats for Hawick town centre should be identified and considered. These are shown in fig 5. The findings of figs 4 and 5 will be taken on board when considering the range of options.

Fig 4 – Current uses and vacancy rates within Hawick Town centre (winter 2017)

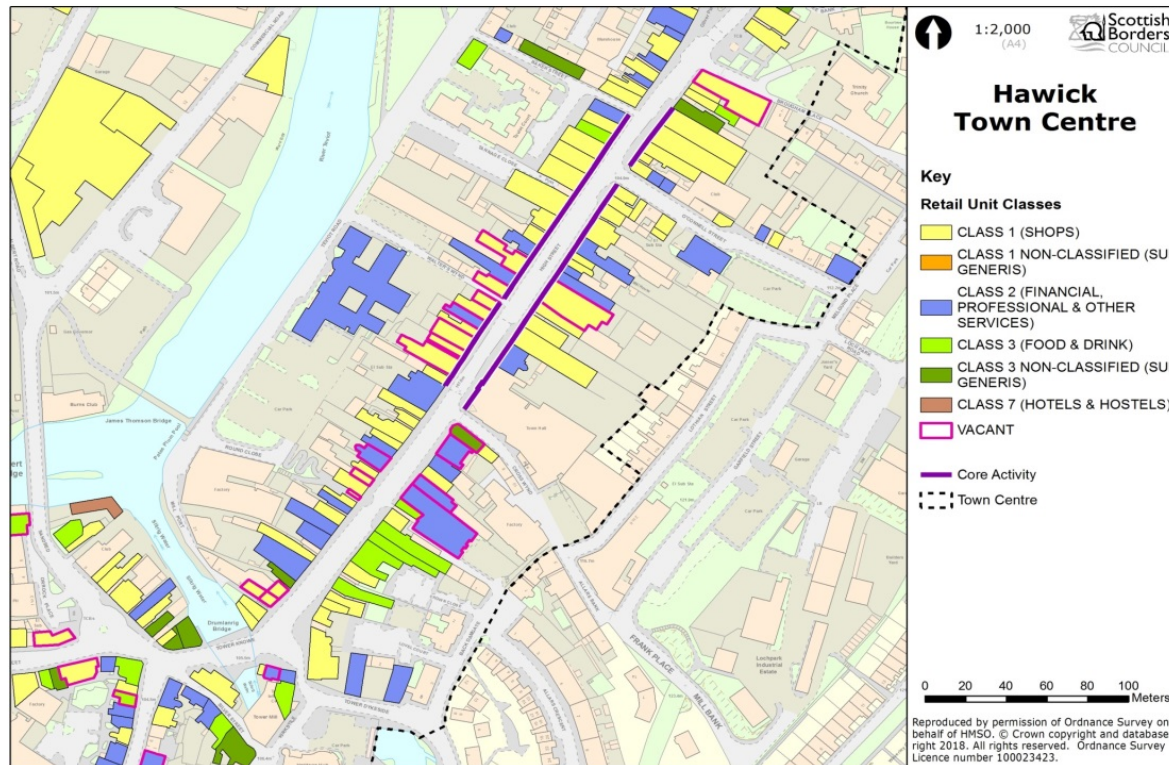


Fig 5 - SWOT Exercise for Hawick Town Centre

Strengths	Weaknesses
Reasonably wide range of services within the town centre	A number of run down buildings on street frontages which do not encourage third party investment
Presence of cultural and community facilities e.g. cinema, library, Heart of Hawick	Core activity area may be too stringent in controlling ground floor units in current economic climate
Heart of Hawick is a strong focal point which revitalises attractive listed buildings as a tourist asset	Perceived view that Hawick town centre requires more regeneration than any other town in the Scottish Borders
Attractive key buildings within town centre, many of which are listed. Conservation Area ensures higher standard of built environment	Core activity area may be considered to be too large to be sustainable for Hawick
Recent retail developments in Commercial Road help stem the flow of consumer spending outwith Hawick	Lack of cycling provision
One way system has eased traffic congestion and flows	High density and high quality built heritage of buildings offer redevelopment / expansion challenges
Parking is adequate	Flood risk to town centre
	Many vacancies in High St are located within 2no central blocks
	One way system does not draw visitors from south-west i.e. tourists coming into the town from the south
	Footfall continues to decline
Opportunities	Threats
CARS scheme will help regenerate built environment within the town centre	Recent retail developments in Commercial Road may have an adverse impact on retail outlets in Hawick High Street
Hawick Action Plan offers redevelopment opportunities	Without further action town centre is likely to under perform further
Promotion of Borders Railway II through Hawick to Carlisle	Flood risk to town centre
Potential future Borderlands / Agency funding	Competition from online shopping which will reduce visits to town centre

In order to consider appropriate action to address issues with the current core activity area in Hawick the following options are discussed :

Hawick Option 1 – Reduce Size of Core Activity Area (This can refer to a series of options such as, for example, removing areas where vacancy rates are highest, buildings are most unattractive, etc)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Reducing the size of the core activity area would allow some flexibility to provide a greater no of other uses within the centre of the town • More emphasis would be placed on protecting the remaining core activity area for Class 1 and 3 uses • Opportunities to remove some of the longer term vacant premises and those in a poor condition from the core activity area may attract a wider range of potential development opportunities 	<ul style="list-style-type: none"> • The Hawick core activity area has been considerably reduced in size previously and it is questionable whether this further reduction in size will produce any significant improvements to the town centre performance • Identifying which parts of the core activity area could be removed and have resultant clear improvements on the town centre performance is challenging

Hawick Option 2 – Retain Core Activity Area but allow more flexible approach to potential uses. (This could involve the support for some Class 2 (Financial, Professional and other Services) which are considered to generate notable footfall, Class 10 (Non-residential Institutions) and Class 11 (Assembly and Leisure) uses – see Appendix 3)

Advantages	Disadvantages
<ul style="list-style-type: none"> • This more flexible approach would allow a wider range of uses which should help town centre performance • Opportunities to allow a wider range of uses for some of the longer term vacant premises and those in a poor condition within the core activity area may attract a wider range of potential development opportunities 	<ul style="list-style-type: none"> • Approved uses may adversely impact on the performance of the town centre which may have longer detrimental impacts • Course of action may be unlikely to have a significant enough impact to resolve town centre performance. Flexibility has already been applied within the policy for a range of uses for some time but this does not appear to have resulted in any

significant benefits to the town centre performance

Hawick Option 3 – Amalgamation of options 1 and 2

Advantages	Disadvantages
<ul style="list-style-type: none"> This option may have some benefits in as listed in above tables 	<ul style="list-style-type: none"> Whilst this option may have some added values it is considered given the poor performance of the town centre a more radical approach is required

Hawick Option 4 – Remove Core Activity Area Completely

Advantages	Disadvantages
<ul style="list-style-type: none"> Reducing the core area completely would in essence allow a greater no of other uses within the town centre Whilst there is the threat that complete removal of the core activity area may cause longer term footfall issues it is considered some significant action is required in Hawick. To implement this as a test case via a pilot scheme would seem an appropriate course of action in the circumstances 	<ul style="list-style-type: none"> Approved uses may adversely impact on the longer term performance of the town centre Parts of the core activity area are operating well with retailing units within them

Recommendation

Whilst the advantages of Options 1,2 and 3 are noted it is considered that given the continuing town centre issues within Hawick in terms of footfall, vacancy rates, etc these options will not be sufficient to see significant or desired changes to the performance of the town. Consequently it is considered option 4 which would remove the core activity completely for the one year trial period would be the most preferable for the pilot scheme. Proposals within the removed core activity area designation will now be tested against current LDP policy ED3 (Town Centre and Shopping Development) which allows a mix of town centre uses.

However, there is a caveat that prevents change of uses to ground floor residencies within the currently defined core activity area. Such uses are acceptable within edge of core activity areas and upper floors, but whilst they would be a simple more profitable option for owners within

core activity areas, they would remove permanently opportunities for commercial activities. It is also considered there should be a general presumption against anti-social uses within this area which may have detrimental impacts on the amenity of residential properties and other uses.

Galashiels

Prior to identifying the options for Galashiels consideration must be given to the extent of the current core activity area, where the current vacant units are and what the range of uses currently are within the town centre. These are identified in figure 6. Similarly the strengths, weaknesses, opportunities and threats for Galashiels town centre should be identified and considered. These are shown in fig 7. The findings of figs 6 and 7 will be taken on board when considering the range of options.

Fig 6 – Uses and Vacancies within Galashiels Town Centre

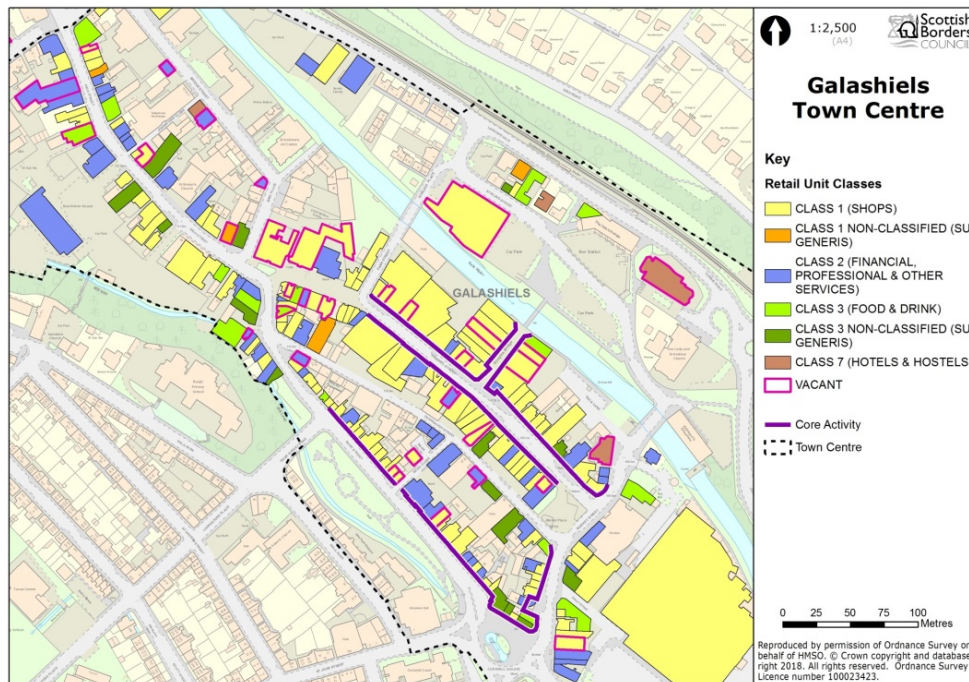


Fig 7 - SWOT Exercise for Galashiels

Strengths	Weaknesses
Galashiels is a primary retail centre for Scottish Borders	Vacancy rate in town centre is above national average
Strong retail catchment area	Douglas Bridge has high vacancy rates
Wide range of services / facilities in town centre eg cinema, community hall, library, bingo	Town centre in competition with Tesco, Asda and Currie Road development
Both national and local retail based interest	Intensely used town centre buildings in Bank St / Channel Street leave little opportunity for new build or expansion
New retail developments are stemming flow of shoppers outwith region	Town centre does not cater particularly well for cyclists
Core activity area promotes vitality and viability of town centre	Core activity area may be too stringent in controlling ground floor units in current economic climate
Parts of Town centre remain buoyant	Overhaugh Street relatively unattractive in terms of appearance and amenity
Bank Street continues to be a very vibrant and attractive area for retailers	Part of town centre at flood risk
Attractive built heritage with Conservation Area. The CA ensures control and enhancement of townscape	Lack of facilities in town centre to attract tourists
Town centre has attractive focal points, such as Bank St Gardens, Market Square, Corn Mill Square	Uncertain future use and interest of land between High Street and "secondary" retail outlet centre at Buckholmside area
Gala Inner Relief Road project has improved traffic flows through the town	Townscape / town fabric is in a poor condition in some areas (e.g lower end of Channel Street next to Market Square)
Improved town centre parking provision at Asda, Tesco and Currie Road	
CCTV cameras give feeling of safety and security	
Opportunities	Threats
Borders Railway offers opportunities to town centre and tourism development	Change of shopping patterns restricts some retail investment in town centre
Forthcoming Tapestry building offers town centre econ	Changes to core activity area retail policy may be counter productive to

development opportunities and will be a catalyst for further investment	the opportunities to the town centre the Borders railway and Tapestry seek to promote
The planning briefs for Burgh Yard and Stirling Street encourage a range of appropriate uses and offer development opportunities for investment	Shift of retailing magnet away from High Street towards eastern end of town centre
Availability of town scheme / regeneration grants would encourage better design and fabric of buildings	Flood risk to town centre
Fully utilise the potential of Gala Water running through the town centre as an amenity feature with the possibility of a walk way	Competition from online shopping which will reduce visits to town centre
	Town centre regeneration funding available

In order to consider appropriate action to address issues with the current core activity area in Galashiels the following options are discussed :

Galashiels Option 1 – Reduce Size of the Core Activity Area. (This can refer to a series of options such as, for example, removing areas where vacancy rates are highest, buildings are most unattractive, etc)

Advantages	Disadvantages
<ul style="list-style-type: none"> Reducing the size of the core activity area would allow some flexibility to provide a greater no of other uses within the centre of the town More emphasis would be placed on protecting the remaining core activity area for Class 1 and 3 uses Opportunities to remove some of the longer term vacant premises and those in an unattractive condition (e.g buildings at the lower end of Channel Street adjoining the Market Square) from the core activity area may attract a wider range of potential developers 	<ul style="list-style-type: none"> Approved uses may adversely impact on the vitality and viability of the town centre which may have longer term detrimental impacts Many areas of the town centre continue to function well and there are not considered grounds to remove them from the core activity area e.g. Bank Street, parts of Channel Street Allowing more uses which generate less town centre footfall activity may adversely dilute the positive impact on the opportunities the Borders railway and the Tapestry will offer The lower end of Channel Street currently has only 1no vacancy and a more flexible approach could result in loss of retail units yet would not resolve the issue re poor appearance of buildings

Galashiels Option 2 – Retain Core Activity Area but allow more flexible approach to potential uses. (This could involve the support for some Class 2 (Financial, Professional and other Services) which are considered to generate notable footfall, Class 10 (Non-residential Institutions) and Class 11 (Assembly and Leisure) uses – see Appendix 3)

Advantages	Disadvantages
<ul style="list-style-type: none"> • This more flexible approach would allow a wider range of uses which should help town centre performance – Douglas Bridge is an area which may benefit from this • Opportunities to allow a wider range of uses for some of the longer term vacant premises and those in a poor condition from the core activity area may attract a wider range of potential development opportunities 	<ul style="list-style-type: none"> • Approved uses may adversely impact on the performance of the town centre which may have longer detrimental impacts • Bank Street remains an attractive and buoyant area for retailers and there would appear little reason to amend policy for this area • Channel Street has a high volume of retail outlets • More flexible allowance of uses may adversely impact on the opportunities the Borders railway and the Tapestry will offer

Galashiels Option 3 – Amalgamation of options 1 and 2

Advantages	Disadvantages
<ul style="list-style-type: none"> • Whilst option 2 has obvious benefits there remains issues with option 1 in respect of identifying an obvious area / areas to be removed from the core activity area 	<ul style="list-style-type: none"> • Consideration to be given to ensure this option has no long terms adverse impacts on the economic benefit opportunities the Borders Railway and the Tapestry will offer, although it is likely this option is not of a such a significant scale that it will

Option 4 - Remove Core Activity Area Completely

Advantages	Disadvantages
<ul style="list-style-type: none"> • Reducing the core activity area further would in essence allow a greater no of other uses within the town centre 	<ul style="list-style-type: none"> • Large parts of the Galashiels core activity area are functioning well and allowing proposals which would dilute the

	<p>performance of these areas and the knock on benefits they give to the town centre would be an issue</p> <ul style="list-style-type: none"> • This option may be considered unnecessary and that such a significant change at this time to town centre policy may have serious impacts on the ability to maximise the economic opportunities the Borders Railway and the Tapestry offer
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Recommendation

Although Galashiels has suffered in terms of reductions of town centre footfall and increased vacancy rates these are not considered to be as severe as Hawick. Furthermore, given the economic opportunities the Borders railway and the forthcoming Tapestry attraction will generate great care must be given to ensure that any changes to policy ED4 do not dilute the benefits these hope to offer. Consequently it is considered changes to the core activity area within Galashiels need a more fine grained policy approach, and so option 4 of removing the core activity area completely should be ruled out.

The core activity area has previously been reduced in size and given the relatively widespread vacancies across the town centre it is difficult to pinpoint a particular area where there is a clear justification for removing it from the core area designation. Whilst there are several vacancies at the pedestrianised part of Channel Street it is likely these will become highly desirable premises in due course when the Tapestry opens in the close vicinity and it therefore is difficult to justify a case for removing them from the designation.

It is therefore concluded that option 2 to retain the core activity area but allow a more flexible approach to potential uses would be the most appropriate course of action for the pilot scheme. These proposed acceptable additional uses are identified within Appendix 3.

It is also considered there should be a general presumption against anti social uses within this area which may have detrimental impacts on the amenity of residential properties and other uses. In order to encourage redevelopment in Galashiels the guidance also proposes temporarily removing the requirement for Development Contributions within the town centre. This would relate to affordable housing and education provision. Contributions towards the Borders Railway must remain as they are a statutory requirement. There are no current Development Contributions required within Hawick Town centre.

Expansion of Policy Guidance Relevant to other Scottish Border Towns

Whilst this pilot study has focused mainly on Hawick and Galashiels the study is also considered an opportunity to lay down some further criteria guidance to be considered for proposals within other core activity areas within the Scottish Borders. These will be relevant to Galashiels, Peebles, Kelso, Melrose, Jedburgh, Selkirk, Eyemouth and Duns. As this pilot scheme removes the core activity area from Hawick this will not be relevant to Hawick.

Policy ED4 incorporates some supporting text which allows some flexibility to support some uses in instances where a town centre may be underperforming. This includes consideration of the following :

- How the proposed use would contribute to joint shopping trips;
- Footfall contribution;
- Current vacancy and footfall rates;
- Longevity of vacancy;
- Marketing history of premises; and
- Ability to retain shop frontage

Of the above listed criteria it is considered further guidance should be given with regards to judging application submissions in terms of the longevity of the vacancy and the marketing history of the premises. Such further guidance would be useful to both the applicant and the decision maker. A vacancy which lasts longer than 6 months would be cause for concern.. However, there would need to be a distinction as to how long a property has been vacant and how long has been marketed. For example, if a property had been vacant for 6 months but had only been marketed for 2 months, then it may be considered that is not a sufficient time to test the market which could justify an approval of a use which policy would not normally allow. Consequently it is considered that if premises have been vacant for at least 6 months then it must have been marketed for a substantial period of that time. Furthermore, satisfactory marketing evidence must be submitted which would be given considerable weight within the decision making process. It is considered the criteria test should require the submission of the following :

- premises must have been vacant for at least 6 months and adequate marketing must have taken place for a substantial period of time
- premises must have been advertised by at least one property agent who normally deals in commercial property
- details of the nature of the marketing, including for example, details of publications used, distribution area of the publications and press advertisement
- submission of property selling details which should include property/site, address, size, location, description, services, planning/current, reference to potential uses, terms, leasehold rent or freehold sale price, viewing arrangements.

- details of all expressions of interest and all offers received, including rental interest, with explanations as to why such offers were not accepted. In circumstances where the premises are currently occupied, the assessment should indicate clearly why the occupier wishes to vacate the premises
- independent valuation confirming the selling or lease price was reasonable (this is to ensure instances where no third party interest was lost due to unrealistic overpricing)

Policy ED4 states “Proposals for other uses including Class 2 will be assessed in terms of their contribution towards the core retail function of the area and will only be acceptable where there is a *significant positive contribution* to the core activity area”. It is considered this pilot study would be an opportunity to expand upon this requirement. It is therefore considered that, in respect of a proposed use which would not normally be supported within a core activity area, the term *significant positive contribution* should take cognisance of

- the economic benefits of the proposals, including consideration of the general positive contribution to the economic or social vitality of the town centre
- the footfall it is likely to generate
- how active the frontage is in terms of how it can help improve the public perception of successful town centres in terms of safety, comfort, sociability and liveliness

Appendix 1

Policy ED4 : Core Activity Areas in Town Centres

- 1.1 The aim of the policy is to encourage public activity within Core Activity Areas in Town Centres. These areas are defined in the town centre network identified in Policy ED3 and shown on the Proposals Maps. A wider range of commercial uses encourages development which increases footfall in town centres and in turn prevents the gradual loss of essential town centre activities in locations where this is regarded as important to the vitality and viability of the centre.
- 1.2 In order to support the vitality and viability of core activity areas, acceptable uses are restricted to Class 1 (shops) and 3 (food and drink) of the Use Class Order. Proposals for uses within Class 2 (financial, professional and other services) of the Use Class Order would only be acceptable where they contribute positively to the core retail activity of the area and will be assessed against the following:
- How the proposed use would contribute to joint shopping trips;
 - Footfall contribution;
 - Current vacancy and footfall rates;
 - Longevity of vacancy;
 - Marketing history of premises; and
 - Ability to retain shop frontage.
- 1.3 Decision making will be guided by any research or studies on vitality and viability by the Council or developers.

POLICY ED4: CORE ACTIVITY AREAS IN TOWN CENTRES

To provide flexibility and maintain vitality and viability in the retail core of the town centre, core activity areas have been identified in Galashiels, Hawick, Peebles, Kelso, Selkirk, Melrose, Jedburgh, Duns and Eyemouth. In core activity areas a mix of uses appropriate to the town centre will be allowed. Class 1 and 3 of the Use Class Order are seen as appropriate uses within core activity areas.

Proposals for uses other than Class 1 and 3 at ground level in core activity areas will normally be refused.

Proposals for other uses including Class 2 will be assessed in terms of their contribution towards the core retail function of the area and will only be acceptable where there is a significant positive contribution to the core retail function.

Other uses, such as residential, are encouraged above shops and other town centre uses

Appendix 2

The Town and Country Planning (Use Classes) (Scotland) Order 1997

A GENERAL GUIDE TO USE CLASSES ORDER IN SCOTLAND		
UCO 1997	Description	Change Permitted [see note 2]
Class 1 Shops	Retail sale of goods, hairdresser, undertaker, travel & ticket agency, post office. Dry cleaner, launderette, cold food consumption off premises. Display of goods for sale, hiring out of domestic goods or articles, reception of goods to be washed, cleaned or repaired (where the sale, display or service is principally to visiting members of the public.	No permitted changes.
Non-classified [Sui Generis]	Sale or display of motor vehicles. Amusement centre, taxi business, vehicle hire.	Permitted change to Class 1. [limited to floor area of 235 sq.m. or less] No permitted changes.
Class 2 Financial, Professional and other services	Financial, professional or any other services, including use as a betting office [which is appropriate to provide in a shopping area, principally for visiting members of the public].	Permitted change to Class 1.
Class 3 Food & drink	Restaurant, cafe, snack bar [use for sale of food or drink on the premises].	Permitted change to Class 1 & 2.
Non-classified [Sui Generis]	Public House [primary use sale of alcoholic liquor]. Hot food takeaway.	No permitted changes. Permitted change to Class 1
Class 4	Office [other than that specified under Class 2]	Permitted change to Class 6.

Business [see note 3]	Research & development of products or processes Light industry.	[limited to floor area of 235 sq.m. or less]
Class 5 General Industrial	General industry. [use for the carrying on of an industrial process other than one falling within the Class 4 [Business] definition].	Permitted change to Class 4 & 6. [Class 6 change limited to floor area of 235 sq.m. or less]
Class 6 Storage or distribution	Storage or distribution.	Permitted change to Class 4.
Class 7 Hotels & hostels	Hotel, boarding & guest house, hostel.	No permitted changes.
Class 8 Residential institutions	Residential school, college, training centre Residential accommodation with care, hospital, nursing home.	No permitted changes.
Class 9 Houses	House occupied by a single person, or a number living together as a family, or as a household of 5 persons or less. Limited use as a bed & breakfast or guesthouse.	No permitted changes.
Class 10 Non- residential institutions.	Creche, day nursery, day centre, provision of education Museum, exhibition hall, public library, display of art. Public worship, religious instruction, social activities of a religious body.	No permitted changes.
Class 11 Assembly & leisure	Cinema, concert hall, bingo hall, casino, dance hall, discoteque. Skating rink, swimming bath, gymnasium or for indoor sports or recreation not involving motorised vehicles or firearms.	No permitted changes.
Non- classified [Sui Generis]	Theatre. Motor vehicle or firearm sport.	No permitted changes.
Guidelines		
1. Any change from one use class to another constitutes development and planning permission will normally be required. Where the existing and proposed use are within the same class does not constitute development and permission normally will not be required. NB the freedom to switch between certain use classes can be restricted by conditions imposed by the planning consent.		

2. Any uses outwith the specified use classes are defined as non-classified Sui-Generis. Planning permission is required for any change of use involving a Sui Generis use.
3. A Class 4 Business use is that which can be carried on in a residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
4. Notwithstanding the provisions of the 1997 Use Classes Order, the General Permitted Development Scotland Order 1992 defines certain changes between use classes considered to be permitted development which therefore do not require planning permission. This is subject to the satisfaction of certain criteria as set out in the Order and, as mentioned in Point 1, existing uses must be free of restrictive conditions
5. It should be noted that permitted change of use are 'ratchet' changes, i.e. they cannot be made in reverse.
6. This is of course a general guide, and for full details reference should be made to the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, together with any subsequent amendments.

Appendix 3

Potential Other Uses within Core Activity Areas (Note - Active frontages are generally regarded as better designed and attractive frontages which can significantly affect public perception of successful town centres in terms of safety, comfort, sociability and liveliness)

<u>Use Class</u>	<u>Specific Use Type</u>	<u>Yes / No</u>	<u>Comments</u>
Class 2	Betting Office	yes	Frontage not too active, online betting options reduce visits, but footfall can be active. Some linked trips
	Bank	yes	Generally inactive frontage – footfall decreasing with on-line banking so even less viable as a contributor – unlikely to receive proposals for new banks. However, banks still generate flow of regular customers
	Beauticians	yes	Frontage generally inactive, but depends on business. Footfall not high but regular. Some linked trip potential. No competition from online, so an assured presence
	Nail Salon	yes	Frontage generally inactive, but depends on business. Footfall not high but regular. Some linked trip potential. No competition from on-line, so an assured presence
	Estate Agents	yes	Inactive frontage, low footfall generally. However some linked trip potential
	Photographer Studio	no	Fairly inactive frontage, low footfall, low linked trip potential
	Dog Groomers	no	Although potential for linked trips, it has low footfall and frontage can be inactive. No competition from online so an assured presence
	Veterinary Surgeries	no	Inactive frontage generally, footfall can be relatively low (though depends on business), potential for linked trips low.
	Lawyers	no	Inactive frontage, low footfall generally. Some linked trip potential. Not a good physical presence
	Financial / mortgage advisor	no	Inactive frontage, low footfall generally. Some linked trip potential. Not a good physical presence
	Accountants	no	Inactive frontage, low footfall generally. Some linked trip potential. Not a good physical presence
	Health Centre	no	Inactive frontage, albeit regular footfall. Some linked trip potential, but not a town centre use where retail spend is key
	Dental Surgeries	no	Inactive frontage, albeit regular footfall. Some linked trip potential, but not a town

			centre use where retail spend is key
	Tattooist	no	Inactive frontage (generally), with low footfall. Linked trip potential is low. No competition from online so an assured presence. However, footfall / number of visitors per day is limited
Non-classified (Sui Generis)	Public House	yes	Inactive frontage. Can be low footfall during day (though it depends on the business – food orientated businesses can be a lively daytime contributor), but active in evening. Its suitability will depend on location
Class 7	Hotel	yes	Considered an appropriate use within Galashiels town centre core activity area
	Boarding and guest house	no	Ok on periphery of core, or above shops, but not as frontages within a core where active retail spend is key. A contributor, yes, but not in terms of physical presence
	Hostel	no	Ok on periphery of core, or above shops, but not as frontages within a core where active retail spend is key. A contributor, yes, but not in terms of physical presence
Class 9	Houses	no	Houses are acceptable on edge of core activity areas and on upper floors, but would result in the permanent loss of more desirable footfall uses within core activity areas
Class 10	Crèche	no	Very limited benefit to town centre. Not appropriate to a core activity area
	Day nursery	no	Very limited benefit to town centre. Not appropriate to a core activity area
	Museum	yes	Will depend on context/town and the proposal itself. Could be inactive frontage (depending on business) but could bring high or low footfall and linked trips – really depends on the business proposal itself (e.g. tapestry) and the context. Could encourage tourist related retailing
	Exhibition Hall	yes	Will depend on context/town and the proposal itself. Could be inactive frontage (depending on business) but could bring high or low footfall and linked trips – really depends on the business proposal itself (e.g. tapestry) and the context. Could encourage tourist related retailing
	Public Library	yes	Will depend on context/town and the proposal itself (a library is likely less appealing than an exhibition hall for a particular tourist attraction for example). Could be inactive frontage (depending on business) but could bring high or low footfall and linked trips – really depends on the business proposal itself (e.g. tapestry) and the context
	Display of Art	yes	Will depend on context/town and the proposal itself. Could be inactive frontage (depending on business) but could bring high or low footfall and linked trips – really depends on the business proposal itself (e.g. tapestry) and the context. Could encourage tourist related retailing
Class 11	Cinema	yes	Depends on town – if evening activity important, then a good contributor in that sense. Not good during the day, largely inactive frontage. Some linked trip potential
	Concert Hall	yes	Depends on town – if evening activity important, then a good contributor in that sense.

			Not good during the day, largely inactive frontage. Some linked trip potential
	Bingo Hall	yes	Depends on town – if evening activity important, then a good contributor in that sense. Not good during the day, largely inactive frontage. Some linked trip potential
	Casino	yes	Depends on town – if evening activity important, then a good contributor in that sense. Not good during the day, largely inactive frontage. Some linked trip potential
	Dance Hall	yes	Depends on town – if evening activity important, then a good contributor in that sense. Not good during the day, largely inactive frontage. Some linked trip potential
	Discotheque	yes	Depends on town – if evening activity important, then a good contributor in that sense. Not good during the day, largely inactive frontage. Some linked trip potential
	Skating Rink	yes	Not active frontage, but good for evening activity for the most part, and linked trips and footfall. Will depend on town/location though.
	Swimming Pool	yes	Not active frontage, but good for evening activity for the most part, and linked trips and footfall. Will depend on town/location though. Extremely unlikely new proposal
	Gymnasium	yes	Not active frontage, but good for evening activity for the most part, and linked trips and footfall. Will depend on town/location though.
	Indoor Sports/Recreation	yes	Not active frontage, but good for evening activity for the most part, and linked trips and footfall. Will depend on town/location though.